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House of Representatives

PRIVILEGED REPORT ON RESOLUTION DIRECTING SECRETARY OF STATE TO TRANSMIT DOCUMENTS RELATING TO TREATMENT OF PRISONERS AND DETAINEES IN IRAQ, AFGHANISTAN AND GUANTANAMO BAY

Ms. HARRIS, from the Committee on International Relations, submitted a privileged report (Rept. No. 108–631) on the resolution (H. Res. 699) directing the Secretary of State to transmit to the House of Representatives documents in the possession of the Secretary of State relating to the treatment of prisoners and detainees in Iraq, Afghanistan, and Guantanamo Bay, which was referred to the House Calendar and ordered to be printed.

PRIVILEGED REPORT ON RESOLUTION REQUESTING PRESIDENT TO TRANSMIT DOCUMENTS RELATING TO TREATMENT OF PRISONERS OR DETAINEES IN IRAQ, AFGHANISTAN OR GUANTANAMO BAY

Mr. HUNTER, from the Committee on Armed Services, submitted a privileged report (Rept. No. 108–632) on the resolution (H. Res. 689) 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, which was referred to the House Calendar and ordered to be printed.

PERMISSION FOR COMMITTEE ON SCIENCE TO HAVE UNTIL 5 P.M., AUGUST 27, 2004, TO FILE REPORT ON H.R. 3551, SURFACE TRANSPORTATION RESEARCH AND DEVELOPMENT ACT OF 2004

Mr. BOEHLERT. Mr. Speaker, I ask unanimous consent that the Committee on Science may have until August 27, 2004, at 5 p.m. to file the following report: H.R. 3551, Surface Transportation Research and Development Act of 2004.

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

There was no objection.

UNITED STATES-MOROCCO FREE TRADE AGREEMENT IMPLEMENTATION ACT

Mr. THOMAS. Mr. Speaker, pursuant to House Resolution 738, I call up the bill (H.R. 4842) to implement the United States-Morocco Free Trade Agreement, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of H.R. 4842 is as follows:

H.R. 4842

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 ''United States-Morocco Free Trade Agreement Implementation Act''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Purposes.
Sec. 3. Definitions.
TITLE I—APPROVAL OF, AND GENERAL PROVISIONS RELATING TO, THE AGREEMENT
Sec. 101. Approval and entry into force of the Agreement.
Sec. 102. Relationship of the Agreement to United States and State law.
Sec. 103. Implementing actions in anticipation of entry into force and initial regulations.
Sec. 104. Consultation and layover provisions for, and effective date of, proclaimed actions.
Sec. 105. Administration of dispute settlement proceedings.
Sec. 106. Arbitration of claims.
Sec. 107. Effective dates; effect of termination.
TITLE II—CUSTOMS PROVISIONS
Sec. 201. Tariff modifications.
Sec. 202. Additional duties on certain agricultural goods.
Sec. 203. Rules of origin.
Sec. 204. Enforcement relating to trade in textile and apparel goods.
Sec. 205. Regulations.
TITLE III—RELIEF FROM IMPORTS
Sec. 301. Definitions.
Subtitle A—Relief From Imports Benefiting From the Agreement
Sec. 311. Commencing of action for relief.
Sec. 312. Commission action on petition.
Sec. 313. Provision of relief.
Sec. 314. Termination of relief authority.
Sec. 315. Compensation authority.
Sec. 316. Confidential business information.
Subtitle B—Textile and Apparel Safeguard Measures
Sec. 321. Commencement of action for relief.
Sec. 322. Determination and provision of relief.
Sec. 323. Period of relief.
Sec. 324. Articles exempt from relief.
Sec. 325. Rate after termination of import relief.
Sec. 326. Termination of relief authority.
Sec. 327. Compensation authority.
Sec. 328. Business confidential information.

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to approve and implement the Free Trade Agreement between the United States and Morocco entered into under the authority of section 2103(b) of the Bipartisan Trade Promotion Authority Act of 2002 (19 U.S.C. 3803(b));

(2) to strengthen and develop economic relations between the United States and Morocco for their mutual benefit;

(3) to establish free trade between the 2 nations through the reduction and elimination of barriers to trade in goods and services and to investment; and

(4) to lay the foundation for further cooperation to expand and enhance the benefits of such Agreement.

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SEC. 3. DEFINITIONS.

In this Act:

(1) AGREEMENT.—The term ''Agreement'' means the United States-Morocco Free Trade Agreement approved by Congress under section 101(a)(1).

(2) HTS.—The term ''HTS'' means the Harmonized Tariff Schedule of the United States.

(3) TEXTILE OR APPAREL GOOD.—The term ''textile or apparel good'' means a good listed in the Annex to the Agreement on Textiles and Clothing referred to in section 101(d)(4) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(4)).

TITLE I—APPROVAL OF, AND GENERAL PROVISIONS RELATING TO, THE AGREEMENT

SEC. 101. APPROVAL AND ENTRY INTO FORCE OF THE AGREEMENT.

(a) APPROVAL OF AGREEMENT AND STATEMENT OF ADMINISTRATIVE ACTION.—Pursuant to section 2105 of the Bipartisan Trade Promotion Authority Act of 2002 (19 U.S.C. 3805) and section 151 of the Trade Act of 1974 (19 U.S.C. 2191), Congress approves—

(1) the United States-Morocco Free Trade Agreement entered into on June 15, 2004, with Morocco and submitted to Congress on July 15, 2004; and

(2) the statement of administrative action proposed to implement the Agreement that was submitted to Congress on July 15, 2004.

(b) CONDITIONS FOR ENTRY INTO FORCE OF THE AGREEMENT.—At such time as the President determines that Morocco has taken measures necessary to bring it into compliance with those provisions of the Agreement that are to take effect on the date on which the Agreement enters into force, the President is authorized to exchange notes with the Government of Morocco providing for the entry into force, on or after January 1, 2005, of the Agreement with respect to the United States.

SEC. 102. RELATIONSHIP OF THE AGREEMENT TO UNITED STATES AND STATE LAW.

(a) RELATIONSHIP OF AGREEMENT TO UNITED STATES LAW.—

(1) UNITED STATES LAW TO PREVAIL IN CONFLICT.—No provision of the Agreement, nor the application of any such provision to any person or circumstance, which is inconsistent with any law of the United States shall have effect.

(2) CONSTRUCTION.—Nothing in this Act shall be construed—

(A) to amend or modify any law of the United States, or

(B) to limit any authority conferred under any law of the United States,

unless specifically provided for in this Act.

(b) RELATIONSHIP OF AGREEMENT TO STATE LAW.—

(1) LEGAL CHALLENGE.—No State law, or the application thereof, may be declared invalid as to any person or circumstance on the ground that the provision or application is inconsistent with the Agreement, except in an action brought by the United States for the purpose of declaring such law or application invalid.

(2) DEFINITION OF STATE LAW.—For purposes of this subsection, the term ''State law'' includes—

(A) any law of a political subdivision of a State; and

(B) any State law regulating or taxing the business of insurance.

(c) EFFECT OF AGREEMENT WITH RESPECT TO PRIVATE REMEDIES.—No person other than the United States—

(1) shall have any cause of action or defense under the Agreement or by virtue of congressional approval thereof; or

(2) may challenge, in any action brought under any provision of law, any action or inaction by any department, agency, or other instrumentality of the United States, any State, or any political subdivision of a State, on the ground that such action or inaction is inconsistent with the Agreement.

SEC. 103. IMPLEMENTING ACTIONS IN ANTICIPATION OF ENTRY INTO FORCE AND INITIAL REGULATIONS.

(a) IMPLEMENTING ACTIONS.—

(1) PROCLAMATION AUTHORITY.—After the date of the enactment of this Act—

(A) the President may proclaim such actions, and

(B) other appropriate officers of the United States Government may issue such regulations,

as may be necessary to ensure that any provision of this Act, or amendment made by this Act, that takes effect on the date the Agreement enters into force is appropriately implemented on such date, but no such proclamation or regulation may have an effective date earlier than the date the Agreement enters into force.

(2) EFFECTIVE DATE OF CERTAIN PROCLAIMED ACTIONS.—Any action proclaimed by the President under the authority of this Act that is not subject to the consultation and layover provisions under section 104 may not take effect before the 15th day after the date on which the text of the proclamation is published in the Federal Register.

(3) WAIVER OF 15-DAY RESTRICTION.—The 15-day restriction in paragraph (2) on the taking effect of proclaimed actions is waived to the extent that the application of such restriction would prevent the taking effect on the date the Agreement enters into force of any action proclaimed under this section.

(b) INITIAL REGULATIONS.—Initial regulations necessary or appropriate to carry out the actions required by or authorized under this Act or proposed in the statement of administrative action submitted under section 101(a)(2) to implement the Agreement shall, to the maximum extent feasible, be issued within 1 year after the date on which the Agreement enters into force. In the case of any implementing action that takes effect on a date after the date on which the Agreement enters into force, initial regulations to carry out that action shall, to the maximum extent feasible, be issued within 1 year after such effective date.

SEC. 104. CONSULTATION AND LAYOVER PROVISIONS FOR, AND EFFECTIVE DATE OF, PROCLAIMED ACTIONS.

If a provision of this Act provides that the implementation of an action by the President by proclamation is subject to the consultation and layover requirements of this section, such action may be proclaimed only if—

(1) the President has obtained advice regarding the proposed action from—

(A) the appropriate advisory committees established under section 135 of the Trade Act of 1974 (19 U.S.C. 2155); and

(B) the United States International Trade Commission;

(2) the President has submitted to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report that sets forth—

(A) the action proposed to be proclaimed and the reasons therefor; and

(B) the advice obtained under paragraph (1);

(3) a period of 60 calendar days, beginning on the first day on which the requirements set forth in paragraphs (1) and (2) have been met has expired; and

(4) the President has consulted with such Committees regarding the proposed action during the period referred to in paragraph (3).

SEC. 105. ADMINISTRATION OF DISPUTE SETTLEMENT PROCEEDINGS.

(a) ESTABLISHMENT OR DESIGNATION OF OFFICE.—The President is authorized to establish or designate within the Department of Commerce an office that shall be responsible for providing administrative assistance to panels established under chapter 20 of the Agreement. The office may not be considered to be an agency for purposes of section 552 of title 5, United States Code.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each fiscal year after fiscal year 2004 to the Department of Commerce such sums as may be necessary for the establishment and operations of the office under subsection (a) and for the payment of the United States share of the expenses of panels established under chapter 20 of the Agreement.

SEC. 106. ARBITRATION OF CLAIMS.

The United States is authorized to resolve any claim against the United States covered by article 10.15.1(a)(i)(C) or article 10.15.1(b)(i)(C) of the Agreement, pursuant to the Investor-State Dispute Settlement procedures set forth in section B of chapter 10 of the Agreement.

SEC. 107. EFFECTIVE DATES; EFFECT OF TERMINATION.

(a) EFFECTIVE DATES.—Except as provided in subsection (b), the provisions of this Act and the amendments made by this Act take effect on the date the Agreement enters into force.

(b) EXCEPTIONS.—Sections 1 through 3 and this title take effect on the date of the enactment of this Act.

(c) TERMINATION OF THE AGREEMENT.—On the date on which the Agreement terminates, the provisions of this Act (other than this subsection) and the amendments made by this Act shall cease to be effective.

TITLE II—CUSTOMS PROVISIONS

SEC. 201. TARIFF MODIFICATIONS.

(a) TARIFF MODIFICATIONS PROVIDED FOR IN THE AGREEMENT.—

(1) PROCLAMATION AUTHORITY.—The President may proclaim—

(A) such modifications or continuation of any duty,

(B) such continuation of duty-free or excise treatment, or

(C) such additional duties,

as the President determines to be necessary or appropriate to carry out or apply articles 2.3, 2.5, 2.6, 4.1, 4.3.9, 4.3.10, 4.3.11, 4.3.13, 4.3.14, and 4.3.15, and Annex IV of the Agreement.

(2) EFFECT ON MOROCCAN GSP STATUS.—Notwithstanding section 502(a)(1) of the Trade Act of 1974 (19 U.S.C. 2462(a)(1)), the President shall terminate the designation of Morocco as a beneficiary developing country for purposes of title V of the Trade Act of 1974 on the date of entry into force of the Agreement.

(b) OTHER TARIFF MODIFICATIONS.—Subject to the consultation and layover provisions of section 104, the President may proclaim—

(1) such modifications or continuation of any duty,

(2) such modifications as the United States may agree to with Morocco regarding the staging of any duty treatment set forth in Annex IV of the Agreement,

(3) such continuation of duty-free or excise treatment, or

(4) such additional duties,

as the President determines to be necessary or appropriate to maintain the general level of reciprocal and mutually advantageous concessions with respect to Morocco provided for by the Agreement.

(c) CONVERSION TO AD VALOREM RATES.—For purposes of subsections (a) and (b), with respect to any good for which the base rate in the Tariff Schedule of the United States

to Annex IV of the Agreement is a specific or compound rate of duty, the President may substitute for the base rate an ad valorem rate that the President determines to be equivalent to the base rate.

SEC. 202. ADDITIONAL DUTIES ON CERTAIN AGRICULTURAL GOODS.

(a) DEFINITIONS.—In this section:

(1) AGRICULTURAL SAFEGUARD GOOD.—The term ''agricultural safeguard good'' means a good—

(A) that qualifies as an originating good under section 203;

(B) that is included in the U.S. Agricultural Safeguard List set forth in Annex 3–A of the Agreement; and

(C) for which a claim for preferential treatment under the Agreement has been made.

(2) APPLICABLE NTR (MFN) RATE OF DUTY.—The term ''applicable NTR (MFN) rate of duty'' means, with respect to an agricultural safeguard good, a rate of duty that is the lesser of—

(A) the column 1 general rate of duty that would have been imposed under the HTS on the same agricultural safeguard good entered, without a claim for preferential tariff treatment, on the date on which the additional duty is imposed under subsection (b); or

(B) the column 1 general rate of duty that would have been imposed under the HTS on the same agricultural safeguard good entered, without a claim for preferential tariff treatment, on December 31, 2004.

(3) F.O.B.—The term ''F.O.B.'' means free on board, regardless of the mode of transportation, at the point of direct shipment by the seller to the buyer.

(4) SCHEDULE RATE OF DUTY.—The term ''schedule rate of duty'' means, with respect to an agricultural safeguard good, the rate of duty for that good set out in the Tariff Schedule of the United States to Annex IV of the Agreement.

(5) TRIGGER PRICE.—The ''trigger price'' for a good means the trigger price indicated for that good in the U.S. Agricultural Safeguard List set forth in Annex 3–A of the Agreement or any amendment thereto.

(6) UNIT IMPORT PRICE.—The ''unit import price'' of a good means the price of the good determined on the basis of the F.O.B. import price of the good, expressed in either dollars per kilogram or dollars per liter, whichever unit of measure is indicated for the good in the U.S. Agricultural Safeguard List set forth in Annex 3–A of the Agreement.

(b) ADDITIONAL DUTIES ON AGRICULTURAL SAFEGUARD GOODS.—

(1) ADDITIONAL DUTIES.—In addition to any duty proclaimed under subsection (a) or (b) of section 201, and subject to paragraphs (3), (4), (5), and (6) of this subsection, the Secretary of the Treasury shall assess a duty on an agricultural safeguard good, in the amount determined under paragraph (2), if the Secretary determines that the unit import price of the good when it enters the United States is less than the trigger price for that good.

(2) CALCULATION OF ADDITIONAL DUTY.—The additional duty assessed under this subsection on an agricultural safeguard good shall be an amount determined in accordance with the following table:

If the excess of the trigger price over the unit import price is:.	**The additional duty is an amount equal to:**
Not more than 10 percent of the trigger price.	0.
More than 10 percent but not more than 40 percent of the trigger price.	30 percent of the excess of the applicable NTR (MFN) rate of duty over the schedule rate of duty.
More than 40 percent but not more than 60 percent of the trigger price.	50 percent of such excess.
More than 60 percent but not more than 75 percent of the trigger price.	70 percent of such excess.
More than 75 percent of the trigger price.	100 percent of such excess.

(3) EXCEPTIONS.—No additional duty shall be assessed on a good under this subsection if, at the time of entry, the good is subject to import relief under—

(A) subtitle A of title III of this Act; or

(B) chapter 1 of title II of the Trade Act of 1974 (19 U.S.C. 2251 et seq.).

(4) TERMINATION.—The assessment of an additional duty on a good under this subsection shall cease to apply to that good on the date on which duty-free treatment must be provided to that good under the Tariff Schedule of the United States to Annex IV of the Agreement.

(5) TARIFF-RATE QUOTAS.—If an agricultural safeguard good is subject to a tariff-rate quota under the Agreement, any additional duty assessed under this subsection shall be applied only to over-quota imports of the good.

(6) NOTICE.—Not later than 60 days after the date on which the Secretary of the Treasury assesses an additional duty on a good under this subsection, the Secretary shall notify the Government of Morocco in writing of such action and shall provide to the Government of Morocco data supporting the assessment of additional duties.

SEC. 203. RULES OF ORIGIN.

(a) APPLICATION AND INTERPRETATION.—In this section:

(1) TARIFF CLASSIFICATION.—The basis for any tariff classification is the HTS.

(2) REFERENCE TO HTS.—Whenever in this section there is a reference to a heading or sub-heading, such reference shall be a reference to a heading or subheading of the HTS.

(b) ORIGINATING GOODS.—

(1) IN GENERAL.—For purposes of this Act and for purposes of implementing the preferential tariff treatment provided for under the Agreement, a good is an originating good if—

(A) the good is imported directly—

(i) from the territory of Morocco into the territory of the United States; or

(ii) from the territory of the United States into the territory of Morocco; and

(B)(i) the good is a good wholly the growth, product, or manufacture of Morocco or the United States, or both;

(ii) the good (other than a good to which clause (iii) applies) is a new or different article of commerce that has been grown, produced, or manufactured in Morocco, the United States, or both, and meets the requirements of paragraph (2); or

(iii)(I) the good is a good covered by Annex 4–A or 5–A of the Agreement;

(II)(aa) each of the nonoriginating materials used in the production of the good undergoes an applicable change in tariff classification specified in such Annex as a result of production occurring entirely in the territory of Morocco or the United States, or both; or

(bb) the good otherwise satisfies the requirements specified in such Annex; and

(III) the good satisfies all other applicable requirements of this section.

(2) REQUIREMENTS.—A good described in paragraph (1)(B)(ii) is an originating good only if the sum of—

(A) the value of each material produced in the territory of Morocco or the United States, or both, and

(B) the direct costs of processing operations performed in the territory of Morocco or the United States, or both,

is not less than 35 percent of the appraised value of the good at the time the good is entered into the territory of the United States.

(c) CUMULATION.—

(1) ORIGINATING GOOD OR MATERIAL INCORPORATED INTO GOODS OF OTHER COUNTRY.—An originating good or a material produced in the territory of Morocco or the United States, or both, that is incorporated into a good in the territory of the other country shall be considered to originate in the territory of the other country.

(2) MULTIPLE PROCEDURES.—A good that is grown, produced, or manufactured in the territory of Morocco or the United States, or both, by 1 or more producers, is an originating good if the good satisfies the requirements of subsection (b) and all other applicable requirements of this section.

(d) VALUE OF MATERIALS.—

(1) IN GENERAL.—Except as provided in paragraph (2), the value of a material produced in the territory of Morocco or the United States, or both, includes the following:

(A) The price actually paid or payable for the material by the producer of such good.

(B) The freight, insurance, packing, and all other costs incurred in transporting the material to the producer's plant, if such costs are not included in the price referred to in subparagraph (A).

(C) The cost of waste or spoilage resulting from the use of the material in the growth, production, or manufacture of the good, less the value of recoverable scrap.

(D) Taxes or customs duties imposed on the material by Morocco, the United States, or both, if the taxes or customs duties are not remitted upon exportation from the territory of Morocco or the United States, as the case may be.

(2) EXCEPTION.—If the relationship between the producer of a good and the seller of a material influenced the price actually paid or payable for the material, or if there is no price actually paid or payable by the producer for the material, the value of the material produced in the territory of Morocco or the United States, or both, includes the following:

(A) All expenses incurred in the growth, production, or manufacture of the material, including general expenses.

(B) A reasonable amount for profit.

(C) Freight, insurance, packing, and all other costs incurred in transporting the material to the producer's plant.

(e) PACKAGING AND PACKING MATERIALS AND CONTAINERS FOR RETAIL SALE AND FOR SHIPMENT.—Packaging and packing materials and containers for retail sale and shipment shall be disregarded in determining whether a good qualifies as an originating good, except to the extent that the value of such packaging and packing materials and containers have been included in meeting the requirements set forth in subsection (b)(2).

(f) INDIRECT MATERIALS.—Indirect materials shall be disregarded in determining whether a good qualifies as an originating good, except that the cost of such indirect materials may be included in meeting the requirements set forth in subsection (b)(2).

(g) TRANSIT AND TRANSSHIPMENT.—A good shall not be considered to meet the requirement of subsection (b)(1)(A) if, after exportation from the territory of Morocco or the United States, the good undergoes production, manufacturing, or any other operation outside the territory of Morocco or the United States, other than unloading, reloading, or any other operation necessary to preserve the good in good condition or to transport the good to the territory of the United States or Morocco.

(h) TEXTILE AND APPAREL GOODS.—

(1) DE MINIMIS AMOUNTS OF NONORIGINATING MATERIALS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), a textile or apparel good that is not an originating good because certain fibers or yarns used in the production of the component of the good that determines the tariff classification of the good do not undergo an applicable change in tariff classification set out in Annex 4–A of the Agreement shall be considered to be an originating good if the total weight of all such fibers or yarns in that component is not more than 7 percent of the total weight of that component.

(B) CERTAIN TEXTILE OR APPAREL GOODS.—A textile or apparel good containing elastomeric yarns in the component of the good that determines the tariff classification of the good shall be considered to be an originating good only if such yarns are wholly formed in the territory of Morocco or the United States.

(C) YARN, FABRIC, OR GROUP OF FIBERS.—For purposes of this paragraph, in the case of a textile or apparel good that is a yarn, fabric, or group of fibers, the term ''component of the good that determines the tariff classification of the good'' means all of the fibers in the yarn, fabric, or group of fibers.

(2) GOODS PUT UP IN SETS FOR RETAIL SALE.—Notwithstanding the rules set forth in Annex 4–A of the Agreement, textile or apparel goods classifiable as goods put up in sets for retail sale as provided for in General Rule of Interpretation 3 of the HTS shall not be considered to be originating goods unless each of the goods in the set is an originating good or the total value of the nonoriginating goods in the set does not exceed 10 percent of the value of the set determined for purposes of assessing customs duties.

(i) DEFINITIONS.—In this section:

(1) DIRECT COSTS OF PROCESSING OPERATIONS.—

(A) IN GENERAL.—The term ''direct costs of processing operations'', with respect to a good, includes, to the extent they are includable in the appraised value of the good when imported into Morocco or the United States, as the case may be, the following:

(i) All actual labor costs involved in the growth, production, or manufacture of the good, including fringe benefits, on-the-job training, and the costs of engineering, supervisory, quality control, and similar personnel.

(ii) Tools, dies, molds, and other indirect materials, and depreciation on machinery and equipment that are allocable to the good.

(iii) Research, development, design, engineering, and blueprint costs, to the extent that they are allocable to the good.

(iv) Costs of inspecting and testing the good.

(v) Costs of packaging the good for export to the territory of the other country.

(B) EXCEPTIONS.—The term ''direct costs of processing operations'' does not include costs that are not directly attributable to a good or are not costs of growth, production, or manufacture of the good, such as—

(i) profit; and

(ii) general expenses of doing business that are either not allocable to the good or are not related to the growth, production, or manufacture of the good, such as administrative salaries, casualty and liability insurance, advertising, and sales staff salaries, commissions, or expenses.

(2) GOOD.—The term ''good'' means any merchandise, product, article, or material.

(3) GOOD WHOLLY THE GROWTH, PRODUCT, OR MANUFACTURE OF MOROCCO, THE UNITED STATES, OR BOTH.—The term ''good wholly the growth, product, or manufacture of Morocco, the United States, or both'' means—

(A) a mineral good extracted in the territory of Morocco or the United States, or both;

(B) a vegetable good, as such a good is provided for in the HTS, harvested in the territory of Morocco or the United States, or both;

(C) a live animal born and raised in the territory of Morocco or the United States, or both;

(D) a good obtained from live animals raised in the territory of Morocco or the United States, or both;

(E) a good obtained from hunting, trapping, or fishing in the territory of Morocco or the United States, or both;

(F) a good (fish, shellfish, and other marine life) taken from the sea by vessels registered or recorded with Morocco or the United States and flying the flag of that country;

(G) a good produced from goods referred to in subparagraph (F) on board factory ships registered or recorded with Morocco or the United States and flying the flag of that country;

(H) a good taken by Morocco or the United States or a person of Morocco or the United States from the seabed or beneath the seabed outside territorial waters, if Morocco or the United States has rights to exploit such seabed;

(I) a good taken from outer space, if such good is obtained by Morocco or the United States or a person of Morocco or the United States and not processed in the territory of a country other than Morocco or the United States;

(J) waste and scrap derived from—

(i) production or manufacture in the territory of Morocco or the United States, or both; or

(ii) used goods collected in the territory of Morocco or the United States, or both, if such goods are fit only for the recovery of raw materials;

(K) a recovered good derived in the territory of Morocco or the United States from used goods and utilized in the territory of that country in the production of remanufactured goods; and

(L) a good produced in the territory of Morocco or the United States, or both, exclusively—

(i) from goods referred to in subparagraphs (A) through (J), or

(ii) from the derivatives of goods referred to in clause (i),

at any stage of production.

(4) INDIRECT MATERIAL.—The term ''indirect material'' means a good used in the growth, production, manufacture, testing, or inspection of a good but not physically incorporated into the good, or a good used in the maintenance of buildings or the operation of equipment associated with the growth, production, or manufacture of a good, including—

(A) fuel and energy;

(B) tools, dies, and molds;

(C) spare parts and materials used in the maintenance of equipment and buildings;

(D) lubricants, greases, compounding materials, and other materials used in the growth, production, or manufacture of a good or used to operate equipment and buildings;

(E) gloves, glasses, footwear, clothing, safety equipment, and supplies;

(F) equipment, devices, and supplies used for testing or inspecting the good;

(G) catalysts and solvents; and

(H) any other goods that are not incorporated into the good but the use of which in the growth, production, or manufacture of the good can reasonably be demonstrated to be a part of that growth, production, or manufacture.

(5) MATERIAL.—The term ''material'' means a good, including a part or ingredient, that is used in the growth, production, or manufacture of another good that is a new or different article of commerce that has been grown, produced, or manufactured in Morocco, the United States, or both.

(6) MATERIAL PRODUCED IN THE TERRITORY OF MOROCCO OR THE UNITED STATES, OR BOTH.—The term ''material produced in the territory of Morocco or the United States, or both'' means a good that is either wholly the growth, product, or manufacture of Morocco, the United States, or both, or a new or different article of commerce that has been grown, produced, or manufactured in the territory of Morocco or the United States, or both.

(7) NEW OR DIFFERENT ARTICLE OF COMMERCE.—

(A) IN GENERAL.—The term ''new or different article of commerce'' means, except as provided in subparagraph (B), a good that—

(i) has been substantially transformed from a good or material that is not wholly the growth, product, or manufacture of Morocco, the United States, or both; and

(ii) has a new name, character, or use distinct from the good or material from which it was transformed.

(B) EXCEPTION.—A good shall not be considered a new or different article of commerce by virtue of having undergone simple combining or packaging operations, or mere dilution with water or another substance that does not materially alter the characteristics of the good.

(8) RECOVERED GOODS.—The term ''recovered goods'' means materials in the form of individual parts that result from—

(A) the complete disassembly of used goods into individual parts; and

(B) the cleaning, inspecting, testing, or other processing of those parts that is necessary for improvement to sound working condition.

(9) REMANUFACTURED GOOD.—The term ''remanufactured good'' means an industrial good that is assembled in the territory of Morocco or the United States and that—

(A) is entirely or partially comprised of recovered goods;

(B) has a similar life expectancy to, and meets similar performance standards as, a like good that is new; and

(C) enjoys a factory warranty similar to that of a like good that is new.

(10) SIMPLE COMBINING OR PACKAGING OPERATIONS.—The term ''simple combining or packaging operations'' means operations such as adding batteries to electronic devices, fitting together a small number of components by bolting, gluing, or soldering, or packing or repacking components together.

(11) SUBSTANTIALLY TRANSFORMED.—The term ''substantially transformed'' means, with respect to a good or material, changed as the result of a manufacturing or processing operation so that—

(A)(i) the good or material is converted from a good that has multiple uses into a good or material that has limited uses;

(ii) the physical properties of the good or material are changed to a significant extent; or

(iii) the operation undergone by the good or material is complex by reason of the number of processes and materials involved and the time and level of skill required to perform those processes; and

(B) the good or material loses its separate identity in the manufacturing or processing operation.

(j) PRESIDENTIAL PROCLAMATION AUTHORITY.—

(1) IN GENERAL.—The President is authorized to proclaim, as part of the HTS—

(A) the provisions set out in Annex 4–A and Annex 5–A of the Agreement; and

(B) any additional subordinate category necessary to carry out this title consistent with the Agreement.

(2) MODIFICATIONS.—

(A) IN GENERAL.—Subject to the consultation and layover provisions of section 104, the President may proclaim modifications to the provisions proclaimed under the authority of paragraph (1)(A), other than provisions of chapters 50 through 63 of the HTS, as included in Annex 4–A of the Agreement.

(B) ADDITIONAL PROCLAMATIONS.—Notwithstanding subparagraph (A), and subject to the consultation and layover provisions of section 104, the President may proclaim—

(i) modifications to the provisions proclaimed under the authority of paragraph (1)(A) as are necessary to implement an agreement with Morocco pursuant to article 4.3.6 of the Agreement; and

(ii) before the end of the 1-year period beginning on the date of the enactment of this Act, modifications to correct any typographical, clerical, or other nonsubstantive technical error regarding the provisions of chapters 50 through 63 of the HTS, as included in Annex 4–A of the Agreement.

SEC. 204. ENFORCEMENT RELATING TO TRADE IN TEXTILE AND APPAREL GOODS.

(a) ACTION DURING VERIFICATION.—

(1) IN GENERAL.—If the Secretary of the Treasury requests the Government of Morocco to conduct a verification pursuant to article 4.4 of the Agreement for purposes of making a determination under paragraph (2), the President may direct the Secretary to take appropriate action described in subsection (b) while the verification is being conducted.

(2) DETERMINATION.—A determination under this paragraph is a determination—

(A) that an exporter or producer in Morocco is complying with applicable customs laws, regulations, procedures, requirements, or practices affecting trade in textile or apparel goods; or

(B) that a claim that a textile or apparel good exported or produced by such exporter or producer—

(i) qualifies as an originating good under section 203 of this Act, or

(ii) is a good of Morocco,

is accurate.

(b) APPROPRIATE ACTION DESCRIBED.—Appropriate action under subsection (a)(1) includes—

(1) suspension of liquidation of the entry of any textile or apparel good exported or produced by the person that is the subject of a verification referred to in subsection (a)(1) regarding compliance described in subsection (a)(2)(A), in a case in which the request for verification was based on a reasonable suspicion of unlawful activity related to such goods; and

(2) suspension of liquidation of the entry of a textile or apparel good for which a claim has been made that is the subject of a verification referred to in subsection (a)(1) regarding a claim described in subsection (a)(2)(B).

(c) ACTION WHEN INFORMATION IS INSUFFICIENT.—If the Secretary of the Treasury determines that the information obtained within 12 months after making a request for a verification under subsection (a)(1) is insufficient to make a determination under subsection (a)(2), the President may direct the Secretary to take appropriate action described in subsection (d) until such time as the Secretary receives information sufficient to make a determination under subsection (a)(2) or until such earlier date as the President may direct.

(d) APPROPRIATE ACTION DESCRIBED.—Appropriate action referred to in subsection (c) includes—

(1) publication of the name and address of the person that is the subject of the verification;

(2) denial of preferential tariff treatment under the Agreement to—

(A) any textile or apparel good exported or produced by the person that is the subject of a verification referred to in subsection (a)(1) regarding compliance described in subsection (a)(2)(A); or

(B) a textile or apparel good for which a claim has been made that is the subject of a verification referred to in subsection (a)(1) regarding a claim described in subsection (a)(2)(B); and

(3) denial of entry into the United States of—

(A) any textile or apparel good exported or produced by the person that is the subject of a verification referred to in subsection (a)(1) regarding compliance described in subsection (a)(2)(A); or

(B) a textile or apparel good for which a claim has been made that is the subject of a verification referred to in subsection (a)(1) regarding a claim described in subsection (a)(2)(B).

SEC. 205. REGULATIONS.

The Secretary of the Treasury shall prescribe such regulations as may be necessary to carry out—

(1) subsections (a) through (i) of section 203;

(2) amendments to existing law made by the subsections referred to in paragraph (1); and

(3) proclamations issued under section 203(j).

TITLE III—RELIEF FROM IMPORTS

SEC. 301. DEFINITIONS.

In this title:

(1) MOROCCAN ARTICLE.—The term ''Moroccan article'' means an article that qualifies as an originating good under section 203(b) of this Act or receives preferential tariff treatment under paragraphs 9 through 15 of article 4.3 of the Agreement.

(2) MOROCCAN TEXTILE OR APPAREL ARTICLE.—The term ''Moroccan textile or apparel article'' means an article that—

(A) is listed in the Annex to the Agreement on Textiles and Clothing referred to in section 101(d)(4) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(4)); and

(B) is a Moroccan article.

(3) COMMISSION.—The term ''Commission'' means the United States International Trade Commission.

Subtitle A—Relief From Imports Benefiting From the Agreement

SEC. 311. COMMENCING OF ACTION FOR RELIEF.

(a) FILING OF PETITION.—

(1) IN GENERAL.—A petition requesting action under this subtitle for the purpose of adjusting to the obligations of the United States under the Agreement may be filed with the Commission by an entity, including a trade association, firm, certified or recognized union, or group of workers, that is representative of an industry. The Commission shall transmit a copy of any petition filed under this subsection to the United States Trade Representative.

(2) PROVISIONAL RELIEF.—An entity filing a petition under this subsection may request that provisional relief be provided as if the petition had been filed under section 202(a) of the Trade Act of 1974 (19 U.S.C. 2252(a)).

(3) CRITICAL CIRCUMSTANCES.—Any allegation that critical circumstances exist shall be included in the petition.

(b) INVESTIGATION AND DETERMINATION.—Upon the filing of a petition under subsection (a), the Commission, unless subsection (d) applies, shall promptly initiate an investigation to determine whether, as a result of the reduction or elimination of a duty provided for under the Agreement, a Moroccan article is being imported into the United States in such increased quantities, in absolute terms or relative to domestic production, and under such conditions that imports of the Moroccan article constitute a substantial cause of serious injury or threat thereof to the domestic industry producing an article that is like, or directly competitive with, the imported article.

(c) APPLICABLE PROVISIONS.—The following provisions of section 202 of the Trade Act of 1974 (19 U.S.C. 2252) apply with respect to any investigation initiated under subsection (b):

(1) Paragraphs (1)(B) and (3) of subsection (b).

(2) Subsection (c).

(3) Subsection (d).

(4) Subsection (i).

(d) ARTICLES EXEMPT FROM INVESTIGATION.—No investigation may be initiated under this section with respect to any Moroccan article if, after the date on which the Agreement enters into force, import relief has been provided with respect to that Moroccan article under this subtitle.

SEC. 312. COMMISSION ACTION ON PETITION.

(a) DETERMINATION.—Not later than 120 days (180 days if critical circumstances have been alleged) after the date on which an investigation is initiated under section 311(b) with respect to a petition, the Commission shall make the determination required under that section.

(b) APPLICABLE PROVISIONS.—For purposes of this subtitle, the provisions of paragraphs (1), (2), and (3) of section 330(d) of the Tariff Act of 1930 (19 U.S.C. 1330(d) (1), (2), and (3)) shall be applied with respect to determinations and findings made under this section as if such determinations and findings were made under section 202 of the Trade Act of 1974 (19 U.S.C. 2252).

(c) ADDITIONAL FINDING AND RECOMMENDATION IF DETERMINATION AFFIRMATIVE.—If the determination made by the Commission under subsection (a) with respect to imports of an article is affirmative, or if the President may consider a determination of the Commission to be an affirmative determination as provided for under paragraph (1) of section 330(d) of the Tariff Act of 1930) (19 U.S.C. 1330(d)), the Commission shall find, and recommend to the President in the report required under subsection (d), the amount of import relief that is necessary to remedy or prevent the injury found by the Commission in the determination and to facilitate the efforts of the domestic industry to make a positive adjustment to import competition. The import relief recommended by the Commission under this subsection shall be limited to that described in section 313(c). Only those members of the Commission who voted in the affirmative under subsection (a) are eligible to vote on the proposed action to remedy or prevent the injury found by the Commission. Members of the Commission who did not vote in the affirmative may submit, in the report required

under subsection (d), separate views regarding what action, if any, should be taken to remedy or prevent the injury.

(d) REPORT TO PRESIDENT.—Not later than the date that is 30 days after the date on which a determination is made under subsection (a) with respect to an investigation, the Commission shall submit to the President a report that includes—

(1) the determination made under subsection (a) and an explanation of the basis for the determination;

(2) if the determination under subsection (a) is affirmative, any findings and recommendations for import relief made under subsection (c) and an explanation of the basis for each recommendation; and

(3) any dissenting or separate views by members of the Commission regarding the determination and recommendation referred to in paragraphs (1) and (2).

(e) PUBLIC NOTICE.—Upon submitting a report to the President under subsection (d), the Commission shall promptly make public such report (with the exception of information which the Commission determines to be confidential) and shall cause a summary thereof to be published in the Federal Register.

SEC. 313. PROVISION OF RELIEF.

(a) IN GENERAL.—Not later than the date that is 30 days after the date on which the President receives the report of the Commission in which the Commission's determination under section 312(a) is affirmative, or which contains a determination under section 312(a) that the President considers to be affirmative under paragraph (1) of section 330(d) of the Tariff Act of 1930 (19 U.S.C. 1330(d)(1)), the President, subject to subsection (b), shall provide relief from imports of the article that is the subject of such determination to the extent that the President determines necessary to remedy or prevent the injury found by the Commission and to facilitate the efforts of the domestic industry to make a positive adjustment to import competition.

(b) EXCEPTION.—The President is not required to provide import relief under this section if the President determines that the provision of the import relief will not provide greater economic and social benefits than costs.

(c) NATURE OF RELIEF.—

(1) IN GENERAL.—The import relief (including provisional relief) that the President is authorized to provide under this section with respect to imports of an article is as follows:

(A) The suspension of any further reduction provided for under Annex IV of the Agreement in the duty imposed on such article.

(B) An increase in the rate of duty imposed on such article to a level that does not exceed the lesser of—

(i) the column 1 general rate of duty imposed under the HTS on like articles at the time the import relief is provided; or

(ii) the column 1 general rate of duty imposed under the HTS on like articles on the day before the date on which the Agreement enters into force.

(C) In the case of a duty applied on a seasonal basis to such article, an increase in the rate of duty imposed on the article to a level that does not exceed the lesser of—

(i) the column 1 general rate of duty imposed under the HTS on like articles for the immediately preceding corresponding season; or

(ii) the column 1 general rate of duty imposed under the HTS on like articles on the day before the date on which the Agreement enters into force.

(2) PROGRESSIVE LIBERALIZATION.—If the period for which import relief is provided under this section is greater than 1 year, the President shall provide for the progressive liberalization of such relief at regular intervals during the period in which the relief is in effect.

(d) PERIOD OF RELIEF.—

(1) IN GENERAL.—Subject to paragraph (2), any import relief that the President provides under this section may not be in effect for more than 3 years.

(2) EXTENSION.—

(A) IN GENERAL.—Subject to subparagraph (C), the President, after receiving an affirmative determination from the Commission under subparagraph (B), may extend the effective period of any import relief provided under this section if the President determines that—

(i) the import relief continues to be necessary to remedy or prevent serious injury and to facilitate adjustment by the domestic industry to import competition; and

(ii) there is evidence that the industry is making a positive adjustment to import competition.

(B) ACTION BY COMMISSION.—(i) Upon a petition on behalf of the industry concerned that is filed with the Commission not earlier than the date which is 9 months, and not later than the date which is 6 months, before the date any action taken under subsection (a) is to terminate, the Commission shall conduct an investigation to determine whether action under this section continues to be necessary to remedy or prevent serious injury and to facilitate adjustment by the domestic industry to import competition and whether there is evidence that the industry is making a positive adjustment to import competition.

(ii) The Commission shall publish notice of the commencement of any proceeding under this subparagraph in the Federal Register and shall, within a reasonable time thereafter, hold a public hearing at which the Commission shall afford interested parties and consumers an opportunity to be present, to present evidence, and to respond to the presentations of other parties and consumers, and otherwise to be heard.

(iii) The Commission shall transmit to the President a report on its investigation and determination under this subparagraph not later than 60 days before the action under subsection (a) is to terminate, unless the President specifies a different date.

(C) PERIOD OF IMPORT RELIEF.—Any import relief provided under this section, including any extensions thereof, may not, in the aggregate, be in effect for more than 5 years.

(e) RATE AFTER TERMINATION OF IMPORT RELIEF.—When import relief under this section is terminated with respect to an article, the rate of duty on that article shall be the rate that would have been in effect, but for the provision of such relief, on the date on which the relief terminates.

(f) ARTICLES EXEMPT FROM RELIEF.—No import relief may be provided under this section on any article that—

(1) is subject to an assessment of additional duty under section 202(b); or

(2) has been subject to import relief under this subtitle after the date on which the Agreement enters into force.

SEC. 314. TERMINATION OF RELIEF AUTHORITY.

(a) GENERAL RULE.—Subject to subsection (b), no import relief may be provided under this subtitle with respect to a good after the date that is 5 years after the date on which duty-free treatment must be provided by the United States to that good pursuant to Annex IV of the Agreement.

(b) PRESIDENTIAL DETERMINATION.—Import relief may be provided under this subtitle in the case of a Moroccan article after the date on which such relief would, but for this subsection, terminate under subsection (a), if the President determines that Morocco has consented to such relief.

SEC. 315. COMPENSATION AUTHORITY.

For purposes of section 123 of the Trade Act of 1974 (19 U.S.C. 2133), any import relief provided by the President under section 313 shall be treated as action taken under chapter 1 of title II of such Act.

SEC. 316. CONFIDENTIAL BUSINESS INFORMATION.

Section 202(a)(8) of the Trade Act of 1974 (19 U.S.C. 2252(a)(8)) is amended in the first sentence—

(1) by striking ''and''; and

(2) by inserting before the period at the end '', and title III of the United States-Morocco Free Trade Agreement Implementation Act''.

Subtitle B—Textile and Apparel Safeguard Measures

SEC. 321. COMMENCEMENT OF ACTION FOR RELIEF.

(a) IN GENERAL.—A request under this subtitle for the purpose of adjusting to the obligations of the United States under the Agreement may be filed with the President by an interested party. Upon the filing of a request, the President shall review the request to determine, from information presented in the request, whether to commence consideration of the request.

(b) PUBLICATION OF REQUEST.—If the President determines that the request under subsection (a) provides the information necessary for the request to be considered, the President shall cause to be published in the Federal Register a notice of commencement of consideration of the request, and notice seeking public comments regarding the request. The notice shall include a summary of the request and the dates by which comments and rebuttals must be received.

SEC. 322. DETERMINATION AND PROVISION OF RELIEF.

(a) DETERMINATION.—

(1) IN GENERAL.—If a positive determination is made under section 321(b), the President shall determine whether, as a result of the reduction or elimination of a duty under the Agreement, a Moroccan textile or apparel article is being imported into the United States in such increased quantities, in absolute terms or relative to the domestic market for that article, and under such conditions as to cause serious damage, or actual threat thereof, to a domestic industry producing an article that is like, or directly competitive with, the imported article.

(2) SERIOUS DAMAGE.—In making a determination under paragraph (1), the President—

(A) shall examine the effect of increased imports on the domestic industry, as reflected in changes in such relevant economic factors as output, productivity, utilization of capacity, inventories, market share, exports, wages, employment, domestic prices, profits, and investment, none of which is necessarily decisive; and

(B) shall not consider changes in technology or consumer preference as factors supporting a determination of serious damage or actual threat thereof.

(b) PROVISION OF RELIEF.—

(1) IN GENERAL.—If a determination under subsection (a) is affirmative, the President may provide relief from imports of the article that is the subject of such determination, as described in paragraph (2), to the extent that the President determines necessary to remedy or prevent the serious damage and to facilitate adjustment by the domestic industry to import competition.

(2) NATURE OF RELIEF.—The relief that the President is authorized to provide under this

subsection with respect to imports of an article is an increase in the rate of duty imposed on the article to a level that does not exceed the lesser of—

(A) the column 1 general rate of duty imposed under the HTS on like articles at the time the import relief is provided; or

(B) the column 1 general rate of duty imposed under the HTS on like articles on the day before the date on which the Agreement enters into force.

SEC. 323. PERIOD OF RELIEF.

(a) IN GENERAL.—Subject to subsection (b), the import relief that the President provides under subsection (b) of section 322 may not, in the aggregate, be in effect for more than 3 years.

(b) EXTENSION.—

(1) IN GENERAL.—Subject to paragraph (2), the President may extend the effective period of any import relief provided under this subtitle for a period of not more than 2 years, if the President determines that—

(A) the import relief continues to be necessary to remedy or prevent serious damage and to facilitate adjustment by the domestic industry to import competition; and

(B) there is evidence that the industry is making a positive adjustment to import competition.

(2) LIMITATION.—Any relief provided under this subtitle, including any extensions thereof, may not, in the aggregate, be in effect for more than 5 years.

SEC. 324. ARTICLES EXEMPT FROM RELIEF.

The President may not provide import relief under this subtitle with respect to any article if—

(1) the article has been subject to import relief under this subtitle after the date on which the Agreement enters into force; or

(2) the article is subject to import relief under chapter 1 of title II of the Trade Act of 1974.

SEC. 325. RATE AFTER TERMINATION OF IMPORT RELIEF.

When import relief under this subtitle is terminated with respect to an article, the rate of duty on that article shall be the rate that would have been in effect, but for the provision of such relief, on the date on which the relief terminates.

SEC. 326. TERMINATION OF RELIEF AUTHORITY.

No import relief may be provided under this subtitle with respect to any article after the date that is 10 years after the date on which duties on the article are eliminated pursuant to the Agreement.

SEC. 327. COMPENSATION AUTHORITY.

For purposes of section 123 of the Trade Act of 1974 (19 U.S.C. 2133), any import relief provided by the President under this subtitle shall be treated as action taken under chapter 1 of title II of such Act.

SEC. 328. BUSINESS CONFIDENTIAL INFORMATION.

The President may not release information which is submitted in a proceeding under this subtitle and which the President considers to be confidential business information unless the party submitting the confidential business information had notice, at the time of submission, that such information would be released, or such party subsequently consents to the release of the information. To the extent a party submits confidential business information to the President in a proceeding under this subtitle, the party also shall submit a nonconfidential version of the information, in which the confidential business information is summarized or, if necessary, deleted.

The SPEAKER pro tempore. Pursuant to House Resolution 738, the gentleman from California (Mr. THOMAS) and the gentleman from New York (Mr. RANGEL) each will control 1 hour.

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

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

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

Mr. THOMAS. Mr. Speaker, it is with great pleasure that I rise today in strong support of H.R. 4842, which will implement the United States-Moroccan Free Trade Agreement. This Free Trade Agreement is comprehensive, it is solid, and it will benefit American workers across the spectrum, including farmers, consumers, businesses, and therefore the United States economy.

Morocco has been since the inception of this country and is today an important strategic partner of the United States. This agreement will enhance and in fact solidify our economic relationship. Not only will this agreement advance our relationship with Morocco, but it serves as a cornerstone to assist the President's broader initiative to create a Middle East free trade area by the year 2013.

The United States has entered into additional agreements, Morocco, Bahrain. We have entered into trade and investment framework agreements with Kuwait, Yemen, Qatar, the United Arab Emirates, Oman, and Saudi Arabia. Many of these countries have expressed interest in moving forward and negotiating a free trade agreement similar to the Moroccan agreement.

Mr. Speaker, this is a long overdue day, but it has arrived, and I am pleased to say that the Senate has already acted on this legislation, and when the House concludes its business on this bill it will be sent to the President for his signature, and this is a marvelous way to end this portion of the 108th Congress.

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

Mr. RANGEL. Mr. Speaker, I yield 30 minutes to the gentleman from Ohio (Mr. BROWN) and ask unanimous consent that he be allowed to yield time as he sees fit.

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

There was no objection.

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

First, I would like the record to remain clear that in my opinion the gentleman from California stole the election in Florida, and I just want to get that out of the way.

But having said that, I think that this agreement that we reach today gives us an opportunity to see what we could be doing, especially as it relates to international treaty agreements, if we attempt to work together.

The government of Morocco has been friendly to the United States for years, and it is a developing country that has strived to have a relationship between organized labor and to work to improve the quality of life for its workers.

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We Democrats truly believe that we should have a bipartisan approach to these types of issues and that there are certain principles we think should be in all trade agreements, and that is that you protect American jobs and that you provide for basic international labor standards in these agreements, and you do no harm.

There are certain provisions here that deal with intellectual rights that we really approve of, but we also believe that we should never allow ourselves to deprive people of medicine that they may need for their health and, indeed, for their life.

The gentleman from Michigan (Mr. LEVIN) has worked very, very hard to make certain that we on the Democratic side do not unilaterally just say out of hand that if we do not find the language we want that we will not be supporting the bill. Indeed, we are more concerned with having language that all civilized and industrialized countries would want to have as a standard that can be reached with the United States on international health.

Mr. Speaker, because of that, I ask unanimous consent to yield the balance of my time to the gentleman from Michigan (Mr. LEVIN), the distinguished senior member of the Subcommittee on Trade, and that he be allowed to yield time as he sees fit.

The SPEAKER pro tempore (Mr. GILCHREST). Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. THOMAS. Mr. Speaker, it is my pleasure to yield such time as he may consume to the gentleman from Illinois (Mr. CRANE), the chairman of the Subcommittee on Trade.

Mr. CRANE. Mr. Speaker, I thank the chairman for yielding me time.

Mr. Speaker, I am quite pleased that the United States and the Kingdom of Morocco have reached agreement on a bilateral free trade agreement. Morocco has long been a key ally in the Middle East. As many have noted, Morocco was the first country to recognize our sovereignty; and in 1786 we signed the U.S.-Morocco treaty of peace and friendship, which remains the longest unbroken treaty in our Nation's history.

Once implemented, this treaty agreement will be the second of its kind between the U.S. and a moderate Muslim ally, following our trade agreement with the Kingdom of Jordan.

This is an important strategic agreement. While we have had a long-standing diplomatic relationship with Morocco, the U.S.-Morocco FTA cements the economic relationship between our countries. Two-way trade between the U.S. and Morocco is significant, at nearly $1 billion per year. The United States exported over $465 million to Morocco last year, with a trade surplus of over $79 million.

This FTA will eliminate trade barriers, lower tariffs, and provide increased market access for U.S. companies. By knocking down trade barriers in Morocco and in the rest of the world, we can help support even more American jobs. In fact, the International Trade Commission estimates that trade between our countries should double once this agreement is implemented.

This is a strong agreement for all sectors of the U.S. economy. Under its terms, over 95 percent of U.S. exports of consumer and industrial goods to Morocco will become duty free immediately. This follows the high standards set by recently passed trade agreements with Singapore, Chile, and Australia. This is important for U.S. manufacturers.

This is also a strong agreement for the services sector of our economy, whether it be telecommunications, e-commerce for digital commerce, or new opportunities for U.S. financial institutions. The agreement also contains state-of-the-art intellectual property provisions, including commitments in trademarks, copyrights and patents, as well as tough penalties for piracy and counterfeiting. Taken together, these provisions continue a trade policy that best helps U.S. business compete in a global marketplace.

Mr. Speaker, the Farm Bureau strongly supports this agreement, which covers all agricultural products, because for every $1 in increased imports from Morocco, U.S. farmers can expect $10 in increased exports to Morocco. In 2003, the United States had a trade surplus in agricultural products with Morocco of about $82 million, with exports of over $152 million. The Farm Bureau estimates that this agreement could increase U.S. agricultural exports to over $450 million by 2015, tripling our current exports. Furthermore, because Morocco's agreement with the European Union does not include agriculture, this FTA should give American farmers a competitive advantage over our EU counterparts.

Some have questioned whether labor laws in Morocco are adequate. To that end, I would like to point out that the U.S.-Morocco FTA, like all of our trade agreements, requires Morocco to enforce domestic labor laws in accordance with the bipartisan guidance provided by the Congress in Trade Promotion Authority.

Furthermore, in anticipation of a U.S.-Morocco FTA, the Moroccan government, business community, and labor force, working together in a tripartite manner, found consensus in passing a comprehensive new labor law earlier this year that is consistent with ILO standards. Accordingly, the agreement language creating an obligation to effectively enforce one's laws is, in essence, the same as an enforceable ILO standard in this agreement. I, for one, applaud Morocco for its efforts in overhauling its labor laws in anticipation of completing this important trade agreement.

Some on the other side, including the Subcommittee on Trade ranking member, the gentleman from Michigan (Mr. LEVIN), and the Committee on Ways and Means ranking member, the gentleman from New York (Mr. RANGEL), have raised thoughtful questions with regard to various provisions contained in this agreement. I think we have worked well together to address these concerns, and I am pleased that we have their support. While we may continue to disagree on certain issues, there is a lot of common ground from which to work, and I look forward to continuing to work with them to pass important trade agreements.

Unfortunately, I am sure that a small group on the other side who do oppose free trade may come to the House floor today and argue that this agreement is inadequate in certain respects.

I would ask my colleagues to not be fooled by this rhetoric, which we hear every time when we contemplate trade agreements. We heard it last week during debate on our Australian Free Trade Agreement, a country with which we have a $9 billion trade surplus; we heard it during debate 1 year ago regarding Chile and Singapore; and I am sure we will hear it today with regard to Morocco, a country with which we have a trade surplus.

Please do not be fooled. This discomfort has less to do with the provisions of this agreement than it does their dislike of free trade generally.

Mr. Speaker, the vast majority of Members on both sides of the aisle think differently. The American people know that millions of American jobs are dependent upon free trade. U.S. products exported to Morocco currently face an average tariff of more than 20 percent. This FTA will give American businesses exporting to Morocco a leg up to compete as they compete with the European Union. That means better, higher-paying jobs here at home. Perhaps that is why the U.S.-Morocco FTA passed the Committee on Ways and Means by a 26 to 0 vote on Tuesday and passed the Senate by an overwhelming vote of 85 to 13 yesterday. I look forward to another strong, bipartisan vote today.

Mr. Speaker, I would like to emphasize my strong support for this agreement and my appreciation to the administration and Members on both sides of the aisle for their efforts in completing it.

Mr. THOMAS. Mr. Speaker, I yield the balance of my time to the gentleman from Illinois (Mr. CRANE) and ask unanimous consent that he control the time.

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

There was no objection.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, while the Jordan Free Trade Agreement passed in the last year of the Clinton administration represented a step forward in free trade policy, recent free trade agreements provide a template to purposely and purposefully circumvent labor and environmental laws.

To make matters worse, USTR and its pharmaceutical allies are now including language in each trade agreement in front of this body to ban reimportation in all agreements they negotiate. The Morocco Free Trade Agreement is the latest example of this trade, we call it, devolution.

Last week we voted on the U.S.-Australia FTA. While Australian workers, to be sure, enjoy the benefits of good labor laws and the enforcement of those laws, the precedent was the same. Labor and environmental protections were given short shrift in the core text of the agreement, while USTR focused on ensuring the gold standard for the pharmaceutical industry.

It is almost as if the U.S. Government dispatched the USTR again to protect the big drug companies in this country. It is no surprise, with the rest of the record in this body and in this administration in protecting the drug companies on every single issue possible.

But Morocco is not Australia, and I have significant concerns about labor and working conditions there. Like Singapore and Chile, the labor provisions in the Morocco FTA are intentionally unenforceable. Violations of core labor standards cannot be taken to dispute resolution. The commitment to enforce domestic labor laws is subject to remedies weaker than those available for commercial disputes. Again, the commercial part of the agreement is always better, if you will, than the labor part of the agreement, because of this body's and this administration's low regard for worker rights.

This violates the negotiating objective of Fast Track that equivalent remedies should exist for all parts of the agreement.

Further, the ''enforce your own laws'' standard allows countries the opportunity to rewrite and weaken their labor laws to attract investment and seems to be a magnet for corporate interests all over the world to lobby those legislatures and those congresses and parliaments to weaken their own labor law, because they are not international labor organization standards.

Today we will vote on the U.S.-Morocco Free Trade Agreement containing the same flawed policies on labor and on the environment and on reimportation. The same provisions in Morocco are in the Central America Free Trade Agreement. This agreement does not look much different from CAFTA. So for those of you, and I think it is pretty clear a majority of the Bush administration would have brought that agreement up this summer, those of you voting ''no'' on CAFTA, you are really voting for a pretty similar agreement on Morocco.

Every free trade template brought before this House is, as Yogi Berra used to say, like deja vu all over again.

First, the Medicare bill passed this year specifically prohibited the U.S. Government from negotiating lower drug prices for America's seniors and consumers. That was one this Congress and this Bush administration gave to the drug industry. Then the pharmaceutical industry punished American consumers by restricting the volume of drug inventories in Canada to prevent importation to the U.S. Then the U.S. Trade Representative and the administration included language in the Australia Free Trade Agreement that enables pharmaceutical companies to prevent prescription drug reimportation to the detriment of American consumers. Again, another bouquet from this Congress and the Bush administration to the drug industry.

I do not think the connection is anything but obvious when you look at the amount of money the drug industry has given to the Republican Party, given to Republican leadership, and given to President Bush.

Now similar provisions contained in last year's Singapore FTA and in the upcoming CAFTA are in the Morocco FTA bill that will be voted on. Though Morocco is not on the list of countries today covered by pending drug legislation, the importation provisions in this FTA prove this is a precedent, it was in Australia, now it is in this, that the USTR plans to extends this to all future trade agreements.

There is broad support in this House, there is even broader support among seniors and among consumers, because they are not getting campaign contributions from the drug industry, for lowering drug prices and for allowing Americans to purchase safe, affordable drugs from other developed nations.

I urge my colleagues to oppose the administration's back-door effort again to close drug reimportation through trade negotiations. It is important to overcome attempts by free trade proponents to reduce this debate to a choice between free trade and no trade, and frame the discussion around priorities affected by irresponsible trade policy, labor protections, the environment, and affordable pharmaceutical access for all nations.

This is not a debate on whether one supports trade; this is a debate on whether one supports responsible trade. I urge my colleagues to oppose this irresponsible trade agreement.

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

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

Mr. Speaker, concerns about the consistency of any future drug reimportation provisions with this free trade agreement are hypothetical. The agreement has no force under U.S. law except to the extent that Congress passes an implementing bill to change U.S. law.

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Thus, even if Congress changes U.S. law and the new law were somehow inconsistent with the agreement, that new law would trump the agreement. The agreement cannot prevent Congress from allowing drug reimportation.

The drug reimportation debate in Congress has focused on changes to the Federal Food, Drug and Cosmetic Act that would be necessary to allow drug reimportation, such as changing its provision that only the original manufacturer may reimport a drug. There is nothing in the Morocco FTA or the implementing bill that addresses the Federal Food, Drug and Cosmetic Act for this requirement.

Mr. Speaker, I yield 2 minutes to our distinguished colleague, the gentleman from Florida (Mr. SHAW).

Mr. SHAW. Mr. Speaker, I thank the chairman for yielding me this time, and I rise in strong support of the United States-Morocco Free Trade Agreement pending before us here in this Chamber today.

This agreement will provide 95 percent of consumer and industrial products in bilateral trade become duty-free immediately upon entering into this important, historic agreement.

The chairman has already indicated that the Senate has passed this bill and it will go right from this Chamber to the President's desk for signature.

I strongly concur with Ambassador Bob Zoellick when he stated, ''Our agreement with Morocco is not just a single announcement, but a vital step in creating a mosaic of United States free trade agreements across the Middle East and North Africa.''

This agreement sends a strong message to this particular region of the world. This agreement enables fair and free trade between long-standing allies. In fact, Morocco and the United States signed a Treaty of Peace and Friendship in 1786. The Kingdom has continuously provided military and diplomatic support for United States foreign operations, and this partnership is solid and it is respected.

I congratulate President Bush and his Majesty, King Mohammed VI, on this historic Free Trade Agreement.

I would like to point out to the gentleman on the other side of the aisle that was speaking about prescription drugs and associate myself with the remarks of the chairman concerning this matter, this House has passed now on two occasions a bill that said that if the Food and Drug Administration can certify that drugs from various countries, namely Canada, are what they are and they are pure and they are not counterfeit, that they can be imported. Under the Clinton administration they said they could not certify that. Under the Bush administration they said they cannot certify that. I think clearly we are going in that direction, but that has absolutely nothing to do with the bill that is before us.

Mr. LEVIN. Mr. Speaker, it is my pleasure to yield 2 minutes to the gentlewoman from California (Ms. LOFGREN).

Ms. LOFGREN. Mr. Speaker, this trade agreement that we are considering today contains provisions that essentially mimic the Digital Millennium Copyright Act, a law that is currently being litigated and whose scope is as yet unclear. The DMCA, while intended to protect the interests of copyright holders, may also endanger the rights and expectations of consumers.

There is substantial reason to believe that the DMCA is having an adverse impact on technological innovation. There are a lot of cases on appeal, and I think ultimately this body is going to have to sort through the DMCA so that we do not kill and stifle technological innovation.

The FCC is now based on the DMCA, asserting the right to preapprove every product that moves data in the United States. It sounds a little bit like the old Stalinist regime. I think we are going to have to revisit that, and I am concerned about the provisions in this act.

However, I have been reassured by the Trade Representative as well as the Secretary of Commerce that the insertion of this provision in these types of trade agreements will not prevent the Congress from doing what ultimately we are going to have to do, which is to stop the technological stranglehold that we have placed on that sector of the economy, such as TiVo that we read about today, which the FCC is now asserting that they get to decide what TiVo gets to innovate.

So based on those representations, I am going to certainly vote for this agreement today. Certainly, my district in the heart of the Silicon Valley needs to export, especially at a time when 35 percent of the households say someone in their home has been out of work for more than 3 months since January of 2001, when Mr. Bush became President.

At the same time, I call on Congress to show some leadership to the rest of the world by amending the DMCA to make sure that we protect the rights of copyright holders, but that we also do not stifle innovation.

Mr. Speaker, I will insert into the RECORD the letters from the Trade Representative, the Secretary of Commerce, and an article I have written on this subject.

EXECUTIVE OFFICE OF THE PRESIDENT, THE UNITED STATES TRADE REPRESENTATIVE,
Washington, DC, June 17, 2003.

Hon. ZOE LOFGREN,
House of Representatives,
Washington, DC.

DEAR CONGRESSWOMAN LOFGREN: Thank you for your recent letter regarding the Singapore and Chile Free Trade Agreements, specifically the provisions that reflect the U.S. Digital Millennium Copyright Act (DMCA). I am pleased that my staff had the opportunity to brief you on our FTA negotiations, including on the provisions that address copyright protection in the digital age. I would like to address your remaining concerns.

In the Trade Act of 2002, Congress mandated that we seek provisions that reflect a standard of protection similar to that found in U.S. law and that provide strong protection for new and emerging technologies and new methods of transmitting and distributing products embodying intellectual property. To that end, we have included provisions in our FTAs that reflect the historic and precedent setting standards for intellectual property protection set forth in the DMCA. We firmly believe that this legislation is evidence of Congressional leadership internationally and should be a model for how governments strike the correct balance between copyright holders and the interests of society in the digital age.

Our FTA provisions that reflect the DMCA were developed in close consultation with the same major domestic stakeholders that worked with Congress to forge the balance in the DMCA. As you may be aware, these groups have recently reiterated their support for our FTAs to Members of Congress and to me. While reflecting the balance in the DMCA, our FTA provisions merely distill the key principles of U.S. legislation; they do not replicate every detail. This is the approach we take throughout the text of the Agreement when reflecting U.S. standards. We take this approach, in part, because we recognize and support, as with all provisions of U.S. law, the Congressional prerogative to adopt further amendments as may be deemed appropriate in the future.

I fully understand that the DMCA has stimulated a vigorous debate in America as well as in Congress and that there are legislative proposals to amend the DMCA to address what may be unintended consequences arising from its implementation. Although at this time there does not appear to be widespread support in Congress, or the national community at large, for substantially revising the existing, fundamental balance struck by the DMCA, we are quite confident that our FTA provisions are sufficiently broad to encompass amendments that Congress may adopt in the future that remain within the overall balance struck in the DMCA. Moreover, the DMCA itself provides for a periodic administrative rule-making procedure to review the effect of the DMCA on users' ability to make certain non-infringing uses and to create additional exemptions to allow for such uses—a carve-out echoed in the FTA provisions.

As I believe my staff clarified during their briefing, we have not had the opportunity to examine H.R. 1066 and H.R. 107 in detail and have not opined on the extent to which these proposals are consistent with our FTAs. What my staff did indicate, which I want to reiterate here, is that the Administration has sought to reflect faithfully a standard of protection for intellectual property similar to that contained in U.S. law as instructed by Congress, but in no way to require a change in U.S. law. Legislative proposals that do not fundamentally alter the existing overall balance struck in U.S. law, and that comply with all existing international obligations regarding intellectual property, will also comply with our FTAs.

I hope this information is helpful to you.

Sincerely,

ROBERT B. ZOELLICK.

THE SECRETARY OF COMMERCE,
Washington, DC, June 5, 2003.

Hon. ZOE LOFGREN,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE LOFGREN: Thank you for your letter expressing your concerns regarding the Singapore and Chile Free Trade Agreements (FTAs). One of the important negotiating objectives of these agreements was to encourage our trading partners to provide for strong protection and enforcement of intellectual property rights, which is especially important in the modern digital trade environment.

Although many of our trading partners already belong to the World Trade Organization Agreement on Trade-Related Aspects of Intellectual Property Rights, the World Intellectual Property Organization (WIPO) Copyright Treaty, and the WIPO Performances and Phonograms Treaty, FTAs build on that foundation. The Singapore and Chile FTAs will ensure that authors and owners of copyrighted works made available in digital form receive commensurate protection, thereby strengthening trade relations with these countries. They also provide a framework of certainty around which companies can begin to build legitimate businesses for the enjoyment of creative works.

I also would like to take the opportunity to respond to specific issues raised in your letter. You expressed concern that the incorporation of provisions based on the Digital Millennium copyright Act (DMCA) in the Singapore and Chile FTAs may have an adverse impact on technological innovation. I believe, however, that strong protection and enforcement of intellectual property rights in FTAs facilitate the expansion of trade and investment in digital technologies and products, thereby advancing the interests of all parties to the FTAs.

You also expressed concern about the balance of interests reflected in both the DMCA and the Singapore and Chile FTAs. As you are aware, in enacting the DMCA, Congress worked hard to achieve a balance among the various groups with interests in the legislation, including copyright owners, users, and Internet service providers, that also met the international obligations set forth in the WIPO treaties. That balance is reflected in the Singapore and Chile FTAs. If the Congress amends the DMCA in the future, the FTAs should then be reviewed for consistency with the amended DMCA.

I believe that the U.S. free trade agreements with Singapore and Chile are milestones in progress toward strong protection and enforcement of intellectual property rights protection for the digital age. I hope that my comments have helped you to decide in favor of supporting the Singapore and Chile FTAs.

If you have any further questions, please feel free to contact me or Brenda Becker, Assistant Secretary for Legislative and Intergovernmental Affairs, at (202) 482–3662.

Sincerely,

DONALD L. EVANS.

[From San Jose Mercury News, Nov. 17, 2003.]

FCC RULE COULD HARM TECH INNOVATION

(By Zoe Lofgren)

The Federal Communications Commission recently gave itself unprecedented powers to keep new television sets, digital video recorders, handheld devices, third-generation cell phones and even computers out of the hands of American consumers.

How? The FCC issued new rules on the so-called ''broadcast flag,'' a proposal first put forth by the Motion Picture Association of America purportedly to encourage broadcasters to offer more digital programming.

The broadcast flag is a single bit of data added to the digital television shows beamed out across the country. By itself, the bit does nothing. Instead, the meat of the new rule requires every future device capable of playing these shows to recognize the flag and include built-in technologies that prevent them from being pirated.

But here's the kicker. Under the new rules, the FCC gets to decide if a particular technology provides sufficient protection. If you're not on the FCC's pre-approved list, you can't sell your product.

So what does this mean to you and me? It could mean that future consumer electronics and computing products will never come to market. In our digital world, the FCC is not only targeting television sets. Computers, DVRs and handheld devices can handle flagged content. Indeed, any future device capable of handling digital content could potentially be covered.

Do we want the FCC wielding veto power over a new Apple computer, Palm handheld or Motorola cell phone? Of course not. This country's technological leadership is rooted in our ability to quickly adapt and innovate, words that are not often used to describe the federal government.

The FCC's plan sounds a little like the old Soviet Union. And we know how well centralized state control worked for them. That's why Congress never gave the FCC the power to dictate the design of new computers or consumer electronics devices.

In fact, in the Digital Millennium Copyright Act, Congress specifically disavowed such mandates. Apparently, the FCC never got the message. Instead, the FCC believes that its ancillary authority over broadcasting extends to every product that brushes up against digital television. To justify their absurd conclusion, the commissioners even argue that they have the authority to regulate these industries because Congress never said they couldn't.

The main problem with this or any other government mandate is that they are rooted in the present. It is impossible to predict where American ingenuity will take us. We should do everything we can to foster this ingenuity, not put up roadblocks that will only place our inventors at a competitive disadvantage.

The FCC's attempt to become the self-anointed gatekeeper to future innovation will undoubtedly benefit the small consortium of companies with approved technologies. But it will also diminish the incentive to bring new technologies to market, hurt consumers who have bought pre-flag devices, and set a dangerous precedent for government mandates on technology.

That's not to say that the broadcast flag proposal should not be discussed. If Congress, not the FCC, decides that the broadcast flag is necessary, then it should examine ways to implement the flag without stifling innovation and competition. For example, voluntary, non-proprietary standards that preserve interoperability could be set by international non-governmental bodies.

The real goal should not be to slow down innovation, but to find ways for broadcasters to get paid when they deserve payment.

Mr. CRANE. Mr. Speaker, I yield 4 minutes to the gentleman from Pennsylvania (Mr. ENGLISH), who is cochair of the Morocco Caucus.

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

Mr. Speaker, today we are considering landmark legislation to implement the U.S.-Morocco Free Trade Agreement, and delve deeper into the bonds of friendship with the Kingdom of Morocco. Just 4 days ago, we marked exactly 217 years of official relations with Morocco, the longest unbroken diplomatic relationship in the existence of the United States. While the furthering of our positive ties with Morocco is certainly an important goal, this FTA really stands on its own as a benefit to our economy.

The U.S.-Morocco Free Trade Agreement was negotiated over a period of a year and a half and, once implemented, will be truly a win-win for both of our countries. This is, in my view, an FTA which contains the best market access package of any FTA that has been negotiated with a developing country.

I believe it has the potential to serve as a model for future free trade agreements with developing countries, particularly because of tough provisions to enforce intellectual property rights. The Morocco Free Trade Agreement contains the most advanced intellectual property chapter in any FTA negotiated thus far. It contains language that not only commits Morocco to fight piracy, but to fight piracy on products that are potentially coming through as transshipment.

Morocco is a natural market for many American companies, and a Free Trade Agreement will bring both countries closer together for mutual benefit.

The International Trade Commission has also determined that U.S. exports to Morocco are likely to increase dramatically, by $740 million, while imports from Morocco are likely to increase by nearly $200 million after full implementation of the Free Trade Agreement.

The major reason for the anticipated increase in U.S. exports is due to the fact that on day one of this agreement, 95 percent of tariffs on industrial and consumer goods will be eliminated. Morocco has demonstrated consistently its commitment to being a fair and responsible trading partner. They have taken steps to guarantee the security of foreign investment in Morocco, and have enacted sweeping labor laws to protect their workers and to improve women's rights. These negotiations were a catalyst for Morocco moving forward with a modernizing labor code.

Moreover, workers in Morocco have the right to associate, collectively bargain, and to strike. The new labor law also improved worker safety, raised the minimum wage, and created additional safeguards on child labor, all core obligations of the U.S.-Morocco Free Trade Agreement, including labor and environmental provisions, which are subject to the dispute settlement provisions of the agreement, and the agreement includes strong enforcement mechanisms, including the ability to suspend trade concessions or establish monetary assessments.

This agreement deepens America's dialogue with the Middle East and North Africa, and builds upon the free trade agreements already reached with Israel and Jordan.

The U.S.-Morocco Free Trade Agreement, in my view, is an essential part of the puzzle in moving forward to strengthen our trade relationships with our trading partners, establish stronger, more enforceable trade agreements, and establish over time a level playing field in which American companies and American workers can thrive.

Mr. Speaker, I believe the passage of this FTA will be a significant achievement in moving toward a stronger trade policy for the United States, and on the strength of that, I urge all of my colleagues to join me in supporting this FTA.

Mr. BROWN of Ohio. Mr. Speaker, I yield 4 minutes to the gentleman from Vermont (Mr. SANDERS).

Mr. SANDERS. Mr. Speaker, I thank my friend from Ohio for yielding me this time.

Let me begin by saying I am prepared to yield time to any proponent of this bill who can tell me what the minimum wage is in Morocco. I heard that it has gone up. What is it, 20 cents an hour, 30 cents an hour? What is the minimum wage in Morocco?

I am prepared to yield time if anyone who is supporting this bill will tell me if Morocco is a democratic society. We heard about workers' rights. My understanding is that it is an hereditary monarchy where the legislature there could be abolished at any time by the King. Does anybody want to respond to that? I am waiting. I hear no response.

A few minutes ago, Mr. Speaker, we were told that gay marriage was going to destroy the fabric of American society. Well, I will tell my colleagues what is going to destroy the fabric of American society: pieces of legislation like this that are wiping out the middle class of this country, are lowering our standard of living, are making the gap between the rich and the poor grow wider.

I would yield again to my friends who are pushing this bill if they will tell me whether they agree with Thomas Donohue, the President of the U.S. Chamber of Commerce, who several weeks ago urged, urged American companies to outsource, urged American companies to throw our workers out on the street and go to China or Morocco.

Will any proponents of this legislation tell me that they disagree with Mr. Donohue? I yield time to anybody who says they disagree with Mr. Donohue, the chairman of the Chamber of Commerce. I do not hear it.

In other words, the proponents of this bill are telling us that they think it is a good idea that Americans workers are thrown out on the street, lose decent paying jobs, and are forced to compete in a race to the bottom against desperate people all over the world who are working for pennies an hour.

Mr. Speaker, what is happening in our society today is that while productivity increases, while technology expands, the reality is that the middle class is shrinking and the average American worker is working longer hours for lower wages. There are a lot of reasons for that, but certainly one of the reasons is that our working class, our middle class is being asked to compete against desperate people in Morocco, in China, all over this world. And American corporations are saying, why should I pay an American worker $10, $15 an hour, have unions, protect the environment, when I can go to Morocco, I can go to China, and big money interests in this country, with the help of the Republican leadership, is going to make it easier for me to go abroad.

What is happening to this economy is an outrage in terms of the needs of our kids. The U.S. Department of Labor has projected that 7 out of the 10 fastest-growing jobs in the next 10 years are going to pay low wages, require a high school degree, with minimal benefits. We are losing our manufacturing base. In the last 3 years, 2.7 million good-paying manufacturing jobs gone. Now they are taking our information technology jobs to India. Gone. And what is going to be left for our kids? Well, Wal-Mart is doing very well; Burger King is doing very well. Is that what we want for our kids? Why are we selling out the middle class of this country? Why are we allowing corporate America to go abroad?

Well, I would suggest that we should look at the campaign contributions that come in to this institution from corporate America. No, let us have trade that is fair, not this trade agreement.

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

The new Morocco labor law is a significant improvement over existing labor laws and regulations. The law raises the minimum employment age from 12 to 15 to combat child labor, reduces the work week from 48 to 44 hours with overtime rates payable for additional hours, and calls for a periodic review of the Moroccan minimum wage.

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Effective July 1, 2004, the minimum wage in Morocco will increase by 10 percent. Morocco did this to make itself a more attractive FTA partner.

Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. BRADY).

Mr. BRADY of Texas. Mr. Speaker, I thank the chairman for yielding me the time and for his leadership on this issue.

I hope the American public was listening carefully to our friend and colleague from Vermont. What he said was what tears apart the fabric of America is to allow our farmers to sell more of their corn to Morocco. He made the point that our farmers who are trying to sell more corn to Morocco, because they buy a lot of it, our farmers who grow wheat and sell more of it will sell more of it to Morocco, that that is bad for America, that companies in Texas, from workers, from petro chemical plants, our computer manufacturing plants, our chemical plants, hard-working workers who are trying to build more products to sell overseas to Morocco, that this will tear apart the fabric of America.

I think it is just the opposite. The problem we have is that there are too many American-need-not-apply signs around this world. We are not able to

sell our products and our goods and our services across the world. American workers are the most productive. Our products are great. We need a chance to sell them to customers throughout the world, and what this agreement does is make sure that we are given a fair chance to sell the great products that we build.

In Texas we are the fourth largest exporting State to Morocco, $23 million of goods and services: ag products, petroleum products, chemical products, processed foods, computers and electronics. All made by Texas workers who want to sell their products overseas, but we are blocked. This agreement opens those markets for all workers, because that is their future, to sell more products to whoever can afford to do that.

And as Americans, we know that unless we open these markets, if we just agree to sell to ourselves, to allow Europe to sell to these markets, Asia to sell to these markets, South America to sell to these markets, our prosperity is in danger. This is a great agreement for American workers, and I strongly support it.

Mr. LEVIN. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. MEEKS).

Mr. MEEKS of New York. Mr. Speaker, I thank the gentleman for yielding me this time.

Passage of this agreement stands to greatly benefit the United States of America, which enjoys a consistent yearly trade surplus with Morocco, totaling over $1.5 billion from 1992 to 2003. This agreement is a high-standard, comprehensive one that will eliminate tariff and nontariff barriers to trade.

In fact, the agreement represents the best industrial and consumer goods market access package of any U.S. FTA with a developing nation. The agreement also levels the playing field for U.S. businesses, farmers, and workers vis-a-vis European competitors, who have for far too long enjoyed a competitive advantage over the United States suppliers of goods, services, and agricultural products. The agreement will also serve as a key building block toward the establishment of a broader Middle East free trade area.

Through this FTA, Morocco also sets an important example throughout the developing world of the benefits of trade liberalization and strategic importance of high-standard rules that should govern trade. In this respect, the FTA includes the best of intellectual property rights protections negotiated to date by the United States.

In addition, the Moroccan government has used the FTA negotiating process to strengthen its own laws, particularly with respect to the status of women and labor rights, two measures which distinguish Morocco from many of its Arab neighbors.

Finally, this FTA is historic. It is a historic milestone in the United States and Morocco bilateral relationship, which began well over 200 years ago, where Morocco was the first country to recognize the newly independent United States of America. Morocco today remains one of the United States' closest political allies in the war against terror and a steadfast friend in advancing peace in the Middle East.

And it is for these reasons I urge all of my colleagues to support the U.S.-Morocco Free Trade Agreement. This is a solid agreement that promotes our commercial interests and contains important provisions on agriculture, labor, and intellectual property.

Mr. CRANE. Mr. Speaker, let me first congratulate the former speaker for his presentation and what he had to say.

Mr. Speaker, I yield 3 minutes to the gentleman from Nebraska (Mr. BEREUTER).

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

Mr. BEREUTER. Mr. Speaker, I rise in strong support of this legislation. I thank the chairman for yielding me time.

There are a number of economic reasons why this FTA is very much in the national interest of the United States, but I want to focus a few comments on the diplomatic or foreign policy reasons. The FTA with Morocco is in our Nation's interest because it will begin to implement the President's vision for a U.S.-Middle East free trade area. I also believe it is important to support the economic reform that is going on in Morocco, a nation where Islam has deep roots and which occupies a leadership position in the Arab world.

As mentioned frequently here, American friendship in Morocco extends back to the beginning of our Republic. We have the longest-standing friendship treaty with that country of any in the world. The enactment of the FTA legislation with Morocco is a vitally important part of the process of boosting economic reform inside the Kingdom of Morocco. In addition, this FTA helps further link the Middle East into the global economic system and spur economic growth and investment. These closer commercial links with our key allies such as Morocco are critically important to the region of the world. And hear this: this legislation makes it less likely, less likely that jobs and businesses will move to Morocco, not more likely.

It is also vital to point out that Morocco has recently undertaken a diplomatic offensive designed to improve its relations with its neighbors to settle a 3-decade-old Saharan conflict. It is also stepping up its antiterrorism cooperation with the U.S. and with Algeria. And recently, it was designated as a major non-NATO ally. That should enable it to get the requisite assistance and cooperation to strengthen our regional and bilateral relationship.

Mr. Speaker, for economic or export reasons, there are three primary reasons why this is a good step for us. This FTA is in the best agriculture interest of the United States. Number two, the FTA will give us market access for businesses. And, three, it meets the labor and environmental standards set out in the Trade Promotion Act.

In the area of agriculture, it means, for example, that we are going to have an estimated triple increase in our exports to Morocco. In the area of industrial products, it is suggested that our greater market access will be very important. More than 95 percent of the bilateral trade industrial products will become duty-free immediately upon entry into force of this agreement. And in the third area, as I mentioned, it does meet the labor and environmental standards.

Moreover, Morocco recently passed a comprehensive new labor law that meets international labor organizational core labor standards, including right of workers to strike.

In conclusion, this is a very good step for the United States. It is very good for our bilateral relations, and I would say finally that the Mediterranean Group of the NATO Parliamentary Assembly, I happen to be the president, recently visited Morocco, and as a result of that visit, by unanimous action in the standing committee, we decided to upgrade Morocco from observer status to an associate member status because of the significant progress they are making in democracy in their parliament.

For all of these reasons, I urge strong support of the legislation.

Mr. BROWN of Ohio. Mr. Speaker, I yield 3½ minutes to the gentleman from Ohio (Mr. STRICKLAND).

Mr. STRICKLAND. Mr. Speaker, here we go again contemplating the passage of another free trade agreement before we have done the basic reforms that we need to do to protect the American company, the American workers, the American community.

The truth is we need a moratorium on any further trade agreements until we reach a political consensus in this country about what those agreements are going to be like.

For example, there is such inconsistency in the decisions we make in this body. Are people aware that we cannot go visit Cuba as free American citizens? And the administration has just recently decided that those who live in this country with relatives in Cuba can only go there every 10 years to visit their loved ones. Why? Well, because Cuba is a communist country. Fidel Castro is an authoritarian dictator. And, yet, we are encouraging free trade with China. We want our citizens to travel to China. We want our companies to invest in China.

The last time I knew or heard, China was a communist country, it was authoritarian, it was a country that routinely violates human rights, puts those of religious faith in prison. Why the inconsistency? Why the inconsistency?

Now, my friends talk about how we are going to sell all of the wheat, agricultural products to Morocco. Those who like these free trade agreements enjoy talking about all of the products we are going to export. They never talk about all the products that are being flooded, poured into this country. Every day that passes, this country has a $1.5 billion trade deficit, every day, $1.5 billion.

I have here a copy of the economic report of the President. He submitted this and transmitted it to Congress in February of this year. His signature is on this economic report. I think that makes him responsible for what is inside it.

On page 25 of that report under a section titled ''International Trade and Finance'' are these words: ''When a good or a service is produced at lower cost in another country, it makes sense to import it rather than to produce it domestically.''

I read it again for those who may have thought they were unable to believe their ears. In the President's economic report to the Nation are these words: ''When a good or a service is produced at lower cost in another country, it makes sense to import it rather than to produce it domestically.''

I ask Mr. Don Evans, Secretary of Commerce, reported to be one of the President's closest personal friends, if he would give me a list of the products that cannot be produced at lower cost in another country, a country like China where they use slave labor, where they violate human rights. We need to wake up in this country. The American people need to demand that the President and those of us who serve in this Chamber put their needs first.

Mr. CRANE. Mr. Speaker, I yield to the gentleman from Pennsylvania (Mr. PITTS) for the purpose of engaging in a colloquy.

Mr. PITTS. Mr. Speaker, I would like to thank the gentleman from California (Chairman THOMAS) as well for his leadership on the U.S.-Morocco Free Trade Agreement. I am a free trader and believe that free trade helps our Nation and the nations of the world. However, I am deeply concerned about the issue of Western Sahara, and I have had concerns that the U.S. needed to make clear that this free trade agreement covers only the internationally- and the U.S.-recognized borders of Morocco and does not include the disputed territory of Western Sahara. It is my understanding that the language in the conference report makes clear that the free trade agreement does not cover resources, goods, services, or any other entity related to trade that originates in Western Sahara.

I would ask the gentleman, does the U.S.-Morocco Free Trade Agreement cover trade with the disputed territory of Western Sahara?

□ 1700

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

Mr. PITTS. I yield to the gentleman from Illinois.

Mr. CRANE. The Committee on Ways and Means' report states the clear coverage of the free trade agreement. ''The committee notes that the FTA will cover trade with and investment in the territory of Morocco as recognized by the United States, which does not include the Western Sahara.''

Mr. PITTS. I thank the chairman for that clarification.

The following is a letter from USTR making clear that we do not support Morocco's claim over the Western Sahara and the FTA does not recognize or include the Western Sahara.

EXECUTIVE OFFICE OF THE PRESIDENT, THE UNITED STATES TRADE REPRESENTATIVE,

Washington, DC, July 20, 2004.

Hon. JOSEPH R. PITTS,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN PITTS: Thank you for your letter of July 19, 2004, concerning our Free Trade Agreement (FTA) with Morocco and the status of Western Sahara.

The Administration's position on Western Sahara is clear: sovereignty of Western Sahara is in dispute, and the United States fully supports the United Nations' effort to resolve this issue. The United States and many other countries do not recognize Moroccan sovereignty over Western Sahara and have consistently urged the parties to work with the United Nations to resolve the conflict by peaceful means.

The FTA will cover trade and investment in the territory of Morocco as recognized internationally, and will not include Western Sahara. As our Harmonized Tariff Schedule makes clear, for U.S. Customs purposes, the United States treats imports from Western Sahara and Morocco differently. Nothing in the FTA will require us to change this practice. The Administration will draft the proclamation authorized in the legislation implementing the FTA (H.R. 4842) to provide preferential tariff treatment for goods from the territory of Morocco. Preferential tariff treatment will not be provided to goods from Western Sahara.

I hope this letter addresses your question regarding the FTA and the status of Western Sahara. I encourage you to support the FTA. It will create economic opportunities for U.S. manufacturing and service firms, workers, and farmers, and will support economic reforms and foreign investment in Morocco.

Thank you again for your letter. Please feel free to contact me should you have further questions.

Sincerely,

ROBERT B. ZOELLICK.

Mr. CRANE. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. PITTS).

Mr. PITTS. Mr. Speaker, thank you for your leadership.

While trade is a vital component to strengthening with the greater Middle East, promoting the spread of democracy is even more so. The Sahrawi are a peaceful pro-Western, pro-democracy people. They want the international community, including the U.N. Security Council and the United States, to uphold its commitment to a free and transparent referendum for self-determination, and it is unacceptable that Morocco has been allowed to prevent that vote from taking place.

During his tenure the former Secretary of State Baker proposed a plan that both parties accepted at first, and the Moroccans accepted the plan, but as soon as the people of Western Sahara accepted they withdrew their support, and I am deeply concerned that the Moroccan government, as patterned, will use this agreement with help from friends in France and others to attempt to increase its exploitation of the resources.

I just want to clarify the statement about the people of Western Sahara. Earlier today someone said that the Sahrawis are terrorists. I take exception to this remark, as the people of Western Sahara, and like many others in North Africa and the Middle East, have actually tried to peacefully solve the conflict. The State Department does not consider the people of Western Sahara to be terrorists. It is a misstatement. It is wrong. It is unproductive in our fight against terrorism to suggest that they are, and our own State Department does not believe the people of Western Sahara are terrorists.

Secondly, I visited there. I visited the refugee camps. I know the people. They are not terrorists. Members of this House should go to the refugee camps. They should see the terrible malnutrition of the people, the lack of health care, the refugee camps. If they would visit the refugee camps they would know that the information fed to them by supporters is inaccurate.

Mr. Chairman, I am voting for the FTA because there is protection for the people and resources of Western Sahara and because I believe the free trade will help the people of Morocco and those of surrounding countries.

The following is a series of items that would make clear that this agreement should not be abused by Morocco to profit off of land that it has no legitimate claim to.

WESTERN SAHARA—ADVISORY OPINION OF 16 OCTOBER 1975

INTERNATIONAL COURT OF JUSTICE

In its Advisory Opinion which the General Assembly of the United Nations had requested on two questions concerning Western Sahara, the Court,

With regard to Question I, ''Was Western Sahara (Rio de Oro and Sakiet El Hamra) at the time of colonization by Spain a territory belonging to no one (terra nullius)?'',

—decided by 13 votes to 3 to comply with the request for an advisory opinion;

—was unanimously of opinion that Western Sahara (Rio de Oro and Sakiet El Hamra) at the time of colonization by Spain was not a territory belonging to no one (terra nullius).

With regard to Question II, ''What were the legal ties between this territory and the Kingdom of Morocco and the Mauritanian entity?'', the Court

—decided by 14 votes to 2 to comply with the request for an advisory opinion;

—was of opinion, by 14 votes to 2, that there were legal ties between this territory and the Kingdom of Morocco of the kinds indicated in the penultimate paragraph of the Advisory Opinion;

—was of opinion, by 15 votes to 1, that there were legal ties between this territory

and the Mauritanian entity of the kinds indicated in the penultimate paragraph of the Advisory Opinion.

The penultimate paragraph of the Advisory Opinion was to the effect that:

The materials and information presented to the Court show the existence, at the time of Spanish colonization, of legal ties of allegiance between the Sultan of Morocco and some of the tribes living in the territory of Western Sahara. They equally show the existence of rights, including some rights relating to the land, which constituted legal ties between the Mauritanian entity, as understood by the Court, and the territory of Western Sahara. On the other hand, the Court's conclusion is that the materials and information presented to it do not establish any tie of territorial sovereignty between the territory of Western Sahara and the Kingdom of Morocco or the Mauritanian entity. Thus the Court has not found legal ties of such a nature as might affect the application of General Assembly resolution 1514 (XV) in the decolonization of Western Sahara and, in particular, of the principle of self-determination through the free and genuine expression of the will of the peoples of the Territory.

For these proceedings the Court was composed as follows: President Lachs; Vice-President Ammoun; Judges Forster, Gros, Bengzon, Petrén, Onyeama, Dillard, Ignacio-Pinto, de Castro, Morozov, Jiménez de Aréchaga, Sir Humphrey Waldock, Nagendra Singh and Ruda; Judge ad hoc Boni.

Judges Gros, Ignacio-Pinto and Nagendra Singh appended declarations to the Advisory Opinion; Vice-President Ammoun and Judges Forster, Petrén, Dillard, de Castro and Boni appended separate opinions, and Judge Ruda a dissenting opinion.

In these declarations and opinions the judges concerned make clear and explain their positions.

Course of the Proceedings
(paras. 1–13 of Advisory Opinion)

The Court first recalls that the General Assembly of the United Nations decided to submit two questions for the Court's advisory opinion by resolution 3292 (XXIX) adopted on 13 December 1974 and received in the Registry on 21 December. It retraces the subsequent steps in the proceedings, including the transmission of a dossier of documents by the Secretary-General of the United Nations (Statute, Art. 65, para. 2) and the presentation of written statements or letters and/or oral statements by 14 States, including Algeria, Mauritania, Morocco, Spain and Zaire (Statute, Art. 66).

Mauritania and Morocco each asked to be authorized to choose a judge ad hoc to sit in the proceedings. By an Order of 22 May 1975 (1.C.J. Reports 1975, p. 6), the Court found that Morocco was entitled under Articles 31 and 68 of the Statute and Article 89 of the Rules of Court to choose a person to sit as judge ad hoc, but that, in the case of Mauritania, the conditions for the application of those Articles had not been satisfied. At the same time the Court stated that those conclusions in no way prejudged its views with regard to the questions referred to it or any other question which might fall to be decided, including those of its competence to give an advisory opinion and the propriety of exercising that competence.

Competence of the Court
(paras. 14–22 of Advisory Opinion)

Under Article 65, paragraph 1, of the Statute, the Court may give an advisory opinion on any legal question at the request of any duly authorized body. The Court notes that the General Assembly of the United Nations is suitably authorized by Article 96, paragraph 1, of the Charter and that the two questions submitted are framed in terms of law and raise problems of international law. They are in principle questions of a legal character, even if they also embody questions of fact, and even if they do not call upon the Court to pronounce on existing rights and obligations. The Court is accordingly competent to entertain the request.

Propriety of Giving an Advisory Opinion
(paras. 23–74 of Advisory Opinion)

Spain put forward objections which in its view would render the giving of an opinion incompatible with the Court's judicial character. It referred in the first place to the fact that it had not given its consent to the Court's adjudicating upon the questions submitted. It maintained (a) that the subject of the questions was substantially identical to that of a dispute concerning Western Sahara which Morocco, in September 1974, had invited it to submit jointly to the Court, a proposal which it had refused: the advisory jurisdiction was therefore being used to circumvent the principle that the Court has no jurisdiction to settle a dispute without the consent of the parties; (b) that the case involved a dispute concerning the attribution of territorial sovereignty over Western Sahara and that the consent of States was always necessary for the adjudication of such disputes; (c) that in the circumstances of the case the Court could not fulfill the requirements of good administration of justice with regard to the determination of the facts. The Court considers (a) that the General Assembly, while noting that a legal controversy over the status of Western Sahara had arisen during its discussions, did not have the object of bringing before the Court a dispute or legal controversy with a view to its subsequent peaceful settlement, but sought an advisory opinion which would be of assistance in the exercise of its functions concerning the decolonization of the territory, hence the legal position of Spain could not be compromised by the Court's answers to the questions submitted; (b) that those questions do not call upon the Court to adjudicate on existing territorial rights; (c) that it has been placed in possession of sufficient information and evidence.

Spain suggested in the second place that the questions submitted to the Court were academic and devoid of purpose or practical effect, in that the United Nations had already settled the method to be followed for the decolonization of Western Sahara, namely a consultation of the indigenous population by means of a referendum to be conducted by Spain under United Nations auspices. The Court examines the resolutions adopted by the General Assembly on the subject, from resolution 1514 (XV) of 14 December 1960, the Declaration on the Granting of Independence to Colonial Countries and Peoples, to resolution 3292 (XXIX) on Western Sahara, embodying the request for advisory opinion. It concludes that the decolonization process envisaged by the General Assembly is one which will respect the right of the population of Western Sahara to determine their future political status by their own freely expressed will. This right to self-determination, which is not affected by the request for advisory opinion and constitutes a basic assumption of the questions put to the Court, leaves the General Assembly a measure of discretion with respect to the forms and procedures by which it is to be realized. The Advisory Opinion will thus furnish the Assembly with elements of a legal character relevant to that further discussion of the problem to which resolution 3292 (XXIX) alludes.

Consequently the Court finds no compelling reason for refusing to give a reply to the two questions submitted to it in the request for advisory opinion.

Question I: ''Was Western Sahara (Rio de Oro and Sakiet El Hamra) at the Time of Colonization by Spain a Territory Belonging to No One (terra nullius)?''
(paras. 75–83 of Advisory Opinion)

For the purposes of the Advisory Opinion, the ''time of colonization by Spain'' may be considered as the period beginning in 1884, when Spain proclaimed its protectorate over the Rio de Oro. It is therefore by reference to the law in force at that period that the legal concept of terra nullius must be interpreted. In law, ''occupation'' was a means of peaceably acquiring sovereignty over territory otherwise than by cession or succession; it was a cardinal condition of a valid ''occupation'' that the territory should be terra nullius. According to the State practice of that period, territories inhabited by tribes or peoples having a social and political organization were not regarded as terrae nullius: in their case sovereignty was not generally considered as effected through occupation, but through agreements concluded with local rulers. The information furnished to the Court shows (a) that at the time of colonization Western Sahara was inhabited by peoples which, if nomadic, were socially and politically organized in tribes and under chiefs competent to represent them; (b) that Spain did not proceed upon the basis that it was establishing its sovereignty over terrae nullius: thus in his Order of 26 December 1884 the King of Spain proclaimed that he was taking the Rio de Oro under his protection on the basis of agreements entered into with the chiefs of local tribes.

The Court therefore gives a negative answer to Question I. In accordance with the terms of the request for advisory opinion, ''if the answer to the first question is in the negative'', the Court is to reply to Question II.

Question II: ''What Were the Legal Ties of This Territory with the Kingdom of Morocco and the Mauritanian Entity?''
(paras. 84–161 of Advisory Opinion)

The meaning of the words ''legal ties'' has to be sought in the object and purpose of resolution 3292 (XXIX) of the United Nations General Assembly. It appears to the Court that they must be understood as referring to such legal ties as may affect the policy to be followed in the decolonization of Western Sahara. The Court cannot accept the view that the ties in question could be limited to ties established directly with the territory and without reference to the people who may be found in it. At the time of its colonization the territory had a sparse population that for the most part consisted of nomadic tribes the members of which traversed the desert on more or less regular routes, sometimes reaching as far as southern Morocco or regions of present-day Mauritania Algeria or other States. These tribes were of the Islamic faith.

Morocco (paragraphs 90–129 of the Advisory Opinion) presented its claim to legal ties with Western Sahara as a claim to ties of sovereignty on the ground of an alleged immemorial possession of the territory and an uninterrupted exercise of authority. In the view of the Court, however, what must be of decisive importance in determining its answer to Question II must be evidence directly relating to effective display of authority in Western Sahara at the time of its colonization by Spain and in the period immediately preceding. Morocco requests that the Court should take account of the special structure of the Moroccan State. That State was founded on the common religious bond of Islam and on the allegiance of various tribes to the Sultan, through their caids or sheiks, rather than on the notion of territory. It consisted partly of what was called the Bled Makhzen, areas actually subject to the Sultan, and partly of what was called the Bled

Siba, areas in which the tribes were not submissive to him; at the relevant period, the areas immediately to the north of Western Sahara lay within the Bled Siba.

As evidence of its display of sovereignty in Western Sahara, Morocco invoked alleged acts of internal display of Moroccan authority, consisting principally of evidence said to show the allegiance of Saharan caids to the Sultan, including dahirs and other documents concerning the appointment of caids, the alleged imposition of Koranic and other taxes, and acts of military resistance to foreign penetration of the territory. Morocco also relied on certain international acts said to constitute recognition by other States of its sovereignty over the whole or part of Western Sahara, including (a) certain treaties concluded with Spain, the United States and Great Britain and Spain between 1767 and 1861, provisions of which dealt inter alia with the safety of persons shipwrecked on the coast of Wad Noun or its vicinity, (b) certain bilateral treaties of the late nineteenth and early twentieth centuries whereby Great Britain, Spain, France and Germany were said to have recognized that Moroccan sovereignty extended as far south as Cape Bojador or the boundary of the Rio de Oro.

Having considered this evidence and the observations of the other States which took part in the proceedings, the Court finds that neither the internal nor the international acts relied upon by Morocco indicate the existence at the relevant period of either the existence or the international recognition of legal ties of territorial sovereignty between Western Sahara and the Moroccan State. Even taking account of the specific structure of that State, they do not show that Morocco displayed any effective and exclusive State activity in Western Sahara. They do, however, provide indications that a legal tie of allegiance existed at the relevant period between the Sultan and some, but only some, of the nomadic peoples of the territory, through Tekna caids of the Noun region, and they show that the Sultan displayed, and was recognized by other States to possess, some authority or influence with respect to those tribes.

The term ''Mauritanian entity'' (paragraphs 139–152 of the Advisory Opinion) was first employed during the session of the General Assembly in 1974 at which resolution 3292 (XXIX), requesting an advisory opinion of the Court, was adopted. It denotes the cultural, geographical and social entity within which the Islamic Republic of Mauritania was to be created. According to Mauritania, that entity, at the relevant period, was the Bilad Shinguitti or Shinguitti country, a distinct human unit, characterized by a common language, way of life, religion and system of laws, featuring two types of political authority: emirates and tribal groups.

Expressly recognizing that these emirates and tribes did not constitute a State, Mauritania suggested that the concepts of ''nation'' and of ''people'' would be the most appropriate to explain the position of the Shinguitti people at the time of colonization. At that period, according to Mauritania, the Mauritanian entity extended from the Senegal river to the Wad Sakiet El Hamra. The territory at present under Spanish administration and the present territory of the Islamic Republic of Mauritania thus together constituted indissociable parts of a single entity and had legal ties with one another.

The information before the Court discloses that, while there existed among them many ties of a racial, linguistic, religious, cultural and economic nature, the emirates and many of the tribes in the entity were independent in relation to one another; they had no common institutions or organs. The Mauritanian entity therefore did not have the character of a personality or corporate entity distinct from the several emirates or tribes which comprised it. The Court concludes that at the time of colonization by Spain there did not exist between the territory of Western Sahara and the Mauritanian entity any tie of sovereignty, or of allegiance of tribes, or of simple inclusion in the same legal entity. Nevertheless, the General Assembly does not appear to have so framed Question II as to confine the question exclusively to those legal ties which imply territorial sovereignty, which would be to disregard the possible relevance of other legal ties to the decolonization process. The Court considers that, in the relevant period, the nomadic peoples of the Shinguitti country possessed rights, including some rights relating to the lands through which they migrated. These rights constituted legal ties between Western Sahara and the Mauritanian entity. They were ties which knew no frontier between the territories and were vital to the very maintenance of life in the region.

Morocco and Mauritania both laid stress on the overlapping character of the respective legal ties which they claimed Western Sahara to have had with them at the time of colonization (paragraphs 153–160 of the Advisory Opinion). Although their views appeared to have evolved considerably in that respect, the two States both stated at the end of the proceedings that there was a north appertaining to Morocco and a south appertaining to Mauritania without any geographical void in between, but with some overlapping as a result of the intersection of nomadic routes. The Court confines itself to noting that this geographical overlapping indicates the difficulty of disentangling the various relationships existing in the Western Sahara region at the time of colonization.

For these reasons, the Court (paragraphs 162 and 163 of the Advisory Opinion) gives the replies indicated on pages 1 and 2 above.

[From Reuters News Service, Jan. 13, 2004]

SARDINES AND SOVEREIGNTY IN WESTERN SAHARA

(By Eileen Byrne)

LAAYOUNE, WESTERN SAHARA.—On trawlers at the quayside near Laayoune, the main city in Moroccan-controlled Western Sahara, the crew unload sardines in wicker baskets thrown from hand to hand.

The traditional baskets are misleading, because the yield of sardines, octopus and squid from the Western Saharan ports of Laayoune, Boujdour and Dakhla has come to represent more than 60 percent of Morocco's total annual fisheries yield of almost one million tons. With sovereignty over the Western Sahara still in dispute, this is a politically significant catch.

The uncertainty about the future of this vast, mainly desert territory in the northwest corner of Africa puts a dampener, for now, on investment in tourism for winter sun-seekers, officials in Laayoune admit.

But against the backdrop of diplomatic stalemate, as the United Nations strives for a solution to the dispute between Morocco and the Polisario separatist movement, Morocco is keen to show that the regional economy is developing apace.

The fishing sector is one area where the authorities can point to significant growth, always under the firm guiding hand of the central government.

SOUTHERN-MOST SUBJECTS

Claiming Western Sahara as its historic ''southern provinces,'' Morocco controls most of the territory.

The Polisario movement, based across the border in Algeria, sees the future of the area as an independent state, governed by its Saharan Arab inhabitants, known as Sahrawis.

Since a 1991 cease-fire, successive U.N. initiatives aimed at ending a dispute which dates from 1975, and asserting the Sahrawis' right to ''self-determination,'' have failed.

Advocates of independence for Western Sahara stress the territory's mineral wealth, with the phosphate mine at Boukra near Laayoune, and possible offshore oil reserves.

But the Boukra mine is loss-making and subsidized by the Office Cherifien des Phosphates' more important phosphate production near Khouribga, according to officials. It is fishing that generates new jobs and export earnings. Western Sahara fish products now account for up to seven percent of Morocco's total export earnings of 85.6 billion dirhams ($9.80 billion).

Morocco declined to renew a fishing accord with the European Union which until the late 1990s had allowed foreign boats into Moroccan waters. It has instead spent heavily since then on port infrastructure in Western Sahara, as though consolidating its hold on the territory.

Like all other businesses in Western Sahara, the sardine canning businesses, and plants processing octopus for Japanese dinner tables, pay no taxes except for payroll contributions.

They also benefit from the subsidies in the prices of fuel, power and water with which Morocco woos its southern-most subjects, who account for less than two percent of the kingdom's 29.6 million population.

Local investors are often Sahrawi notables who see the territory's future with Rabat rather than the Polisario and who play a prominent role in the local economy. A little over a generation ago, the Sahrawis' lifestyle revolved around camel and goat rearing. Fish did not figure at all in the Sahrawi diet and even today few Sahrawis work directly with fish.

But among new investors, the favorable conditions for businesses can sometimes encourage over-hasty decisions.

OCTOPUS FOR THE JAPANESE

Lining the walls of the conference room in the Laayoune governor's headquarters, photos showed a visit to Western Sahara by Morocco's King Mohammed.

Some 40 men, and one woman wrapped in the colored veil worn in Western Sahara, listened to Morocco's Fisheries Minister Taieb Rhafes. He had flown down from Rabat to explain why he was extending a ban on octopus fishing.

With him were representatives of Moroccan banks whose loans to local investors had encouraged a proliferation of octopus-freezing plants around Dakhla, from a handful in 1997 to 90 in 2003. The octopuses have been almost wiped out by over-fishing, the minister explained. It takes only three months to have an octopus-freezing plant up and running, said an official.

At Laayoune port, the fishermen are not Sahrawis, but come from Moroccan ports further north—Agadir, Essaouira and Safi. A spontaneous movement of sardines southwards, traced by Morocco's fisheries research institute, the INRH, coincided with the development of infrastructure in the Western Sahara. The fishermen followed the fish southwards, bringing their expertise with them.

Moroccan officials have no separate figures for employment among Sahrawis and non-Sahrawis. ''There are no two communities here,'' only Moroccan citizens, Laayoune Governor Mohamed Rharrabi told Reuters.

With the sea-faring culture far-removed from the traditional Sahrawi lifestyle, it seems fishing will provide only some of the jobs needed in the Laayoune region, where unemployment at the last census was 40 percent among 20 to 24 year-olds.

DENMARK DOES NOT RECOGNISE MOROCCAN SOVEREIGNTY ON WESTERN SAHARA

[From Sahara Press Service (SPS), June 22, 2004]

COPENHAGEN—Danish Government, does not ''recognise Moroccan sovereignty on Western Sahara'', declared Danish Minister for Foreign Affairs, Mr. Per Stig Møller, in response to a question he answered before of his Parliament, according to close sources to the Saharawi representation to Denmark.

Answering a question asked by Danish Member of the Parliamentary group Enhedslisten (Union list, in English), Mr. Soern Soendergaard, the Minister for Foreign Affairs asserted that his Government ''does not recognise Moroccan sovereignty on Western Sahara'', considering Moroccan presence on the territory as illegal and unacceptable.

Regarding the peace plan, elaborated by UN Secretary General's former Personal Envoy, James Baker, Mr. Møller affirmed that this plan remains applicable, recalling that it ''is accepted by Polisario Front and the neighbouring countries and is unanimously adopted by Security Council in its resolution 1495''.

Finally, the Head of Danish diplomacy reiterated ''the support of Denmark of the efforts paid by UN's Secretary General and his former Personal Envoy aimed at reaching a just and lasting solution to the conflict'', in Western Sahara conforming to international legality and by implementing UN's resolutions.

[From Sahara Press Service (SPS), June 24, 2004]

GERMAN PDC/CSU CALLS TO IMMEDIATE SETTLEMENT OF WESTERN SAHARA CONFLICT

BERLIN.—The parliamentary group of German Christian Democrat Party (PDC/CSU) in Bundestag (Parliament), called on Thursday to an immediate settlement of Western Sahara's conflict, exhorting international community to pay more efforts in defending Saharawi people's ''right to self-determination''.

In a communiqué publicised on Thursday, of which SPS received a copy, PDC/CSU parliamentary Group's spokesperson, Dr. Christian Ruck, asserted that ''Western Sahara conflict's settlement tolerates no more delays'', calling international community to pay more efforts in defending Saharawi people's ''right to self-determination''.

UN Secretary General's former Personal Envoy, James Baker's resignation ''may push to failure'' the peace plan for self-determination of Saharawi people, though this plan constitutes ''a reasonable compromise to realise peace in this region'', deplored the spokesperson.

Thus, the international community is called to ''prove to the people of this region, who is still suffering this old aging conflict, that its right to self-determination remains a priority for the international community'', which should also defend UN's principles and international law, so as to reach a peaceful settlement to this problem, concluded the communiqué.

[From Upstream Online & Hardcopy, July 2, 2004]

SVITZER FEELS HEAT IN WESTERN SAHARA

(By Barry Morgan)

Fugro affiliate Svitzer has just completed a marine survey on Kerr-McGee's Boujdour acreage off the disputed territory of Western Sahara.

Based in Norfolk in the UK, Svitzer is the latest company to attract brickbats from activists determined to persuade industry players not to sign deals with Morocco, which occupies the territory and claims its resources.

Following a one-year extension, KMG's reconnaissance permit will expire on 29 October. However, its tenure is contested by the Sahrawi independence militia, which has long fought for sovereign control, stirring international controversy over the licencing regime imposed by Rabat.

Fellow UK consultancy Robertson Research International (RRI) is also poised to complete survey work in Western Sahara, despite question marks over the legitimacy of UK corporate involvement in what the UK government calls a ''non-self governing territory'' where it says sovereignty remains to be determined under UN auspices. For its part, RRI said it is not directly contracted to Rabat.

Confirmation of RRI's involvement comes hard on the heels of a campaign launched by Western Sahara support groups across Europe against exploration and production companies doing business at the behest of Rabat.

Kerr-McGee, Total and TGS-Nopec were blasted for jumping the gun on a fragile peace process in which the UN has sought diplomatic consensus ahead of a referendum on self-determination for the Sahrawi people.

Activists' primary target of late has been UK-registered Wessex Exploration, which was recently invited to Rabat to finalise a preliminary but open-ended deal to analyse onshore data ahead of an exploration push outlined by Moroccan state oil company managing director Amina Benkhadra.

Wessex has been warned that ''its reputation would suffer'' if it did not back off or negotiate with the Sahrawi authorities.

In the meantime, several UK parliamentarians have moved to seek clarification of the UK government's position on British companies doing business in Western Sahara. Concerned MPs led by the Labour Party's David Drew, want to pin down Whitehall on its attitude.

Drew will shortly table a parliamentary question seeking greater clarity. Drew now speaks for the Western Sahara Support Group and two Conservative MPs are expected to join existing members before they resurface as a parliamentary force.

The UK Foreign Office insists sovereignty in Western Sahara remains undetermined as long as UN calls to resolve the crisis via the so-called Baker Peace Plan remain unheeded. ''We want to push the UK to promote the Plan so that Morocco withdraws. It should also tell British companies that they should not get involved in Western Sahara at this time while the UN mandate remains unimplemented,'' said Drew.

The Foreign Office currently has no problem with companies winning reconnaissance or E&P licences from Rabat, so long as the practical effect complies with constraints laid down by the UN Legal Office on ''disregarding the rights'' of the Sahrawi people.

This means Kerr-McGee and Total can use TGS-Nopec and Fugro to shoot seismic as long as rigs are not deployed to confirm or produce oil finds.

Meanwhile, the acquisition of strategically important seismic data for Rabat as the licensor remains legal under the ''look but don't touch'' interpretation of both UK and US governments. However, a UK official said that ''we'd have to revisit this opinion if activity got this far. There is no official endorsement''.

''Right now, our view is that UK companies going into Western Sahara are on their own and we cannot link them to the Department of Trade & Industry or offer the support of any other government mechanisms,'' the source added.

Two UK-registered companies presently stand on both sides of the fence. Sterling Resources has inherited an exclusive offshore PSC from AIM-listed Fusion Oil & Gas following a recent take-over, while Wessex is under increasing pressure after retaining its exclusive study licence from Rabat.

After expending $600 million on peacekeeping efforts, the UN system is tiring of the Western Sahara crisis, with UN Special Envoy James Baker resigning in frustration last month.

The UN's new representative, Alvaro de Soto, said this week that he would pursue the same policy as Baker, suggesting no new ideas to break the deadlock were on the table.

[From afrol News, July 12, 2004]

NORWEGIAN INDUSTRY TO EXPLOIT SAHRAWI FISH RESOURCES

Norwegian officials are in the process of promoting Norwegian investments in the booming fisheries industry in Moroccan-occupied Western Sahara, despite protests by Sahrawi officials. The fisheries industry is the dominant economic sector in the territory, promoting new Moroccan settlements here. Norwegian capital and knowledge is to help this development.

According to information made available to afrol News, the Norwegian Ambassador in Morocco, Arne Aasheim last week was on a three-day visit to El Aaiun, the capital of the Western Sahara territory. Here, he had meetings with the Moroccan authorities governing the occupied territory and representatives of the fisheries sector.

Sources wanting to remain anonymous told afrol News that the primary focus in these meetings was on how Norwegian companies could strengthen their foothold in the booming Moroccan fisheries industry, which mainly is based in the occupied territory. Morocco has been singled out as a golden opportunity for Norway's many companies operating in the fisheries sector.

Norway is one of Europe's leading fisheries nations, also regarding the larger definition of the industry, including the construction of fisheries vessels, fishing technology and fish processing and distribution technology.

Morocco, on the other hand, during the last years has singled out the fisheries industry as one of its most promising sectors for economic development. After refusing to renew a fisheries agreement with the European Union in 1999, Moroccan authorities are now promoting the establishment of a large national fleet of fishing vessels, fish processing plants and an export infrastructure. Since 2001, approximately euro 150 million have been invested into the sector annually.

The controversial bit of Morocco's booming fisheries industry is that it is mostly based on the rich fisheries resources off the cost of occupied Western Sahara. According to international law, an occupying state is obliged to manage the renewable resources of the territory it occupies. However, revenues from these resources are to be channelled into the development of the people of the territory.

In the case of Western Sahara, the revenues of the exploitation of the territory's resources however do not go to the internationally recognised representatives of the Sahrawis—the exiled Polisario government—but instead to the strengthening of Morocco's occupation of the territory. Almost the entire work force of the fisheries sector in Western Sahara is of Moroccan origin and the sector's growth is promoting more Moroccan settlements in the occupied territory.

While the Norwegian government generally has defended the case of the Sahrawis in their conflict with Morocco, this has not been the case in the important fisheries sector. Mr Aasheim's predecessor at Norway's

Rabat Embassy, Ole Kristian Holthe, since 2000 has been an active and passionate promoter of Norwegian investments in Morocco's booming fisheries sector, non-regarding the location of these investments.

In February 2002, Ambassador Holthe met with the society for Norwegian Maritime Exporters (NME) in Haugesund, informing about that access to ''the Moroccan market is something that is happening now.'' He especially emphasised on the large number of fishing vessels that Moroccan authorities were ordering in an international tender.

Explaining that Morocco is ''the most stable Arab country oriented towards the West,'' Mr Holthe added that the problems surrounding Western Sahara should not endanger Norwegian investments. ''Norwegian authorities may consider that [official] Norwegian trade promotion devices should not be involved in investments [in Western Sahara], but my opinion is that, as long as one enters as a partner in the fisheries industry—and looks at this geographically—then it should be safe.''

According to research done by the Norway-based international fisheries media 'IntraFish', Norwegian authorities already in 2002 were financially aiding exporters to get a foothold in Morocco; including the occupied territories. This included aid by the Norwegian government's agency guaranteeing export financing and the Scandinavian Investment Bank. At least kroner 30 million (euro 4 million) were available to finance Norwegian exports to Morocco's fisheries sector.

These government efforts have already produced several Norwegian investments in Western Sahara. In October 2002, the Norwegian company Finsam announced it was constructing an ice producing plant in ''Laayoune, Morocco''—which translates into El Aaiun in Western Sahara. This ice plant is mainly producing ice for fish landed in El Aaiun.

Other Norwegian investments in the occupied territory's fishery sector include the company Selfa Arctic, which is ''constructing modern coastal fisheries in Morocco;'' Simrad, which delivers marine electronics to Morocco, including to its ''Moroccan retailer in Laayoune;'' Astia Holdings, which exports fishing vessels and equipment to Morocco; and Furuno, which sells electronic navigation equipment in Morocco.

Ambassador Holthe's indiscrete promotion of Norwegian export opportunities in Western Sahara however became too much for Norwegian authorities. Already in November 2002, Foreign Minister Jan Petersen instructed his Rabat Ambassador to write an official letter to companies investing in Western Sahara and inform them about the political risk and ethical problems.

According to information given to afrol News, however, Ambassador Holthe smoothened the wording in the letter he sent out to Norwegian companies, saying that the Embassy could see no limits in international law regarding investments in Western Sahara. In 2003, Mr Holthe was replaced and sent to the Norwegian Embassy in Iran for reasons unknown to afrol News.

Since that, Ambassador Aasheim has inherited the complex question of Norwegian investments in Western Sahara. As far as afrol News has been able to establish, the Norwegian Embassy in Rabat has not lowered its profile regarding this promotion since Mr Aasheim's appointment. Last week's official promotion trip by the Ambassador to El Aaiun is probably the first ever investment promotion trip to the occupied territories by any Norwegian government official.

It therefore came as a shock to the Polisario exile government. Mouloud Said, the Polisario Representative in Washington told afrol News today that his government considers ''any transaction between the occupying power with any other entity or government as completely illegal at the eyes of international law, and we do condemn any attempt to strengthen the Moroccan occupation.''

We are disappointed because traditionally, the Norwegians government has been in support of the peoples' right to self-determination all over Africa and in particular in Western Sahara, added Mr Said. ''This is uncharacteristic coming from the representative from a government known for its defence of human rights and the right of self-determination.''

Mr Said further said that the Polisario considered a UN legal opinion issued in 2001, regarding oil exploration in Western Sahara to be of relevance in this case. The legal opinion concluded that Morocco had no right to act on behalf of Western Sahara and market its resources, according to Mr Said.

Unfortunately, afrol News was not able to gather reactions from Norwegian authorities. The Norwegian Embassy in Rabat did not answer phone calls from afrol News neither on Friday nor today, while spokesperson Cathrine Andersen at the Norwegian Ministry of Foreign Affairs refused to supply afrol News with a direct phone number to Ambassador Aasheim, claiming the Ministry had ''no other information'' on how to get in contact with its Rabat Embassy.

FRAMEWORK AGREEMENT ON THE STATUS OF WESTERN SAHARA (BAKER PLAN I)

ANNEX I OF SG REPORT S/2001/613 OF 20 JUN 01

The authority in Western Sahara shall be as follows:

1. The population of Western Sahara, through their executive, legislative and judicial bodies shall have exclusive competence over local governmental administration, territorial budget and taxation, law enforcement, internal security, social welfare, culture, education, commerce, transportation, agriculture, mining, fisheries and industry, environmental policy, housing and urban development, water and electricity, roads and other basic infrastructure.

2. The Kingdom of Morocco will have exclusive competence over foreign relations (including international agreements and conventions) national security and external defence (including determination of borders, maritime, aerial or terrestrial and their protection by all appropriate means) all matters relating to the production, sale, ownership or use of weapons or explosives and the preservation of the territorial integrity against secessionist attempts whether from within or without the territory. In addition, the flag, currency, customs, postal and telecommunication systems of the Kingdom shall be the same for Western Sahara. With respect to all functions described in this paragraph (2) the Kingdom may appoint representatives to serve it in Western Sahara.

3. In Western Sahara the executive authority shall be vested in an Executive, who shall be elected by a vote of those individuals who have been identified as qualified to vote by the Identification Commission of the United Nations Mission for the Referendum in Western Sahara, and whose names are on the United Nations provisional voter lists (completed as of 30 December 1999) without giving effect to any appeals or other objections. To qualify as a candidate for Executive, one must be an individual who has been identified as qualified to vote as aforesaid and whose name is on said provisional voter lists. The Executive shall be elected for a term of four years. Thereafter, the Executive shall be elected by majority vote of the Assembly. The Executive shall appoint administrators in charge of executive departments for terms of four years. The legislative authority shall be vested in an Assembly, the members of which shall be directly elected by voters for terms of four years. The judicial authority shall be vested in such courts as may be necessary, the judges of which shall be selected from the National Institute for Judicial Studies but shall be from Western Sahara. Such courts shall be the authority on territorial law. To be qualified to vote for members of the Assembly, a person must be 18 years or older and either (i) a continuous resident of the territory since 31 October 1998, or (ii) a person listed on the repatriation list as of 31 October 2000.

4. All laws passed by the Assembly and all decisions of the courts referred to in paragraph 3 above must respect and comply with the constitution of the Kingdom of Morocco, particularly with respect to the protection of public liberties. All elections or referenda referred to in this agreement shall be conducted with all appropriate guarantees and in keeping with the Code of Conduct agreed to by the parties in 1997, except where to do so would be inconsistent with the terms hereof.

5. Neither the Kingdom nor the executive, legislative, or judicial bodies of the Authority of Western Sahara referred to above may unilaterally change or abolish the status of Western Sahara. Any changes or modifications of this agreement has to be approved by the Executive and the Assembly of Western Sahara. The status of Western Sahara will be submitted to a referendum of qualified voters on such date as the parties hereto shall agree, within the five year period following the initial actions to implement this agreement. To be qualified to vote in such a referendum a voter must have been a full time resident of Western Sahara for the preceding one year.

6. The Secretary-General of the United Nations will offer his mediation and good offices to assist the two parties hereto in the implementation or interpretation of this agreement.

7. The parties agree to implement this agreement promptly and request the assistance of the United Nations to this end.

[From the Christian Science Monitor, Mar. 26, 2004]

SAHARA REFUGEES FORM A PROGRESSIVE SOCIETY

LITERACY AND DEMOCRACY ARE THRIVING IN AN UNLIKELY PLACE

(By John Thorne)

TINDOUF, ALGERIA.—A dozen women recline on the steps of the main girls' school in the Saharawi refugee camps, their pastel robes like blots of water-color on the whitewashed cement. When the door opens and the headmistress emerges, the women suddenly leap up and crowd around her, clamoring. They are mothers seeking places for their daughters in the already-crowded school.

The Saharawi women are among the most liberated of the Muslim world, and their status is characteristic of the well-organized, egalitarian society that has developed in the refugee camps over the past three decades. For all their bleakness, the Saharawi camps boast a representative government, a 95 percent literacy rate, and a constitution that enshrines religious tolerance and gender equality.

The Saharawis are the Arab nomads of Western Sahara, bound together by their Yemeni ancestry and their dialect, Hassaniya, which remains close to classical Arabic. For centuries, they roamed the territory with their camels and goats, sometimes trading with Spanish colonizers, and became known as ''blue men'' for the indigo robes they wear.

When Spain abandoned Western Sahara in 1975, Morocco invaded and drove the Saharawis into neighboring Algeria. Trading their camels for Land Rovers, they fought a guerrilla war under the leadership of the Polisario Front, an independence movement, until the UN brokered a ceasefire in 1991. Since then, the promised vote on independence has been stalled by disagreement over who should be allowed to participate.

EQUALITY

Meanwhile the Saharawi refugees, numbering some 160,000, have clung on in camps amid the flat, stony wastes near the town of Tindouf, in southwest Algeria. Subsisting on foreign aid—chiefly rice, bread, and a few root vegetables—most suffer from chronic malnutrition. Their settlements consist almost wholly of adobe huts and dusty canvas tents, appearing from afar as brown smudges on the slightly lighter brown desert.

''Women built these camps,'' says Menana Mohammed, deputy secretary-general of the Union of Saharawi Women. When the Saharawis arrived at Tindouf, most of the men had stayed behind as soldiers. ''You'll still find women doing all kinds of work, including leading,'' Ms. Mohammed adds.

While most of the top brass are men, the minister of culture is a woman. Women hold one fourth of the seats in the Saharawi parliament, and they make up most of the civil service, including teachers, nurses, and doctors.

''These days our chief concern is education,'' says Mohammed. All young Saharawis learn Spanish as well as Arabic, and some attend universities in Spain, Cuba, and Algeria through the sponsorship of those countries' governments.

''In the camps, we had to be both sexes, because the men were all away fighting,'' says Mohammed. There is an old Saharawi saying, she says, that rings especially true today: ''A tent is raised on two poles: a man and a woman.'' The Saharawis' traditionally tough, wandering lifestyle has always made them regard husband and wife as equal leaders of the household.

INDIVIDUALISM

It has also begotten an individualistic approach to Islam. While most Muslims tend to stress the importance of the Islamic community, ''the Saharawis believe that religion is a very personal issue,'' says Mouloud Said, the Polisario's representative in the United States. ''It's a personal relationship between the human being and his Creator. This is the mentality of the nomadic society.''

Mosques are conspicuously absent from the camps, in large part because the Saharawis ''don't believe that to speak to God, you need a fancy place,'' explains Mr. Said.

Saharawis seldom pray in groups save on important Muslim holidays, and view even these ceremonies as purely optional. For some, this is a welcome escape-hatch from the religion's bloodier rituals.

''Each person has his own Islam,'' says Zorgan Laroussi, a translator in the camps who chose not to attend the mass slaughter of camels for the feast of al-Eid al-Fitr, which marks the end of Ramadan. His brother-in-law Salek did go, and relishes explaining the ritual's finer points while the two men and their families share a dish of grilled hindquarters.

Saharawis are equally welcoming of other religions. ''There is an almost continuous presence of church groups from all over the world—in particular the U.S.—in the camps,'' says Said. ''Every year for the last four years, there has been a joint prayer at Easter.''

''Tolerance is not something new, but it's something [Saharawi leaders] encourage,'' he says. ''In a tolerant society, the center prevails, not the extremes. That means respect for others, whether for the faith or their ideas.''

This credo finds ample use in the Saharawis' recent conversion to a united democratic government. Following their flight from Western Sahara, they quickly saw that overcoming the desert and the Moroccan Army meant forsaking old tribal loyalties. ''What's most important is that we Saharawis hang together, so we highlight stories that promote unity among us,'' says Minister of Culture Miriam Salek, who works with the Ministry of Education and the Saharawi Youth Organization to keep alive Saharawi folklore and history.

DEMOCRACY

In 1976, the Polisario proclaimed, and more or less became, the Saharawi Arab Democratic Republic. Although a government-in-exile, it is recognized by 75 countries, and the UN formally considers Western Sahara an occupied territory.

Tier upon tier of elected officials make up the camp government, from the national parliament down to neighborhood councils. Saharawis are avid voters, and many participate in local civil service—even if it's merely taking a twice-weekly shift on the trash detail, or helping dole out rations.

This could be the blueprint for an independent Western Sahara, and there is a general sense of pride and excitement among the Saharawis for their new society. ''This has worked so far, what we have here,'' says one young daira (district) councilman, ''and it should still work in Western Sahara. We built this on the hope of the people, and I don't think they'll want to change.''

But as the years drag on, many fear they will never have the chance to find out. Their smoothly running camps and refusal to resort to terrorism keep them out of the public consciousness, relieving pressure on the UN to push for a quick settlement to the 29-year-old conflict. ''We have been landless for so long,'' laments Tellib Helli Embarik, an old tribal leader. ''I don't know if the UN is just waiting for us to disappear or what!''

[From the Hill, July 13, 2004]

DESERTING THE BAKER PLAN

(By David Keene)

President Bush likes to talk about nurturing democracy within the Muslim world, but he's doing little for the pro-Western Muslims of the Western Sahara whose future rests in his hands.

If you don't know much about the plight of these people, you aren't alone. They have been languishing in refugee camps in western Algeria for nearly 30 years and will remain there until the United States stops playing chief enabler to Moroccan government that invaded and seized their country when it was freed from colonial rule by Spain in the '70s. I've visited the camps, and to suggest that the people who inhabit them live under harsh conditions is to speak euphemistically.

The Western Saharan or Saharawi peoples tried to resist the Moroccans, but hundreds of thousands of them were forced to flee to Algeria before a U.S.-equipped Moroccan army determined to seize their land. Today more than 300,000 of them survive as best they can, unable to see their relatives or visit their homeland.

Realizing they didn't have the capability to defeat Morocco on the battlefield, the Saharawi faced a choice. They could fall on the asymmetric warfare of the terrorist, surrender or turn to the international community. They perhaps rather naively chose the latter course and went to the United Nations and the World Court seeking justice.

Meanwhile, they've built a functioning democracy that guarantees equal rights to men and women alike, educated their children and let it be known that all they want to do is live in peace with those around them. Their congressional friends in the United States include people such as Sens. Jim Inhofe (R-Okla.) and Edward Kennedy (D-Mass.) and Reps Joe Pitts (R-Pa.), Mark Green (R-Wis.) and Donald Payne (D-N.J.), but so far few of their colleagues and virtually no one in the Bush administration or the media seem to share their concerns.

This is in spite of the fact that virtually everyone agrees the Saharawi are right. The International Court of Justice in 1975 ruled Morocco had no right to the land seized, but the king of Morocco ignored the ruling and the United Nations sought a referendum in which the people of the region could vote on whether they wanted to be ruled by their colonial masters or by leaders of their own choosing.

Meanwhile, the United States stood by silent as our Moroccan ally consolidated control over the region to become the last colonial power on the African continent.

Publicly, of course, the Moroccans declared that they too believed in self-determination, but marched hundreds of thousands of Moroccans into the region and declared that if there was to be a vote, these folks should be allowed to vote too. The Saharawi and the United Nations balked at this baldfaced attempt to stuff the ballot boxes, but finally appointed former U.S. Secretary of State James Baker as a special envoy to work something out. Baker eventually came up with a ''compromise'' plan that would grant the vote to enough Moroccans to give them a majority if they stuck together and suggested a period of autonomy within Morocco followed by a vote to decide whether the region would go its own way.

To everyone's surprise, the Sahrawi accepted the ''Baker Plan.'' They know they can't survive in the camps forever and suspect that more than a few of the Moroccans who will vote might welcome the chance to escape the tender mercies of their king. The Moroccans immediately rejected the plan announcing that they will never accept any scheme that includes the possible loss of the territory they have grabbed.

The United Nations doesn't know what to do, and Baker has thrown up his arms and resigned. The king's only real ally in the United Nations is France, but it's our silent acceptance of whatever he wants do to that has allowed him to thumb his nose at the world. Everyone knows that as long as King Mohammed VI can keep the United States in line, he will remain intransigent.

During the king's visit to Washington last week, President Bush supposedly brought up the Baker Plan, but one wonders if he pressed very hard. He has, after all, said nothing about the Saharawi in public and done everything from declaring Morocco a ''major non-NATO ally'' to leading the charge for a U.S.-Moroccan Free Trade Agreement to give the King the impression that we aren't about to do anything at all about the way he acts in his own neighborhood.

Meanwhile, the Saharawi hang on, praying for the day when an American president who talks about democracy and justice will come to their aid.

[From the Washington Times, July 9, 2004]

BEYOND DIPLOMATIC NICETIES

(By Joseph Pitts and Donald Payne)

This week, His Majesty, King Mohammed of Morocco is in Washington to tout the newly signed US.-Morocco Free Trade Agreement and to bask in his nation's newly christened status as a ''major non-NATO ally''.

While we do not oppose free trade or establishing stronger allies, we would do well to

look past the diplomatic niceties that surround such trips. His Majesty's country illegally occupies a swath of land in West Africa known as Western Sahara. His government has promised the people of Western Sahara, the Sahrawi, a vote to determine their own future. More than a decade later, that vote has yet to occur.

Powerful friends in Europe and here in Washington have helped His Majesty's government postpone this vote and consolidate control over the country The Moroccan government says its colonial rule over Western Sahara ensures its ''territorial integrity'' and preserves stability in the region. But this idea is simply divorced from reality on the ground.

During trips to the country, we have learned the Sahrawis are peaceful, pro-Western and pro-democracy. In short, despite living under an illegitimate colonial power, they have established a deep-rooted culture of democracy, capable of supporting a viable state. They have their own elected leaders, many of them women. They have provided education and equal rights to all their citizens—men and women.

The only stability a sovereign, democratic Western Sahara disrupts is a status quo defined by tyranny. The King will deny this. Official Washington will ignore it. But it is the truth.

From 1884 until 1975, Western Sahara was a Spanish colony. Upon Spain's withdrawal, Morocco invaded. The Sahrawis have fought a lonely battle for liberation ever since, many suffering in the refugee camps that dot Algerian sand dunes. The U.N. International Court of Justice ruled Morocco's claim to Western Sahara was illegitimate. Morocco ignored the ruling.

In 1991, Morocco accepted the U.N.-brokered cease-fire promising the Sahrawis a referendum for national self-determination. Moroccan officials moved tens of thousands of their own citizens to Western Sahara, attempting to stack the vote in its favor. In 1997, the United Nations asked former U.S. Secretary of State James Baker to help implement the referendum. Morocco continued to balk.

The U.N.'s voter identification commission, using agreed-upon criteria, set out to identify the eligible voters. After years of interviews with each, the U.N. in January 2000 published the provisional list of voters, rejecting the majority of Moroccan applicants. Morocco—fearing it would lose the upper hand—reneged on its commitment to the referendum.

To break the impasse, Mr. Baker submitted a compromise plan to the Security Council in July 2003. The plan included a referendum for the Sahrawis and gave Moroccans who settled in Western Sahara through 1999 the right to vote, making them the majority of the electorate. Convinced a peaceful solution was possible, the leading Sahrawi political group—the POLISARIO Front—reluctantly accepted the terms of Mr. Baker's plan. Its gesture was never reciprocated. Morocco, supported by France, rejected the Baker Plan from the outset.

As this battle rages, Sahrawis suffer. The Moroccan government continues to imprison Sahrawi activists, exploit the natural resources of Western Sahara, and prohibit foreign journalists from transmitting the truth to the outside world, as evidenced by the recent expulsion of several Danish reporters.

The U.N. has spent more than $600 million to maintain this dreadful status quo. Successive U.S. administrations, Republican and Democrat, have walked a fine line on this issue. Morocco is a longstanding ally. However, alliance with powerful nations should not provide the cover to ignore international commitments and deny the basic human right of self-determination to a peaceful, democratic people.

When the president meets with King Mohammed this week, he should not ignore His Majesty's opposition to democracy in the Western Sahara. The spread of freedom is central to our mission as a nation. This is ever more important as the administration works to spread democracy in Islamic nations.

Unlike many others in the Middle East and North Africa, the Sahrawis have chosen a peaceful path to democracy. We owe the democratic people of Western Sahara no less than the support we have given others in their fight for independence—the right to have a say in their own future.

When Congress considers the US.-Morocco free trade agreement, it should seriously consider how it will aid His Majesty's attempt to exploit an area to which he has no legitimate claim. Ignoring Western Sahara will put a vote for Sahrawis further out of reach.

The time has come to abandon empty promises and hollow rhetoric in favor of a free, fair, and transparent referendum for the Sahrawis. This is the only way to build a peaceful, democratic future for Western Sahara and the entire region.

LETTER DATED 29 JANUARY 2002 FROM THE UNDER-SECRETARY-GENERAL FOR LEGAL AFFAIRS, THE LEGAL COUNSEL, ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

1. In a letter addressed to me on 13 November 2001, the President of the Security Council requested, on behalf of the members of the Security Council, my opinion on ''the legality in the context of international law, including relevant resolutions of the Security Council and the General Assembly of the United Nations, and agreements concerning Western Sahara of actions allegedly taken by the Moroccan authorities consisting in the offering and signing of contracts with foreign companies for the exploration of mineral resources in Western Sahara''.

2. At my request, the Government of Morocco provided information with respect to two contracts, concluded in October 2001, for oil-reconnaissance and evaluation activities in areas off-shore Western Sahara, one between the Moroccan ''Office National de Recherches et d'Exploitations Petrolieres'' (ONAREP) and the United States oil-company Kerr Mc-Gee du Maroc Ltd., and the other between ONAREP and the French oil company TotalFinaElf E&P Maroc. Concluded for an initial period of 12 months, both contracts contain standard options for the relinquishment of the rights under the contract or its continuation, including an option for future oil contracts in the respective areas or parts thereof.

3. The question of the legality of the contracts concluded by Morocco off-shore Western Sahara requires an analysis of the status of the territory of Western Sahara, and the status of Morocco in relation to the Territory. As will be seen, it also requires an analysis of the principles of international law governing mineral resource activities in Non-Self-Governing Territories.

4. The law applicable to the determination of these questions is contained in the United Nations Charter, in General Assembly resolutions, pertaining to decolonization, in general, and economic activities in Non-Self-Governing Territories, in particular, and in agreements concerning the status of Western Sahara. The analysis of the applicable law must also reflect the changes and developments which have occurred as international law has been progressively codified and developed, as well as the jurisprudence of the International Court of Justice and the practice of States in matters of natural resource activities in Non-Self-Governing Territories.

A. THE STATUS OF WESTERN SAHARA UNDER MOROCCAN ADMINISTRATION

5. A Spanish protectorate since 1884, Spanish Sahara was included in 1963 in the list of NonSelf-Governing Territories under Chapter XI of the Charter (A/5514, Annex III). Beginning in 1962, Spain as administering Power transmitted technical and statistical information on the territory under Article 73 (e) of the Charter of the United Nations. This information was examined by the Special Committee with Regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (''Special Committee''). In a series of General Assembly resolutions on the Question of Spanish/Western Sahara, the applicability to the territory of the Declaration on the Granting of Independence to Colonial Countries and Peoples (General Assembly resolution 1514 (XV), was reaffirmed.

6. On 14 November 1975, a Declaration of Principles on Western Sahara was concluded in Madrid between Spain, Morocco and Mauritania (the Madrid Agreement), whereby the powers and responsibilities of Spain, as the administering Power of the territory, were transferred to a temporary tripartite administration. The Madrid Agreement did not transfer sovereignty over the territory, nor did it confer upon any of the signatories the status of an administering Power—a status which Spain alone could not have unilaterally transferred. The transfer of administrative authority over the territory to Morocco and Mauritania in 1975, did not affect the international status of Western Sahara as Non-Self-Governing Territory.

7. On 26 February 1976, Spain informed the Secretary-General that as of that it had terminated its presence in Western Sahara and relinquished its responsibilities over the Territory, thus leaving it in fact under the administration of both Morocco and Mauritania in their respective controlled areas. following the withdrawal of Mauritania from the Territory in 1979, upon the conclusion of the Mauritano-Sahraoui agreement of 19 August 1979 (S/13504, Annex I), Morocco has administrated the territory of Western Sahara alone. Morocco however, is not listed as the administering Power of the territory in the United Nations list of Non-Self-Governing Territories, and has, therefore, not transmitted information on the territory in accordance with Articles 73 (e) of the United Nations Charter.

8. Notwithstanding the foregoing, and given the status of Western Sahara as a Non-Self-Governing Territory, it would be appropriate for purposes of the present analysis to have regard to the principles applicable to the powers and responsibilities of an administering Power in matters of mineral resource activities in such a Territory.

B. THE LAW APPLICABLE TO MINERAL RESOURCE ACTIVITIES IN NON-SELF-GOVERNING TERRITORIES

9. Article 73 of the United Nations Charter lays down the fundamental principles applicable to Non-Self-Governing Territories. Members of the United Nations who assumed responsibilities for the administration of these territories have whereby recognized the principle that the interest of the inhabitants of these territories are paramount, and have accepted as a sacred trust the obligation to promote to the utmost the well-being of the inhabitants of these territories. Under Article 73 (e) of the Charter, they are required to transmit regularly to the Secretary-General for information purposes statistical and other information of a technical nature relating to economic, social, and educational conditions in the territories under their administration.

10. The legal regime applicable to Non-Self-Governing Territories was further developed in the practice of the United Nations

and, more specifically, in the Special Committee and the General Assembly. Resolutions of the General Assembly adopted under the agenda item ''implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples'', called upon the administering Powers to ensure that all economic activities in the Non-Self-Governing Territories under their administration do not adversely affect the interests of the peoples of such territories, but are instead directed to assist them in the exercise of their right to self-determination. The Assembly also consistently urged the administering Powers to safeguard and guarantee the inalienable rights of the peoples of these territories to their natural resources, and to establish and maintain control over the future development of those resources (GA res 35/118 of 11 December 1980; 52/78 of 10 December 1997; 54/91 of 6 December 1999; 55/147 of 8 December 2000; and 56/74 of 10 December 2001).

11. In the resolutions adopted under the item ''Activities of foreign economic and other interests which impede the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples in territories under Colonial Domination'', the General Assembly reiterated that ''the exploitation and plundering of the marine and other natural resources of colonial and Non-Self-Governing Territories by foreign economic interests, in violation of the relevant resolutions of the United Nations, is a threat to the integrity and prosperity of these Territories'' and that ''any administering Power that deprives the colonial people of Non-Self-Governing Territories of the exercise of their legitimate rights over their natural resources . . . violates the solemn obligations it has assumed under the Charter of the United Nations'' (GA res. 48/46 of 10 December 1992 and 49/40 of 9 December 1994).

12. In an important evolution of this doctrine, the General Assembly in resolution 50/33 of 6 December 1995, drew a distinction between economic activities that are detrimental to the peoples of these territories and those directed to benefit them. In paragraph 2 of that resolution, the General Assembly affirmed ''the value of foreign economic investment undertaken in collaboration with the peoples of Non-Self-Governing Territories and in accordance with their wishes in order to make a valid contribution to the socio-economic development of the Territories''. This position has been affirmed by the General Assembly in later resolutions (GA res. 52/72 of 10 December 1997; 53/61 of 3 December 1998; 54/84 of 5 December 1999; 55/38 of 8 December 2000; and 56/66 of 10 December 2001).

13. The question of Western Sahara has been dealt with by both the General Assembly, as a question of decolonization, and by the Security Council as a question of peace and security. The Council was first seized of the matter in 1975, and in resolutions 377 (1975) of 22 October 1975 and 379 (1975) of 2 November 1975 it requested the Secretary-General to enter into consultations with the parties. Since 1988, in particular, when Morocco and the Frente Polisaro agreed, in principle, to the settlement proposals of the Secretary-General and the Chairman of the OAU, the political process aiming at a peaceful settlement of the question of Western Sahara has been under the purview of the Council. For the purposes of the present analysis, however, the body of Security Council resolutions pertaining to the political process is not relevant to the legal regime applicable to mineral resource activities in Non-Self-Governing Territories and for this reason is not dealt with in detail in the present letter.

14. The principle of ''permanent sovereignty over natural resources'' as the right of peoples and nations to use and dispose of the natural resources in their territories in the interest of their national development and well-being, was established in General Assembly resolution 1803 (XVII) of 14 December 1962. It has since been reaffirmed in the 1966 International Covenants on Economic, Social and Cultural Rights and on Civil and Political Rights, as well as in subsequent General Assembly resolutions, most notably, resolution 3201 (S–VI) of 1 May 1974, ''Declaration on the Establishment of a New International Economic Order'', and Resolution 3281 (XXIX) containing the Charter of Economic Rights and Duties of States. While the legal nature of the core principle of ''permanent sovereignty over natural resources'', as a corollary to the principle of territorial sovereignty or the right of self-determination, is indisputably part of customary international law, its exact legal scope and implications are still debatable. In the present context, the question is whether the principle of ''permanent sovereignty'' prohibits any activities related to natural resources undertaken by an administering Power (cf. para. 8 above) in a Non-Self-Governing Territory, or only those which are undertaken in disregard of the needs, interests and benefits of the people of that territory.

C. THE CASE LAW OF THE INTERNATIONAL COURT OF JUSTICE

15. The question of natural resource exploitation by administering Powers in Non-Self-Governing Territories was brought before the International Court of Justice in the Case of East Timor (Portugal v. Australia) and the Case Concerning Certain Phosphate Lands in Nauru (Nauru v. Australia). In neither case, however, was the question of the legality of resource exploitation activities in Non-Self-Governing Territories conclusively determined.

16. In the Case of East Timor, Portugal argued that in negotiating with Indonesia an agreement on the exploration and exploitation of the continental shelf area of the Timor Gap, Australia had failed to respect the right of the people of East Timor to permanent sovereignty over its natural wealth and resources, and the powers and rights of Portugal as administering Power of East Timor. In the absence of Indonesia's participation in the proceedings, the International Court of Justice concluded that it lacked jurisdiction.

17. In the Nauru Phosphate Case, Nauru claimed the rehabilitation of certain phosphate lands worked out before independence in the period of the Trusteeship administration by Australia, New Zealand and the United Kingdom. Nauru argued that the principle of permanent sovereignty over natural resources was breached in circumstances in which a major resource was depleted on grossly inequitable terms and its extraction involved the physical reduction of the land. Following the Judgment on the Preliminary Objections, the parties reached a settlement and a Judgment on the merits was no longer required.

D. THE PRACTICE OF STATES

18. In the recent practice of States, cases of resource exploitation in Non-Self-Governing Territories have, for obvious reasons, been few and far apart. In 1975, the United Nations Visiting Mission to Spanish Sahara reported that at the time of the visit, four companies held prospecting concessions in off-shore Spanish Sahara. In discussing the exploitation of phosphate deposits in the region of Bu Craa with Spanish officials, the Mission was told that the revenues expected to accrue would be used for the benefit of the Territory, that Spain recognized the sovereignty of the Saharan population over the Territory's natural resources and that, apart from the return of its investment, Spain laid no claim to benefit from the proceeds (A/10023/Rev.1, p. 52)

19. The exploitation of uranium and other natural resources in Namibia by South Africa and a number of Western multinational corporations was considered illegal under Decree No. 1 for the Protection of the Natural Resources of Namibia, enacted in 1974 by the United Nations Council for Namibia, and was condemned by the General Assembly (GA res. 36/51 of 24 November 1981, and 39/42 of 5 December 1984). The case of Namibia, however, must be seen in the light of Security Council resolution 276 (1979) of 30 January 1970, which declared that the continued presence of South Africa in Namibia was illegal and that consequently all acts taken by the Government of South Africa were illegal and invalid.

20. The case of East Timor under the United Nations Transitional Administration in East Timor (UNTAET) is unique in that, while UNTAET is not an administering Power within the meaning of Article 73 of the United Nations Charter, East Timor is still technically listed as a Non-Self-Governing Territory. By the time UNTAET was established in October 1999, the Timor Gap Treaty was fully operational and concessions had been granted in the Zone of Cooperation by Indonesia and Australia, respectively. In order to ensure the continuity of the practical arrangements under the Timor Gap Treaty, UNTAET, acting on behalf of East Timor, concluded on 10 February 2000, an Exchange of Letters with Australia for the continued operation of the terms of the Treaty. Two years later, in anticipation of independence, UNTAET, acting on behalf of East Timor, negotiated with Australia a draft ''Timor Sea Arrangement'' which will replace the Timor Gap Treaty upon the independence of East Timor. In concluding the agreement for the exploration and exploitation of oil and natural gas deposits in the continental shelf of East Timor, UNTAET, on both occasions, consulted fully with representatives of the East Timorese people, who participated actively in the negotiations.

E. CONCLUSIONS

21. The question addressed to me by the Security Council namely, ''the legality . . . of actions allegedly taken by the Moroccan authorities consisting in the offering and signing of contracts with foreign companies for the exploration of mineral resources in Western Sahara,'' has been analysed by analogy as part of the more general question of whether mineral resource activities in a Non-Self-Governing Territory by an administering Power is illegal, as such, or only if conducted in disregard of the needs and interests of the people of that territory. An analysis of the relevant provisions of the United Nations Charter, General Assembly resolutions, the case law of the International Court of Justice and the practice of States, supports the latter conclusion.

22. The principle that the interests of the peoples of Non-Self-Governing Territories are paramount, and their well-being and development is the ''sacred trust'' of their respective administering Powers, was established in the Charter of the United Nations and further developed in General Assembly by resolutions on the question of decolonization and economic activities in Non-Self-Governing Territories. In recognizing the inalienable rights of the peoples of Non-Self-Governing Territories to the natural resources in their territories, the General Assembly has consistently condemned the exploitation and plundering of natural resources and any economic activities which are detrimental to the interests of the peoples of these territories and deprive them of

their legitimate rights over their natural resource. It recognized, however, the value of economic activities which are undertaken in accordance with the wishes of the peoples of those territories, and their contribution to the development of such territories.

23. In the Cases of East Timor and Nauru, the International Court of Justice did not pronounce itself on the question of the legality of economic activities in Non-Self-Governing Territories. It should be noted, however, that in neither case was it alleged that mineral resource exploitation in such territories was illegal per se. In the Case of East Timor, the conclusion of an oil exploitation agreement was allegedly illegal because it was not concluded with the administering Power (Portugal); in the Nauru Case, the illegality allegedly arose because the mineral resource exploitation depleted unnecessarily or inequitably the overlaying lands.

24. The recent State practice, though limited, is illustrative of an opinio juris on the part of both administering Powers and third States: where resource exploitation activities are concluded in Non-Self-Governing Territories for the benefit of the peoples of these territories, on their behalf, or in consultation with their representatives, they are considered compatible with the Charter obligations of the administering Power, and in conformity with the General Assembly resolutions and the principle of ''permanent sovereignty over natural resources'' enshrined therein.

25. The foregoing legal principles established in the practice of States and the United Nations pertain to economic activities in Non-Self-Governing Territories, in general, and mineral resource exploitation, in particular. It must be recognized, however, that in the present case, the contracts for oil reconnaissance and evaluation do not entail exploitation or the physical removal of the mineral resources, and no benefits have as of yet accrued. The conclusion is, therefore, that, while the specific contracts which are the subject of the Security Council's request are not in themselves illegal, if further exploration and exploitation activities were to proceed in disregard of the interests and wishes of the people of Western Sahara, they would be in violation of the international law principles applicable to mineral resource activities in Non-Self-Governing Territories.

HANS CORELL,
Under-Secretary for legal Affairs,
The Legal Counsel.

KINGDOM OF MOROCCO,
MINISTRY OF INTERIOR, SECRETARIATE,
Rabat, January 22, 1998.

From: The Minister of State for the Interior.
To: All Walis and Governors of the Kingdom's Prefectures and Provinces.
Object: Training workshops for applicants for identification for the referendum to confirm the Moroccanness of the Sahara.

This circular results from examination of the daily activity reports on the ethnic workshops, forwarded by yourselves, and from remarks, suggestions and proposals made by the Moroccan party's Observers in the light of seven weeks of identification, some twenty weeks from the end of this operation.

The results of identification having so far fallen short of the necessary level, owing in part, certainly, to evidence from the Chyoukh representing the other party which is often negative, but also owing to the manifestly insufficient preparation of our applicants, you are invited to pay the closest attention to this briefing and supervise personally, in accordance with my earlier instructions, the strict application of the following measures:

1. Exhaustive pre-identification of the applicants and their sub-fractions:

It emerges from the daily activity reports from the ethnic workshops forwarded by yourself that, unfortunately, only a small number of Walis and Governors (see list attached to this circular) have an exact knowledge of the tribes and sub-fractions relevant to their respective commands, and have consequently been able to provide the Ministry of the Interior with statistical data on the applicants that conforms to the information in the central index.

The others are invited immediately to produce their data on the tribes and sub-fractions and on the number of applicants present in their respective commands and held ready to be summoned at any time to MINURSO's Identification Centres.

It goes without saying that an incomplete knowledge of the sub-fractions and their numbers in a prefecture or province results in underestimation of the real population of applicants, so that an insufficient number of these is being trained and taken to the Identification Centres, contrary to the objective of my earlier instructions.

The Walis and Governors concerned will therefore, on receipt of this circular, require their information technology units to contact the central information technology service to arrange immediate presentation of the province's or prefecture's data on the sub-fractions and their numbers.

2. Preparation of applicants for identification:

As specified in my previous circulars, the basis for the summoning and identification of applicants by MINURSO is the form filled out by them in 1994, on which the computerised data-banks used by this mission and by the Ministry of the Interior itself are both based.

Each applicant is registered and can be sought through his form number. The form contains the applicant's main details and those of his father and mother, in addition to all the elements that specify which identification criterion, out of the five criteria defined by the United Nations Peace Plan, is likely to be fulfilled by the applicant.

The applicant must also have perfect knowledge at least of the contents of the said form. However, when this document does not reflect the applicant's real situation, he should not be imprisoned by it but should seek to make it easy for the Identification Commission to recognise key elements, such as:

the birthplaces of the applicant and his immediate family (father, mother, children).

the seasonal pasture zones frequented in the Sahara by the applicant or his family.

landmark dates in relation to the birth of the applicant and his immediate family (father, mother, children) in the Sahara.

the lineage of the applicant and his immediate family and kinship with a known Sahrawi family.

the history of the applicant's tribe and family.

geography of the region in which they lived and travelled.

Lastly, there is a need to inculcate the applicant with a psychological stance enabling him to:

demystify the identification operation and the MINURSO commission.

be motivated and aware of the stakes in the referendum.

have confidence in himself and be self-assured.

overcome shyness and diffidence and speak loudly and clearly.

learn in advance, from applicants already identified as belonging to the same subfraction, what questions the Identification Commission is asking.

be able to cite one or more family members already counted or identified, and give their numbers.

convince the Moroccan Cheikh who will then convince the Identification Commission.

Full mastery of these elements implies preliminary training of the applicant in his prefecture or province of origin and 2 or 3 days of fine tuning with the Moroccan Cheikh before the identification session.

3. Responsibilities of the Cheikh and the Observer:

As specified in the document attached to this circular, concerning ''verification of eligibility'' of applicants, the Cheikh's main mission with MINURSO is to testify that the applicant fulfils one of the five identification criteria defined by the United Nations Peace Plan.

To this end, it is necessary for the Cheikh to meet at least once with the Observer and the applicants from each sub-fraction to become amply acquainted with the latter in preparation for the identification session. A list, in Arabic, of the applicants from his sub-fraction should be supplied to the Cheikh.

To facilitate contact between the applicants and the Cheikh of their fraction, the Observer teams will be tripled to enable them to follow the identification operation at the same time as preparing the applicants.

In the identification session the Cheikh should appear credible and convincing and should not restrict himself to recognizing the applicant, but seek to support and defend him as well. He should listen closely to the applicant's declaration and give active, reasoned and coherent testimony in support of the applicant's answers.

He should have perfect knowledge of the applicant, his lineage and his links with the sub-fraction and region.

He should relate this in a clear and convincing manner to the Identification Commission to elicit a positive verdict from it.

4. Role of the Instructors

Close contact between the Instructor, the Cheikh and the Observer is essential to train the Cheikh, teach him the identification process and the five eligibility criteria, raise his awareness, motivate him and remove any complexes he may have about the MINURSO Commission.

At least one full-day session involving the Observer, the Instructor, the Cheikh and the applicants from the sub-fraction is necessary to coordinate, evaluate and plan their common action.

For each ethnic sub-fraction, it is proposed that a group of applicants from the Southern Provinces who have already been identified, along with qualified cadres from these provinces, should be formed to help with the training programme of applicants from the Northern Provinces.

These applicants should identify the best-known and most widely distributed parts of their lineage and make them known to the Identification Commission.

In the same context, applicants from the Northern Provinces who are of Sahrawi origin should be integrated with their respective tribes to familiarize themselves with certain details that may help facilitate their identification.

Nevertheless, in cases where applicants in this category are certain of their Sahrawi origin but have acquired the culture of Northern Morocco, those concerned should defend their Moroccan personality while providing convincing proofs of their Sahrawi origin.

Lastly, agents of the authorities, notables, young people and women should be mobilized in support of this operation.

A special unit is to be established for preparing the Chyoukh, and a system set up to

train the Instructors and the Chyoukh in, for example:

the identification process.
the five criteria.
the role of the Chyoukh.
the technical arrangements.

Finally, deserving Chyoukh are to be encouraged and treated with respect.

In conclusion, the next twenty weeks are of determining importance for the outcome of the referendum to confirm the Moroccanness of the Sahara, whose result depends on your immediate action to apply integrally all the instructions you have been given on this subject, which I invite you once again to execute rigorously in liaison with the central Governors concerned, who are required to keep me regularly informed.

DRISS BASRI,
The Minister of State for the Interior.

Mr. LEVIN. Mr. Speaker, I yield 4 minutes to the gentleman from Washington (Mr. MCDERMOTT), a colleague and friend from the Committee on Ways and Means.

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

Mr. MCDERMOTT. Mr. Speaker, the President and his Trade Representative say that the U.S.-Morocco free trade agreement is a good idea because it will strengthen our economic ties with moderate, I emphasize moderate, Muslim countries.

Well, first of all, two-way trade flow between the United States and Morocco is around a billion dollars a year. Morocco is a tiny economy with little economic significance. The U.S. Commerce Department indicated the trade agreement will have a negligible impact on trade and negligible impact on our economies.

Furthermore, while I recognize that King Mohammed VI has made great strides recently, particularly with regard to the rights of women, we should not forget two very important issues. One, Morocco is a monarchy and the king is deemed the country's religious leader. This FTA is really about strengthening ties with moderate monarchies; Jordan, Bahrain and others have preceded it.

There are dozens of Muslim countries that are vibrant democracies, Egypt, that we should have chosen to pursue trade agreements before we chose Morocco.

But, two, the way in which Morocco has handled the Western Sahara is really a stain on their nation. In 1975, when the Western Sahara went free from Spain, the Moroccans moved in immediately and said this is our country. It is a very, very wealthy country in natural resources. Both oil is being drilled for by Kerr McGee and other American and British companies, and the fishing industry off the coast is very proficient.

So before signing an agreement with them, with a nation that has been occupying a territory to which it has no legal claim for 25 years, a nation that has erected a 2,000-kilometer wall to keep the inhabitants of Western Sahara from fleeing, with a country that has no respect for the right of self-determination, we should have ensured that the area of Western Sahara was justly and peacefully resolved. It would have been a lever we could have used to get them to resolve this.

The U.N. has said you should have an election and they just never quite get around to having it for 25 years.

I am really pleased, however, that the chairman of the House Committee on Ways and Means and the ranking member, the gentleman from New York (Mr. RANGEL), have worked with me to insert language into the official committee documents to indicate that in no way does the free trade agreement cover trade investment in the Western Sahara.

The issue is this: If you drill oil in the Western Sahara and the Moroccans take it into Morocco, is it then eligible for tariff-free dealings with the United States? And the answer should be no, and there should really never have been a trade agreement until that legal claim was relinquished or we had some sort of agreement on all of this.

What we do have is a letter which the gentleman from Pennsylvania (Mr. PITTS) inserted in the RECORD. I suspect I have one very similar to his but he will insert it also in the RECORD. I will include a letter from the Trade Representatives saying that in dealing with Morocco we are dealing with Morocco as understood by the United Nations and the United States, and we are not using this as a kind of end-around to go out and get more oil.

One wonders why did we go to Morocco? What is it about Morocco? It is a little tiny country, very little trade with us. What is being done here that really needs to be done?

I think we need to protect the indigenous people of the Sahrawi who live in Western Sahara. They need to have the protection from this United States reaching in and taking their resources by the back door. I thank the chairman for bringing this issue to the floor.

EXECUTIVE OFFICE OF THE PRESIDENT, THE UNITED STATES TRADE REPRESENTATIVE
Washington, DC, July 20, 2004.

Hon. JIM MCDERMOTT,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN MCDERMOTT: Thank you for your letter of July 19, 2004, concerning our Free Trade Agreement (FTA) with Morocco and the status of Western Sahara.

The Administration's position on Western Sahara is clear: sovereignty of Western Sahara is in dispute, and the United States fully supports the United Nations' efforts to resolve this issue. The United States and many other countries do not recognize Moroccan sovereignty over Western Sahara and have consistently urged the parties to work with the United Nations to resolve the conflict by peaceful means.

The FTA will cover trade and investment in the territory of Morocco as recognized internationally, and will not include Western Sahara. As our Harmonized Tariff Schedule makes clear, for U.S. Customs purposes, the United States treats imports from Western Sahara and Morocco differently. Nothing in the FTA will require us to change this practice. The Administration will draft the proclamation authorized in the legislation implementing the FTA (H.R. 4842) to provide preferential tariff treatment for goods from the territory of Morocco. Preferential tariff treatment will not be provided to goods from Western Sahara.

I hope this letter addresses your question regarding the FTA and the status of Western Sahara. I encourage you to support the FTA. It will create economic opportunities for U.S. manufacturing and service firms, workers, and farmers, and will support economic reforms and foreign investment in Morocco.

Thank you again for your letter. Please feel free to contact me should you have further questions.

Sincerely,

ROBERT B. ZOELLICK.

Mr. CRANE. Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut (Mrs. JOHNSON).

Mrs. JOHNSON of Connecticut. Mr. Speaker, I thank the gentleman for yielding me time.

One of the earlier speakers called for a moratorium on trade agreements. There is nothing that we could do that would hurt American workers more than a moratorium.

Over the last few years Europe has consummated about 36 bilateral trade agreements in this part of the world, and we have consummated about three. Now, when they create a trade agreement with a bilateral agreement with one of these countries, what they are doing is socking in product standards that advantage their products and disadvantage our products.

When we write a free trade agreement with one of these countries it is entirely different. That is why countries like to work with us. It is comprehensive. It includes all products and it is fair, transparent and modern, and I commend Morocco for not only its commitment to develop its economy in a way in which everyone benefits and everyone prospers, but to have evidenced that commitment by changing their labor law in preparation for this free trade agreement. I think that is very commendable.

They changed their labor law to raise the minimum employment age, to reduce the number of hours in a workweek, to call for periodic review of the Moroccan minimum wage, to improve health and safety regulations, and I am skipping over a lot of details, to guarantee the right of association and collective bargaining. They looked at the world standards of how you should treat your workforce and they changed their laws to make those standards their standards.

They are moving. They are developing. Europe is trading with them twice as many dollars worth of product as we are in America. This free trade agreement will change that and ensure American jobs, creating new ones as well.

Mr. BROWN of Ohio. Mr. Speaker, I yield 4 minutes to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Mr. Speaker, I rise in opposition to this Moroccan so-called free trade agreement and ask the question, why has the United States as a result of these free trade agreements

over the last 20 years amassed the largest trade deficit in the United States history? They have told us when NAFTA was passed we would have a trade balance. We would in fact have hundreds of thousands of new jobs in this country.

What have we got? We have got the largest trade deficit with Mexico we have ever had, the largest trade deficit with Canada we have ever had, and an outwash of jobs from the United States to Mexico, over 900,000 jobs and counting, nearly a million jobs. NAFTA did not work.

Then they said, well, let us sign the China Free Trade Agreement. Boy, that will really be great. We will bring democracy to China. What have we got? We have got the largest growing trade deficit in the history of the United States with China. Every day companies are closing in this country, moving more production to China where wages are what? Ten cents an hour, 20 cents an hour.

The gentleman from Vermont (Mr. SANDERS) asked the opposition here, what is the minimum wage in Morocco? Nobody stood up. Do you know what it is? Eighty cents, 80 cents an hour in Morocco.

What makes you think if we pass another NAFTA-like trade agreement, this time with Morocco, are we going to make it any better? This is no different than what we have had. In fact, it is more of the same and even worse.

Our trade balance with Morocco is going down. Now, I think this agreement with Morocco has nothing to do with trade. It has everything to do with the Sahara and with oil relationships along the western side, and that is a whole other story not for this debate. But why would we want to sign a free trade agreement with a kingdom? Why would we want to empower a monarchy which this will do? You cannot have free trade with a country that is not free. Look at Saudi Arabia, where the majority of terrorists came from. That is a kingdom. Why would we want to empower those who hold assets in undemocratic countries? That is exactly what this agreement will do with Morocco.

This agreement is worse than NAFTA. NAFTA's labor and environmental provisions are a joke anyway. They are just side agreements with no teeth. This agreement has nothing, let me repeat, this has nothing to do with labor or environment. It does not have anything like the Jordanian trade agreement which made a step toward labor and the environment. Further, this agreement blocks the reimportation of prescription drugs as the Australian agreement did.

This agreement provides for the privatization of public services, more outsourcing of our service jobs in this country. There are no adjustment provisions in this agreement for workers who lose their jobs. In fact, in the old NAFTA agreement, they now do not even want to count how many American workers are losing jobs in this country so we can provide them with transitional assistance here at home. This agreement has no adjustment provisions.

One of the interesting provisions in this bill deals with Chapter 11. It guarantees that if investors get in trouble in Morocco—such as, what if terrorists do some things over there we do not like—this agreement protects their private risk through government. Even our own constitution does not do that on investment. Investors get a good deal in this agreement, workers do not.

Let me address one of the other unusual aspects of this agreement. It changes the wording of the provisions that deal with agriculture and food safety from being ''equal to'' to what is called ''equivalency''. Who is going to define equivalency on food safety and how it is different from ''equal to''? Or who is going to define equivalency on prescription drugs? What it does is it puts us on a downward path compared to the high standards we have set in this country for our own food and drug safety.

This is a bad deal. It is a bad deal economically. It is a bad deal politically. In view of our standing in the Muslim and Arab world, this is a bad deal. It does not promote democracy.

I encourage my colleagues in this body to vote no on this NAFTA-like expansion that now aims to include Morocco.

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

Mr. Speaker, I appreciate the gentlewoman's comments, but we are discussing the U.S.-Morocco FTA, which passed the Committee on Ways and Means by a vote of 26 to nothing. In addition, we have a trade surplus with Morocco. Trade with Morocco creates jobs. The projections are right now that over the next decade our exports will triple in the agricultural sector alone, and the Trade Adjustment Assistance Program already provides benefits to anyone adversely effected by trade, and there is no need for a new program.

Mr. Speaker, I yield 3 minutes to the gentleman from Arizona (Mr. KOLBE).

Mr. KOLBE. Mr. Speaker, just to correct the record, and I am sure the gentlewoman misspoke, the United States does not have a free trade agreement with China. We have normal trade relations but no free trade agreement with China.

□ 1715

Mr. Speaker, I do rise in support of this U.S.-Morocco free trade agreement and thank the gentleman from Illinois for his leadership on this.

Today, I am not going to talk about the merits of the agreement. I think there are plenty of them; but instead, I want to point out what I think this agreement means in the context of U.S. policy for the broader Middle East.

This agreement would be the second free trade agreement that we would have with a country in the Middle East, and it would be another cornerstone of U.S. free trade efforts in this region. Achieving free trade and integrating this region into the global economy is of critical concern to the United States.

Economically, socially, this region faces enormous problems, enormous dilemmas. Inequality in many Middle Eastern countries has grown. It has not diminished in recent decades.

Political, economic, and social systems are intertwined and appear closed to those in the outside world. For those who are not already a part of the system, improvement in their lives is only a distant dream.

In July 2002, the United Nations Development Program released a report with some discouraging statistics. Middle Eastern regional growth over the last 2 decades has been the lowest in the world except for sub-Saharan Africa. Labor productivity has been on the decline since 1960. 65 million people are illiterate. One of every two women can neither read nor write. Ten million children are not in school. Unemployment has reached 15 percent with many areas experiencing much higher rates.

The Middle East cannot be healthy socially or politically so long as its economies are in crisis. The United States has a strong interest in helping to stimulate the economies and promote stability in the region.

Now, the U.S.-Morocco free trade agreement cannot by itself solve the deep and widespread economic and social inequalities which permeate this region, but the U.S.-Morocco free trade agreement is a step in helping one country in this region deepen its integration into the world trading system and reach its aspirations for development.

Passing this agreement will help this North African country develop and practice a system of the rule of law that will have implications far beyond trade and the commercial sector.

I urge my colleagues to support this agreement. It is more than just an agreement. It symbolizes our efforts, the efforts of the United States, to integrate this country and this region in partnership with shared aspirations and expectations.

I thank the gentleman for yielding me time.

Mr. LEVIN. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. NEAL), another distinguished member of the Committee on Ways and Means.

(Mr. NEAL of Massachusetts asked and was given permission to revise and extend his remarks.)

Mr. NEAL of Massachusetts. Mr. Speaker, I want to commend the gentleman from Michigan (Mr. LEVIN). He does a terrific job with the gentleman from Illinois (Mr. CRANE) on a bipartisan basis to ensure that every opinion is heard on the Subcommittee on Trade over at the Committee on Ways and Means. I think oftentimes that is

why we have the final product that we do.

Let me use this opportunity, Mr. Speaker, to explain why I will be voting in favor of this bilateral free trade agreement between the United States and Morocco, even though there are several aspects of the agreement that trouble me.

My chief disappointment with the agreement is that, once again, the administration refused to specifically require our trading partner to abide by the five most basic internationally recognized labor standards.

The International Labor Organization has identified those principles as the right to associate and bargain collectively, and prohibitions on forced labor, discrimination and child labor.

Instead of assuring these minimal protections for foreign workers, our recent trade agreements have imposed a different standard. They require our partners to enforce whatever labor laws exist in that particular country, regardless of how lax those laws might be.

While I strongly believe that this is the wrong negotiating tack as a general matter, in the specific case of Morocco, the country's labor laws more than surpass international minimum standards; and by all accounts, it appears that the government is making a genuine and conscientious effort to work with unions, workers, and employers to bolster its worker protections even further, including the right to strike. The labor provisions of this agreement are not perfect, but they represent a workable starting point.

Although this agreement is not what I would ideally like to see, it represents an important first step. Fundamentally, I believe that the U.S. can improve its international standing and its national security by expanding trade and strengthening its relationships with moderate Muslim countries. Unfortunately, more and more Muslim voices are calling for boycotts of the United States and its products. That makes it all the more critical for us to reach out to those who are eager to form a partnership with us.

Over the long term, I believe that agreements with nations such as Morocco are mutually beneficial from an economic standpoint. They also represent an opportunity to help mend international relations that have endured a great deal of strain over the last several years.

Mr. Speaker, this agreement could be better. Certainly I would have negotiated it differently, but it will pave the way for progress in a region that is critically important to the United States, and so it does have my support.

Mr. CRANE. Mr. Speaker, can the Chair tell me how much time we have remaining.

The SPEAKER pro tempore (Mr. OSE). The gentleman from Illinois (Mr. CRANE) has 29 minutes remaining. The gentleman from Michigan (Mr. LEVIN) has 16 minutes remaining. The gentleman from Ohio (Mr. BROWN) has 14½ minutes remaining.

Mr. CRANE. Mr. Speaker, I yield 3 minutes to the distinguished gentlewoman from Washington (Ms. DUNN), a member of the Committee on Ways and Means.

Ms. DUNN. Mr. Speaker, I want to thank the gentleman from Illinois (Chairman CRANE) and the gentleman from California (Chairman THOMAS) and our ranking members of the Committee on Ways and Means for moving this free trade agreement so effectively through the committee process and onto the floor so that before we break for August recess we can express our support for this agreement.

I do rise in support of the U.S.-Morocco free trade agreement, Mr. Speaker. This is our second trade agreement with an Arab country. With our trade agreement with Morocco, along with those of Israel, Jordan, and Bahrain, we are working to improve economic opportunities in North Africa and in the Middle East.

While the Moroccan economy is much smaller than ours, it remains a key export market for the United States and for my home State. In a State where approximately one in three jobs is now related to trade, it is not surprising that Washington State was the top exporter to Morocco with over $112 million in 2003.

By eliminating 95 percent of the tariffs immediately on United States manufactured goods, we are improving the competitiveness of our businesses in Morocco. Of the $465 million total United States exported from Morocco last year, nearly 29 percent, or $134 million, was due to aerospace products. It is very important to the Northwest, where so many jobs are directly or indirectly affected by our aerospace industry. In fact, Boeing aircraft dominate Royal Air Morac's fleet with a potential of 17 more planes on order.

This agreement will also strengthen intellectual property rights standards for patents, for trademarks and for copyrights so that our high-tech industries are protected in our digital economy. Higher standards, however, are not enough unless there is a commitment for better enforcement of these standards.

For this reason, I am very pleased with Morocco's commitment to better enforcement of intellectual property rights, such as increasing criminal penalties for piracy and for counterfeiting.

This is a very good agreement for our agricultural community. It eliminates duties on our products, and it liberalizes quotas on critical commodities. It also ensures that United States commodities will have equivalent access to any other trade agreements that Morocco negotiates with any other country. If Morocco gives another country better market access on agricultural products, our farmers get the same benefits.

Mr. Speaker, I ask my colleagues to support this trade agreement so that we can build an economic bridge with Morocco and the Middle East.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself such time as I may consume.

I am a little puzzled by this debate. I heard my friend from Texas talk about all the great promises of free trade and how these trade agreements are going to mean so much to our farmers and to our workers and to our businesses. I have heard the gentleman from Illinois (Mr. CRANE) say some of the same kinds of things, but I guess I am puzzled because I have heard that throughout my entire 12 years in Congress.

I have heard every trade agreement that comes to the floor, so many speakers say over and over and over again that if we pass these trade agreements, we are going to have more jobs, we are going to do more exports, we are going to have our balance in trade; and look what has happened in the last 12 years.

Our trade deficit when I came to this Congress was about one-fourth of what it is today. We import $1.5 billion more every day than we export. George Bush, Senior, said for every $1 billion of trade, either export or import, it was equivalent to somewhere in the vicinity of 14 or 15 or 16,000 jobs. Well, we have almost a $500 billion trade deficit. Do the math. That is an awful lot of lost jobs.

When we pass these trade agreements, we continue to hemorrhage jobs. We continue to have job loss. We continue to lose manufacturing jobs. One out of six manufacturing jobs in my State has been lost since George Bush took office. We have lost 165 jobs every day of the Bush administration.

So the answer to that is let us do more of what we have already been doing, let us do more tax cuts for the wealthiest people in society, hoping that maybe some of it will trickle down to more jobs, and let us do more trade agreements which ship jobs overseas? People in our communities say these trade agreements are not working.

China, entry of China in WTO; NAFTA; Singapore, Chile, Australia, Morocco, these trade agreements are not translating into more jobs, and people at home know that. In spite of what people in this institution say, in spite of how people in this institution vote, the fact is we continue to lose manufacturing jobs in this country. We have lost millions of jobs in this Bush administration, and then we turn around and do the same thing over and over and over. We make the same promises over and over and over and the results are the same. When we will ever learn?

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

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

I think it is important for everyone to understand that we have a trade surplus at the current time with Morocco. The projections are, though, that with

this free trade agreement we will have a very dramatic increase in our exports, especially our exports in the agricultural community with that dramatic drop in tariff barriers that have struck our access there, but we are making progress, dramatic progress.

Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin (Mr. RYAN), our distinguished colleague on the committee.

Mr. RYAN of Wisconsin. Mr. Speaker, I thank the gentleman for yielding me time. I will just briefly pause and say, having a surplus with Morocco actually helps us with our trade deficit surplus figure because it adds to the surplus side of it.

Mr. Speaker, I would like to pause for a moment and thank those who made this possible. I would like to thank those negotiators at the U.S. Trade Representative who worked long and hard hours with the Moroccans to make this agreement possible. I would like to thank our committee chairman, the gentleman from California (Mr. THOMAS); our subcommittee chairman, the gentleman from Illinois (Mr. CRANE); and also I would like to thank the gentlewoman from Washington (Ms. DUNN), who spearheaded this through committee and here in Congress. This is a great product. This is a great thing.

Now, specifically, why is this beneficial to our constituents? Why is this good for America?

Well, number one, manufacturing, a very important sector to our economy especially in my home State of Wisconsin. This is a great deal for manufacturing. This gets rid of the tariffs on our manufacturing goods going to Morocco.

Number two, and even more important, agriculture. For every $1 of imports we take from Morocco in imports, we export $10. This is a great agreement for agriculture, especially since the Europeans, who enjoy a 50 percent higher trade flow advantage with Morocco than we have at the present time, do not have an agreement with Morocco on agriculture. Let me say it another way. Morocco and Europe trade a lot with each other, 50 percent more than we do with Morocco. That is going to change with this agreement, thankfully; but the Europeans do not have an agriculture agreement with Morocco. We will, and that means we will sell even more agricultural products to Morocco. That is a great thing.

We have a trade surplus with Morocco. They are a great trading partner. This is good for jobs. It is good for manufacturing. It is good for agriculture; but Mr. Speaker, there is a broader vision here. There is a broader purpose for all of this.

This is part of the President's MEFTI plan. This is part of the Middle Eastern Free Trade Initiative. What is that initiative? That initiative is to recognize we need to play a constructive role in the Middle East; that in the war on terror, the most important aspect, long-term vision of that war on terror is improving our understanding and our relations with moderate Muslim countries, with the Arab world. This accomplishes this.

We have 10 TIFAs in place, 10 trade and investment framework agreements in place, throughout the Gulf, throughout Northern Africa, to engage in discussion and dialogue with those countries to help bring them up to the rules of democracy, rules of free enterprise, enforceable contracts, the rule of law, women's right to vote, open societies.

□ 1730

This is what these trade agreements produce. So not only do we produce trade agreements like this Moroccan agreement, which is good for jobs in America, we produce political reforms by engaging in a partnership with those in the Middle East who want democracy and want openness. Because of these agreements and because of the role we play in the world, we serve as a catalyst to getting these countries to open their societies.

Here is one example with the Moroccan agreement. Because of this trade agreement, Morocco passed a great piece of legislation in their constitution and their law for labor standards. They have been trying to do this for 20 years. For 20 years labor groups in Morocco have been trying to get the right to collectively bargain, a shorter workweek, better laws to protect against child labor. Those things are the law of the land in Morocco because of this agreement.

So what we are doing with this broad initiative, through trade investment framework agreements, which lead to these free trade agreements like we have with Jordan and Bahrain and now Morocco, what this accomplishes is bringing these nations into a partnership of democracy, of freedom, of openness and prosperity. That is how we end up improving the lives of people in the Middle East, and that at the end of the day, and I am going to make this connection, is how we make sure that young men and women who are susceptible to the likes of al-Qaeda, who grow up in tyrannical countries with lives where they have no hope and no place to put their creative energies and turn to the likes of al-Qaeda, now have hope in the countries where they did not have them before.

Now young people in these countries who are opening up their systems, bringing democracy, bringing open societies, they have hope. They have a place to channel their energies. This will be one if we improve our relationship, our cultural understanding, our dialogue, and, yes, our trade with these countries.

The Moroccan trade agreement is a perfect example of this vision. I urge Members to pass this trade agreement. It is good for jobs, it is good for Americans, it is good for Moroccans, and it is good for our foreign policy in the Middle East. That is a very, very important goal.

Mr. LEVIN. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. CROWLEY).

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

I rise in support of this free trade agreement between the United States and Morocco. It has been a pleasure for me to work not only with the gentleman from Michigan (Mr. LEVIN), the gentleman from New York (Mr. RANGEL), the gentleman from New York (Mr. MEEKS), the gentleman from Washington (Mr. SMITH), the gentleman from California (Mr. DOOLEY) and others from our side, but also with Members from the other side of the aisle, the gentleman from Pennsylvania (Mr. ENGLISH), the gentleman from Missouri (Mr. BLUNT), the gentleman from Virginia (Mr. CANTOR), and the gentleman from California (Chairman THOMAS) in making this bill a reality today on the floor.

As a Member who supports free trade and fair trade, and as a member of the Subcommittee on the Middle East and Central Asia on the Committee on International Relations, I was happy to work with Members to develop this legislation, which goes beyond being just a trade bill and morphing into a foreign policy tool.

Morocco has been a strong ally and friend of the United States since we declared our independence, and this agreement will continue to strengthen our long-standing relationship. This free trade agreement with Morocco will immediately eliminate duties on 95 percent of nontextile industrial imports, which will be the best market access the U.S. enjoys with a developing nation.

Besides the economic benefits from the implementation of this free trade agreement, it also has spurred our friends in Morocco to create a comprehensive new labor law which just went into effect this past June. The Moroccan new labor law raises the minimum employment age, reduces the workweek with overtime rates, improves worker health and safety regulations, addresses gender equity, and promotes employment of the disabled. This labor law also guarantees rights of association and collective bargaining. I believe we can credit this movement in terms of improvement of labor standards in Morocco to hopes by Morocco of agreement on this trade agreement.

Morocco has been a stabilizing force in the Middle East, and this agreement will help Morocco to continue on the path of moderation. In fact, Morocco has been a good friend to one of our strongest allies, Israel. Morocco has the largest population of Jews outside of Israel in the Middle East and has played an important role in trying to stabilize the current situation by continuing to play a role as a critical back channel for communications among

Israel, the Arab world, and the United States.

At the core of this trade initiative is the belief that through economic opportunity and partnership with the United States and Israel the goal of peace in this region can be furthered. I support this free trade agreement between the United States and Morocco, and I urge Members to vote for final passage.

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

Mr. Speaker, I commend the gentleman from New York (Mr. CROWLEY) for his outstanding commitment in this effort to advance our free trade relations and to advance the civilized values that free trade causes. He has done outstanding work in that effort, and I commend him. I thank his colleagues on his side of the aisle for their strong bipartisan support on this important bill.

Mr. Speaker, the administration strongly supports H.R. 4842, which will approve and implement the U.S.-Morocco Free Trade Agreement, as signed by the United States and Morocco on June 15, 2004.

The U.S.-Morocco FTA advances U.S. economic interests and meets the negotiating principles and objectives set out by the Congress in the Trade Act of 2002. The FTA will benefit the people of the United States and Morocco and illustrate to other developing countries the advantages of more open markets for trade and investment.

The FTA provides for increased access for American farmers, workers and businesses to Morocco's markets. Pursuant to the agreement, Morocco will provide strong protection for intellectual property, ensure that rules on electronic commerce are nondiscriminatory, and provide U.S. firms access to covered government procurement opportunities on the same basis that Moroccan firms enjoy.

The U.S.-Morocco FTA provides a significant opportunity to encourage economic reform and development in a moderate Muslim nation and is an important step in implementing the President's plan for a broader U.S.-Middle East Free Trade Area. It also sets a strong example of the benefits of open trade and democracy. Opening markets is part of the President's six-point plan for continuing to strengthen America's economy and to create more opportunities for American farmers, workers and businesses.

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

Mr. BROWN of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. RYAN).

Mr. RYAN of Ohio. Mr. Speaker, I thank the gentleman for yielding me this time.

A couple of points I would like to make as we are having this debate. One, we hear that there currently is a trade surplus with Morocco, but we have to look back just a few years and remember that we had a trade surplus with Mexico before we signed NAFTA. I think when we get ourselves into these trade agreements the argument is we have a trade surplus but things are going to change, and we need to look at that here.

What I cannot understand today, not only with this agreement but the legislation that passed out of this House earlier, is what are the priorities? We are trying to strip the Supreme Court of their power that was given to them by the Constitution. We are going off on another trade agreement here. In Ohio, we just lost 14,000 more jobs just in the month of June. The unemployment rate in Ohio went from 5.6 percent to 5.8 percent. What are the priorities of this Congress?

In every single trade agreement that has been passed by this Congress, there has been a promise that has been made along with it. We say we are going to open up markets, we are going to export, and we are going to trade. And as we get rid of those low-paying jobs, we are going to invest in education, we are going to make sure our country is competitive, and we are not living up to that part of the bargain.

We have 59,000 engineers which graduated from this country in 2001, and over 200,000 that graduated from China. If we do not fix the problem we have with our Pell Grants, our student loans, No Child Left Behind in the State of Ohio alone is underfunded for $1.5 billion for one school year, we cannot keep trading and not educating. That is the problem with these trade agreements. If we are going to compete in a global economy, we have to invest in our students or we are going to lose the middle class in the United States of America.

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

Mr. LEVIN. Mr. Speaker, I yield 3 minutes to the distinguished gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman from Michigan for yielding me this time.

Mr. Speaker, I listened to the debate and I fully agree with Members from States like Ohio that have been devastatingly impacted by trade bills that have not worked.

It is unusual for me to extend myself on trade bills and provide my support, but as I have looked at this particular trade bill let me congratulate the negotiators. They have gone more than the extra mile. I have always said that where we can help developing nations, and particularly those in Africa that I have worked with over the time of my years in Congress, this is an important step we are making.

I cite in this trade bill some very interesting factors. First of all, I am gratified there are no immigration aspects to this bill because I oppose definitively any immigration issues on this bill because the immigration system in this Nation is broken and we must fix it in a way that is fair and balanced to all those who come to this country to seek opportunity.

This bill, however, speaks to the issue of labor concerns. I am delighted in 2003 Morocco undertook a major social dialogue involving the government of Morocco and talked about adopting and did adopt in fact major labor law reforms in July 2003 which reflected a common agreement and was endorsed by all groups. Standards of labor treatment and the elimination of child labor laws has been the result of these negotiations, as well as the recognition of the right to associate and participate in labor unions. Morocco made anti-union and other forms of discrimination illegal, providing strong penalties against such conduct, creating a legal obligation to engage in collective bargaining.

And yes, Mr. Speaker, let me also say that this particular treaty also recognizes in the fight against HIV/AIDS that we have the ability for the government of Morocco to buy generic drugs. I would hope as we look at treaties, as we look at labor agreements that deal in trade, as we look at formulating trade agreements in the future, Morocco as a developing nation is a very good standard by which to answer the Members' questions about the sizable loss of manufacturing jobs and other jobs around America. I too believe that we need job creation, the creation of manufacturing jobs, and we need to invest in the workforce of America.

I believe that this strong trade agreement will allow us to show the people of Morocco how to develop their economic infrastructure, to be the consumers of our products here in the United States as we improve our trade to balance with them. We want to decrease the trade imbalance and increase the amount of exports to Morocco and help it to become an economic engine that will receive our products from the United States. When that occurs, I am prepared to support a trade agreement such as this, and I rise to support the Morocco trade agreement.

Mr. Speaker, I rise today to support H.R. 4842, the ''United States-Morocco Free Trade Agreement Implementation Act.'' Mr. Speaker, having traveled to Africa, I have seen the value when U.S. trade markets are opened to this part of the world. Morocco is an important ally in a region that needs our support. I support the long-term goal of increasing free trade with Africa and its surrounding neighbors. This legislation will build stronger and more effective commercial relationships in a region of the world where economic hope is unfortunately non-existent, developing nations like Morocco need our partnership.

Mr. Speaker, one of my strong issues is the worldwide fight against the deadly pandemic: the HIV/AIDS virus. In August of 2003, the U.S. led the work towards a WTO consensus that allows poor countries without domestic drug production capacity to issue compulsory licenses to import drugs needed to combat diseases such as HIV/AIDS, malaria, tuberculosis and other infectious epidemics. The Morocco FTA will not affect that country's ability to take measures necessary to protect public health or to use the WTO solution to import

drugs. This agreement ensures that government marketing-approval agencies will not grant approval to patent-infringing pharmaceuticals.

As far as the agreement is concerned, Morocco has agreed to establish tariff-rate quotas for beef that grow over time, providing significantly increased access to the important market in high-quality beef. In this respect, the U.S. will have superior access over the European Union, and virtually every one else, as well. This legislation levels the playing field between U.S. wheat producers and the EU, though the transition to parity is longer than I prefer.

We should welcome Morocco into the larger network of U.S. free trade partners. The Agreement provides benefits for businesses wishing to supply services cross-border (for instance, by electronic means) as well as businesses wishing to establish a presence locally in the other country. Strong and detailed disciplines on regulatory transparency supplement the Agreement's cross-cutting transparency provisions.

In this agreement, Morocco will allow U.S.-based firms to supply insurance on a cross-border basis (through electronic means) for key markets including reinsurance, reinsurance brokerage, and, subject to a two-year phase-in, marine, aviation and transport (MAT) insurance and brokerage. Morocco also will allow U.S.-based firms to offer services cross-border to Moroccans in areas such as financial information and data processing, and financial advisory services.

Of further benefit to U.S. insurance suppliers, Morocco will phase-out certain mandatory reinsurance cessions and expedite the introduction of insurance products. Each government commits that users of the telecom network will have reasonable and nondiscriminatory access to the network, thereby preventing local firms from having preferential or ''first right'' of access to telecom networks.

U.S. phone companies will have the right to interconnect will former monopoly networks in Morocco at non-discriminatory, cost-based rates. U.S. firms seeking to build a physical network in Morocco will have non-discriminatory access to key facilities, such as telephone switches and submarine cable landing stations.

This agreement is important because Morocco is an emerging market at the crossroads of Europe, Africa, and the Middle East. It imports $11 billion in products each year. Currently, U.S. products entering Morocco face an average tariff of more than 20 percent, while Moroccan products are only subject to an average 4 percent duty in the United States.

Each government will prohibit bribery, including bribery of foreign United States officials, and establish appropriate criminal penalties to punish violators. This Agreement establishes a secure, predictable legal framework for U.S. investors operating in Morocco.

All forms of investment will be protected under the Agreement, such as enterprises, debt, concessions, contracts and intellectual property. U.S. investors will enjoy in almost all circumstances the right to establish, acquire and operate investments in Morocco on an equal footing with Moroccan investors, and with investors of other countries.

Pursuant to the Trade Promotion Authority Act of 2002 (TPA), the Agreement draws from U.S. Legal principles and practices to provide U.S. investors in Morocco a basic set of substantive protections that Moroccan investors in the United States currently enjoy under the U.S. legal system.

This agreement fully meets the labor objectives set out by the Congress in TPA. Labor obligations are part of the core text of the Agreement. Each government reaffirms its obligations as members of the International Labor Organization (ILO), and commits to strive to ensure that its domestic laws provide for labor standards consistent with internationally recognized labor principles. The Agreement makes clear that it is inappropriate to weaken or reduce domestic labor protections to encourage trade or investment.

Each government will be required to effectively enforce its own domestic labor laws, and this obligation is enforceable through the Agreement's dispute settlement procedures.

Procedural guarantees in the Agreement require each government to provide access for workers and employers to fair, equitable and transparent labor tribunals or courts.

The Agreement includes a cooperative mechanism to promote respect for the principles embodied in the ILO Declaration on Fundamental Principles and Rights at Work, and compliance with ILO Convention 182 on the Worst Forms of Child Labor.

In closing, I support the Moroccan Free Trade Agreement.

□ 1745

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

Mr. Speaker, one of the things I have noticed in these debates on these trade issues is there is one common thread. There are many, but there is one really thick common thread that is woven through all these trade agreements, in not just these trade agreements but that is perhaps woven through much of what this Congress has done in the last 3 years, during the Bush years, and that is whatever the drug industry wants, whatever the pharmaceutical companies want.

We know the drug industry is the most profitable industry in America by a factor of three or four times in profitability over other Fortune 500 industries. We also know the drug industry has 600-plus lobbyists, more than one per Member. We also know the drug industry has given more money to President Bush, tens of millions of dollars, and to Republican leadership than any other industry. And we know they have gotten their way.

They wrote the Medicare bill, we know that, with the insurance industry. We know they have begun to try to dry up drug supplies in Canada, prescription drugs, so that Americans have more difficulty going to Canada to get drugs. We know that the FDA, once one of the best agencies in the Federal Government, has been co-opted by the drug industry so that on issue after issue they take the drug industry's side rather than the public safety or the consumers' side. And most importantly, I do not know that Members on the other side of the aisle are quite aware of this, but certainly the public is aware at how high drug prices, how much they have skyrocketed in the 3 years since President Bush has, I was going to say turned a blind eye to drug industry abuses but really actually fronted for and assisted in drug industry abuses.

One more example of that is all of these trade agreements, what happened with the Australia Free Trade Agreement, how it would for all intents and purposes block reimportation, that is, our ability, American consumers' ability to buy prescription drugs from another country, to get drugs at half or a third or a fourth of their price. We are now seeing the same in the Morocco bill.

But let us kind of scratch the surface a little and what you will find, Mr. Speaker, is in April, United States Trade Rep, Ambassador Zoellick, gave Assistant U.S. Trade Representative for Southeast Asian public affairs, Ralph Ives, additional responsibilities as the Assistant U.S. Trade Rep for pharmaceutical policy. He was the chief negotiator in the Australia FTA, which included these provisions we talked about which, of course, benefit the pharmaceutical industry.

Now, Mr. Speaker, we hear that this same Mr. Ives, who I said was the chief Australia FTA negotiator on pharmaceutical interests on behalf of the Bush administration, we find out next month he will leave USTR to become vice president of AdvaMed, a medical supply company. We have also learned that Claude Burke, another negotiator for U.S. taxpayers, paid by our government, a Bush appointee for intellectual property rights, has already left and now is working for another drug company, working for Abbott Labs.

So this revolving door of the drug industry where the drug industry gives money to President Bush, President Bush then helps the drug industry, then these people who are working for taxpayers negotiate a good deal for the drug company, then leave and come back and work for the drug industry. Is there no shame with this crowd, with my Republican friends who have fronted for this drug industry that is fleecing the American public and with the administration? That is one issue.

The other, Mr. Speaker, is why do we pass a trade agreement when we see the same story repeated over and over and over? We just turn the calendar back, rewind the clock, and we see it over and over again. We see speaker after speaker come to this floor and make all kinds of promises. We have a trade surplus in Morocco, so we ought to pass a trade agreement. Just like we had a trade surplus with Mexico, we passed NAFTA; and now we have a $25 billion a year, plus-plus-plus, trade deficit.

They promise more agricultural exports. They promise more American jobs. They promise more business for American companies. They promise more exports of American products. But look what happens. In my State in the last 3 years, we have lost one out of

six manufacturing jobs. Does that mean these trade agreements with Mexico, with WTO in China, with Morocco, with Australia, with Chile, with Singapore, does that mean these trade agreements are working? There is no evidence that they are working. We continue to hemorrhage jobs. We now have a $450 billion trade deficit, $1.5 billion trade deficit every day. So our answer is, boy, let's do more of the same because that must be working.

It is clearly not working. We have lost jobs during the Bush administration, the first President since Herbert Hoover to have a net loss of jobs. So what are we going to do? We are going to keep pursuing the same economic policy we have had the last 3 years, more tax cuts for the most privileged people in society, maybe some of it will trickle down into economic growth. Clearly that has not worked. More trade agreements, like Morocco, like Australia, like NAFTA, like China, more trade agreements. That has not worked because we continue to hemorrhage jobs. We continue to ship jobs overseas.

Maybe, just maybe, Mr. Speaker, since none of that seems to have worked, maybe we ought to try something different. Maybe we ought to have a trade agreement that does not sell out to the drug industry. Maybe we ought to have a trade agreement with enforceable labor and environmental standards, international labor organization standards. Maybe we ought to have a trade agreement that puts American workers first, that puts the environment first, that puts food safety first, that puts American consumers of prescription drugs first. Maybe, just maybe, we ought to put a hold on these trade agreements that continue to ship jobs overseas and, instead, pass something that works for American consumers, that works for American workers, that works for our communities, and that works for the United States of America.

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

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

When we discussed the rule, I went over some of the benefits of this agreement, those relating to manufacturing goods, and we have been deeply hurt in the manufacturing area in the United States these last 3 years. This agreement should open up Morocco to more goods made in America. I referred to the agricultural area. This agreement does open up the Moroccan market to agricultural goods produced in the United States of America. It will also liberalize the service areas that are important for our development. And there is reference to intellectual property safeguards.

I want to spend a few minutes now talking about the broader perspective here, the perspective, I think, with which we must look at trade agreements and expanded trade.

First, there has been some reference here to bipartisanship, and it is true that this will pass with bipartisan support. Not complete. But I want it clear that there has been these last 3 years no basic bipartisan consensus on trade. That has been true of the big issues. We fought out TPA here, and it passed narrowly. CAFTA was negotiated on a narrow basis without adequate bipartisan participation. The same has been true today of the FTAA.

The failure of this administration to build a bipartisan consensus, a strong bipartisan foundation, to renew that foundation that once existed here, I think, has handicapped discussions within the WTO. We cannot make the tough decisions relating to negotiations in the WTO that affect American workers, businesses, farmers and others except on the basis of a strong bipartisan foundation. We do not have it.

Secondly, we on the Democratic side together, all of us, reject the use of one agreement as a model for others. For example, we have discussed core labor standards. Where labor laws in a country are essentially adequate, as was true of Jordan, the standard enforce-your-own-laws, which was the basic standard in Jordan, can work; but it will not work in cases where laws are very inadequate. So that is why we Dems essentially in unison reject the CAFTA that was negotiated. We support a Central American Free Trade Agreement, but one that is different than was negotiated.

So the basic issue, therefore, is not, as some in the majority have stated, whether one is for or against free trade, for or against expanded trade. It is whether the terms of expanded trade will be shaped to benefit all and not just a few. We do not assume that expanded trade is automatically positive all around.

That is why when this agreement came up, we raised two issues. One of them related to core labor standards. There was reform. We wanted to know the facts about those reforms. We wanted to know the realities within Morocco. We wanted to know whether it was more or less like Jordan and not more or less like Central America.

And so we dug into the facts. We made it clear to the Moroccan government that we cared, and I must say I think it is because Democrats have been raising these issues perhaps more than any other factor that the Moroccan government undertook some reforms, and we received back a communication from the government of Morocco. I submit for printing in the RECORD the letter that was sent to us and the three other letters referred to during the debate on the rule.

The material referred to is as follows:

EMBASSY OF THE
KINGDOM OF MOROCCO,
Washington, DC, July 19, 2004.

HON. SANDY LEVIN,
Rayburn House Office Building,
House of Representatives.

DEAR REPRESENTATIVE LEVIN: I deeply appreciate the opportunity to work with you on the U.S.-Morocco Free Trade Agreement. In particular, I appreciate the opportunity to talk to you about the pharmaceutical provisions in the Free Trade Agreement, and about how the Government of Morocco is meeting the health needs of its citizens.

The Government of Morocco has a well-developed health system, including a comprehensive public health program. For example, free medical care, including medicines, is available through our hospitals. Morocco's health care policy includes a strong emphasis on generic drugs.

Morocco has not needed to engage in emergency measures such as compulsory licensing or parallel imports. In fact, there is a well-developed domestic pharmaceutical industry in Morocco, producing also generics, and in 2000, well in advance of the Free Trade Agreement and completely independent of it, Morocco decided to bar parallel imports.

In addition, as a separate, but quite important matter, the Government of Morocco is strongly committed to and has agreed to the highest-standard intellectual property rights provisions in the Free Trade Agreement. The Government of Morocco believes that effective intellectual property right protection will play a vital role in the continued economic development of our country.

The pharmaceutical provisions in the Free Trade Agreement were carefully considered in Morocco. They were discussed in detail with all parties. All sectors of our health system were involved, including the pharmaceutical industry. The discussions also included the members of the civil society in Morocco.

The Government of Morocco achieved in this agreement full flexibility to meet our nation's health concerns. In particular, the Government of Morocco believes the agreement fully preserves its right to issue a compulsory license in the event that this should prove necessary.

The Agreement does bar ''parallel imports'' in 1.5.9.4. However, as described above, the Government of Morocco already bans ''parallel imports.'' In addition, the Government of Morocco believes that in the event that it faced a situation where extraordinary action was required, it could meet the needs of its people through a compulsory license.

The Government of Morocco considered carefully the data exclusivity provisions in the agreement. We do not believe that they present any risk to our ability to meet the health needs of our citizens.

Under the Agreement, a compulsory license does not override obligations to provide data exclusivity under 15.10.1 and 2. The Government of Morocco believes it is unlikely that a situation would ever arise where data exclusivity would be a barrier to the issuance of a compulsory license. If such an event did occur, the Government of Morocco believes that an accommodation could be reached with the owner of the data.

The Government of Morocco supports the Paragraph 6 solution of the Doha Declaration. The Free Trade Agreement does not restrict our ability to export under the Paragraph 6 solution of the Doha Declaration. To the specific, 15.9.6 does not create a barrier to exports under the Paragraph 6 solution of the Doha Declaration.

The June 15, 2004 side letter between our two countries addresses the ability to amend the Free Trade Agreement, responsive to amendments to the WTO Agreement on Trade-Related Aspects of Intellectual Property Rights. Under the Agreement, the Government of Morocco believes it can consult immediately to amend the Agreement responsive to any WTO amendments. Under the Agreement, it is not required to wait for there to be an application in dispute of the Agreement.

I look forward to keep working with you.

Sincerely,

AZIZ MEKOUAR,
Ambassador.

EMBASSY OF THE
KINGDOM OF MOROCCO,
Washington, DC, July 14, 2004.

Hon. SANDY LEVIN,
Rayburn House Office Building,
Washington, DC.

DEAR CONGRESSMAN LEVIN: I have deeply appreciated the continuing opportunity to work with you on the U.S. Morocco Free Trade Agreement. In particular, I welcome your interest in our nation's labor law, specifically the comprehensive reforms, passed last year.

I want to address through this letter some of the issues that have been highlighted in conversations with you and your staff. Under Moroccan law, it is illegal to fire an individual because they are a member of a labor organization or have engaged in labor organizing. To fire someone on these grounds would be arbitrary under the 2003 law and would make available the full remedies provided under that law.

Under Moroccan law, it is illegal to refuse to hire an individual because they are a member of a labor organization or have engaged in labor organizing. It is also illegal to refuse to rehire or extend the contract of an individual for these reasons.

Section 473 is a provision in the 2003 Labor Law and the provision's intent is to ensure that labor representatives do not undermine the traditional labor organizations. The government intends to implement this provision to achieve that goal, consistent with the core provisions of the ILO.

The right to strike is protected in the Moroccan constitution. Further clarification of these rights is underway. The government of Morocco is committed to protecting the right to strike in conformance with the International Labor Organization's core principles. In particular, the government of Morocco will not use Article 288 of our penal code against lawful strikers.

Concerning the questions regarding Labor Representatives, employers have the obligation to organize the elections for the labor representatives. Employers cannot vote in these elections and are not able to choose labor representatives. Only employees can vote and elect freely the labor representatives.

Employees can join freely the Union of their own choice. Unions designate their representatives within the companies.

On the ILO involvement, Morocco has always worked with ILO. For instance, ILO assisted Morocco to write the Labor Code of 2003 and the new law on child labor. Morocco, as in the past, will continue to ask the support of ILO and work with this organization in all labor issues such as new laws and will ask its help in providing assistance for the implementation of the current rules.

I look forward to continuing to work with you on these issues and any others of potential concern. Nevertheless, I wanted to get back to you in a timely manner on the key issues addressed in this letter.

Sincerely,

AZIZ MEKOUAR,
Ambassador.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, July 15, 2004.

Hon. ROBERT B. ZOELLICK,
U.S. Trade Representative,
Washington, DC.

DEAR AMBASSADOR ZOELLICK: We are writing to express our ongoing concern about sections of recently negotiated U.S. free trade agreements (FTAs) that could affect the availability of affordable drugs in developing countries. In particular, we are concerned about the impact of restrictions on parallel imports and about marketing exclusivity requirements for pharmaceuticals included in the Morocco FTA. Our concern relates to two points.

First, it appears that some of the provisions contradict, both explicitly and in spirit, commitments made by the United States in the World Trade Organization in both the November 2001 Declaration on the TRIPS Agreement and Public Health (the Doha Declaration) and the September 2003 Implementation of Paragraph 6 of the Doha Declaration on the TRIPS Agreement and Public Health (the Paragraph 6 Decision). Section 2101(b)(4)(C) of the Trade Act of 2002 (Trade Promotion Authority or TPA) directs the Administration to respect the Doha Declaration, necessarily including subsequent agreements related to that Declaration.

Second, we are concerned that the FTA's restrictions on obtaining regulatory approval for drugs, including drugs that are already off-patent, are likely to increase prices in the Moroccan market. These restrictions, described below, could undermine the availability of generic versions of drugs to treat serious health problems, including HIV/ADS, that are widespread in many, if not most, developing countries. Moreover, any increase in the price of drugs in a developing country like Morocco will be borne by consumers because most developing countries have large rural, uninsured, and poor populations who pay out-of-pocket for drugs.

In discussions with your staff and in recent testimony before the Committee on Ways and Means, we understand that your office is of the view that the FTA does not interfere with a country's efforts to ensure broader access to medicines. We request that you explain that view to us in writing, and in particular, by responding to the questions outlined below. We have focused on Chapter 15 of the U.S.-Morocco FTA, because it may be considered by Congress in the coming weeks.

RESTRICTIONS ON PARALLEL IMPORTATION

Article 15.9.4 of the U.S.-Morocco FTA requires both countries to recognize the exclusive right of a patent holder to import a patented product, at least where the patent holder has restricted the right to import by contractual means. In practical terms, this provision means that neither Morocco, nor for that matter, the United States, may allow parallel imports of patented pharmaceutical products from the other country, or where a national of the other country owns the patent.

With respect to Morocco, which is a developing country, this provision appears to limit one of the flexibilities identified in the Doha Declaration for increasing access to medicines, and accordingly, it appears to contradict the direction in section 2102(b)(4)(c) of TPA. Specifically, the Doha Declaration reaffirmed that the TRIPS Agreement provides flexibility for WTO Members to take measures to protect public health, including ''promot[ing] access to medicines for all.'' One of the key flexibilities identified in the Doha Declaration is the right of each country to determine for itself whether to allow parallel imports.

Does Article 15.9.4 of the Morocco FTA prevent Morocco from allowing parallel imports of a patented pharmaceutical product?

Given that the Doha Declaration explicitly confirms the right of each country to retain flexibility in allowing parallel imports of drugs as one way of meeting the public health needs of its citizens, please explain why the provision was included given that TPA directs the Administration to respect the Doha Declaration?

Which country sought inclusion of this provision?

If Morocco or the United States eliminated the exclusive right of a patent holder to import a patented product, would either be in violation of Article 15.9.4?

MARKET EXCLUSIVITY AND RELATED PROVISIONS

Article 15.10.1 of the U.S.-Morocco FTA requires that both countries prevent the use of data submitted to support an application for marketing approval (e.g., approval from the Food and Drug Administration (FDA)) for a new pharmaceutical chemical product without the consent of the person submitting such data, for a period of five years from the date of approval. In layman's terms, this means that if a company submits data to meet FDA-type safety and efficacy standards, and obtains marketing approval based on that data, other companies cannot obtain regulatory approval based on those data for five years. Given the cost of generating such data, this provision operates effectively as a grant of market exclusivity in virtually all cases, including in cases where the drug is off patent. Article 15.10.2 appears to allow an additional three years of marketing exclusivity for new uses of an already-approved pharmaceutical product. Article 15.10.3 requires both countries to extend patents where there is a delay in the marketing approval process.

The provisions described above appear to be based on 1984 amendments to U.S. law known as the Hatch-Waxman Act. The objectives of the Hatch-Waxman Act were to accelerate and increase the availability of generic drugs in the United States while balancing the need for continued investment in new drugs. As you are aware, the Hatch-Waxman Act was necessary because prior to 1984, U.S. law made it extremely difficult and expensive to bring a generic version of a pharmaceutical product to market, even after a patent expired. This was because prior to the 1984 changes, a company seeking marketing approval for a copy of an already-approved drug had to generate its own data to support its FDA application. The cost of generating those data effectively precluded second entrants from entering the market. (First entrants were able to offset the cost for generation of the data because they enjoyed patent protection.) The Hatch-Waxman Act allowed second entrants to rely on data submitted by first entrants, thereby reducing costs and speeding introduction of generic versions of drugs to the U.S. market. In exchange for allowing second entrants to ''piggy-back'' off first entrants, first entrants were given a period of market exclusivity, even for drugs that are off-patent.

The Hatch-Waxman Act's provisions on market exclusivity were part of a compromise necessary to ensure that the U.S. regulatory structure was updated to facilitate the entry of generic drugs into the U.S. market. Most developing countries already have robust generic markets, in large part because they already allow producers of generic versions of drugs to obtain regulatory approval based on data submitted by first applicants or based on prior approval. In light of that fact, and given that innovative drug companies largely develop drugs for developed country markets and conduct the necessary tests to get marketing approval in those markets regardless of whether they are given market exclusivity in low-income developing countries, what is the rationale for including these provisions?

Please describe the circumstances under which the three additional years of marketing exclusivity described in Article 15.10.2 would apply.

Neither Article 15.10.1 or 15.10.2 on marketing exclusivity appear to allow for reliance on previously submitted data or prior

approval during the period of market exclusivity absent consent of the first applicant. The Doha Declaration reaffirmed the right of countries to use flexibilities under the TRIPS Agreement, such as compulsory licenses. A compulsory license allows someone other than the patent holder to produce and sell a drug under patent. It is not clear to us why the grant of a compulsory license would override a grant of market exclusivity, as provided in Articles 15.10.1 and 15.10.02. (We note that there is no exception to protect the public.) Please describe how the market exclusivity provisions in Article 15.10.1 and Article 15.10.2 relate to Morocco's ability to issue a compulsory license.

Where a compulsory license has been issued, may a Party automatically deem that the first applicant has consented to reliance on the data or prior approval for the drug produced under the compulsory license?

If the patent and test-data were owned by different entities, does a compulsory license result in legal ''consent'' by both the patent holder and the data owner for use of the patented material and the test data?

When the drug is off patent, and a Party wishes to permit marketing for a second entrant, what mechanism exists in the FTA to allow for an exception to the provisions on market exclusivity?

Is a grant of market exclusivity pursuant to Articles 15.10.1 and 15.10.2 considered an ''investment'' with respect to Chapter 10 of the agreement? If so, would an abridgement of the period of market exclusivity constitute a compensable expropriation under Chapter 10?

Article 10.6.5 of the FTA appears to clarify that any act of patent infringement carried out by a Party in the issuance of a compulsory license in accordance with the TRIPS does not constitute a compensable expropriation. Issuance of a compulsory license, however, is only one aspect of the process of getting a drug to market. Does the clarification in Article 10.6.5 also ensure that other measures taken by a government to ensure that a drug on which a compulsory license has been issued can be lawfully marketed (e.g., a grant of marketing approval to a generic or second producer before the period of marketing exclusivity has expired) will not constitute compensable expropriations? If not, is there another provision in the agreement that would ensure that such measures do not constitute expropriations?

Article 15.10.3 requires that a patent term be extended where there is a delay in the regulatory approval process. The provision does not state whether delays attributable to the applicant (e.g., failure to provide adequate data) mitigate against extension. Article 15.9.8, the comparable provision for extension of a patent term because of a delay in the patent approval process, makes clear that delays attributable to the patent applicant should not be considered in determining whether there is a delay that gives rise to the need for an extension. Why was similar language not included in Article 15.10.3?

Is Morocco, or for that matter the United States, required by the FTA to extend a patent term where there is a delay in the regulatory approval that is attributable to the applicant?

BOLAR-TYPE PROVISIONS THAT LIMIT EXPORT

Article 15.9.6 of the U.S.-Morocco FTA appears to allow a person other than a patent holder to make use of a patent in order to generate data in support of an application for marketing approval of a pharmaceutical product (e.g., approval from the FDA). However, Article 15.9.6 also states that if exportation of the product using the patent is allowed, exportation must be limited to ''purposes of meeting marketing approval requirements.'' This provision appears to preclude Morocco from exporting generic versions of patented pharmaceutical products for any reason other than use in obtaining marketing approval because that is the only exception noted.

If that is the case, the provision would seem to curtail Morocco's ability to act as an exporter of pharmaceutical products to least-developed and other countries under the Paragraph 6 Decision. Specifically, the Paragraph 6 Decision allows countries to export drugs produced under a compulsory license to least-developed countries or to countries that lack pharmaceutical manufacturing capabilities. Were the provisions to constrain Morocco's ability to export under the Paragraph 6 Decision, the United States could be accused of backtracking on commitments that have been made.

Please explain whether this Article prohibits Morocco from allowing the export of generic versions of patented pharmaceutical products for purposes other than ''meeting market approval requirements.'' If it does not, please explain in detail how you came to that conclusion.

If this provision does in fact limit Morocco's ability to allow the export of generic versions of patented pharmaceutical products, please explain how Morocco could serve as an exporting country to help least-developed and other countries address public health needs under the Paragraph 6 Decision. (Exporters under the Paragraph 6 Decision are exporting to meet the health needs of an importing country, not merely to obtain marketing approval.)

Does Article 15.9.6 allow export of a generic version of a patented drug to get marketing approval in a third country (i.e., other than the United States or Morocco)? (Article 15.9.6 states that ''the Party shall provide that the product shall only be exported outside its territory for purposes of meeting marketing approval requirements of that Party.'')

SIDE LETTER TO THE AGREEMENT

The Morocco FTA includes an exchange of letters dated June 15, 2004, between the Governments of Morocco and the United States. The letters appear intended to clarify the relationship between the intellectual property provisions of the FTA and the ability of Morocco and the United States to take measures to protect the public health.

The letters address two issues. First, the letters state that the intellectual property provisions in the FTA ''do not prevent the effective utilization'' of the Paragraph 6 Decision. Second, the letters state that if the TRIPS Agreement is amended on issues related to promotion of access to medicines, and that either the United States or Morocco takes action in conformity with such amendments, both countries will ''immediately consult in order to adapt [the intellectual property provisions of the FTA] as appropriate in light of the amendment.''

On the Paragraph 6 Decision, please explain how the statement that the FTA does not ''prevent the effective utilization'' is not merely rhetorical. Please be specific as to why you believe the provisions in the FTA do not preclude Morocco from acting as an importer or exporter of drugs under the Paragraph 6 Decision, including how the FTA's provisions related to market exclusivity can be waived if Morocco acts in either capacity.

On the issue of consultation, do the letters mean that both Parties agree to amend the FTA as soon as possible to reflect access to medicines amendments to the TRIPS Agreement? Will the United States refrain from enforcing provisions of the FTA that contravene the TRIPS Agreement amendments while the FTA is being amended? Is USTR willing to engage in an exchange of letters with the Government of Morocco memorializing such an understanding?

We appreciate your prompt response to these questions.

Sincerely,

CHARLES B. RANGEL,
Ranking Democrat, Committee on Ways and Means.
JIM MCDERMOTT,
Member, Committee on Ways and Means.
SANDER LEVIN
Ranking Democrat, Subcommittee on Trade, Committee on Ways and Means.
HENRY A. WAXMAN,
Ranking Democrat, Committee on Government Reform.

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE,
Washington, DC, July 19, 2004.

Hon. SANDER M. LEVIN,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN LEVIN: Thank you for your letter of July 15, 2004, regarding certain provisions of the intellectual property chapter of the U.S.-Morocco Free Trade Agreement (FTA).

I have addressed each of your specific questions below. As a general matter, for the reasons also set forth below, the FTA does not conflict with the Doha Declaration on the TRIPS Agreement and Public Health or otherwise adversely, affect access to medicines in Morocco. The FTA does not require Morocco to change its policies with respect to any of the flexibilities noted in the Doha Declaration. Furthermore, we believe that this FTA can advance Morocco's ability to address public health problems, both by putting in place incentives to develop and bring new medicines to market quickly and by raising standards of living more broadly.

The experience of Jordan under the U.S.-Jordan FTA is illuminating. The United States and Jordan signed the FTA in 2000, during the prior Administration, and we worked with Congress to enact that agreement in 2001. The U.S.-Jordan FTA contains a strong intellectual property chapter that covers, for example, data protection, one of the issues highlighted in your letter. Jordan has witnessed a substantial increase in pharmaceutical investment, creating new jobs and opportunities. In addition, Jordan has approved 32 new innovative medicines since 2000—a substantial increase in the rate of approval of innovative drugs, helping facilitate Jordanian consumers' access to medicines. The Jordanian drug industry has even begun to develop its own innovative medicines. This is an example of how strong intellectual property protection can bring substantial benefits to developing and developed countries together.

Your specific questions with respect to the U.S.-Morocco FTA are addressed below.

PARALLEL IMPORTATION

1. Does Article 15.9.4 of the Morocco FTA prevent Morocco from allowing parallel imports of a patented pharmaceutical product?

Article 15.9.4 of the FTA reflects current Moroccan law and therefore does not require Morocco to do anything it does not already do. The FTA also reflects existing U.S. law. Both Morocco and the United States already provide patent owners with an exclusive right to import patented products, including pharmaceuticals but also all other types of patented products. Many innovative industries and their employees in the United

States—from the high tech and pharmaceuticals sectors to sectors covering chemicals and agricultural inputs, and on to engineering and manufacturing—benefit from this long-standing protection in U.S. patent law.

2. Given that the Doha Declaration explicitly confirms the right of each country to retain flexibility in allowing parallel imports of drugs as one way of meeting the public health needs of its citizens, please explain why the provision was included given that TPA directs the Administration to respect the Doha Declaration?

Providing patent owners with an exclusive import right is consistent with Article 28.1 of the TRIPS Agreement, which states that patent owners have the exclusive right to make, use, sell, offer for sale, and import products covered by their patents. U.S. law, developed through a long line of Supreme Court and lower court cases, has recognized this right for over a hundred years. The TRIPS Agreement more precisely articulated the exclusive import right, and, when implementing TRIPS in the Uruguay Round Agreements Act, Congress amended the patent law by providing for such a right expressly in the statute.

At the same time, however, the TRIPS Agreement also allows countries to choose to permit ''international exhaustion'' without challenge under WTO dispute settlement. International exhaustion would allow parallel imports. The Doha Declaration affirms this approach, and states that ''[t]he effect of the provisions in the TRIPS Agreement that are relevant to the exhaustion of intellectual property rights is to leave each member free to establish its own regime for such exhaustion without challenge, subject to the MFN and national treatment provisions of Articles 3 and 4.''

Importantly, neither the TRIPS Agreement nor the Doha Declaration require WTO members to adopt an international exhaustion rule; they merely recognize that countries may do so without challenge. WTO members are free to exercise their sovereign right to choose an alternative policy. As noted, the United States does not permit parallel imports. Morocco also decided in 2000, well before the FTA negotiations, not to permit parallel imports. The fact that the FTA reflects principles already present in both Parties' laws does not in any way lessen our commitment to the Doha Declaration. In fact, in previous FTA negotiations with developing countries that do not have parallel import restrictions in their domestic law (e.g., Central America, Chile, and Bahrain), the final negotiated texts do not contain provisions on parallel importation.

3. Which country sought inclusion of this provision?

This provision is a standard component of the U.S. draft text, which USTR staff has presented to Congress for review and comment on numerous occasions. Morocco readily accepted the proposal, without objection, and noted during the negotiations that Moroccan patent law, like U.S. law, already provided patentees with an exclusive importation right.

4. If Morocco or the United States eliminated the exclusive right of a patent holder to import a patented product, would either be in violation of Article 15.9.4?

It would depend on the details of the particular legislation. A change in U.S. law would, however, affect many other innovative sectors that rely on patents besides the pharmaceutical sector. Many U.S. technology, manufacturing, and other innovative businesses—as well as Members of Congress—urge us regularly to vigorously safeguard U.S. patents and the jobs they help create.

MARKET EXCLUSIVITY

5. The Hatch-Waxman Act's provisions on market exclusivity were part of a compromise necessary to ensure that the U.S. regulatory structure was updated to facilitate the entry of generic drugs into the U.S. market. Most developing countries already have robust generic markets, in large part because they already allow producers of generic versions of drugs to obtain regulatory approval based on data submitted by first applicants or based on prior approval. In light of that fact, and given that innovative drug companies largely develop drugs for developed country markets and conduct the necessary tests to get marketing approval in those markets regardless of whether they are given market exclusivity in low-income developing countries, what is the rationale for including these provisions?

In negotiating the U.S.-Morocco FTA and other recent FTAs, USTR has been mindful of the guidance provided in the Trade Act of 2002, which directs USTR to seek to ''ensur[e] that the provisions of any multilateral or bilateral trade agreement governing intellectual property rights that is entered into by the United States reflect[s] a standard of protection similar to that found in United States law.'' We understand the rationale of this guidance is to help protect and create high-paying jobs in leading American businesses. As a developed economy, it is understandable that U.S. workers will be increasingly employed in higher value (and better paid) innovative and productive jobs. On the basis of Congress' direction, the United States sought to include provisions that reflect U.S. law, including with respect to the protection of data.

The protection of clinical test data has long been a component of trade agreements negotiated by U.S. Administrations with both developed and developing countries. Data protection provisions were included, for example, in many past trade agreements, including the U.S.-Jordan FTA and the U.S.-Vietnam Bilateral Trade Agreement—both negotiated by the prior Administration after the passage of the law to which you refer. Such provisions were included in NAFTA, too. They are in all recent FTAs, including the U.S.-Singapore FTA and the U.S.-Chile FTA. Data protection provisions have also been included in many bilateral intellectual property agreements.

The TRIPS Agreement itself requires protection of clinical test data against unfair commercial use. While the United States protects data to obtain approval for new chemical entities for five years, other countries provide different terms. The EU, for example, protects such data for 6–10 years.

Implicit in the question, however, appears to be an assumption that data protection is disadvantageous for developing countries like Morocco. Yet, protection of data actually has the potential of facilitating and accelerating access to medicines. As recognized in Chapter 15 of the FTA (footnotes 12 and 13), Morocco does not currently approve generic versions of medicines based on approvals granted in other countries. As a result, today a generic producer wishing to sell pharmaceuticals in Morocco may obtain approval only if an innovative producer first obtains approval in Morocco or if the generic producer invests the significant money and time necessary to recreate the data itself. After an innovative producer obtains approval in Morocco, a generic producer may rely on such data to obtain approval for its generic product.

Therefore, under existing Moroccan law, generic manufacturers in Morocco cannot obtain marketing approval for a generic drug until an innovator has first obtained approval for the drug in Morocco. Without data protection, innovative producers will be less likely to enter the Moroccan market in the first place because, once they obtain approval, generic producers may capture most of the market. The data exclusivity provisions of the FTA can thus provide an important incentive for innovators to enter the market, which may in turn expand the potential universe of generic drugs in Morocco. As noted above, this is the development we are seeing in Jordan, to the benefit of Jordan consumers.

6. Please describe the circumstances under which the three additional years of marketing exclusivity described in Article 15.10.2 would apply.

The question seems to imply that the basic five year term of protection for data submitted to obtain approval of new chemical entities may be extended to eight years. This is not correct. There is no circumstance in which the FTA requires that an innovator receive a data protection period longer than five years for new chemical entities.

The three year period of protection reflects a provision in U.S. law, which relates to new information that is submitted after a product is already on the market (for example, because the innovator is seeking approval for a new use of an existing product). In that situation, at least in cases where the origination of this new data involves considerable effort, the FTA requires that the person providing the new data gets three years of protection for that new data relating to that new use. This three year period only applies to the new data for the new use; it is not added to the exclusivity period for any data previously submitted.

For example, if a new chemical entity is given marketing approval, the data supporting that approval is protected for five years. After that time, generic producers may rely on the data to obtain approval for a generic version of the drug for the use supported by the original data. If a new use is subsequently discovered for the chemical entity, and the health authority approves the new use based on new data, then the originator of the new data is entitled to three years of protection for that data. During that time, however, generics can continue to produce and market the drug for the original use.

7. Neither Article 15.10.1 or 15.10.2 on marketing exclusivity appear to allow for reliance on previously submitted data or prior approval during the period of market exclusivity absent consent of the first applicant. The Doha Declaration reaffirmed the right of countries to use flexibilities under the TRIPS agreement, such as compulsory licenses. A compulsory license allows someone other than the patent holder to produce and sell a drug under patent. It is not clear to us why the grant of a compulsory license would override a grant of market exclusivity, as provided in Articles 15.10.1 and 15.10.2. (We note that there is no exception to protect the public.) Please describe how the market exclusivity provisions in Article 15.10.1 and Article 15.10.2 relate to Morocco's ability to issue a compulsory license.

The Doha Declaration recognizes that the TRIPS Agreement allows countries to issue compulsory licenses to address public health problems. The U.S.-Morocco FTA is fully consistent with this principle. It contains no provisions with respect to compulsory licensing, leaving the flexibilities available under WTO rules unchanged.

In the negotiation of the U.S.-Morocco FTA, both parties recognized the importance of protecting public health. Your questions pertain to whether provisions of Chapter 15 (which is the Intellectual Property Rights chapter) might affect this common interest.

To address this type of concern, the United States and Morocco agreed to a side letter on public health in which both Parties stated their understanding that ''[t]he obligations of Chapter Fifteen of the Agreement do not affect the ability of either Party to take necessary measures to protect public health by promoting access to medicines for all, in particular concerning cases such as HIV/AIDS, tuberculosis, malaria, and other epidemics as well as circumstances of extreme urgency or national emergency.'' The Parties also stated that ''Chapter Fifteen does not prevent the effective utilization of the TRIPS/health solution'' reached in the WTO last year to ensure that developing countries that lack pharmaceutical manufacturing capacity may import drugs. Therefore, if circumstances ever arise in which a drug is produced under a compulsory license, and it is necessary to approve that drug to protect public health or effectively utilize the TRIPS/health solution, the data protection provisions in the FTA would not stand in the way.

8. Where a compulsory license has been issued, may a Party automatically deem that the first applicant has consented to reliance on the data or prior approval for the drug produced under the compulsory license?

As explained above, if the measure described in the question is necessary to protect public health, then, as explained in the side letter, the FTA would not stand in the way.

9. If the patent and test-data were owned by different entities, does a compulsory license result in legal ''consent'' by both the patent holder and the data owner for use of the patented material and the test data?

See previous response.

10. When the drug is off patent, and a Party wishes to permit marketing for a second entrant, what mechanism exists in the FTA to allow for an exception to the provisions on market exclusivity?

A patent is designed to protect one type of intellectual property work, i.e., an invention. Protection of data is intended to protect a different type of work, i.e., undisclosed test data that required significant time and effort to compile. The fact that one type of intellectual property protection for a product has expired, should not lead as a matter of course to the conclusion that all other intellectual property rights attached to the same product should also expire. The same is true in other areas of intellectual property. For example, a single CD may encompass several intellectual property rights related to the music, the performer and the record company. These rights may expire at different times. The fact that the copyright attached to the sound recording has expired, should not mean that the composer or performer loses the copyright it has. As you know, this principle is important to a broad range of U.S. creative and innovative industries, including the entertainment sector, America's second largest export business.

However, as indicated in the side letter, if a circumstance arose, such as an epidemic or national emergency, that could only be addressed by granting a second entrant marketing approval notwithstanding the data protection rights of the originator of the data, the FTA would not stand in the way.

11. Is a grant of market exclusivity pursuant to Articles 15.10.1 and 15.10.2 considered an ''investment'' with respect to Chapter 10 of the Agreement? If so, would an abridgement of the period of market exclusivity constitute a compensable expropriation under Chapter 10?

The definition of an ''investment'' in the FTA includes, inter alia, ''intellectual property rights.'' Whether an abridgement of the data protection obligation gives rise to a compensable expropriation of an ''investment'' under Chapter Ten is a fact-specific issue that would have to be resolved on the merits of a particular case. It is worth noting, however, that Article 10.6.5 provides that the expropriation provision of Chapter Ten does not apply to the issuance of compulsory licenses or to the limitation of intellectual property rights to the extent that such action is consistent with the intellectual property chapter (Chapter Fifteen). A determination concerning the consistency of an action with Chapter Fifteen would be informed by the side letter.

12. Article 10.6.5 of the FTA appears to clarify that any act of patent infringement carried out by a Party in the issuance of a compulsory license in accordance with the TRIPS does not constitute a compensable expropriation. Issuance of a compulsory license, however, is only one aspect of the process of getting a drug to market. Does the clarification in Article 10.6.5 also ensure that other measures taken by a government to ensure that a drug on which a compulsory license has been issued can be lawfully marketed (e.g., a grant of marketing approval to a generic or second producer before the period of marketing exclusivity has expired) will not constitute compensable expropriations? If not, is there another provision in the agreement that would ensure that such measures do not constitute expropriations?

See response to Question 11.

13. Article 15.10.3 requires that a patent term be extended where there is a delay in the regulatory approval process. The provision does not state whether delays attributable to the applicant (e.g., failure to provide adequate data) mitigate against extension. Article 15.9., the comparable provision for extension of a patent term because of a delay in the patent approval process, makes clear that delays attributable to the patent applicant should not be considered in determining whether there is a delay that gives rise to the need for an extension. Why was similar language not included in Article 15.10.3?

The Parties did not find it necessary to specifically address the issue of how to handle delays attributable to an applicant for marketing approval in the context of data protection. As with numerous other provisions, the Parties retain the flexibility to address such details in their implementation of the FTA, provided that they comply with the basic obligation.

14. Is Morocco, or for that matter the United States, required by the FTA to extend a patent term where there is a delay in the regulatory approval that is attributable to the applicant?

The FTA preserves flexibility for the Parties to address the issue of delays attributable to an applicant for marketing approval through their domestic laws and regulations.

BOLAR PROVISIONS

15. Please explain whether this Article prohibits Morocco from allowing the export of generic versions of patented pharmaceutical products for purposes other than ''meeting marketing approval requirements.'' If it does not, please explain in detail how you came to that conclusion.

No, it does not. The Article dealing with the ''Bolar'' exception to patent rights only deals with one specific exception. It does not occupy the field of possible exceptions, and thus does not prevent Morocco from allowing the export of generic versions of patented pharmaceutical products for purposes other than ''meeting marketing approval requirements'' when permitted by other exceptions. For example, Morocco has the right to allow exports where consistent with TRIPS Article 30 and WTO rules on compulsory licensing. Morocco may, for example, allow export of generic versions of patented drugs by issuing a compulsory license in accordance with the TRIPS/health solution agreed last August in the WTO.

16. If this provision does in fact limit Morocco's ability to allow the export of generic versions of patented pharmaceutical products, please explain how Morocco could serve as an exporting country to help least-developed and other countries address public health needs under the Paragraph 6 Decision. (Exporters under the Paragraph 6 Decision are exporting to meet the health needs of an importing country, not merely to obtain marketing approval).

As noted in the response to Question 15, the FTA does not limit Morocco's ability to make use of the TRIPS/health solution agreed last August to export drugs under a compulsory license to developing countries that cannot produce drugs for themselves.

17. Does Article 15.9.6 allow export of a generic version of a patented drug to get marketing approval in a third country (i.e., other than the United States or Morocco)? (Article 15.9.6 states that ''the Party shall provide that the product shall only be exported outside its territory for purposes of meeting marketing approval requirements of that Party.'')

Morocco can get marketing approval in a third country to allow export of a generic version through the issuance of a compulsory license for export, consistent with WTO rules. Article 15.9.6 does not interfere with that result.

SIDE LETTER

18. On the Paragraph 6 Decision, please explain how the statement that the FTA does not ''prevent the effective utilization'' is not merely rhetorical. Please be specific as to why you believe the provisions in the FTA do not preclude Morocco from acting as an importer or exporter of drugs under the Paragraph 6 Decision, including how the FTA's provisions related to market exclusivity can be waived if Morocco acts in either capacity.

There are no provisions in the FTA related to compulsory licensing, which means that it does not limit in any way Morocco's ability to issue compulsory licenses in accordance with WTO rules, including TRIPS Article 31 and the TRIPS/health solution. With respect to other rules included in Chapter 15, including data protection, the side letter states that the FTA does not ''prevent the effective utilization of the TRIPS/health solution.'' As stated in the side letter, the letter constitutes a formal agreement between the Parties. It is, thus, a significant part of the interpretive context for this agreement and not merely rhetorical. According to Article 31 of the Vienna Convention on the Law of Treaties, which reflects customary rules of treaty interpretation in international law, the terms of a treaty must be interpreted ''in their context,'' and that ''context'' includes ''any agreement relating to the treaty which was made between all the parties in connection with the conclusion of the treaty.''

19. On the issue of consultation, do the letters mean that both Parties agree to amend the FTA as soon as possible to reflect access to medicines amendments to the TRIPS Agreement? Will the United States refrain from enforcing provisions of the FTA that contravene the TRIPS Agreement amendments while the FTA is being amended? Is USTR willing to engage in an exchange of letter with the Government of Morocco memorializing such an understanding?

The United States would, of course, work with Morocco to ensure that the FTA is adapted as appropriate if an amendment to

the TRIPS Agreement were adopted to ensure access to medicines. The only amendment currently being contemplated with respect to TRIPS involves translating the TRIPS/health solution from last August into a formal amendment. The United States has no intention of using dispute settlement to challenge any country's actions that are in accordance with that solution. In fact, Canada passed legislation recently that would allow it to export drugs in accordance with the TRIPS/health solution. The United States reached an agreement with Canada just last Friday, July 16, to suspend parts of NAFTA to ensure that Canada could implement the solution without running afoul of NAFTA rules.

In closing, let me emphasize that we appreciate the importance of the U.S. commitment to the Doha Declaration on the TRIPS Agreement and Public Health and the global effort to ensure access to medicines in developing countries to address acute public health problems, such as AIDS, malaria and tuberculosis. The United States played a leading role in developing these provisions, including enabling poor countries without domestic production capacity to import drugs under compulsory licenses. We also successfully called for giving Least Developed Countries an additional ten years, from 2006 until 2016, to implement TRIPS rules related to pharmaceuticals. These accomplishments offer a significant solution to the conflicts we encountered on taking office in 2001.

At the same time, as Congress has directed us, the Administration has worked on multiple fronts to strengthen the value internationally of America's innovation economy. These efforts have included stronger intellectual property protection rules and enforcement so as to assist U.S. businesses and workers, and encourage ongoing innovation that benefits U.S. consumers.

Our FTAs are but one component of the Administration's broader efforts to achieve these objectives, and complement efforts undertaken in other fora. Our FTAs not only do not conflict with the objectives expressed in the Doha Declaration but reinforce those objectives and facilitate efforts to address public health problems.

Sincerely,

JOHN K. VERONEAU,
General Counsel.

This is what was said in this letter: ''The government of Morocco is committed to protecting the right to strike in conformance with the International Labor Organization's core principles. In particular, the government will not use 288 of our penal code against lawful strikers.''

I do think that our inquiry, I do think the responsible discussions that were held with the Moroccan government and their officials indicated that, in practice, the labor standards within Morocco essentially meet the ILO standards.

We next raised the issue of prescription medicines. We did not assume more trade would automatically benefit everybody, including our citizens and also the citizens of Morocco. On reimportation, we do not like the language the way it was inserted there, the general language on patent protection. However, reimportation from Morocco has never been suggested in any of the legislation introduced; and so I think for this purpose, for this bill, it is not an issue.

But there were two provisions that could restrict the access of citizens of Morocco to prescription medicines. We are talking about people whose health is at stake. We are talking about the spread of AIDS. We are talking about the spread of other ailments and other diseases. And the question became whether anything in this FTA would restrict the government of Morocco from having access for their citizens to these prescription medicines. That access was assured in the Doha Declaration. And so there followed a letter from us on the Democratic side to USTR; and here is what was said, their understanding of the provisions including the side letters:

''If circumstances ever arise in which a drug is produced under a compulsory license and it is necessary to approve the drug to protect public health or effectively utilize the TRIPS/health solution, the date of protection provisions in the FTA would not stand in the way.''

They also said, USTR, in interpreting what was in this FTA: ''If the measure described in the question is necessary to protect public health, then, as explained in the side letter, the FTA would not stand in the way.''

They also said: ''This side letter constitutes a formal agreement between the parties. It is thus a significant part of the interpretive context for this agreement and not merely rhetorical.''

In a word, the government of Morocco has the flexibility to assure the health of its citizens under the Doha Declaration.

□ 1800

Because of our efforts to clarify what was going on in terms of core labor standards and conditions in Morocco and because of our efforts in the response of USTR on prescription medicines, we feel that this agreement should be approved.

However, our questions serve notice that we should be very sensitive in the future in how we shape trade agreements. We should not assume there is no need to shape expanded trade. We have made it clear it is essential that we do so, and it is under that kind of structure, it is within that perspective, that I suggest that we approve this agreement between our two nations, with whom there are very significant relationships.

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

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

I want to first commend our colleagues on the other side of the aisle on the Committee on Ways and Means for guaranteeing unanimous commitment to passage of our Free Trade Agreement with Morocco and look forward to working with them in the future.

Mr. Speaker, I yield the balance of my time to the distinguished gentleman from California (Chairman THOMAS).

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

Mr. THOMAS. Mr. Speaker, my assumption is that the closing remarks on the part of the ranking member of the Trade Subcommittee was an endorsement. It sounded as though we began with an extremely flawed product and, through their efforts, they were successful in righting the ship so that we could actually have a minimally decent document. I wonder where they were when President Clinton wanted fast track, their President, and three quarters of them voted against providing the President.

So when we listen to the remarks, we really have to put it, one, in context and then appreciate that intensity or outlandishness does not equal votes. And when I close shortly, take a look at the votes in terms of who is for and who is against.

But I do want to spend just 1 minute analyzing the level of the content and the direction of the debate. The ranking member from New York began this discussion by indicating that I stole the election in Florida. That certainly was an appropriate beginning on a debate on a Free Trade Agreement with Morocco. I would probably classify it as silly, but that is the level of debate that we often engage in. And it is just a pleasure to allow the rest of the country to understand the level at which exchanges are made not only in committee but on the floor when we try to engage in a serious discussion.

I heard an indication that people were interested in jobs, and, of course, I will talk about the gentleman from Ohio and his diatribe in a minute.

You missed the boat on the jobs issue. That was the jobs growth tax bill. It has had a major positive effect on jobs. You were ''no'' on that one as well. We have got 46 of the 50 States expanding. Unemployment is down in all regions of the country. This is the fastest growth in the last 20 years. And based upon your debating style, at that point I would pause and parenthetically say even including the Clinton years so that we can understand that the mention of Bush in every other sentence and in a negative way was clearly focused on the Free Trade Agreement and had nothing to do with attempting to influence an election. We have got 1.5 million jobs, continuing to grow, and they will continue to grow right through the election.

But I want to especially focus on the other gentleman from Ohio (Mr. RYAN) because at some point we cannot allow statements made on the floor of the House to stand when they are so outrageously false. The statement referred to legislation that we were considering earlier, and the statement was that what we did denied what the Constitution provides. I would urge everyone at some time, and especially certain Members, to look at the Constitution and turn to Article III, the judicial article, and look at Section 2. And I will just read it briefly, referring to the judicial branch: ''In all cases affecting Ambassadors, other public ministers

and consuls, and those in which a State shall be party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations as the Congress shall make.''

The Congress was exercising its constitutional function in indicating that areas of appellate jurisdiction were not to be examined by the court, and it absolutely floors me, well, I guess it does not based upon the other statements made by those on the other side of the aisle, that not only apparently they do not know the Constitution, but they actually invoke it in a totally false way on the floor of the House of Representatives.

So what I would really urge Members to do is not pay any attention to what was said necessarily on the other side of the aisle but take a look at the vote for this particular measure. H.R. 4842 certainly deserves the overwhelming majority support of this House. I believe it will be bipartisan. And, please, we will take away from this particular bill on the floor the fact that the vote was bipartisan even if the rhetoric is not and at times not just silly but downright, flat-out wrong.

Mr. KUCINICH. Mr. Speaker, the U.S.-Morocco free trade agreement is bad for America.

The agreement prohibits the importation of lower cost pharmaceuticals, and delays the availability of lower cost generic drugs by creating new patent-like protections for drug regulatory data. Together, these measures will maintain high prescription drug prices in the U.S.

The agreement contains a side letter permitting Morocco to ignore enforcement of its labor laws with no penalty whatsoever. Under this loophole, American employers and workers under U.S. labor law could be at a disadvantage if actual conditions in Morocco are so lax as to create a much cheaper business environment.

The agreement prohibits the preferences for government contracts to be given for: employing U.S. workers, using recycled materials, paying prevailing or living wages. Furthermore, no criminal record of tax evasion, endangering the lives of workers, or pollution can disqualify a company for a government contract.

These flaws are not necessary for trade between nations. They are, however, elements in an anti-consumer, anti-worker, anti-environment and anti-democratic agenda. For these reasons, I oppose the U.S.-Morocco free trade agreement.

Mr. TOWNS. Mr. Speaker, while I intend to vote for the Morocco Free Trade Agreement, I want to stress to the administration how important it is to respect the report language on ''Western Sahara'' which was included in this bill by my colleague, the gentleman from Washington, Mr. MCDERMOTT. This language reflects the sentiment voiced in a recent bipartisan letter to the U.S. Trade Representative, Robert Zoellick.

Under no circumstances should the U.S. proceed with the implementation of a free trade agreement that does not categorically exclude the terrority known as the Western Sahara. The U.S., as well as the international community, does not recognize Morocco's sovereignty over Spain's former colony. Morocco has steadfastly refused any efforts by the United Nations to permit a free and fair referendum on self-determination for the Sahrawi people of Western Sahara. We should not permit Morocco to use the agreement to further its illegal occupation of Western Sahara.

I urge the administration to take these concerns seriously and to implement a free trade agreement that does not violate the sovereignty and rights of the people of Western Sahara.

Mr. CARDIN. Mr. Speaker, I rise today to voice a significant concern with regard to the proposed Free Trade Agreement between the United States and Morocco. While this is a concern specific to Morocco, it highlights a broader issue that I and many of my colleagues share in regard to the pace and ''individuality'' of the many bilateral FTAs being negotiated by the USTR.

Reviewing the February 25, 2004 State Department Country Report on Human Rights for Morocco, I came across several issues. The report highlights a series of human rights abuses in Morocco and I believe these unacceptable practices need to be a priority of the United States as it builds and strengthens its long-standing ties with Morocco.

I was greatly concerned with an issue that comes up several times in the report. To quote one sentence: ''The judiciary lacked independence and was subject to government influence and corruption.'' As I assume we can all agree, the lack of an independent judiciary and corruption are significant, fundamental barriers to the development of a sound, growing trade relationship.

As the Ways and Means Committee considered this agreement I asked representatives of the USTR about this fundamental issue. They had no comment and promised to follow-up with me. I want to thank Chairman THOMAS for for seconding my concerns at the markup and also seeking a response. The USTR has made available to me the American Bar Association report on the state of Morocco's judicial system, citing some hope for reform.

My impression is that the state of the judiciary in the Kingdom of Morocco and corruption in commerce are issues that received little attention as the USTR negotiated this agreement. That should not be the case. Bilateral FTAs are a means to address issues such as these with key trade partners and strengthen the basis for trade relations. An independent judiciary is essential to sound, long-term trade relations. As well, corruption in many foreign nations has long been a concern of the United States; one where we have long set a high standard and required our businesspeople to operate on an ethical basis.

I understand the USTR's current interest in pursuing a large number of bilateral agreements to advance trade around the world—particularly as our more broad based talks and negotiations on global agreements have stalled. That being said, quantity should not supplant quality in agreements. Our goals in each of our trade agreements should remain high and be targeted to the situation in each nation. I am concerned in this agreement we have not met our highest goals and lost an opportunity.

Reluctantly, I intend to support this FTA because I believe the government of Morocco has demonstrated its commitment to working with us and raising its own standards; the new labor rights laws enacted last year are a good example. But I want to strongly urge the USTR to show more care and attention to the individuality of nations as we move forward, particularly as it relates to institutional reforms and the protection of human rights.

Mr. STARK. Mr. Speaker, time sure flies when you're having fun. Just last week I expressed serious misgivings about the U.S.-Australian Free Trade Agreement (FTA), noting, among other problems, that it set a bad precedent for future trade bills. Those concerns are confirmed today by this bill. The U.S.-Morocco FTA is a bad agreement that protects U.S. pharmaceutical manufacturers while ignoring labor standards and the healthcare needs of Moroccan citizens.

I warned you last week that a vote for the Australian FTA was a vote against prescription drug reimportation, and it's true again today. We cannot continue to allow USTR to include intellectual property provisions in FTAs that undermine Congress's ability to provide affordable prescription drugs through reimportation. True, we aren't going to be importing drugs from Morocco any time soon, but what happens in the next FTA, and the one after that? It should be clear by now that the USTR is merely a shill for the pharmaceutical industry, engaged in nothing more than closing the door to drug reimportation at the request of the Administration.

Unfortunately, the Morocco agreement doesn't stop at undermining the debate over reimportation. In fact, it goes much further by limiting access to potentially life saving drugs in Morocco. Because the agreement limits parallel importation, if a pubic health emergency breaks out, Morocco cannot import affordable drugs from neighboring countries if a U.S. country manufacturers the drug.

Once again, the pharmaceutical industry has used the administration and a free trade agreement to protect its profits, without any concern for global health. If Morocco has a public health crisis, it would be forced to purchase drugs from U.S. manufacturers instead of getting immediate access to the same drugs from nearby countries. The U.S. pharmaceutical industry has been gouging prices here in America for years; just think what they can do to prices when a developing country is in crisis.

You would think one provision limiting access to drugs in Morocco would be victory enough for the pharmaceutical manufacturers, but this industry just does not stop. Also included in the FTA are limits on the use of test data and market exclusivity provisions that could raise the price of drugs in Morocco and further limit access.

Because the FTA limits test data usage and creates 5 years of market exclusivity, the introduction of generic drugs in the Moroccan market will be substantially delayed. When generics are not available, prices increase—along with manufacturers' profits—and poorer citizens have less purchasing power to obtain life saving drugs.

There is also the strong possibility that these data and exclusivity provisions will further tie the hands of the Moroccan government during a public health emergency. The FTA and side letter are amazingly vague on whether Morocco can engage in compulsory licensing of otherwise patented drugs during a

health crisis. Here again, the pharmaceutical manufacturers will do anything to make sure they are the monopoly power, even when lives are at stake.

Today we vote on nothing less than the future course of domestic and international pharmaceutical policies. USTR will continue to use trade agreements to limit our ability to import affordable pharmaceuticals from other countries. It is also clear that future negotiations are going to limit drug access in other countries so that U.S. pharmaceutical manufacturers can make even more money abroad. These are bad policies, and we should not let the Administration continue to implement them by slipping them into free trade agreements.

I am also concerned that USTR has once again failed to include core labor standard requirements in a free trade agreement. USTR should not continue to use the ''enforce your own laws'' standard in FTAs without developing countries. I understand Morocco is moving in the right direction in terms of labor rights, but there is no reason this FTA should not have held them to the core labor standards developed by the International Labour Organization (ILO). The ILO standards ensure workers' human rights and their right to organize and strike. We cannot have acceptable free trade without a level playing field, and these standards are the key to ensuring trade between the U.S. and other countries is both free and fair.

This is a bad free trade agreement that sets a bad precedent for all future trade negotiations. We cannot continue to let the administration make health policy without Congressional input, and we surely would not let the pharmaceutical industry have their way just because of their large campaign donor status. We also cannot ignore workers' rights by allowing trade partners to enforce their own laws when those laws do not meet international labor standards.

I urge my colleagues to vote against the U.S.-Morocco Free Trade Agreement.

Mr. JEFFERSON. Mr. Speaker, I strongly support the Morocco Free Trade Agreement and believe it will promote domestic growth in manufacturing and exports. I look forward to seeing this agreement enacted into law. I also support, thank and congratulate the United States Trade Representative and staff in negotiating the inclusion of full duty drawback and duty deferral rights for U.S. manufacturers, exporters and workers in this FTA. Free trade agreements should include no language that eliminates or otherwise restricts the application of duty drawback and duty deferral programs to U.S. manufacturers and exporters. The language in the Singapore, Australia, Israel and Jordan FTAs and in the CAFTA, for example, have no such restrictive language and we should continue to model future agreements after these FTAs. This issue is of significant importance to many U.S. manufacturers and exporters, including those in my home State of Louisiana.

Duty drawback and duty deferral programs reduce production and operating costs by allowing our manufacturers and exporters to recover duties that were paid on imported materials when the same or similar materials are exported either whole or as a component part of a finished product. Duty drawback positively affects nearly $16 billion of U.S. exports each year. Additionally, nearly 300,000 U.S. jobs are directly related to exported goods that benefit from drawback, and these high quality jobs could be adversely affected by eliminating or restricting drawback. In my own home State of Louisiana, drawback and duty deferral programs provide substantial benefits to local industries, allowing them to compete on a level playing field in the global market. Drawback and deferral prevents outsourcing and saves U.S. manufacturing and jobs. As long as the programs provide a competitive advantage in production and sales for U.S. manufacturers and exporters, they will assist in preventing U.S. jobs from moving offshore.

Drawback makes a significant difference to U.S. companies at the margin when exporting to our FTA partners where they compete against foreign producers that either have substantially lower costs of production or enjoy low or zero import duty rates. This export promotion program is one of the last WTO-sanctioned programs that provide a substantial advantage to U.S. companies participating in the export market. The application of these programs to U.S. manufacturers and exporters should not be restricted in future free trade agreements that we negotiate with our trading partners.

We need to work hard to complete free trade agreements that provide as many competitive advantages as we can to U.S. manufacturers competing in the global market, encourage growth in U.S. exports, and create U.S. jobs.

Mr. ETHERIDGE. Mr. Speaker, I rise today to announce my support for H.R. 4842, legislation implementing a free trade agreement with the nation of Morocco.

For more than two centuries, Morocco has been a steadfast friend to the United States. Few Americans would guess that Morocco was the first nation to extend recognition to the new American nation on December 20, 1777. Morocco is also one of only six Muslim nations to be designated as a ''major non-NATO ally.'' So it is only fitting that we establish a free trade agreement with such a long-time friend and supporter.

Under this FTA, more than 95 percent of bilateral trade between our countries will be duty-free from the first day of implementation. North Carolina exports to Morocco are generally small, valued at just more than 8 million dollars. Morocco is my state's 80th biggest export market with tobacco products, chemical manufacturing, and transportation equipment being our top three exports.

However, North Carolina stands to gain much from increased access to this new market, especially in the field of agriculture. Tariffs on key North Carolina products like soybeans and processed poultry products will be cut significantly. One significant provision in this agreement is that Morocco has agreed to accept U.S. inspection standards for poultry. Phony sanitary and phytosanitary restrictions on U.S. exports have long been a hallmark of international trade. Having Morocco accept our inspection regime will go along way to improving access to that market.

According to an analysis by the American Farm Bureau Federation, this agreement is expected to result in a 10 to 1 gain for the U.S. agricultural sector. Within the next 10–11 years, the U.S. should expect to increase agricultural exports to Morocco by $225 million. What's more, the FTA includes a provision giving U.S. agriculture an ''automatic upgrade.'' Should Morocco negotiate another trade agreement providing another nation with more favorable market access for agriculture, our FTA automatically obtains the same level of access as the other nation. This will ensure America's competitiveness against other nations seeking to enter the Moroccan market.

I believe the geopolitical reasons for establishing this free trade agreement with another Muslim nation in a volatile region overcomes the few deficiencies inherent in the agreement, particularly with regard to textiles. Because of the small amount of trade between our two countries, any potential adverse impact should be minimized. However, this administration cannot continue to count on this Member's support for other trade agreements if it is not willing to stand up for even stronger labor and environmental standards and better protections for America's fragile textile industry.

I ask my colleagues to support this agreement.

The SPEAKER pro tempore (Mr. OSE). All time for debate has expired.

Pursuant to House Resolution 738, the bill is considered read for amendment, and the previous question is ordered.

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

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

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

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

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

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

The Sergeant at Arms will notify absent Members.

Pursuant to clauses 8 and 9 of rule XX, this 15-minute vote on the passage of H.R. 4842 will be followed by 5-minute votes, as ordered, on suspending the rules and adopting House Concurrent Resolution 436; and House Concurrent Resolution 418.

The vote was taken by electronic device, and there were—yeas 323, nays 99, not voting 12, as follows:

[Roll No. 413]

YEAS—323

Abercrombie	Boehlert	Chabot
Ackerman	Boehner	Chandler
Akin	Bonilla	Chocola
Allen	Bonner	Clay
Bachus	Bono	Clyburn
Baird	Boozman	Cole
Baker	Boswell	Cooper
Ballenger	Boyd	Cox
Bartlett (MD)	Bradley (NH)	Cramer
Barton (TX)	Brady (TX)	Crane
Bass	Brown (SC)	Crenshaw
Beauprez	Brown-Waite, Ginny	Crowley
Becerra	Burgess	Cubin
Bell	Buyer	Culberson
Bereuter	Calvert	Cummings
Berkley	Camp	Cunningham
Berman	Cantor	Davis (AL)
Biggert	Capito	Davis (CA)
Bilirakis	Capps	Davis (FL)
Bishop (GA)	Cardin	Davis (TN)
Bishop (NY)	Carson (OK)	Davis, Jo Ann
Bishop (UT)	Carter	Davis, Tom
Blackburn	Case	Deal (GA)
Blumenauer	Castle	DeGette
Blunt		DeLay

DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Dooley (CA)
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Engel
English
Eshoo
Etheridge
Everett
Fattah
Feeney
Ferguson
Flake
Foley
Forbes
Ford
Fossella
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goodlatte
Gordon
Goss
Granger
Graves
Green (WI)
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinojosa
Hobson
Hoeffel
Hoekstra
Honda
Hooley (OR)
Houghton
Hoyer
Hulshof
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Larsen (WA)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McHugh
McInnis
McKeon
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller (MI)
Miller, Gary
Moore
Moran (KS)
Moran (VA)
Murphy
Musgrave
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Obey
Ortiz
Osborne
Ose
Otter
Oxley
Pearce
Pelosi
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (WI)
Ryun (KS)
Sanchez, Loretta
Sandlin
Saxton
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Stearns
Stenholm
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Vitter
Walden (OR)
Walsh
Watson
Watt
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wolf
Wynn
Young (AK)
Young (FL)

NAYS—99

Aderholt
Alexander
Andrews
Baca
Baldwin
Barrett (SC)
Berry
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Burns
Burr
Burton (IN)
Butterfield
Capuano
Cardoza
Coble
Conyers
Costello
Davis (IL)
DeFazio
Delahunt
DeLauro
Doggett
Doyle
Emerson
Evans
Farr
Filner
Frank (MA)
Goode
Green (TX)
Grijalva
Gutierrez
Hastings (FL)
Hayes
Hinchey
Holden
Holt
Hostettler
Hunter
Jackson (IL)
Jones (NC)
Kanjorski
Kaptur
Kildee
Lantos
Larson (CT)
Lee
Lipinski
Markey
Marshall
McGovern
McIntyre
McNulty
Michaud
Miller (NC)
Miller, George
Mollohan
Murtha
Myrick
Nadler
Napolitano
Oberstar
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Peterson (MN)
Pombo
Rogers (AL)
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanders
Schakowsky
Serrano
Sherman
Slaughter
Solis
Spratt
Stark
Strickland
Taylor (MS)
Taylor (NC)
Thompson (MS)
Tierney
Velázquez
Visclosky
Wamp
Waters
Waxman
Wilson (SC)
Woolsey
Wu

NOT VOTING—12

Cannon
Carson (IN)
Collins
Gephardt
Greenwood
Kirk
Kleczka
Kucinich
Lowey
Meehan
Paul
Quinn

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1832

Ms. CORRINE BROWN of Florida, and Messrs. BARRETT of South Carolina, RUSH, BURTON of Indiana and BUTTERFIELD changed their vote from ''yea'' to ''nay.''

So the bill was passed.

The result of the vote was announced as above recorded.

CELEBRATING 10 YEARS OF MAJORITY RULE IN REPUBLIC OF SOUTH AFRICA

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 436, as amended.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa (Mr. LEACH) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 436, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 422, nays 0, not voting 12, as follows:

[Roll No. 414]

YEAS—422

Abercrombie
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
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)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
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
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
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
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—12

Ackerman
Carson (IN)
Collins
Ford
Gephardt
Greenwood
Kirk
Kucinich
Lowey
Meehan
Paul
Quinn

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1841

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

RECOGNIZING IMPORTANCE IN HISTORY OF 150TH ANNIVERSARY OF ESTABLISHMENT OF DIPLOMATIC RELATIONS BETWEEN UNITED STATES AND JAPAN

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 418.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa (Mr. LEACH) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 418, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 416, nays 0, not voting 18, as follows:

[Roll No. 415]

YEAS—416

Abercrombie
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
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)
Butterfield
Buyer
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
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
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinchey
Hinojosa
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
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
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
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
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
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
Tauzin
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
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—18

Ackerman
Calvert
Carson (IN)
Collins
Conyers
Ford
Gephardt
Greenwood
Hobson
Kirk
Kucinich
Lowey
Meehan
Paul
Quinn
Sabo
Schiff
Waters

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1849

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

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. 2724. An act to amend section 33(a) of the Small Business Act (15 U.S.C. 657c(a)) to clarify that the National Veterans Business Development Corporation is a private entity.

ELECTION OF MEMBER TO CERTAIN STANDING COMMITTEE OF THE HOUSE

Mr. MENENDEZ. Mr. Speaker, by direction of the Democratic Caucus, I offer a privileged resolution (H. Res. 741) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 741

Resolved, That the following named Member be and is hereby elected to the following standing committees of the House of Representatives:

COMMITTEE ON AGRICULTURE: Mr. Butterfield (to rank immediately after Ms. Herseth).

COMMITTEE ON SMALL BUSINESS: Mr. Butterfield (to rank immediately after Mr. Udall of New Mexico).

The resolution was agreed to.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON H.R. 4613, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2005

Mrs. MYRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 735, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 735

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 4613) making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

The SPEAKER pro tempore. The gentlewoman from North Carolina (Mrs. MYRICK) is recognized for 1 hour.

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

The Defense Appropriations Conference Report provides the tools and the resources for our military to wage an aggressive war against terrorism, while defending our Nation against ever-changing military threats.

Each generation of Americans has been called to defend our freedom, and each time our forefathers and -mothers have answered that call. Our generation's time of national trial has come, and we are being called to stop a new kind of enemy, different from any that we have ever fought before. This enemy is patient, building resources and striking where and when we are least prepared.

The enemy uses a different method each time, and this enemy requires a new kind of defense. And this is what the conference report is continuing to build.

I agree with President Bush when he says that our Armed Forces must be ready to confront every threat from any source that can bring sudden terror and suffering to America.

Our forces must be ready to deploy to any point of the globe on short notice, and this bill provides $416.2 billion in new discretionary spending authority for the Department of Defense. It also includes $25 billion in emergency spending, requested by the President for early fiscal year 2005 costs associated with operations in Iraq and Afghanistan.

Our Nation must have, and we will have, ready forces that can bring victory to our country and safety to our people. The world's best soldiers, sailors, airmen and Marines also deserve the world's best weaponry; and to ensure that, we must invest in procurement accounts. And this report contains $77.6 billion for procurement. We need to give our military the weapons that they need for the future threats.

If this war against terror means that we must find it wherever it exists and pull it out by the roots and bring people to justice, our military must have the means to achieve this.

This bill also makes significant improvements in the quality of life for our men and women who serve in the Armed Forces, including a 3.5 percent pay raise and targeted pay raises to mid-grade noncommissioned officers, generous housing allowances that will significantly decrease the out-of-pocket housing expenses of our service personnel, and provide access to high quality health care. We can never pay our men and women in uniform on the scale that matches the magnitude of their sacrifice, but this bill reflects our respect for their selfless service.

I feel strongly that we need a strong national defense, and we need to be prepared. And with this conference report, we will be. The primary responsibility for us as elected officials is to provide for the common defense of our fellow countrymen; and to that end, I urge my colleagues to support the rule and support the underlying bill, because now, more than ever, we must improve our national security.

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

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume, and I thank the gentlewoman for yielding me the customary 30 minutes.

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

Mr. FROST. Mr. Speaker, just yesterday, the gentlewoman from North Carolina and I were here on the floor debating another very important bill for our soldiers, the Military Construction Appropriations bill. Like the Defense appropriations bill, that bill funds vital programs for our troops. Unfortunately, this House's leadership made what I think was a terrible mistake by allowing a provision to improve housing for our troops and their families to potentially be completely stripped from that bill. If that happens, almost 50,000 military families will be affected and continue to live in substandard housing. I think that shows real disregard and disrespect for our soldiers; and frankly, I find it disgraceful.

I understand that we will be continuing debate on the Military Construction bill in just a few minutes, so I suppose we will see shortly how the matter is resolved, but the conference report on the Defense Appropriations bill is a different matter.

I am pleased to join the gentlewoman in support of the conference report and the rule providing for its conversation. Throughout my 26 years in Congress, I have always worked hard to keep our military strong and our troops safe. I believe that providing for our national defense is one of our most important duties as Members of Congress and that providing funding for our troops to ensure their safety and the success of the war on terror is our obligation.

I am proud to say, Mr. Speaker, that the bill before us now does a good job of providing vital support for our troops. The bill gives our troops a much-deserved 3.5 percent pay raise and gives the Department of Defense $25 billion in emergency supplemental funding for the war on terror.

These funds directly and significantly aid our servicemen and -women by providing them with the tools they need to fight the war on terror and return home safely. It will provide every soldier with body armor, provide our troops with more armored Humvees and increase the size of the Army to relieve the burden on our overworked soldiers. It is a good bill, and I support its passage wholeheartedly.

I note also that the conference report provides very substantial funding for the F–22 Raptor, for the V–22 Osprey and for the Joint Strike Fighter. These are fine weapon systems. Much of the work is done in the north Texas area that I represent, and I commend the committee for continuing to support those systems. I am glad we were able to get it right in this bill.

Mr. Speaker, I urge adoption of the rule and adoption of the conference report.

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

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. LEWIS of California. Mr. Speaker, pursuant to House Resolution 735, I call up the conference report on the bill (H.R. 4613) making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to the rule, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House on July 20, 2004, Book II at page H 6129.)

The SPEAKER pro tempore. The gentleman from California (Mr. LEWIS) and the gentleman from Pennsylvania (Mr. MURTHA) each will control 30 minutes.

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

Mr. LEWIS of California. Mr. Speaker, I yield myself such time as I may consume.

We will not take a great deal of time of our colleagues in the House. Following the tradition of the ranking member of the full committee and my colleague, the gentleman from Pennsylvania (Mr. MURTHA), we certainly want to extend our great thanks to all of our colleagues and staff.

Mr. Speaker, it is my great privilege to present to the House the conference agreement on fiscal year 2005 Defense appropriations bill.

My colleagues, one month ago—exactly to this day—the House passed its version of this bill, with overwhelming support. The Senate followed suit shortly afterwards, and like the House, the other body showed nearly unanimous support for this bill.

And here we are tonight, with this conference report. We present a bipartisan Defense bill, targeted at supporting our men and women in the Defense Department and intelligence community, at a most critical time in the Nation's history.

It is during a time of war.

It is during a time of challenge for our Nation and freedom-loving people everywhere.

And it is during a time when our country, once again, must take on the mantle of leading the world community.

This is as the United States has done before—as it must do today; and as it must continue to do in the future.

The President, and this Congress, understand this challenge. The President asked us to consider this bill—the largest Defense bill, in terms of dollars, in our Nation's history. In recognition of this, as I mentioned on a bipartisan basis both the House and the Senate moved this bill late last month into conference. And now we will soon be asking the House, and the other body, to send this final product to the President.

Mr. Speaker, I must say this conference agreement is an even better bill than passed the House. I truly believe that. I can say that because of the tremendous work done by the Members of the conference committee on both sides of the Capitol.

Mr. Speaker, we would not be here tonight without the leadership and experience of my colleague from Pennsylvania, Mr. MURTHA.

And we would not be here without the experience, skill, and tenacity of the leaders of the Senate Defense Subcommittee, my friends, the senior Senators from Alaska and Hawaii.

The support and counsel of our chairman, BILL YOUNG, and our ranking Member DAVID OBEY have also been invaluable at every step of the process. As has been the support of all the Members of the Defense subcommittees—both sides of the aisle, on both sides of the Capitol. I personally want to thank, and acknowledge, all of them.

I must pay tribute to our staffs—especially Sid Ashworth and Charlie Houy, who lead the Senate staff, and our subcommittee staff, led by Kevin Roper and David Morrison. Many thanks also to the full committee staff, Jim Dyer, John Blazey, Dale Oak, Therese McAuliffe, and John Scofield.

This bill reflects our best, collective judgment on how to meet those many challenges and demands confronting the Nation.

What does this bill do? We provide over $416 billion to support our Defense and intelligence communities; most importantly it supports the ongoing operations in Iraq and Afghanistan, and the global war on terrorism; it supports our troops who are on the front lines—it fully funds the pay raise, as well as the military pay, benefits, and medical programs; this bill increases funding to support the overall readiness of DoD forces worldwide; and it increases funding for intelligence.

Looking ahead, this bill also supports major equipment and research needs. For example—we provide over $1.6 billion over the budget request—to help restock and accelerate production of those items being used by our Army and Marine Corps in Iraq—ammunition; trucks; helicopters; and armored vehicles.

This bill also fully supports the President's objective of, later this year, initially fielding a missile defense to protect the United States. We also fund missile defenses for our troops in the field.

It continues production of major platforms such as the Virginia class submarine, the C–17, and V–22 transport aircraft, and the F/A–18 and F/A–22 fighters.

And this bill increases funding to support ''military transformation''.

Mr. Speaker, most importantly, this bill puts first and foremost our men and women in uniform, especially those on the front lines. In that regard, as you all know, the President asked that we include in this bill some $25 billion to help defray the ongoing costs of our operations in Iraq and Afghanistan. We have done just that—and shaped these funds in a way to provide our deployed forces with the funds they need to meet their most immediate demands.

Mr. Speaker, in summary, this is a bill that I am very, very proud of. And it is one that each and every Member of the House can take pride in also. It deserves your overwhelming support.

Now, if the House would indulge me, I want to thank a few people. Under the rules of our conference, this is the last Defense appropriations bill that I will have the privilege of bringing before the House as chairman. It has been a remarkable and rewarding experience. I want to thank my subcommittee members—on my side, DAVE HOBSON, HENRY BONILLA, GEORGE NETHERCUTT, DUKE CUNNINGHAM, RODNEY FRELINGHUYSEN, TODD TIAHRT, and ROGER WICKER.

On the other side of the aisle, NORM DICKS, MARTIN SABO, PETER VISCLOSKY, and JIM MORAN.

I want to also accord special thanks to the ranking Member of the full committee, DAVE OBEY, and of course, to my predecessor, our full committee chairman BILL YOUNG, who has set a standard that I try every day to emulate. And of course, I must acknowledge my partner, our former chairman, the gentleman from Pennsylvania, JACK MURTHA. I also must recognize the terrific staff that I've gotten to know pretty well over the past few years.

Chairman YOUNG, and Jim Dyer, the chief clerk of the full committee, you've really done a great job in putting together a great team for us on the subcommittee; Alica Jones, Doug Gregory, Betsy Phillips, Paul Juola, Steve Nixon, Leslie Albright, Greg Lankler, Sarah Young, Paul Terry, Kris Mallard, Sherry Young, Kevin Jones, Callie Michael, and Linda Muir in our computer shop who provides us with so much support.

The same goes for our minority staff, David Morrison and Bill Gnacek. I must thank Carl Kime, of my personal office, who watches this bill for me and does an outstanding job. And, of course, all of the staff in my congressional office for their support and contributions.

I'd be remiss if I didn't mention those committee staff who have moved on to other endeavors, but who made significant contributions while they were with us. They include John Shank, Greg Dahlberg, Dave Kilian, Trish Ryan, Tina Jonas, Dave Norquist, Greg Walters, and Celia Alvarado.

And I cannot let this moment pass without mentioning Letitia White, formerly of my personal staff, who worked so hard on this bill for many years.

Finally, I must mention the clerk of the subcommittee, Kevin Roper, who pulls all this together. And for whom this conference may be the ''last time around'' as well.

Thank you so much. My colleagues, I thank all of you for your help, and for the privilege of serving with you.

At this point, Mr. Speaker, I would like to insert for the record a summary of the conference agreement.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT - FY 2005 (H.R. 4613)
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	House	Senate	Conference	Conference vs. Enacted
TITLE I						
MILITARY PERSONNEL						
Military Personnel, Army	28,247,667	29,723,472	29,507,672	29,457,797	29,381,422	+1,133,755
Military Personnel, Navy	23,217,298	24,459,957	24,416,157	24,330,171	24,347,807	+1,130,509
Military Personnel, Marine Corps	8,971,897	9,595,902	9,591,102	9,567,768	9,581,102	+609,205
Military Personnel, Air Force	22,910,868	24,510,811	24,291,411	24,165,011	24,155,911	+1,245,043
Reserve Personnel, Army	3,568,725	3,733,590	3,719,990	3,675,390	3,663,890	+95,165
Reserve Personnel, Navy	2,002,727	2,171,632	2,108,232	2,132,432	2,084,032	+81,305
Reserve Personnel, Marine Corps	571,444	654,973	653,073	624,973	623,073	+51,629
Reserve Personnel, Air Force	1,288,088	1,464,050	1,451,950	1,458,650	1,451,950	+163,862
National Guard Personnel, Army	5,500,369	5,950,729	5,915,229	5,913,329	5,901,729	+401,360
National Guard Personnel, Air Force	2,174,598	2,546,442	2,536,742	2,543,892	2,540,242	+365,644
Total, title I, Military Personnel	98,453,681	104,811,558	104,191,558	103,869,413	103,731,158	+5,277,477
TITLE II						
OPERATION AND MAINTENANCE						
Operation and Maintenance, Army 2/	25,029,346	26,133,411	25,820,311	25,705,109	25,764,634	+735,288
Operation and Maintenance, Navy	28,146,658	29,789,190	29,570,090	29,591,679	29,687,245	+1,540,587
Operation and Maintenance, Marine Corps	3,440,323	3,632,115	3,605,815	3,617,473	3,629,901	+189,578
Operation and Maintenance, Air Force	26,904,731	28,471,260	27,994,110	28,282,160	28,113,533	+1,208,802
Operation and Maintenance, Defense-Wide	16,226,841	17,494,076	17,346,411	17,552,314	17,449,619	+1,222,778
Operation and Maintenance, Army Reserve	1,998,609	2,008,128	1,976,128	1,979,038	1,991,128	-7,481
Operation and Maintenance, Navy Reserve	1,172,921	1,240,038	1,233,038	1,244,838	1,237,638	+64,717
Operation and Maintenance, Marine Corps Reserve	173,952	188,696	187,196	188,696	187,196	+13,244
Operation and Maintenance, Air Force Reserve	2,179,388	2,239,790	2,227,190	2,200,790	2,242,590	+63,202
Operation and Maintenance, Army National Guard 2/	4,340,581	4,440,686	4,376,886	4,372,436	4,442,386	+101,805
Operation and Maintenance, Air National Guard	4,431,216	4,422,838	4,438,738	4,454,238	4,472,738	+41,522
Overseas Contingency Operations Transfer Account	5,000	30,000	5,000	30,000	10,000	+5,000
United States Court of Appeals for the Armed Forces	10,333	10,825	10,825	10,825	10,825	+492
Environmental Restoration, Army	396,018	400,948	400,948	566,948	400,948	+4,930
Environmental Restoration, Navy	256,153	266,820	266,820	447,820	266,820	+10,667
Environmental Restoration, Air Force	384,307	397,368	397,368	397,368	397,368	+13,061
Environmental Restoration, Defense-Wide	24,081	23,684	26,684	23,684	23,684	-397
Environmental Restoration, Formerly Used Defense Sites	284,619	216,516	216,516	276,516	266,516	-18,103
Overseas Humanitarian, Disaster, and Civic Aid	59,000	59,000	59,000	59,000	59,000	---
Former Soviet Union Threat Reduction Account	450,800	409,200	409,200	409,200	409,200	-41,600
Total, title II, Operation and maintenance	115,914,877	121,874,589	120,568,274	121,410,132	121,062,969	+5,148,092
TITLE III						
PROCUREMENT						
Aircraft Procurement, Army 2/	2,131,741	2,658,241	3,107,941	2,653,241	2,854,541	+722,800
Missile Procurement, Army 2/	1,493,947	1,398,321	1,327,000	1,378,321	1,307,000	-186,947
Procurement of Weapons and Tracked Combat Vehicles, Army	1,853,712	1,639,695	2,773,695	1,698,695	2,467,495	+613,783
Procurement of Ammunition, Army 2/	1,385,225	1,556,902	1,608,302	1,606,502	1,590,952	+205,727
Other Procurement, Army 2/	4,649,702	4,240,896	4,868,371	4,685,846	4,955,296	+305,594
Aircraft Procurement, Navy	9,110,848	8,767,867	8,841,824	8,899,367	8,912,042	-198,806
Weapons Procurement, Navy	2,044,639	2,101,529	1,993,754	2,222,620	2,114,720	+70,081
Procurement of Ammunition, Navy and Marine Corps	934,905	858,640	885,340	881,140	888,340	-46,565
Shipbuilding and Conversion, Navy	10,878,123	9,962,027	10,189,327	10,171,643	10,427,443	-450,680
Other Procurement, Navy	4,931,186	4,834,278	4,980,325	4,797,025	4,875,786	-55,400
Procurement, Marine Corps	1,151,640	1,190,103	1,462,703	1,266,803	1,432,203	+280,563
Aircraft Procurement, Air Force	12,060,371	13,163,174	13,289,984	13,547,524	13,648,304	+1,587,933
Missile Procurement, Air Force	4,007,203	4,718,313	4,425,013	4,609,213	4,458,113	+450,910
Procurement of Ammunition, Air Force	1,262,725	1,396,457	1,346,557	1,353,859	1,327,459	+64,734
Other Procurement, Air Force	11,462,714	13,283,557	13,199,607	13,284,897	13,071,297	+1,608,583
Procurement, Defense-Wide	3,680,242	2,883,302	3,028,033	2,867,303	2,956,047	-724,195
National Guard and Reserve Equipment	400,000	---	---	500,000	350,000	-50,000
Defense Production Act Purchases	78,016	9,015	27,015	42,515	42,765	-35,251
Total, title III, Procurement	73,516,939	74,662,317	77,354,791	76,466,514	77,679,803	+4,162,864

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	FY 2004 Enacted	FY 2005 Request	House	Senate	Conference	Conference vs. Enacted
TITLE IV						
RESEARCH, DEVELOPMENT, TEST AND EVALUATION						
Research, Development, Test and Evaluation, Army 2/...	10,363,941	9,266,258	10,220,123	10,308,804	10,698,989	+335,048
Research, Development, Test and Evaluation, Navy.....	15,146,383	16,346,391	16,532,361	16,748,035	17,043,812	+1,897,429
Research, Development, Test and Evaluation, Air Force.	20,500,984	21,114,667	21,033,622	21,002,308	20,890,922	+389,938
Research, Development, Test and Evaluation, Defense-Wide	18,900,715	20,739,837	20,851,271	20,404,563	20,983,624	+2,082,909
Operational Test and Evaluation, Defense.....	305,861	305,135	309,135	305,135	314,835	+8,974
Total, title IV, Research, Development, Test and Evaluation.....	65,217,884	67,772,288	68,946,512	68,768,845	69,932,182	+4,714,298
TITLE V						
REVOLVING AND MANAGEMENT FUNDS						
Defense Working Capital Funds.....	1,641,507	1,685,886	1,174,210	1,685,886	1,174,210	-467,297
National Defense Sealift Fund: Ready Reserve Force	1,066,462	1,269,252	1,186,626	441,936	1,204,626	+138,164
Total, title V, Revolving and Management Funds..	2,707,969	2,955,138	2,360,836	2,127,822	2,378,836	-329,133
TITLE VI						
OTHER DEPARTMENT OF DEFENSE PROGRAMS						
Defense Health Program:						
Operation and maintenance.....	14,914,816	17,203,369	17,148,069	17,299,369	17,297,419	+2,382,603
Procurement.....	328,826	364,635	364,635	366,235	367,035	+38,209
Research and development.....	486,371	72,407	446,482	399,207	506,982	+20,611
Total, Defense Health Program.....	15,730,013	17,640,411	17,959,186	18,064,811	18,171,436	+2,441,423
Chemical Agents & Munitions Destruction, Army:						
Operation and maintenance.....	1,169,168	1,138,801	1,138,801	1,088,801	1,088,801	-80,367
Procurement.....	79,212	78,980	78,980	78,980	78,980	-232
Research, development, test and evaluation.....	251,881	154,209	154,209	206,209	205,209	-46,672
Total, Chemical Agents 1/	1,500,261	1,371,990	1,371,990	1,373,990	1,372,990	-127,271
Drug Interdiction and Counter-Drug Activities, Defense	835,616	852,697	876,697	908,797	906,522	+70,906
Office of the Inspector General 3/.....	162,449	244,562	193,562	244,562	204,562	+42,113
Total, title VI, Other Department of Defense Programs.....	18,228,339	20,109,660	20,401,435	20,592,160	20,655,510	+2,427,171
TITLE VII						
RELATED AGENCIES						
Central Intelligence Agency Retirement and Disability System Fund.....	226,400	239,400	239,400	239,400	239,400	+13,000
Intelligence Community Management Account.....	175,113	304,355	309,644	319,355	310,466	+135,353
Transfer to Department of Justice.....	(44,300)	(34,911)	(46,100)	(34,911)	(39,422)	(-4,878)
Payment to Kaho'olawe Island Conveyance, Remediation, and Environmental Restoration Fund.....	18,430	---	---	---	---	-18,430
National Security Education Trust Fund.....	8,000	8,000	8,000	8,000	8,000	---
Total, title VII, Related agencies.....	427,943	551,755	557,044	566,755	557,866	+129,923

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TITLE VIII						
GENERAL PROVISIONS						
Additional transfer authority (Sec. 8005)	(2,100,000)	(4,000,000)	(3,000,000)	(4,000,000)	(3,500,000)	(+1,400,000)
Indian Financing Act incentives (Sec. 8021)	8,000	---	8,000	8,000	8,000	---
Oliktok point acquisition (Sec. 8025)	---	---	---	2,500	---	---
FFRDCs (Sec. 8028)	-74,200	---	-40,000	-74,200	-125,000	-50,800
Disposal & lease of DOD real property (Sec. 8034)	31,000	25,000	25,000	25,000	25,000	-6,000
Overseas Mil Fac Invest Recovery (Sec. 8038)	1,331	1,000	1,000	1,000	1,000	-331
Rescissions (Sec. 8049)	-325,560	---	-399,750	-148,610	-779,637	-454,077
Travel Cards (Sec. 8082)	44,000	44,000	44,000	---	44,000	---
Special needs students (Sec. 8104)	5,500	---	---	5,500	5,500	---
Fisher House (Sec. 8093)	3,800	---	2,000	---	2,000	-1,800
CAAS/Other Contract Growth (Sec. 8094)	-504,500	---	-300,000	---	-300,000	+204,500
Contracted Advisory and Assistance Services (Sec.8095)	---	---	---	-500,000	-500,000	-500,000
Aircraft Procurement, Navy (Sec. 8098)	60,000	---	---	40,000	34,000	-26,000
Operation and Maintenance, Defense-wide (Sec. 8098)	---	---	---	---	40,000	+40,000
IT cost growth reduction (Sec. 8105)	-200,000	---	-270,000	---	-197,500	+2,500
Working Capital Funds Cash Balance (Sec.8107)	-372,000	---	-316,000	---	-316,000	+56,000
Working Capital Funds Excess Carryover	-44,000	---	---	---	---	+44,000
Ctr for Mil Recruiting Assessment & Vet Emp(Sec. 8108)	5,500	---	6,000	---	6,000	+500
Various grants (Sec. 8113)	34,950	---	6,600	33,000	51,425	+16,475
Assumed management improvements (Sec. 8122)	-1,662,000	---	-345,000	-835,000	-711,000	+951,000
Transportation Working Capital Fund (Sec. 8123)	-451,000	---	-967,200	-300,000	-967,200	-516,200
Fort Irwin education	17,000	---	---	---	---	-17,000
Iraqi freedom fund (rescission)	-3,490,000	---	---	---	---	+3,490,000
MCAGCC health demonstration program (Sec. 8126)	---	---	3,000	---	2,500	+2,500
Contract offsets (Sec. 8130)	---	---	-100,000	---	-50,000	-50,000
Budget withholds (Sec. 8131)	---	---	-685,000	---	-350,000	-350,000
Tanker replacement transfer fund (Sec. 8132)	---	---	100,000	---	100,000	+100,000
Unobligated balances (Sec. 8140)	---	---	---	-808,100	-768,100	-768,100
Travel costs (Sec. 8141)	---	---	---	-97,331	-100,000	-100,000
Military Personnel reduction	---	---	---	-7,158,000	---	---
Military Personnel (contingent emergency appropriations)	---	---	---	7,158,000	---	---
Shipbuilding and Conversion, Navy	---	---	---	250,900	---	---
Revised Economic Assumptions	---	---	---	-250,900	---	---
Total, Title VIII, General Provisions	-6,912,179	70,000	-3,227,350	-2,648,241	-4,845,012	+2,067,167
TITLE IX - ADDITIONAL WAR-RELATED APPROPRIATIONS						
CHAPTER 1 - DEPARTMENT OF DEFENSE--MILITARY						
Military Personnel						
Military Personnel, Army (contingent operations)	---	---	2,552,200	---	915,700	+915,700
Military Personnel, Navy (contingent operations)	---	---	232,200	---	27,700	+27,700
Military Personnel, Marine Corps (contingent ops)	---	---	273,200	---	241,700	+241,700
Military Personnel, Air Force (contingent operations)	---	---	874,400	---	64,900	+64,900
Total, Military Personnel	---	---	3,932,000	---	1,250,000	+1,250,000
Operation and Maintenance						
Operation & Maintenance, Army (contingent operations)	---	---	11,698,400	---	13,550,000	+13,550,000
Operation & Maintenance, Navy (contingent operations)	---	---	303,000	---	367,000	+367,000
Operation & Maintenance, Marine Corps (contingent ops)	---	---	1,295,000	---	1,665,000	+1,665,000
Operation & Maintenance, Air Force (contingent ops)	---	---	744,000	---	419,000	+419,000
Operation & Maintenance, Defense-Wide (contingent ops)	---	---	295,000	---	404,000	+404,000
Iraq Freedom Fund:						
(Contingent emergency) (incl. transfer authority)	---	25,000,000	---	25,000,000	---	---
(Contingent operations)	---	---	2,978,000	---	3,800,000	+3,800,000
Total, Operation and Maintenance	---	25,000,000	17,313,400	25,000,000	20,205,000	+20,205,000
Procurement						
Missile Procurement, Army (contingent operations)	---	---	42,800	---	---	---
Procurement of Weapons and Tracked Combat Vehicles, Army (contingent operations)	---	---	201,900	---	50,000	+50,000
Procurement of Ammunition, Army (contingent operations	---	---	330,000	---	110,000	+110,000
Other Procurement, Army (contingent operations)	---	---	1,151,400	---	755,000	+755,000
Aircraft Procurement, Navy (contingent operations)	---	---	34,000	---	79,000	+79,000
Procurement of Ammunition, Navy and Marine Corps (contingent operations)	---	---	112,800	---	30,000	+30,000
Procurement, Marine Corps (contingent operations)	---	---	111,400	---	150,000	+150,000
Other Procurement, Air Force (contingent operations)	---	---	35,300	---	110,000	+110,000
Procurement, Defense-Wide (contingent operations)	---	---	80,000	---	50,000	+50,000
National Guard and Reserve Equipment (contingent opera	---	---	100,000	---	50,000	+50,000
Total, Procurement	---	---	2,199,600	---	1,384,000	+1,384,000

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Defense Working Capital Funds (contingent operations).	---	---	1,250,000	---	1,478,000	+1,478,000
Defense Health Program (contingent operations).....	---	---	305,000	---	683,000	+683,000
Additional transfer authority (contingent operations):						
Fiscal year 2005 (Sec. 9003(a)).....	---	---	(2,000,000)	---	(1,500,000)	(+1,500,000)
Fiscal year 2004 (Sec. 9003(b)).....	---	---	(900,000)	---	(700,000)	(+700,000)
General Provisions						
Office of Justice Programs, State and Local Law Enforcement Assistance (contingent emergency appropriations) (Sec. 9006).....	---	---	---	50,000	---	---
Total, Chapter 1 (contingent operations) 4/ 5/..	---	25,000,000	25,000,000	25,050,000	25,000,000	+25,000,000
CHAPTER 2 - DEPARTMENT OF STATE						
Administration of Foreign Affairs						
Diplomatic and consular programs (contingent ops).....	---	---	665,300	---	---	---
Embassy security, construction, and maintenance (contingent operations).....	---	---	20,000	---	---	---
Total, Chapter 2 (contingent operations) 5/.....	---	---	685,300	---	---	---
CHAPTER 3 - BILATERAL ECONOMIC ASSISTANCE						
FUNDS APPROPRIATED TO THE PRESIDENT						
United States Agency for International Development						
International disaster and famine assistance (Emergency).....	---	---	70,000	---	---	---
Department of State						
Migration and refugee assistance (emergency).....	---	---	25,000	---	---	---
Total, Chapter 3 (emergency). 5/.....	---	---	95,000	---	---	---
Total, Title IX (contingent operations) 4/ 5/...	---	25,000,000	25,780,300	25,050,000	25,000,000	+25,000,000
TITLE X - OTHER MATTERS						
CHAPTER 1 - DEPARTMENT OF STATE						
Administration of Foreign Affairs						
Diplomatic and consular programs (emergency).....	---	---	---	---	665,300	+665,300
Embassy security, construction, and maintenance (emergency).....	---	---	---	---	20,000	+20,000
General Provisions						
Office of Justice Programs, State and Local Law Enforcement Assistance (emergency) (Sec. 11002).....	---	---	---	---	50,000	+50,000
Courts of Appeals, District Courts, and Other Judicial Services, Defender services (emergency)(Sec. 11003).	---	---	---	---	26,000	+26,000
Total, Chapter 1 (emergency) 5/.....	---	---	---	---	761,300	+761,300
CHAPTER 2 - BILATERAL ECONOMIC ASSISTANCE						
FUNDS APPROPRIATED TO THE PRESIDENT						
United States Agency for International Development						
International disaster and famine assistance (Emergency).....	---	---	---	---	70,000	+70,000
(Contingent emergency).....	---	---	---	70,000	---	---
Department of State						
Migration and refugee assistance (emergency).....	---	---	---	---	25,000	+25,000
(Contingent emergency)	---	---	---	25,000	---	---
Total, Chapter 2 (emergency) 5/.....	---	---	---	---	95,000	+95,000
(Contingent emergency).....	---	---	---	95,000	---	---

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CHAPTER 3 - SUPPLEMENTAL APPROPRIATIONS FOR FY 2004 FOR URGENT WILDLAND FIRE SUPPRESSION ACTIVITIES						
DEPARTMENT OF THE INTERIOR						
Bureau of Land Management						
Wildland fire management:						
Fire suppression operations (Sec.312/S.Con.Res.95)	---	---	---	---	100,000	+100,000
DEPARTMENT OF AGRICULTURE						
Forest Service						
Wildland fire management:						
Fire suppression operations (Sec.312/S.Con.Res.95)	---	---	---	---	400,000	+400,000
Total, Chapter 3 (Sec. 312, S.Con.Res.95) 5/....	---	---	---	---	500,000	+500,000
CHAPTER 4 - TITLE X GENERAL PROVISIONS						
Federal-aid to highways (Sec. 14003).....	---	---	---	---	---	---
Federal payment for school improvement (Sec. 14005)...	---	---	---	---	10,600	+10,600
(Rescission).....	---	---	---	---	-10,600	-10,600
Total, Title X 5/.....	---	---	---	95,000	1,356,300	+1,356,300
(Emergency appropriations).....	---	---	---	---	(856,300)	(+856,300)
(Contingent emergency appropriations).....	---	---	---	(95,000)	---	---
(Rescissions).....	---	---	---	---	(-10,600)	(-10,600)
Total for the bill (net) 5/.....	367,555,453	417,807,305	416,933,400	416,298,400	417,509,612	+49,954,159
OTHER APPROPRIATIONS						
Emergency Supplemental, Defense, Iraq and Afghanistan, 2004 (P.L. 108-106).....	64,706,554	---	---	---	---	-64,706,554
Additional transfer authority (sec. 1101) (emerg).	(3,000,000)	---	---	---	---	(-3,000,000)
Consolidated appropriations (by transfer)(P.L.108-199)	(74,600)	---	---	---	---	(-74,600)
Additional transfer authority (Sec. 114).....	(120,000)	---	---	---	---	(-120,000)
Rescissions.....	-1,800,000	---	---	---	---	+1,800,000
Net grand total (including other appropriations)5/	430,462,007	417,807,305	416,933,400	416,298,400	417,509,612	-12,952,395
CONGRESSIONAL BUDGET RECAP						
Scorekeeping adjustments:						
Disabled military retiree payments (mandatory)....	302,000	---	---	---	---	-302,000
Military personnel accounts (discretionary)...	-302,000	---	---	---	---	+302,000
Army Venture Capital Funds (Sec. 8105).....	17,000	17,000	17,000	17,000	17,000	---
O&M, Army transfer to National Park Service:						
Defense function.....	-2,500	---	-2,500	---	-1,900	+600
Non-defense function.....	2,500	---	2,500	---	1,900	-600
Less defense emergency appropriations.....	-64,706,554	---	---	---	---	+64,706,554
Less non-defense emergency appropriations.....	---	---	-95,000	---	-121,000	-121,000
Less Title IX defense contingent operations.....	---	-25,000,000	-25,000,000	-25,000,000	-25,000,000	-25,000,000
Less Title IX non-defense contingent operations...	---	---	-685,300	---	-685,300	-685,300
Less defense contingent emergency appropriations..	---	---	---	-7,158,000	---	---
Less non-defense contingency emerg. appropriations	---	---	---	-145,000	-50,000	-50,000
Less amount charged to FY 04(Sec.312/S.Con.Res.95)	---	---	---	---	-500,000	-500,000
Repeal of FY 2004 rescission (contingent ops).....	---	---	1,800,000	---	1,800,000	+1,800,000
Amount charged to fiscal year 2004.....	---	---	-1,800,000	---	-1,800,000	-1,800,000
RDT&E, Navy transfer to NOAA:						
Defense function.....	---	---	---	-18,000	-18,000	-18,000
Non-defense function.....	---	---	---	18,000	18,000	+18,000
O&M, Defense-wide transfer to Forest Service:						
Defense function.....	---	---	---	---	-40,000	-40,000
Non-defense function.....	---	---	---	---	40,000	+40,000
Aircraft procurement,Navy transfer to Coast Guard:						
Defense function.....	-60,000	---	---	---	---	+60,000
Non-defense function.....	60,000	---	---	---	---	-60,000
Total, scorekeeping adjustments.....	-64,689,554	-24,983,000	-25,763,300	-32,286,000	-26,339,300	+38,350,254
Adjusted total (incl scorekeeping adjustments) ..	365,772,453	392,824,305	391,170,100	384,012,400	391,170,312	+25,397,859
Appropriations.....	(371,388,013)	(392,824,305)	(391,569,850)	(384,161,010)	(391,960,549)	(+20,572,536)
Rescissions.....	(-5,615,560)	---	(-399,750)	(-148,610)	(-790,237)	(+4,825,323)

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT - FY 2005 (H.R. 4613)
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	House	Senate	Conference	Conference vs. Enacted
Total (including scorekeeping adjustments)	365,772,453	392,824,305	391,170,100	384,012,400	391,170,312	+25,397,859
Amount in this bill	(430,462,007)	(417,807,305)	(416,933,400)	(416,298,400)	(417,509,612)	(-12,952,395)
Scorekeeping adjustments	(-64,689,554)	(-24,983,000)	(-25,763,300)	(-32,286,000)	(-26,339,300)	(+38,350,254)
Total mandatory and discretionary	365,772,453	392,824,305	391,170,100	384,012,400	391,170,312	+25,397,859
Mandatory	528,400	239,400	239,400	239,400	239,400	-289,000
Discretionary	365,244,053	392,584,905	390,930,700	383,773,000	390,930,912	+25,686,859
RECAPITULATION						
Title I - Military Personnel	98,453,681	104,811,558	104,191,558	103,869,413	103,731,158	+5,277,477
Title II - Operation and Maintenance	115,914,877	121,874,589	120,568,274	121,410,132	121,062,969	+5,148,092
Title III - Procurement	73,516,939	74,662,317	77,354,791	76,466,514	77,679,803	+4,162,864
Title IV - Research, Development, Test and Evaluation	65,217,884	67,772,288	68,946,512	68,768,845	69,932,182	+4,714,298
Title V - Revolving and Management Funds	2,707,969	2,955,138	2,360,836	2,127,822	2,378,836	-329,133
Title VI - Other Department of Defense Programs	18,228,339	20,109,660	20,401,435	20,592,160	20,655,510	+2,427,171
Title VII - Related Agencies	427,943	551,755	557,044	566,755	557,866	+129,923
Title VIII - General Provisions (net)	-6,912,179	70,000	-3,227,350	-2,648,241	-4,845,012	+2,067,167
Title IX - Additional War-Related Appropriations (net)	---	25,000,000	25,780,300	25,050,000	25,000,000	+25,000,000
Title X - Other Matters (net)	---	---	---	95,000	1,356,300	+1,356,300
Total, Department of Defense and other matters (in this bill)	367,555,453	417,807,305	416,933,400	416,298,400	417,509,612	+49,954,159
Other defense appropriations	62,906,554	---	---	---	---	-62,906,554
Total funding available (net)	430,462,007	417,807,305	416,933,400	416,298,400	417,509,612	-12,952,395
Department of Defense	(430,462,007)	(417,807,305)	(416,153,100)	(416,153,400)	(416,153,312)	(-14,308,695)
Other Matters	---	---	(780,300)	(145,000)	(1,356,300)	(+1,356,300)
Scorekeeping adjustments	-64,689,554	-24,983,000	-25,763,300	-32,286,000	-26,339,300	+38,350,254
Total mandatory and discretionary	365,772,453	392,824,305	391,170,100	384,012,400	391,170,312	+25,397,859

FOOTNOTES:
1/ Included in Budget under Procurement title.
2/ Includes Budget Amendment (H. Doc. 108-170) which realigns $1,217,538,000 for the termination of the Comanche Helicopter program, of which $30,000,000 was reallocated to Mil. Construction, Army National Guard.
3/ Includes Budget Amendment (H. Doc. 108-183) which adds $10,000 to the Office of the Inspector General request for a technical correction.
4/ Includes Budget Amendment (H. Doc. 108-185) which establishes a $25 billion Contingent Emergency Reserve Fund for operations in Iraq and Afghanistan.
5/ If the Bill is enacted before October 1, 2004, $28,156,300,000 (including repeal of $1,800,000,000 rescission) will be considered FY 2004 budget authority.

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

Mr. MURTHA. Mr. Speaker, I yield myself such time as I may consume to put some very laudatory comments about the gentleman from California (Mr. LEWIS) in the record, because this is his last time as a chairman maybe.

Mr. Speaker, I rise to pay tribute to my good friend from California, the Chairman of the Defense Appropriations Committee, Congressman JERRY LEWIS. Since joining the Defense Subcommittee, Congressman LEWIS has been one of the strongest supporters of our men and women in uniform that this Congress has ever known. As Chairman, he has guided the Subcommittee without partisanship or political agenda to ensure that our military remains the best military in the world. The Defense Department and the people of our great Nation owe JERRY LEWIS a debt of gratitude for his unyielding support and hard work. And for that, I salute him.

Mr. BEREUTER. Mr. Speaker, this Member rises today in support of the conference agreement on H.R. 4613, the Department of Defense (DoD) Appropriations Act for FY2005. This Member would like to thank the distinguished gentleman from California (Mr. LEWIS), Chairman of the Subcommittee and the distinguished gentleman from Pennsylvania (Mr. MURTHA) for their fine work on this important measure.

This Member is very pleased that several projects important to Nebraska and our nation are included in the conference report. First, the final agreement includes $3.5 million for the University of Nebraska-Lincoln (UNL) for the Fibrinogen Bandages for Battlefield Wounds Project. This is a very innovative research and development initiative which shows great promise.

These funds will be used for biomedical tissue engineering research to develop inexpensive, safe and effective fibrinogen for use in bandages, foam and other medical devices. This source of fibrinogen, developed from recombinant proteins instead of human plasma, will remove the major obstacle to the development of an affordable fibrinogen bandage. This research will build on the Department of Defense's (DoD) $20 million investment to produce fibrinogen from transgenic animals rather than human plasma and will create a safer, less expensive and abundant supply for bandages and medical devices. A cost-effective abundant fibrinogen supply will enable development of state-of-the-art bandages and medical devices, saving the lives of wounded soldiers and other trauma victims.

Second, this Member is pleased that $2.5 million is included for another UNL research initiative on Advanced Materials for Mine Detection and Blast Mitigation. These funds will be used to support research on advanced materials for mine detection and blast mitigation that will help protect U.S. soldiers in all environments. This research, which focuses on remote mine detection and the development of materials for advanced composite armor and lightweight body armor and hardened structures, contributes to programs currently underway or envisioned at the U.S. Army Research Laboratory.

Using nanotechnology research will improve remote mine detection, biological threat detection, and body armor. This effort will increase protection and save lives of our soldiers fighting the war on terrorism. UNL researchers have recently produced some of the most advanced nanofibers in the world, opening the possibility for the development of materials with entirely new characteristics. The University will work closely with the scientific staff at the Army Research Laboratory as they proceed with this research.

Third, this Member is encouraged that $3 million was added for the Satellite Communications for Learning Act (SCOLA)/Defense Language Institute (DLI) Foreign Language Center. Furthermore, this Member very pleased by the successful establishment of a congressionally mandated research and development line within the Army's R&D aggregation. This change is critical for language skills development, maintenance and language learning throughout the DoD.

In closing, Mr. Speaker, this Member urges his colleagues to support H.R. 4613.

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

The SPEAKER pro tempore. Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

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

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

GENERAL LEAVE

Mr. LEWIS of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the conference report on H.R. 4613, and that I may include tabular material.

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

There was no objection.

□ 1900

MILITARY CONSTRUCTION APPROPRIATIONS ACT, 2005

The SPEAKER pro tempore (Mr. BASS). Pursuant to House Resolution 732 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 4837.

□ 1900

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 4837) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes, with Mr. BEREUTER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Wednesday, July 20, 2004, all time for general debate had expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Clerk will read.

The Clerk read as follows:

H.R. 4837

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated for military construction, family housing, and base realignment and closure functions administered by the Department of Defense, for the fiscal year ending September 30, 2005, and for other purposes, namely:

MILITARY CONSTRUCTION, ARMY

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Army as currently authorized by law, including personnel in the Army Corps of Engineers and other personal services necessary for the purposes of this appropriation, and for construction and operation of facilities in support of the functions of the Commander in Chief, $1,862,854,000, to remain available until September 30, 2009: *Provided*, That of this amount, not to exceed $140,554,000 shall be available for study, planning, design, architect and engineer services, and host nation support, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of the House of Representatives and Senate of the determination and the reasons therefor.

MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

For acquisition, construction, installation, and equipment of temporary or permanent public works, naval installations, facilities, and real property for the Navy and Marine Corps as currently authorized by law, including personnel in the Naval Facilities Engineering Command and other personal services necessary for the purposes of this appropriation, $1,081,042,000, to remain available until September 30, 2009: *Provided*, That of this amount, not to exceed $93,284,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of the House of Representatives and Senate of the determination and the reasons therefor.

MILITARY CONSTRUCTION, AIR FORCE

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Air Force as currently authorized by law, $797,865,000, to remain available until September 30, 2009: *Provided*, That of this amount, not to exceed $165,367,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the

Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of the House of Representatives and Senate of the determination and the reasons therefor.

MILITARY CONSTRUCTION, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For acquisition, construction, installation, and equipment of temporary or permanent public works, installations, facilities, and real property for activities and agencies of the Department of Defense (other than the military departments), as currently authorized by law, $718,837,000, to remain available until September 30, 2009: *Provided*, That such amounts of this appropriation as may be determined by the Secretary of Defense may be transferred to such appropriations of the Department of Defense available for military construction or family housing as the Secretary may designate, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided further*, That of the amount appropriated, not to exceed $63,482,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of the House of Representatives and Senate of the determination and the reasons therefor.

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army National Guard, and contributions therefor, as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $394,100,000, to remain available until September 30, 2009: *Provided*, That of this amount, not to exceed $74,982,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of the House of Representatives and Senate of the determination and the reasons therefor.

MILITARY CONSTRUCTION, AIR NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air National Guard, and contributions therefor, as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $180,533,000, to remain available until September 30, 2009: *Provided*, That of this amount, not to exceed $20,433,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of the House of Representatives and Senate of the determination and the reasons therefor.

MILITARY CONSTRUCTION, ARMY RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army Reserve as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $116,521,000, to remain available until September 30, 2009: *Provided*, That of this amount, not to exceed $13,413,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of the House of Representatives and Senate of the determination and the reasons therefor.

MILITARY CONSTRUCTION, NAVAL RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the reserve components of the Navy and Marine Corps as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $30,955,000, to remain available until September 30, 2009: *Provided*, That of this amount, not to exceed $1,653,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of the House of Representatives and Senate of the determination and the reasons therefor.

MILITARY CONSTRUCTION, AIR FORCE RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air Force Reserve as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $111,725,000, to remain available until September 30, 2009: *Provided*, That of this amount, not to exceed $8,612,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of the House of Representatives and Senate of the determination and the reasons therefor.

NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

For the United States share of the cost of the North Atlantic Treaty Organization Security Investment Program for the acquisition and construction of military facilities and installations (including international military headquarters) and for related expenses for the collective defense of the North Atlantic Treaty Area as authorized by section 2806 of title 10, United States Code, and Military Construction Authorization Acts, $165,800,000, to remain available until expended.

FAMILY HOUSING CONSTRUCTION, ARMY

For expenses of family housing for the Army for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, $636,099,000, to remain available until September 30, 2009.

FAMILY HOUSING OPERATION AND MAINTENANCE, ARMY

For expenses of family housing for the Army for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, $926,507,000.

FAMILY HOUSING CONSTRUCTION, NAVY AND MARINE CORPS

For expenses of family housing for the Navy and Marine Corps for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, $139,107,000, to remain available until September 30, 2009.

FAMILY HOUSING OPERATION AND MAINTENANCE, NAVY AND MARINE CORPS

For expenses of family housing for the Navy and Marine Corps for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, $696,304,000.

FAMILY HOUSING CONSTRUCTION, AIR FORCE

For expenses of family housing for the Air Force for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, $846,959,000, to remain available until September 30, 2009.

FAMILY HOUSING OPERATION AND MAINTENANCE, AIR FORCE

For expenses of family housing for the Air Force for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, $854,666,000.

FAMILY HOUSING CONSTRUCTION, DEFENSE-WIDE

For expenses of family housing for the activities and agencies of the Department of Defense (other than the military departments) for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, $49,000, to remain available until September 30, 2009.

FAMILY HOUSING OPERATION AND MAINTENANCE, DEFENSE-WIDE

For expenses of family housing for the activities and agencies of the Department of Defense (other than the military departments) for operation and maintenance, leasing, and minor construction, as authorized by law, $49,575,000.

DEPARTMENT OF DEFENSE FAMILY HOUSING IMPROVEMENT FUND

For the Department of Defense Family Housing Improvement Fund, $2,500,000, to remain available until expended, for family housing initiatives undertaken pursuant to section 2883 of title 10, United States Code, providing alternative means of acquiring and improving military family housing and supporting facilities.

CHEMICAL DEMILITARIZATION CONSTRUCTION, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For expenses of construction, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions in accordance with the provisions of section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, as currently authorized by law, $81,886,000, to remain available until September 30, 2009: *Provided*, That such amounts of this appropriation as may be determined by the Secretary of Defense may be transferred to such appropriations of the Department of Defense available for military construction as the Secretary may designate, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation to which transferred.

BASE REALIGNMENT AND CLOSURE ACCOUNT

For deposit into the Department of Defense Base Closure Account 1990 established by section 2906(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), $246,116,000, to remain available until expended.

GENERAL PROVISIONS

SEC. 101. None of the funds made available in this Act shall be expended for payments under a cost-plus-a-fixed-fee contract for construction, where cost estimates exceed $25,000, to be performed within the United

States, except Alaska, without the specific approval in writing of the Secretary of Defense setting forth the reasons therefor.

SEC. 102. Funds appropriated to the Department of Defense for construction shall be available for hire of passenger motor vehicles.

SEC. 103. Funds appropriated to the Department of Defense for construction may be used for advances to the Federal Highway Administration, Department of Transportation, for the construction of access roads as authorized by section 210 of title 23, United States Code, when projects authorized therein are certified as important to the national defense by the Secretary of Defense.

SEC. 104. None of the funds made available in this Act may be used to begin construction of new bases in the United States for which specific appropriations have not been made.

SEC. 105. None of the funds made available in this Act shall be used for purchase of land or land easements in excess of 100 percent of the value as determined by the Army Corps of Engineers or the Naval Facilities Engineering Command, except: (1) where there is a determination of value by a Federal court; (2) purchases negotiated by the Attorney General or his designee; (3) where the estimated value is less than $25,000; or (4) as otherwise determined by the Secretary of Defense to be in the public interest.

SEC. 106. None of the funds made available in this Act shall be used to: (1) acquire land; (2) provide for site preparation; or (3) install utilities for any family housing, except housing for which funds have been made available in annual Military Construction Appropriations Acts.

SEC. 107. None of the funds made available in this Act for minor construction may be used to transfer or relocate any activity from one base or installation to another, without prior notification to the Committees on Appropriations of the House of Representatives and Senate.

SEC. 108. None of the funds made available in this Act may be used for the procurement of steel for any construction project or activity for which American steel producers, fabricators, and manufacturers have been denied the opportunity to compete for such steel procurement.

SEC. 109. None of the funds available to the Department of Defense for military construction or family housing during the current fiscal year may be used to pay real property taxes in any foreign nation.

SEC. 110. None of the funds made available in this Act may be used to initiate a new installation overseas without prior notification to the Committees on Appropriations of the House of Representatives and Senate.

SEC. 111. None of the funds made available in this Act may be obligated for architect and engineer contracts estimated by the Government to exceed $500,000 for projects to be accomplished in Japan, in any NATO member country, or in countries bordering the Arabian Sea, unless such contracts are awarded to United States firms or United States firms in joint venture with host nation firms.

SEC. 112. None of the funds made available in this Act for military construction in the United States territories and possessions in the Pacific and on Kwajalein Atoll, or in countries bordering the Arabian Sea, may be used to award any contract estimated by the Government to exceed $1,000,000 to a foreign contractor: *Provided*, That this section shall not be applicable to contract awards for which the lowest responsive and responsible bid of a United States contractor exceeds the lowest responsive and responsible bid of a foreign contractor by greater than 20 percent: *Provided further*, That this section shall not apply to contract awards for military construction on Kwajalein Atoll for which the lowest responsive and responsible bid is submitted by a Marshallese contractor.

SEC. 113. The Secretary of Defense is to inform the appropriate committees of Congress, including the Committees on Appropriations of the House of Representatives and Senate, of the plans and scope of any proposed military exercise involving United States personnel 30 days prior to its occurring, if amounts expended for construction, either temporary or permanent, are anticipated to exceed $100,000.

SEC. 114. Not more than 20 percent of the funds made available in this Act which are limited for obligation during the current fiscal year shall be obligated during the last 2 months of the fiscal year.

(TRANSFER OF FUNDS)

SEC. 115. Funds appropriated to the Department of Defense for construction in prior years shall be available for construction authorized for each such military department by the authorizations enacted into law during the current session of Congress.

SEC. 116. For military construction or family housing projects that are being completed with funds otherwise expired or lapsed for obligation, expired or lapsed funds may be used to pay the cost of associated supervision, inspection, overhead, engineering and design on those projects and on subsequent claims, if any.

SEC. 117. Notwithstanding any other provision of law, any funds appropriated to a military department or defense agency for the construction of military projects may be obligated for a military construction project or contract, or for any portion of such a project or contract, at any time before the end of the fourth fiscal year after the fiscal year for which funds for such project were appropriated if the funds obligated for such project: (1) are obligated from funds available for military construction projects; and (2) do not exceed the amount appropriated for such project, plus any amount by which the cost of such project is increased pursuant to law.

(TRANSFER OF FUNDS)

SEC. 118. During the 5-year period after appropriations available to the Department of Defense for military construction and family housing operation and maintenance and construction have expired for obligation, upon a determination that such appropriations will not be necessary for the liquidation of obligations or for making authorized adjustments to such appropriations for obligations incurred during the period of availability of such appropriations, unobligated balances of such appropriations may be transferred into the appropriation ''Foreign Currency Fluctuations, Construction, Defense'' to be merged with and to be available for the same time period and for the same purposes as the appropriation to which transferred.

SEC. 119. The Secretary of Defense is to provide the Committees on Appropriations of the House of Representatives and Senate with an annual report by February 15, containing details of the specific actions proposed to be taken by the Department of Defense during the current fiscal year to encourage other member nations of the North Atlantic Treaty Organization, Japan, Korea, and United States allies bordering the Arabian Sea to assume a greater share of the common defense burden of such nations and the United States.

(TRANSFER OF FUNDS)

SEC. 120. In addition to any other transfer authority available to the Department of Defense, proceeds deposited to the Department of Defense Base Closure Account established by section 207(a)(1) of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526) pursuant to section 207(a)(2)(C) of such Act, may be transferred to the account established by section 2906(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), to be merged with, and to be available for the same purposes and the same time period as that account.

(TRANSFER OF FUNDS)

SEC. 121. Subject to 30 days prior notification to the Committees on Appropriations of the House of Representatives and Senate, such additional amounts as may be determined by the Secretary of Defense may be transferred to the Department of Defense Family Housing Improvement Fund from amounts appropriated for construction in ''Family Housing'' accounts, to be merged with and to be available for the same purposes and for the same period of time as amounts appropriated directly to the Fund: *Provided*, That appropriations made available to the Fund shall be available to cover the costs, as defined in section 502(5) of the Congressional Budget Act of 1974, of direct loans or loan guarantees issued by the Department of Defense pursuant to the provisions of subchapter IV of chapter 169, title 10, United States Code, pertaining to alternative means of acquiring and improving military family housing and supporting facilities.

SEC. 122. None of the funds made available in this Act may be obligated for Partnership for Peace Programs in the New Independent States of the former Soviet Union.

SEC. 123. (a) Not later than 60 days before issuing any solicitation for a contract with the private sector for military family housing the Secretary of the military department concerned shall submit to the Committees on Appropriations of the House of Representatives and Senate and the Committees on Armed Services of the House of Representatives and Senate the notice described in subsection (b).

(b)(1) A notice referred to in subsection (a) is a notice of any guarantee (including the making of mortgage or rental payments) proposed to be made by the Secretary to the private party under the contract involved in the event of—

(A) the closure or realignment of the installation for which housing is provided under the contract;

(B) a reduction in force of units stationed at such installation; or

(C) the extended deployment overseas of units stationed at such installation.

(2) Each notice under this subsection shall specify the nature of the guarantee involved and assess the extent and likelihood, if any, of the liability of the Federal Government with respect to the guarantee.

(TRANSFER OF FUNDS)

SEC. 124. In addition to any other transfer authority available to the Department of Defense, amounts may be transferred from the account established by section 2906(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), to the fund established by section 1013(d) of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374) to pay for expenses associated with the Homeowners Assistance Program. Any amounts transferred shall be merged with and be available for the same purposes and for the same time period as the fund to which transferred.

SEC. 125. Notwithstanding this or any other provision of law, funds made available in this Act for operation and maintenance of family housing shall be the exclusive source of funds for repair and maintenance of all family housing units, including general or flag officer quarters: *Provided*, That not more

than $20,000 per unit may be spent annually for the maintenance and repair of any general or flag officer quarters without 30 days advance notification to the Committees on Appropriations of the House of Representatives and Senate and Committees on Armed Services of the House of Representatives and Senate, except that an after-the-fact notification shall be submitted if the limitation is exceeded solely due to costs associated with environmental remediation that could not be reasonably anticipated at the time of the budget submission: *Provided further*, That the Under Secretary of Defense (Comptroller) is to report annually to the Committees on Appropriations of the House of Representatives and Senate all operations and maintenance expenditures for each individual general or flag officer quarters for the prior fiscal year.

SEC. 126. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

SEC. 127. None of the funds made available in this Act under the heading ''North Atlantic Treaty Organization Security Investment Program'', and no funds appropriated for any fiscal year before fiscal year 2005 for that program that remain available for obligation, may be obligated or expended for the conduct of studies of missile defense.

SEC. 128. Whenever the Secretary of Defense or any other official of the Department of Defense is requested by the chairman of the Subcommittee on Military Construction of the Committee on Appropriations of the House of Representatives to respond to a question or inquiry submitted by the chairman or another member of that subcommittee pursuant to a subcommittee hearing or other activity, the Secretary (or other official) shall respond to the request, in writing, within 21 days of the date on which the request is transmitted to the Secretary (or other official).

Mr. KNOLLENBERG (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 22, line 2 be considered as read, printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The CHAIRMAN. Are there any amendments to this portion of the bill?

Mr. EDWARDS. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Texas (Mr. EDWARDS) is recognized for 5 minutes.

Mr. EDWARDS. Mr. Chairman, I would like to bring Members back up to date on what has happened on the legislation which we started considering yesterday.

This bill funds military construction, which includes a lot of quality of life programs for our military men and women and their families. The funding level is $10 billion, and I am disappointed that the actual funding level is only a 1.6 percent increase over military construction last year, which after inflation is actually a real cut in military construction funding during a time of war.

I think that is inexcusable given our war in Afghanistan and Iraq. This bill appropriates $489 million below what we actually spent for military construction 2 years ago before the Iraqi war even began. And even worse, it is $900 million below what President Bush said would be needed this year, just 12 months ago when he made that prediction.

Despite the fact that we are actually increasing military construction, not even enough funds to make up for inflation, we have 39,000 Army families living in inadequate housing, 34,000 Army barracks are inadequate, 70 percent of Army facilities are C–3 or C–4, which means they are mission impaired, 16,000 Navy and Marine Corps families live in inadequate housing, 31,000 Air Force families live in inadequate housing.

Given this inadequate allocation to address the real priority of military housing and construction and quality of life programs, I commend the gentleman from Michigan (Mr. KNOLLENBERG). He has worked in a thorough and fair manner to take what is a wholly inadequate amount of funding for military construction and to spend that money as wisely and fairly and as carefully as possible, and I salute him in that effort.

The best thing about this bill, at least in this moment, is it prevents a looming crisis in military housing construction. That crisis is, if we do not allow an amendment passed by the gentleman from Michigan (Mr. KNOLLENBERG) in this bill to stay in this bill, this November we are going to put a freeze immediately on 24,000 new military homes throughout the United States, and that will delay by another year homes for another 26,000 military families next year.

So we are going to basically either freeze or delay new housing for 50,000 military families across 22 States, even recognizing some of those families have loved ones serving in Iraq and Afghanistan.

To recap further, unfortunately yesterday the House leadership strong-armed an atrocious rule through this House, a rule that I consider to be a slap in the face of every military family in America, a rule that took 20 to 25 minutes of extra arm twisting so it could pass by one vote. That rule, pushed by the Speaker and the majority leader, will allow one Member out of 435 in this House in the next few moments to basically kill our effort to resolve the military housing crisis, and every Member of the House who voted on that rule knew exactly what was going to happen when they voted for it.

I find it unbelievable that the same House leadership that just 2 months ago on the day that the Armed Services bill put a cap on this bill at the same level that will force this crisis, on that very same day the House leadership supported a $69 billion tax cut that will give Members of Congress a tax cut.

So here we are, the leadership is pushing tax cuts for Members of Congress, they can find time to rename dozens of post offices, they can find the money to push the $69 billion tax cut, but when it comes to protecting a promise of better housing for our military men and women and their families, the House leadership sadly and unfairly said, no, we cannot do that.

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

Mr. EDWARDS. I yield to the gentleman from Washington.

Mr. DICKS. I want to commend the gentleman for his statements and for his effort this year. The gentleman from Texas (Mr. EDWARDS) has gone all out working with the gentleman from Michigan (Mr. KNOLLENBERG) to craft a solution here. I have supported his efforts and I have Fort Lewis, Washington, McChord Air Force Base, in fact, in Fort Lewis we have one of the RCI, the Residential Construction Initiatives. It has worked better than any project for housing in the history of the country. And that is why this is so destructive. And we are not talking about spending additional military construction dollars.

The CHAIRMAN. The time of the gentleman from Texas (Mr. EDWARDS) has expired.

(On request of Mr. DICKS, and by unanimous consent, Mr. EDWARDS was allowed to proceed for 2 additional minutes.)

Mr. EDWARDS. Mr. Chairman, I yield to the gentleman from Washington (Mr. DICKS).

Mr. DICKS. All we are saying is we are going to raise a limit by $500 million so that these transactions can occur in a public-private partnership.

This is what we have always heard from the majority party is the right way to go, these public-private partnerships. Down in Fort Hood this is a great success.

Mr. EDWARDS. Six thousand new Army homes.

Mr. DICKS. I went out with General Soriano, the Commanding Officer at I CORPS. We went out and walked through these brand new houses being built under the Residential Construction Initiative. The wives of the sergeants were telling us this is the greatest thing that has ever happened in the Army.

I have been out there when these deployments occur, and one of the things the spouses say and one of the things the members of the services say when they are deployed is they worry about their family, they worry about the housing, they worry about health care, they worry about what is going to happen to their families while they are gone. I know from my years of experience, 26 years on the Subcommittee on Defense, 18 years on this subcommittee, that quality of life and having this new housing and getting it done in a timely way is crucial.

That is why the objection to this by the majority party to me is so unexplainable, because one thing we have always been good about in this

House is on a bipartisan basis rising above limitations, things of that nature, to get the job done for the men and women who are serving, and especially now when we are in a time of war, especially now when the services are stressed in a most difficult way, and with all these deployments. We are over-deployed.

We saw what the GAO said today. There is not enough money out there to properly deal with the problems we have got. So to pile this last thing on, this poke in the eye of the military families by not raising this limit, to me is one of the worst things that has happened in my 28 years in the House.

The CHAIRMAN. The time of the gentleman from Texas (Mr. EDWARDS) has expired.

Mr. DICKS. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Washington (Mr. DICKS) is recognized for 5 minutes.

Mr. DICKS. Mr. Chairman, I yield to the gentleman from New Jersey (Mr. EDWARDS).

Mr. EDWARDS. Mr. Chairman, I thank the gentleman for his eloquent comments and his leadership and strong support for better quality housing for our families.

I want to summarize where we are. Basically, the same House leadership that said just 2 months ago on the same day we refused to increase the cap so 50,000 new military families over the next 2 years could get new housing, in the same day they push through a $69 billion tax cut that is going to give me a $2,000 tax break.

We could afford the tax break for Members of Congress but we could not afford to take care of our promise of better housing for military families.

Now, the gentleman talked about a poke in the eye. The final poke in the eye is this is not the only bad news that the servicemen and women and veterans are going to hear today, because the same leadership that could support the tax cuts for Members of Congress could not find a way to improve housing and fund that program for military families, the most important effective housing improvement program for our military in our Nation's history. Guess what, in the Committee on Appropriations today we voted out a veterans' health care appropriations bill that basically, well, let me tell you what the National Commander of Disabled American Veterans says about it.

''To the veterans of this Nation it is incomprehensive that our government cannot afford to fund their medical care and benefits programs at a time it can afford generous tax cuts costing hundreds of billions of dollars more.''

The American Legion, the DAV, the VFW all went on to say that the leadership-pushed veterans' health care bill today is going to cut, after inflation, real veterans' health care services by $1.3 billion.

Now with the action of the leadership yesterday on the rule and one Member of the House today, we will say to 50,000 military families, we will break our promise to you of better housing.

I think that is a terrible message for us to send our military families. While we go on a month long recess and vacation they are sitting there looking at veterans' health care cuts and frozen programs.

Mr. DICKS. Reclaiming my time, I want to say here is a situation where this does not cost extra money. All we are talking about is raising the limit. The Office of Management and Budget is for this. The Secretary of Defense is for this. The service Secretaries are for this. The Chiefs of Staff of each of the services are for this. I mean, the President is for this. And it would seem to me with all of that support and with the chairman of the House Committee on Armed Services, the chairman of the Committee on Appropriations, the gentleman from Florida (Mr. YOUNG), the gentleman from Michigan (Mr. KNOLLENBERG), who has been a tremendous leader on this, why is it that we cannot get this done? Why is it that we cannot take care of these people?

To me this is unexplainable.

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

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

Mr. EDWARDS. Let me put a face on these people.

We are talking about 1,194 military families at Elmendorf Air Force Base in Alaska will next year have their housing delayed. In New York at Fort Drum, 2,272 military families, many of whom had loved ones that had already served in Iraq, will have their housing program this year frozen. In Florida, Eglin and Hurlburt Air Force Bases 2,739 military families will have their housing promises broken. In Virginia 1,268 families at Langley. In Texas, Sheppard Air Force Base 1,288 families.

This is one more broken promise to our military families at a time when they are making incredible sacrifices to our country.

What it does, we talked about a 1.6 percent increase for military construction in this bill, but the truth is that once this objection is raised then that will not allow us to even spend that meager amount of funding for our housing program. So we could end up with an actual cut not only in veterans' health care during a time of war this year, we could end up with an actual cut in military construction during a time of war. That is unconscionable coming from a leadership that said we could afford to give Members of Congress a tax cut just 2 months ago.

Mr. FARR. Mr. Chairman, I rise to strike the last word.

I want to have a colloquy between myself and the gentleman from Michigan (Mr. KNOLLENBERG).

Mr. Chairman, I would like to invite you to engage in a brief colloquy with me on an issue regarding Fort Hunter Liggett in California.

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

Mr. FARR. I yield to the gentleman from Michigan.

Mr. KNOLLENBERG. I would be happy to discuss Fort Hunter Liggett with the gentleman.

Mr. FARR. As the gentleman knows, Fort Hunter Liggett is today surrounded by U.S. Forest Service property.

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In fact, prior to becoming a military base, most of the land was in the possession of the Forest Service, and another huge tract of land next door was owned by the famed Hearst family.

During the 1995 BRAC round, Fort Hunter Liggett was realigned and the cantonment area was excessed to the National Park Service. This means virtually all the functional buildings to support troop activities were given away, but all the land was retained by the military and put under the control of the Army Reserve.

The National Park Service, in preparation for accepting the cantonment area, studied its options with regard to management of this new property. In its report just released last month, the National Park Service labeled the land of Fort Hunter Liggett as ''relatively unchanged landscape'' from the time of the California's missionaries; as having ''no equivalent'' in terms of protected, undisturbed habitat; and as a ''rarity'' in its ''representation of cultural and natural history.''

However, because of the type of BRAC action at Fort Hunter Liggett, the land is not available to the Park Service and the Department of the Interior has indicated its reluctance to add such a huge tract of land to its inventory.

I guess, Mr. Chairman, what I am trying to say is that Fort Hunter Liggett, as active a military base as it is, still is a unique natural resource to our country; and it would be a shame to lose that resource should the base ever find itself nonessential to the military mission of our country.

While the Park Service, at this point anyway, seems disinclined to pursue further ownership of lands at Fort Hunter Liggett, the Forest Service is very interested.

Of course, no one is talking about giving anyone any land at Fort Hunter Liggett right now. It is a very active base, and I expect that it will merit strong support within the BRAC process for keeping it open and functioning.

But, Mr. Chairman, I wish to inquire if the gentleman is aware that the version of the Military Construction bill that is working its way through the other body does, in fact, contain the language addressing the issue of future land status at Fort Hunter Liggett.

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

Mr. FARR. I yield to the gentleman from Michigan.

Mr. KNOLLENBERG. Mr. Chairman, I would reply to the gentleman that,

yes, I am aware of this language and that it tracks with the gentleman's desire to see the land preserved and conserved for future open, natural space by giving the U.S. Forest Service the right of first refusal for Fort Hunter Liggett lands at such time as the Army deems them surplus.

Mr. FARR. Mr. Chairman, I thank the gentleman for his response and his observation that I do desire to keep Fort Hunter Liggett as a natural resource if and when the military finds it is no longer essential to its mission; and I emphasize again to the chairman, only if and when the land is no longer essential to its military mission. I have no desire to close Fort Hunter Liggett as long as the Army finds it critical to its mission.

The chairman knows that I hoped to attach to the House bill we are debating right now language similar to that inserted on the other side, but in the interest of the House rules and jurisdictional matters, I chose not to.

Mr. KNOLLENBERG. Mr. Chairman, if the gentleman would yield again, I am aware of the gentleman's deep interest in this issue and appreciate his flexibility in finding ways to address this issue.

Mr. FARR. Mr. Chairman, I would ask one further question of the chairman. I would ask that the gentleman would work with me during the conference on this issue to retain language we all find agreeable that will keep the Forest Service as first in line to get Fort Hunter Liggett when and if it is excessed.

Mr. KNOLLENBERG. Mr. Chairman, if the gentleman would further yield, I assure the gentleman that I will be more than happy to work with him in conference on this issue.

Mr. FARR. Mr. Chairman, I thank the chairman for his leadership and cooperation and friendship.

Mr. LEWIS of California. Mr. Chairman, I move to strike the last word.

Mr. Chairman, it was not my intention to speak on this matter, but I am a little disconcerted about discussions that would suggest that anybody on either side of the aisle is interested in some way or another of placing a limit on the opportunity for our men and women who are serving us across the country by way of their housing or by way of their potential for income.

I did not speak extensively on the earlier bill, but within that bill we had funding, full funding for a pay adjustment for our troops. I believe that everybody here who knows this subject knows that the authorizing committee just the other day moved a separate bill that would lift the lid in terms of the housing challenges we are talking about.

It is not the intention of the Members of this House in any way, shape or form to do anything but support our troops. Indeed, the last bill that passed the House had a $25 billion amendment as a part of its package that reflects our effort to make sure that money upon the time that bill is signed is readily available to fight the war overseas, as well as to make sure that we are doing what is necessary to care for the families, the men and women who make up the strength of this Nation.

I must say that my colleague from the Committee on Appropriations knows full well that on both sides of the aisle we are committed to serving our troops. This is not a partisan question by any matter or means. It is very dangerous to our national security when people try to carry this to partisan levels, and so that is the only reason I am speaking today is because the House has worked beautifully in this connection. It was a bit disconcerting for me at least to hear what I considered to be rhetoric rather than substance.

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

Mr. LEWIS of California. I yield to the gentleman from Texas.

Mr. EDWARDS. Mr. Chairman, let me first say that I worked for 6 months on a bipartisan basis, talking to everyone from the gentleman from Iowa (Mr. NUSSLE), the chairman of the Committee on the Budget; and the chairman of the authorizing committee to try to solve this in a bipartisan manner behind the scenes. At every step of the way for 6 months people said, well, it will get done, it will get done.

The problem is, we are about to take our August recess and it is not done.

Mr. LEWIS of California. Reclaiming my time, the gentleman suggested that we are about to take the August recess; and thereby, I suppose, people are on vacation. I do not know about the gentleman, but I intend to go home and work and communicate to my constituents all of that which we are doing for the men and women who are serving us in this country. I mean, it is very, very important that we not suddenly decide this may be an issue whereby I can impact or give the impression that maybe one side is more holy than the other in terms of what we are trying to do for our troops. It is just the reverse. We have done our work well because we do so in an almost nonpartisan manner.

Mr. Chairman, I would hope as the gentleman is preparing to leave our body as my classmate and my dear friend, I hope that we will have a lot of time in the future to discuss the positive of this kind of discussion. In turn, all of us know that we serve our troops best when we take partisanship out of it.

Indeed, today, I am very proud of my colleague, the gentleman from Michigan (Mr. KNOLLENBERG), for the work he has done here; and I hope we can move forward from this point and discuss his bill in terms of the real values that have been contributed here. So congratulations to my colleague, and I appreciate him giving me this time.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would simply observe that no two people in this House have worked harder to keep partisanship or any other illegitimate consideration out of this issue than have the gentleman from Michigan (Mr. KNOLLENBERG) and the gentleman from Texas (Mr. EDWARDS). They have proceeded in tandem to try to produce concrete, as opposed to theoretical, results for the military families in this country who are deserving of a decent place to live.

But what we are being faced with is this: my mentor in this House, when I first came, was Dick Bolling from Missouri who for many years served this House in spectacular fashion on the Committee on Rules, and he often told me that the greatest enemy to true legislative progress was what he called ''dung hill politics.'' By that he meant Members being more interested in preserving the jurisdiction of their committee or the narrow interest that was associated with a committee or subcommittee, rather than focusing on the broader interests of the American people who we are supposed to serve.

It seems to me that this discussion tonight is an example of what Dick Bolling was worried about because what we have going here, as I said yesterday, is a charade.

The gentleman from Michigan and the gentleman from Texas have brought to the floor a bill which provides concrete assurances that at least 24,000 more military families will receive decent housing; but apparently the Committee on the Budget is unhappy, at least the chairman of the Committee on the Budget is unhappy, with the way the committee has gone about this; and so he intends, as I understand it, shortly to exercise a point of order which will strike from this bill the Congress' ability to deliver that housing to those military families.

In order to create an impression that these families are not being hurt, it appears that what the House will now hide behind is a motion taken yesterday to try to increase the authorization for this program, which would have the result, if the bill was enacted into law, of accomplishing the very same thing that is being accomplished by this bill. The problem is the way this Congress works, there is absolutely no assurance that a free-standing, independent authorization bill will go anywhere in the other body; and that is why, if you want to preserve that housing for those members, it is essential to keep this language in this bill.

That is what the gentleman from Michigan has been trying to do. That is what the gentleman from Texas has been trying to do on a bipartisan basis, and we ought to be supporting that effort rather than finding technicalities as reasons to deep-six the very fine work that they have attempted to do.

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

Mr. OBEY. I yield to the gentleman from Texas.

Mr. EDWARDS. Mr. Chairman, I thank the gentleman for yielding.

First, let me respond to the gentleman from California's (Mr. LEWIS) comments that both parties, every Member cares about our troops. I absolutely agree with that. In fact, let me repeat the statement I made on the floor yesterday on this subject, and I quote myself, ''Every one of us, Democrat and Republican alike, genuinely respects the service and sacrifice of our troops and their families. No one should doubt that fact, but I strongly believe our budget priorities should better reflect that respect.''

Those were my comments. Let me talk about partisanship.

It was the Republican leadership that shoved through a rule last night or on the floor yesterday that was done on a partisan basis. In fact, it was so partisan they had to leave the vote open an extra 20, 25 minutes to, on a partisan basis, force Republicans or convince Republicans to vote against their own interests in their own districts to support a rule that is allowing 50,000 military family housing to be put at risk.

Secondly, the Committee on the Budget, as I last recall, and I am a member of that committee, put together its budget on a partisan basis. That is where the partisanship came in, if it came in at all.

But to totally put to bed any idea that this is a partisan issue, I have letters.

The CHAIRMAN. The time of the gentleman from Wisconsin (Mr. OBEY) has expired.

(On request of Mr. EDWARDS, and by unanimous consent, Mr. OBEY was allowed to proceed for 2 additional minutes.)

Mr. OBEY. Mr. Chairman, I yield to the gentleman from Texas.

Mr. EDWARDS. Mr. Chairman, the Air Force Association sent a letter to the chairman of the Committee on Rules asking them to not pass the rule that they did.

The Association of the U.S. Army, a letter signed by General Gordon Sullivan, former chief of staff for the Army, put in there that ''RCI,'' the Army's housing program, ''has a tremendous positive impact on quality of life for our soldiers.

''I would ask that you work to ensure the amendment'' to protect housing ''is protected by the Rules Committee and reaches the House floor.''

The Military Officers Association of America asks that the House leadership not shove through a partisan rule that would be unfair to military families.

So did the National Military Family Association.

I do not think any of our colleagues would suggest that the Association of the U.S. Army and the Military Officers Association of America and these other military organizations are acting out of a partisan basis. This does not have anything to do with partisanship. It has to do with standing up for fairness for military families who are making an incredible sacrifice for the American family during a time of war; and in doing so, I will not hesitate to stand up to the Republican leadership of this House which shoved through a rule that is going to allow this housing to be put at risk, and I will not hesitate to stand up to any Democrats who would hesitate in fully supporting military housing.

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We all support our troops, but we have an opportunity by passing this bill without a point of order to do something tangible about it. Good intentions, goodwill do not provide better housing for 50,000 military families. Passing this bill, as we passed it out of committee in a bipartisan fashion, that is the way to make a difference for military families who are so deserving of this support.

Mr. MORAN of Virginia. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I had a couple of amendments at the desk that I will not offer in favor of engaging in a colloquy with the gentleman from Michigan (Mr. KNOLLENBERG). The reason I offered those amendments is the Pentagon has a day care facility located on its campus that has capacity for over 200 children. After September 11, 2001, parents of those children were assured they would not have to be relocated. Now they are told without any real warning that they have 60 days to vacate. This is nearly 3 years after the attack on the Pentagon.

In Northern Virginia, there is a waiting list of 12 to 18 months at most of the day care facilities, so we offered an amendment to try to speed up the process of building a new day care facility at nearby Fort Myer. That is what this colloquy concerns because it is beyond me why the Pentagon would tell the parents that they have only 60 days to vacate.

They say they have information that the Pentagon might be more likely to be a target between now and Election Day. If that is the case, they need to evacuate them immediately. There is some suspicion as to the purpose, but I do not want to engage in that speculation. I want to do what we can as a legislative body to ensure there is an alternative site because I think most parents would agree that if they had an opportunity to sit down and talk with the decisionmakers at the Pentagon that it makes sense to begin to relocate the children.

Mr. Chairman, let me ask the gentleman from Michigan (Mr. KNOLLENBERG), I understand that the Pentagon, in response to the recent decision to close the day care facility at the Pentagon, has offered to expand and accelerate the planning and construction of the new day care facility at Fort Myer, but at the earliest will be able to start construction in October 2005; is that correct?

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

Mr. MORAN of Virginia. I yield to the gentleman from Michigan.

Mr. KNOLLENBERG. Mr. Chairman, the gentleman is correct. It is my understanding that the Army has accelerated this project and will be in a position to award a contract in October 2005.

Mr. MORAN of Virginia. Mr. Chairman, does the Army have an updated estimate on how much this project will cost and when this project will be completed?

Mr. KNOLLENBERG. The Army estimates the project will cost approximately $17 million. I do not know how long it will take to complete the facility, but the actions taken so far suggest to me that they will move it forward in an expeditious fashion.

Mr. MORAN of Virginia. Mr. Chairman, my concern is there may be a lack of coordination between the Army and the Washington Headquarters Services at the Department on how to proceed with the design, planning and construction of the new day care facility. To the gentleman's knowledge, is the Army working with the Washington Headquarters Service on moving forward with this timetable of October 2005?

Mr. KNOLLENBERG. Mr. Chairman, it is my understanding that the Washington Headquarters Service is working with the Army to move this project forward and is prepared to provide the additional funding needed to expand the original project scope at Fort Myer to accommodate the children the gentleman speaks of from the Pentagon facility.

Mr. MORAN of Virginia. Mr. Chairman, it is my hope I can work closely with the gentleman from Michigan on ensuring that the Pentagon work quickly toward providing a completed alternative day care facility at Fort Myer as soon as possible. I would hope that in the meantime the Department dedicates all means necessary to find immediate interim solutions for the parents of the more than 100 children at the Pentagon today who are still without adequate child care options.

Mr. KNOLLENBERG. Mr. Chairman, I will be happy to work with the gentleman to ensure the Department proceeds with this project as soon as possible. I just want to say I appreciate the discussions we have had and the gentleman's interest in bringing a resolution to this that will satisfy all of us. I commend the gentleman for this.

Mr. MORAN of Virginia. Mr. Chairman, I appreciate the gentleman's assistance on this matter. My present concern remains how best to encourage the Pentagon to focus on providing interim day care service. I look forward to working with you to see if there is any assistance we could provide for interim solutions.

I want to recognize the fact that the gentleman from Northern Virginia (Mr. TOM DAVIS) and the gentleman from Virginia (Mr. WOLF), the chairman of the Subcommittee on Commerce,

State, Justice, both of whom have constituents in this situation, as I do, and they have also worked very diligently on this. We appreciate the opportunity to work with the gentleman from Michigan.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 129. Section 2883(g)(1) of title 10, United States Code, is amended by striking ''$850,000,000'' and inserting ''$1,350,000,000''. The amendment made by this section shall not be subject to scoring for purposes of the Congressional Budget and Impoundment Control Act of 1974.

POINT OF ORDER

Mr. NUSSLE. Mr. Chairman, I reserve a point of order against section 129 of the bill because it violates clause 2 of rule XXI, which prohibits legislative language that directly amends existing law.

The CHAIRMAN. The Chair understands that the gentleman makes the point of order. Does any other Member wish to be heard on the point of order?

Mr. KNOLLENBERG. Mr. Chairman, I would like to be heard on this point of order.

I understand the gentleman is reserving a point of order because the provision in question is legislation, and therefore prohibited on an appropriations bill under clause 2 of rule XXI of the rules of the House. However, I would like to point out to the gentleman the reason why this provision is in the bill.

As the chairman of the Committee on Armed Services stated earlier, this provision is supported by the authorizing committee and it is not in a defense authorization bill because of an objection by the Committee on the Budget. So with the support of the authorizing committee, the Committee on Appropriations voted to include this provision in the military construction bill, and thus made a value judgment to address military families' lives and welfare.

Now I believe the gentleman agrees with this policy because yesterday he introduced a bill and it passed almost unanimously. However, that bill may not go anywhere and I do not think that we should be playing with people's livelihoods with promises that we cannot keep.

I would also point out that under the Armey protocol, A-R-M-E-Y, this provision should not have been left exposed if the chairman of the authorizing committee does not object to the inclusion of this legislative provision in an appropriations bill. Only a piece of the language, which is directed at scorekeeping, is within the purview of the Committee on the Budget.

It is further regrettable that this provision is going to be stricken even though it is strongly supported by the administration and the House. It does not break the bank, as the chairman of the Committee on the Budget purports, or he would not have introduced a bill that does exactly the same thing yesterday.

I concede it is legislation and I concede it is subject to a point of order, but I also concede it is the right thing to do for our military families, and I believe the majority of the American people will agree with me.

Mr. Chairman, I would ask the chairman of the Committee on the Budget to think about all of this before he insists on his point of order.

The CHAIRMAN. Are there other Members who wish to be heard on the point of order?

Mr. EDWARDS. Mr. Chairman, I do.

Mr. Chairman, what a difference 1 hour makes. Less than 1 hour ago on this floor the House of Representatives passed a rule for the defense appropriations bill which waives all points of order against that bill, and yet because the House leadership instructed the Committee on Rules and twisted arms to force many Republican House members to vote on a bill that does not protect a point of order on this, because of that decision, inconsistent with a rule we just passed in this House by unanimous vote less than 60 minutes ago, because of that we are basically going to put at risk the most important military housing improvement program in American history, a program that does not only improve housing and show respect in a tangible way to men and women and families, to children who are making incredible sacrifices for our country, but a measure that is saving taxpayers billions of dollars by building these houses more efficiently.

In a House that ignores technicalities every single day to carry out priorities much less important than quality military housing for our families during a time of war, we are going to put this incredibly important program at risk.

Finally, I want to say this. Let us be clear, this is not today just an action of one person, the gentleman from Iowa (Mr. NUSSLE). I respect the gentleman. He is a person of principle. I might disagree with the debate on fiscal responsibility when we voted 2 months ago for a $69 billion tax cut that helps Members of Congress and today we cannot afford to take care of a few thousand military families' housing, but I do respect him. He is a person of deep principle.

This is not just an action of the gentleman from Iowa (Mr. NUSSLE). This was an action which was allowed and encouraged by the House leadership by forcing an unfair rule through this House, a rule that was opposed by the Military Officers Association of America, the Association of the U.S. Army, the Air Force Association, and the National Military Family Association.

This action is also something that was allowed by 212 votes, a passage of that rule by one vote, 212 to 211. One Member changing his or her vote, and we could have prevented this tragedy from happening today.

Mr. Chairman, I would urge the gentleman to consider not recognizing the technicality raised here that will harm tens of thousands of military families during a time of war.

The CHAIRMAN. Are there other Members who wish to be heard on the point of order?

PARLIAMENTARY INQUIRY

Mr. NUSSLE. Mr. Chairman, parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. NUSSLE. Mr. Chairman, there have been a lot of speeches already, and I understand it is permissible to speak to the point of order, but many of these speeches are just repeats of what has been done and can be done in regular order in consideration of the bill.

Mr. Chairman, I would insist on my point of order.

The CHAIRMAN. The gentleman raises a valid point. Members are to limit their remarks to relevant arguments on the point of order; the Chair has exercised some tolerance in that respect.

Mr. OBEY. Mr. Chairman, I rise to be heard on the point of order.

Mr. Chairman, it is important for us to respect the rules of the House, but sometimes the rules give Members powers to do things that they ought not do. Just because we have the power to do something does not necessarily mean that it is the right thing to do it. Sometimes it is important to exercise restraint. I think this is one of those cases.

The gentleman from Texas (Mr. EDWARDS) correctly points out that an hour ago we waived all points of order on a huge spending bill, many times more dollars than we have in this bill. There were many points of order that could have been lodged against this bill when it came from the Committee on Rules, but the House leadership chose to expose only one item in the bill to a point of order, and that is the item that would have delivered decent housing to 24,000 military families.

What the House did or what the majority did by adopting that rule is to say in effect that peace in the family was more important than the sure delivery of decent housing to 24,000 military families.

Mr. Chairman, I think it is unfortunate that the majority leadership has dictated to the House that it must allow this one provision to be eliminated, but there is not much we can do about it and I also unfortunately have to concede the point of order.

The CHAIRMAN. The Chair has heard from the chairman of the subcommittee, the ranking member of the subcommittee, and the ranking member of the full committee, and is prepared to rule on the point of order raised by the gentleman from Iowa (Mr. NUSSLE).

The Chair finds that this provision directly amends existing law. The provision therefore constitutes legislation in violation of clause 2 of rule XXI. The point of order is sustained, and the provision is stricken from the bill.

The Clerk will read.

The Clerk read as follows:

SEC. 130. The fitness center at Homestead Air Reserve Base, Florida, shall be known and designated as the ''Sam Johnson Fitness Center''. Any reference to such facility in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the Sam Johnson Fitness Center.

□ 1945

Mr. DICKS. Mr. Chairman, I move to strike the last word.

I would just like to announce to my colleagues today that there was a decision made by the Pentagon to move 3,900 troops to Fort Lewis, Washington, from Fort Polk, Louisiana, for a third Stryker Brigade. The reason I bring this up in the context of military construction is we have done a lot of military construction work at Fort Lewis, but we are going to have to do more. That is why the consequences of the decision just made here to me are so serious, because this RCI program that we have discussed which was started by this committee, the gentleman from Ohio (Mr. HOBSON) when he was chairman worked with all of us to try to further this program, and I believe that this is one of the most constructive programs that we have ever enacted.

I hope that, working together, the leadership of this Congress, we can figure out, if we cannot do it in the military construction bill, maybe we can figure out another way to do it. Maybe the gentleman from California (Mr. HUNTER) can do it, as he mentioned yesterday, that he would take care of this in the conference on the authorization bill between the House and the Senate and help us find a way to work through this.

The reason I am so passionate about this program is because I have seen what it does out at Fort Lewis. In fact, with the help of the chairman, I am trying to get Fort Lewis and McChord Air Force Base, which are right adjacent to each other on I–5 in Tacoma, Washington, in my congressional district, along with ADAM SMITH, these two major bases, McChord has the C–17, and those two bases can cooperate in a joint RCI project. I am working with Assistant Secretary Gibbs, Assistant Secretary Prosch to try to get them to cooperate and work together as was done at Fort Dix with an Air Force base and an Army base there and worked out in a terrific joint venture.

I would just say to all of my colleagues, this is one of the best programs we have ever enacted because we use the housing allowance of the troops, that housing allowance goes to the company, and then the company goes out and does the financing and builds this new military housing. It is terribly popular with the troops. That is why as I see the distinguished chairman of the Committee on Appropriations and the gentleman from Michigan (Mr. KNOLLENBERG) on the floor, who have all worked on this, I just hope that we can continue to work together until the end of this Congress to figure out some way, maybe working with the gentleman from California (Mr. HUNTER) in the authorization bill, to find a solution to this.

I think the overwhelming will here is to keep this program moving forward. We hope that by 2007 we can get rid of all of the backlog of housing that is substandard in all of the services. This is one of the goals of Secretary Rumsfeld and the service chiefs and the Secretaries of each of the services.

I want to compliment the chairman again. This year the chairman did something quite unique. He got the chief of staff of each of the services to come and testify before the committee because he wanted to drive home the point of how important military construction is. I commend the chairman for doing that. This is something that had not been done and there was some resistance, but I think once all the chiefs got there, they realized that this was a friendly committee, a committee that is trying to improve military housing, military construction, and that we would have a chance then to talk directly to the service chiefs on this important subject.

As mentioned by the gentleman from Texas (Mr. EDWARDS), all of the outside groups that support military families have written letters in favor of this initiative. I hope even with the unfortunate decision of the Committee on Rules not to protect this provision which was crafted in a bipartisan basis, there has not been any partisanship here, but it is the duty of the minority to point out when the majority is not living up to its responsibilities.

In this case, I believe not protecting that amendment was a mistake on the part of the leadership in the majority party. It is our responsibility in the minority and in the highest standards of this House to point out when the majority makes a mistake. That is our duty in this legislative process. I hope again that we can pull together after this unfortunate incident and try to find a solution before this Congress is over. If we do, it will be one of the most important things accomplished in this Congress. I want to say again, this is supported by the President, OMB, the Secretary of Defense, and all the service chiefs.

Mr. BURTON of Indiana. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the hour is late and I am not going to take much time, but I think we would all be remiss if we did not acknowledge that this fitness center is going to be named after one of our dear colleagues who was a real war hero, in my opinion. SAM JOHNSON was shot down in Vietnam and spent 7½ years in a Vietnamese prison camp, the Hanoi Hilton; and he suffered tremendously during that 7½-year period. I think it is very, very fitting that he be honored by naming this fitness center after him. In fact, if I had my way and I think my colleagues, we would probably name a couple of air bases in total after him because he is a wonderful guy and a great Congressman.

SAM, if you are listening, we sure love you, buddy.

Mr. HAYES. Mr. Chairman, I move to strike the last word.

Mr. Chairman, let me add my thoughts to those of my friend from Indiana (Mr. BURTON). What a great American SAM JOHNSON is. We cannot do enough to recognize his service. I appreciate that being included.

Just briefly, let me say that on the issue of military housing, I have got a plaque on my wall from the National Military Family Association for working with the families of our military. One of the great joys this year and the year before has been how all of the people in this body, men and women, Republicans and Democrats, have worked together so well with our chairman and the chairman of the full committee to address the issues of housing for our soldiers.

So as I have got that plaque on my wall, as I think about Fort Bragg and the epicenter of the universe and all those fine soldiers at Pope Air Force Base and around our country, I am just proud of our chairman and our Congress for working together across every imaginable line to do everything that we can to provide the best possible housing. We have done that. It is under way. I am extremely confident that we will find a way to make sure that that happens. I appreciate that. I appreciate our soldiers.

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

Mr. HAYES. I yield to the gentleman from Georgia.

Mr. KINGSTON. I just want to say that my friend from North Carolina who so capably represents Fort Bragg, I, as he knows, have five military installations in my district that I am proud to represent. Tomorrow night, in fact, I am going to be at Fort Stewart talking to some of the soldiers. This is a program that does enjoy wide bipartisan support. We are going to keep working on this and find a way to make it happen.

We had lots of discussion in the appropriations committee. We could not quite come to a consensus of where to offset some money. I think there are a lot of programs out there that we should cut, reduce, eliminate, in order to provide adequate housing for our troops and the quality of life for our soldiers in general.

But the one thing to remember is we are in this position because of a technical change in the way the Congressional Budget Office has decided to score military housing. What they are doing is they charge all the money upfront, even though the private sector is paying for it. It is a paper entry. It is not a real dollar entry. I certainly respect what the Committee on the Budget is doing in trying to keep the integrity of the budget process going. I think it is very, very important that we all try to work through this thing. But if we are faced with this change in the scoring from the Congressional

Budget Office, I would like to see us find some waste, some duplication, and just some fat in the budget and come up with the money for our soldiers because I think it is so important.

I thank the gentleman for yielding. I have enjoyed working with him on various installation issues.

Mr. HAYES. Reclaiming my time, I could not agree more. We will find a way. It will be done. I thank our soldiers, sailors, airmen, Marines and Coasties.

Mr. EDWARDS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would just like to read into the RECORD the States and the specific military installations that have just had a guarantee of new housing for their military families taken away from them. Perhaps we will solve this another day. I have been trying to work for 6 months on a bipartisan basis to get this resolved. I am not sure this late in the Congress I have tremendous confidence that it will get resolved, but the real pity is that we could have resolved it today if the leadership had let go through the Committee on Rules the exact same rule we unanimously approved on the military appropriations bill just an hour ago.

The States that have just lost a chance because of this technicality that were allowed by the rule pushed by the leadership that will lose a guarantee to have new military housing for their service men and women are Alabama, Alaska, California, Florida, Georgia, Hawaii, Illinois, Indiana, Kansas, Kentucky, Mississippi, Missouri, New Jersey, New Mexico, New York, North Carolina, Oklahoma, Pennsylvania, South Carolina, Texas, Virginia and Wyoming.

To add to the military installations I had already mentioned a few moments ago that will either have their housing frozen this year and, in fact, a promise broken to those military families or have their housing expected in 2006 to be delayed a year would include Fort Knox, Kentucky, 3,380 military families affected by this technical ruling. Fort Rucker in Alabama, 1,516 military families. Fort Leavenworth, Kansas, 1,580 military families. Keesler Air Force Base in Mississippi, 1,682 military families. New Mexico, Holloman Air Force Base, 1,440. Fort Gordon, Georgia, 872 families. Scott Air Force Base in Illinois, 475. MCB in Hawaii, Phase 1, 1,377 families will have their hopes for better housing dashed or delayed for a year or more. Camp Lejeune, an important Marine Corps installation in North Carolina, 838 families. In addition to an additional 3,516 families at Camp Lejeune that this year will have their new housing put on hold.

These are not just numbers and names, these are real men and women, real military families making unbelievable sacrifices in behalf of every family in this House and in our Nation that have just lost the opportunity because of an unfair rule opposed by numerous military organizations exercised, as the gentleman had the right to exercise, just a moment ago a technicality to kill that dream of a new home.

It is a shame that dream has been killed today. I certainly urge those who perhaps did not want it to be taken care of today to work together, and I will pledge to work together in good faith with them to try to solve it in the months ahead, but there was no reason not to give this promise today to our military people. They do not ask to be delayed when they are asked to serve their country. When they are asked to go to combat, they go. When we had an opportunity to stand up for them, we should not have been AWOL. We should not have delayed. We should have taken action. That is what is the most shameful thing about what has happened today on this bill.

Mr. NUSSLE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I just wanted to have the opportunity to respond very briefly to the gentleman from Texas. First and foremost, he is a member of the Committee on the Budget. He has been working on this a long time, as many Members have. There are some challenges we are going to have to overcome, there is no question. I understand that there is some skepticism about the bill that was passed yesterday, but I would hope that the other body would recognize the fact that a bill that was passed with the unanimous support of the House of Representatives could be expedited and that we could send a very clear signal to our men and women in uniform as well as their families that are looking for housing, that are having to deal with in many instances, as the gentleman knows far better than I, substandard housing, that we could deal with this in a very expeditious manner, the way we did yesterday, in an appropriate way, in a legislative way, not in an extraordinary way.

I would hope that the other body would take this up as quickly and as expeditiously as the House of Representatives did. We can accomplish that. We can do it in a bipartisan way as it was done yesterday. And it can be on the President's desk in moments, without further action, without further ado, without having to make them wait or wonder.

The military construction bill that we are considering right now, its future, we could argue, is also uncertain, given the fact that just about every prognosticator of the appropriations process suggests that we will not be completing the appropriations process on time this year, either as 13 individual appropriation bills or even as an omnibus bill but that, in fact, we may have to live under a continuing resolution for some time.

So while there is uncertainty about military construction and other appropriation matters, there should not have to be concern or question about our military families and what needs to be done as quickly as possible. It can be done expeditiously. It can be done using the vehicle that was passed yesterday by an overwhelming margin.

□ 2000

I would hope that other Members will not try any further delaying tactics for our men and women in uniform. I would hope that we can pass that bill as quickly as possible in the other body, that it will not be delayed, that it would enjoy the same kind of bipartisan support that we have here.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

This Act may be cited as the ''Military Construction Appropriations Act, 2005''.

Mr. ADERHOLT. Mr. Chairman, I want to commend Chairman KNOLLENBERG and the Military Construction Appropriations Subcommittee Staff once again for their hard work and efforts to produce an excellent bill for us to consider here today.

The importance of our willingness here in Congress to immediately and effectively take care of the needs of our men and women in the Armed Services, and to look after their families, certainly goes without saying. It does not matter whether they are located here at home protecting our homeland security, or whether they are directly in harm's way while serving abroad to serve their country. We must support them in every way that we possibly can.

This legislation represents a vital and immediate need for our troops and their families—to provide adequate and improved facilities for training and equipment; to provide better housing for these brave men and women, and their families, who unselfishly protect our national interests on a daily basis; to provide quality of life improvements such as chapels, child development centers, schools, and fitness centers; to better equip our hospitals and medical and dental facilities; for public safety and security here in our local communities; and to ensure the continued strength, construction and development of our overseas bases and our weapons systems that protect American interests.

The sacrifice that these men and women have made to this Nation demands our attention and steadfast support to help them do the job that they have chosen to do, and to better their lives in any way that we can find. Many of you are concerned that this bill contains an increase on the cap on Federal contributions to the Military Housing Privatization program from $850 Million to $1.3 Billion in this Fiscal Year. This money is urgently needed to fully fund family housing construction and maintenance, and to eliminate inadequate housing that our troops must live in. This funding directly supports two bases in my home State of Alabama, at Redstone and at Fort Rucker, and I want to rise in support of the men and women serving there.

Mr. Chairman, I rise today to thank the Chairman for an excellent bill, and to urge its passage to fully support these men and women in our Armed Services.

Mr. GREEN of Texas. Mr. Chairman, I rise today in support of this bill to provide for military construction in Fiscal Year 2005.

At a time when our Armed Forces are attempting to streamline and transform their operations, this bill provides crucial funding to

upgrade, maintain and construct the facilities necessary for this process.

One project of particular interest to me, and which I requested funds for, is a Houston Armed Forces Reserve Center, however, this project was not earmarked in the House bill.

The proposed facility will be designed for both Texas Army National Guard units and Marine Corps Reserve units.

Several existing National Guard facilities will either be vacated by this relocation, or remaining units will be closer to their required space authorizations.

The vacated facilities will reduce the average age of existing facilities and lessen maintenance backlogs.

This facility will have a direct impact on soldier readiness by providing proper authorized space to conduct indoor training, reduce driving distances for a majority of the soldiers residing in Houston, and provide modern facilities support for soldiers.

Additionally, this facility is in line with the military's goal of creating joint-use bases.

While the House bill did not provide an earmark for funding this project, I am hopeful that our appropriators will see fit to include this request in the conference report.

Mr. KNOLLENBERG. Mr. Chairman, I submit the following for the RECORD:

MILITARY CONSTRUCTION APPROPRIATIONS BILL, FY 2005 (H.R. 4837)
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	Bill	Bill vs. Enacted	Bill vs. Request
Military construction, Army	1,448,239	1,771,285	1,862,854	+414,615	+91,569
Rescissions	-183,615	---	---	+183,615	---
Emergency appropriations (P.L. 108-106)	162,100	---	---	-162,100	---
Total	1,426,724	1,771,285	1,862,854	+436,130	+91,569
Military construction, Navy	1,238,458	1,060,455	1,081,042	-157,416	+20,587
Rescissions	-45,622	---	---	+45,622	---
Emergency appropriations (P.L. 108-106)	45,530	---	---	-45,530	---
Total	1,238,366	1,060,455	1,081,042	-157,324	+20,587
Military construction, Air Force	1,067,751	663,964	797,865	-269,886	+133,901
Rescission	-23,000	---	---	+23,000	---
Emergency appropriations (P.L. 108-106)	292,550	---	---	-292,550	---
Total	1,337,301	663,964	797,865	-539,436	+133,901
Military construction, Defense-wide	653,656	709,337	718,837	+65,181	+9,500
Rescission	-72,309	---	---	+72,309	---
Total	581,347	709,337	718,837	+137,490	+9,500
Total, Active components	4,583,738	4,205,041	4,460,598	-123,140	+255,557
Military construction, Army National Guard	311,592	295,657	394,100	+82,508	+98,443
Military construction, Air National Guard	222,908	127,368	180,533	-42,375	+53,165
Military construction, Army Reserve	88,451	87,070	116,521	+28,070	+29,451
Military construction, Naval Reserve	45,498	25,285	30,955	-14,543	+5,670
Military construction, Air Force Reserve	62,032	84,556	111,725	+49,693	+27,169
Total, Reserve components	730,481	619,936	833,834	+103,353	+213,898
Total, Military construction	5,314,219	4,824,977	5,294,432	-19,787	+469,455
Appropriations	(5,138,585)	(4,824,977)	(5,294,432)	(+155,847)	(+469,455)
Rescissions	(-324,546)	---	---	(+324,546)	---
North Atlantic Treaty Organization Security Investment Program	169,300	165,800	165,800	-3,500	---
Rescission	-8,000	---	---	+8,000	---
Total	161,300	165,800	165,800	+4,500	---
Family housing construction, Army	383,591	636,099	636,099	+252,508	---
Rescission	-94,151	---	---	+94,151	---
Total	289,440	636,099	636,099	+346,659	---
Family housing operation and maintenance, Army	1,033,026	928,907	926,507	-106,519	-2,400
Emergency appropriations (P.L. 108-106)	11,420	---	---	-11,420	---
Total	1,044,446	928,907	926,507	-117,939	-2,400
Family housing construction, Navy and Marine Corps	184,193	139,107	139,107	-45,086	---
Rescission	-40,508	---	---	+40,508	---
Total	143,685	139,107	139,107	-4,578	---
Family housing operation and maintenance, Navy and Marine Corps	835,078	704,504	696,304	-138,774	-8,200
Emergency appropriations (P.L. 108-106)	6,280	---	---	-6,280	---
Total	841,358	704,504	696,304	-145,054	-8,200
Family housing construction, Air Force	657,065	846,959	846,959	+189,894	---
Rescission	-19,347	---	---	+19,347	---
Total	637,718	846,959	846,959	+209,241	---

MILITARY CONSTRUCTION APPROPRIATIONS BILL, FY 2005 (H.R. 4837)
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	Bill	Bill vs. Enacted	Bill vs. Request
Family housing operation and maintenance, Air Force...	816,074	863,896	854,666	+38,592	-9,230
' Emergency appropriations (P.L. 108-106).....	6,981	---	---	-6,981	---
Total.....	823,055	863,896	854,666	+31,611	-9,230
Family housing construction, Defense-wide.....	350	49	49	-301	---
Family housing operation and maintenance, Defense-wide	49,440	49,575	49,575	+135	---
Department of Defense Family Housing Improvement Fund.....	300	2,500	2,500	+2,200	---
Rescission.....	-9,692	---	---	+9,692	---
Total.....	-9,392	2,500	2,500	+11,892	---
Total, Family housing.....	3,820,100	4,171,596	4,151,766	+331,666	-19,830
Chemical demilitarization construction, Defense.....	119,815	81,886	81,886	-37,929	---
Base realignment and closure account.....	370,427	246,116	246,116	-124,311	---
General provision (sec. 118).....	55,000	63,000	63,000	+8,000	---
Grand total:					
New budget (obligational) authority.....	9,840,861	9,553,375	10,003,000	+162,139	+449,625
Appropriations.....	(9,812,244)	(9,553,375)	(10,003,000)	(+190,756)	(+449,625)
Emergency appropriations.....	(524,861)	---	---	(-524,861)	---
Rescissions.....	(-496,244)	---	---	(+496,244)	---

1/ The amount provided in this bill is $1,205 million above the 302(b) suballocation due to a Congressional Budget Office (CBO) interpretation of the scoring of section 129. This section does not actually appropriate funds; appropriated amounts in this bill are within the 302(b) suballocation. The Committee is working with concerned parties to address CBO's scoring interpretation.

The CHAIRMAN. Having reached the end of the legislation, if there are no further amendments, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. CAMP) having assumed the chair, Mr. BEREUTER, 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. 4837) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes, pursuant to House Resolution 732, he reported the bill back to the House.

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

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. OBEY

Mr. OBEY. Mr. Speaker, I offer a motion to recommit.

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

Mr. OBEY. Unless the motion is adopted, Mr. Speaker, yes.

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

The Clerk read as follows:

Mr. Obey moves to recommit the bill, H.R. 4837, to the Committee on Appropriations with instructions to report the bill forthwith with the following amendment:

''SEC. 129. Section 2883(g)(1) of title 10, United States Code, is amended by striking ''$850,000,000'' and inserting ''$1,300,000,000''.''

POINT OF ORDER

Mr. NUSSLE. Mr. Speaker, I make a point of order against the motion to recommit because it violates Section 302(f) of the Congressional Budget Act.

The SPEAKER pro tempore. Does any other Member wish to be heard on the point of order?

Mr. OBEY. Mr. Speaker, what this amendment attempts to do is to restore the language just stricken by the gentleman. If the gentleman insists on his point of order, then obviously once again the House will have missed an opportunity to provide housing for these 24,000 military families.

The SPEAKER pro tempore. Does any other Member wish to be heard on the point of order?

If not, the Chair will rule.

The Chair finds that the instructions contained in the motion to recommit offered by the gentleman from Wisconsin (Mr. OBEY) propose to amend existing law. The instructions, therefore, constitute legislation in violation of clause 2 of rule XXI. The Chair also finds that the amendment contemplated by the motion to recommit proposes pending in excess of the pertinent allocation therefore under Section 302(b) of the Budget Act, as asserted by the point of order of the gentleman from Iowa.

The point of order is sustained, and the motion to recommit is not in order.

MOTION TO RECOMMIT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Speaker, I offer a subsequent motion to recommit.

The SPEAKER pro tempore. Does the gentleman remain opposed to the bill?

Mr. OBEY. Unless the motion is adopted, Mr. Speaker, yes.

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

The Clerk read as follows:

Mr. Obey moves to recommit the bill, H.R. 4837, to the Committee on Appropriations with instructions to report the bill promptly with an amendment increasing from $850,000,000 to $1,300,000,000 the limitation on military family housing privatization programs in 10 U.S.C. 2883(g)(1).

The SPEAKER pro tempore. The gentleman from Wisconsin (Mr. OBEY) is recognized for 5 minutes on his motion.

Mr. OBEY. Mr. Speaker, this is the last opportunity the House will have to do the right thing for 24,000 military families.

This motion to recommit instructs the Committee on Appropriations to report the bill back with the cap lifted by $500 million for a total of $1.35 billion. This does not incur any additional costs. It simply allows existing funds and other assets to be used for privatization.

The problem seems to be, as Members have pointed out, that CBO wants to charge these privately raised funds against the budget allocation, which does not make any sense to anyone who lives in the real world. Any Member who has visited a military base and seen family housing knows this is a real need. Raising the cap enjoys broad support on both sides of the aisle and the White House.

I urge Members to join in support of this motion to recommit and give military families the decent housing they deserve.

Mr. Speaker, I yield to the gentleman from Texas (Mr. EDWARDS).

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

Just a few minutes ago my colleagues on the other side of the aisle said we should work together in the days and months ahead to try to ensure the promise to our military families of better housing. I suggest we start right now, and it would be very simple, and we can send a clear message out to our families who have loved ones in harm's way that right now we are going to guarantee them the quality housing they are expecting.

All we need to do is take basically the exact same language that the gentleman from Iowa (Mr. NUSSLE) put together in the bill he wrote yesterday and passed yesterday, which, by the way, was an example of what the leadership in this House can do when it wants to do something. Let us just adopt that same language in the gentleman from Wisconsin's (Mr. OBEY) motion to recommit. It is the same language. What is the difference?

I tell the Members what the difference would be. If we would work together on a bipartisan basis right now not to object to this, we can send an important message to our troops out there and their loved ones that we are going to support them with better housing, especially during this time of war.

The language is the same. The gentleman's bill, H.R. 4879, that we passed yesterday that he talked about says we strike the number $850 million and insert $1.350 billion. The gentleman from Wisconsin's (Mr. OBEY) motion to recommit that is now before the floor says let us go from $850 million to $1.3 billion on the limitation of military housing privatization programs. What is the difference?

Let us work together right now. Let us do the right thing. Let us not let a technicality prevent us from doing the right thing for tens of thousands of military families. We can do it together. We do not have to wait a week, a month, and the possibilities of what might or might not happen then. We can doing it right now. I urge this House to do so.

Mr. OBEY. Mr. Speaker, to those who would cite the action taken by the House yesterday on the authorization bill, I would simply say that was not a substantive fix. That was a political fix, which is going nowhere because there is no assurance whatsoever that that bill will pass. This bill is a must-pass vehicle. That is why this provision ought to be attached to this bill.

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

The SPEAKER pro tempore. The Chair wishes to clarify that the first motion to recommit, which was ruled out of order, violated section 302(f) of the Budget Act, as asserted by the gentleman from Iowa (Mr. NUSSLE).

Mr. KNOLLENBERG. Mr. Speaker, I rise in opposition to the motion to recommit, very reluctantly.

The SPEAKER pro tempore. The gentleman from Michigan (Mr. KNOLLENBERG) is recognized for 5 minutes.

Mr. KNOLLENBERG. Mr. Speaker, I agree wholeheartedly with the substance of what he is saying because we have been down that road so many times and had those discussions. The problem is I do not want to stop this bill from moving forward, and that is exactly what we would be doing as much as taking on a risk that we are not clear about what the resolution will be.

This motion would require the bill to go back to committee and would slow down the many important programs that we are trying to help. For this reason alone I must oppose this motion.

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

Mr. KNOLLENBERG. I yield to the gentleman from Iowa.

Mr. NUSSLE. Mr. Speaker, obviously I support the gentleman's opposition to the motion. Let me just point out as

well in support of his opposition that not only would it delay the military construction bill by sending it back to committee, because of the fact that we are going on recess as an example, it would postpone a decision about this because the gentleman, interestingly enough, complained about a technicality earlier. There is a technicality in this motion that Members need to be aware about. It is the words ''promptly,'' and ''promptly'' means when we get around to it a little bit later, not forthwith, which means right away.

What we did yesterday is more than promptly. It happened yesterday. It is over in the Senate. They can take advantage of that opportunity and pass that bill immediately, not in some form later on.

So I appreciate the gentleman's opposing this method even though I know his heart may not be in it as much as mine has to be in this instance.

Mr. KNOLLENBERG. Mr. Speaker, reclaiming my time, I appreciate what the gentleman said. I also take it from what he just said that he is going to be a player in this process as we go forward.

Mr. NUSSLE. Mr. Speaker, if the gentleman would continue to yield, I have been a player in this process from the very beginning. And as I did yesterday, I intend to be do whatever I can to help move this issue along in its proper form and in the proper manner.

Mr. KNOLLENBERG. Mr. Speaker, could we come to the conclusion that it would resolve the problem and also eliminate the cap?

Mr. NUSSLE. Mr. Speaker, I guess the gentleman could take that from the fact that I wrote the bill yesterday even though I know there were some who may have been surprised by that. I do not think there is a Member in this body that opposes housing for military families. We just need to do it in the right way.

Mr. KNOLLENBERG. Mr. Speaker, let us make every effort to do just that.

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

Mr. KNOLLENBERG. I yield to the gentleman from Wisconsin.

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

Let me simply point out to the gentleman from Iowa that the bill that the gentleman from Iowa is suggesting that we focus on is the bill that is going nowhere for the next 6 weeks either. The only difference between this bill and the bill that the gentleman is now purportedly supporting is that this bill will after the summer recess go somewhere. The bill the gentleman supported yesterday is going nowhere. That is a big difference to military families.

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

The SPEAKER pro tempore. 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. OBEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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

The Sergeant at Arms will notify absent Members.

Pursuant to clauses 8 and 9 of rule XX, this 15-minute vote on the motion to recommit H.R. 4837 will be followed by 5-minute votes on passage of H.R. 4837; adoption of the conference report to accompany H.R. 4613; motion to suspend the rules and agree to H. Con. Res. 469; motion to suspend the rules and agree to H. Con. Res. 467; motion to instruct on H.R. 1308.

The vote was taken by electronic device, and there were—yeas 201, nays 217, not voting 16, as follows:

[Roll No. 416]

YEAS—201

Abercrombie
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
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
Deutsch
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
Hastings (FL)
Herseth
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meek (FL)
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
Rangel
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
Wilson (NM)
Woolsey
Wu
Wynn

NAYS—217

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Cox
Crane
Crenshaw
Cubin
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
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)
Gutknecht
Hall
Harris
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
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
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
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
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—16

Ackerman
Carson (IN)
Clay
Collins
Culberson
Gephardt
Greenwood
Hart
Kirk
Kucinich
Lowey
Meehan
Meeks (NY)
Paul
Quinn
Rohrabacher

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 2038

Messrs. YOUNG of Alaska, BURGESS, TURNER of Ohio, TAUZIN, BURNS, COLE, and Mrs. MYRICK changed their vote from ''yea'' to ''nay.''

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 the passage of the bill.

Under clause 10 of rule XX, the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 420, nays 1, not voting 13, as follows:

[Roll No. 417]

YEAS—420

Abercrombie
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
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)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clyburn
Coble
Cole
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
DeMint
Deutsch
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)
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
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
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
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
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
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
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—1

Obey

NOT VOTING—13

Ackerman
Carson (IN)
Clay
Collins
Conyers
Gephardt
Greenwood
Kirk
Lowey
Meehan
Paul
Quinn
Rohrabacher

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 2046

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON H.R. 4613, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2005

The SPEAKER pro tempore. The pending business is the question of agreeing to the conference report on the bill, H.R. 4613.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the conference report.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 410, nays 12, not voting 12, as follows:

[Roll No. 418]

YEAS—410

Abercrombie
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
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)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clyburn
Coble
Cole
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
DeMint
Deutsch
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
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)
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren

Lucas (KY)	Pearce	Simpson
Lucas (OK)	Pelosi	Skelton
Lynch	Pence	Slaughter
Majette	Peterson (MN)	Smith (MI)
Maloney	Peterson (PA)	Smith (NJ)
Manzullo	Petri	Smith (TX)
Markey	Pickering	Smith (WA)
Marshall	Pitts	Snyder
Matheson	Platts	Solis
Matsui	Pombo	Souder
McCarthy (MO)	Pomeroy	Spratt
McCarthy (NY)	Porter	Stearns
McCollum	Portman	Stenholm
McCotter	Price (NC)	Strickland
McCrery	Pryce (OH)	Stupak
McGovern	Putnam	Sullivan
McHugh	Radanovich	Sweeney
McInnis	Rahall	Tancredo
McIntyre	Ramstad	Tanner
McKeon	Rangel	Tauscher
McNulty	Regula	Tauzin
Meek (FL)	Rehberg	Taylor (MS)
Meeks (NY)	Renzi	Taylor (NC)
Menendez	Reyes	Terry
Mica	Reynolds	Thomas
Michaud	Rodriguez	Thompson (CA)
Millender-McDonald	Rogers (AL)	Thompson (MS)
	Rogers (KY)	Thornberry
Miller (FL)	Rogers (MI)	Tiahrt
Miller (MI)	Rohrabacher	Tiberi
Miller (NC)	Ros-Lehtinen	Tierney
Miller, Gary	Ross	Toomey
Miller, George	Rothman	Towns
Mollohan	Roybal-Allard	Turner (OH)
Moore	Royce	Turner (TX)
Moran (KS)	Ruppersberger	Udall (CO)
Moran (VA)	Rush	Udall (NM)
Murphy	Ryan (OH)	Upton
Murtha	Ryan (WI)	Van Hollen
Musgrave	Ryun (KS)	Velázquez
Myrick	Sabo	Visclosky
Nadler	Sánchez, Linda T.	Vitter
Napolitano		Walden (OR)
Neal (MA)	Sanchez, Loretta	Walsh
Nethercutt	Sanders	Wamp
Neugebauer	Sandlin	Waters
Ney	Saxton	Watson
Northup	Schiff	Waxman
Norwood	Schrock	Weiner
Nunes	Scott (GA)	Weldon (FL)
Nussle	Scott (VA)	Weldon (PA)
Oberstar	Sensenbrenner	Weller
Obey	Serrano	Wexler
Olver	Sessions	Whitfield
Ortiz	Shadegg	Wicker
Osborne	Shaw	Wilson (NM)
Ose	Shays	Wilson (SC)
Otter	Sherman	Wolf
Oxley	Sherwood	Wu
Pallone	Shimkus	Wynn
Pascrell	Shuster	Young (AK)
Pastor	Simmons	Young (FL)

NAYS—12

Conyers	Lewis (GA)	Schakowsky
Grijalva	McDermott	Stark
Kucinich	Owens	Watt
Lee	Payne	Woolsey

NOT VOTING—12

Ackerman	Ferguson	Lowey
Carson (IN)	Gephardt	Meehan
Clay	Greenwood	Paul
Collins	Kirk	Quinn

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 2057

Mr. CONYERS changes his vote from ''yea'' to ''nay.''

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CONDEMNING ATTACK ON AMIA JEWISH COMMUNITY CENTER IN BUENOS AIRES, ARGENTINA, IN JULY 1994

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 469.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa (Mr. LEACH) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 469, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 422, nays 0, not voting 12, as follows:

[Roll No. 419]

YEAS—422

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

NOT VOTING—12

Ackerman	Ferguson	Lowey
Carson (IN)	Gephardt	Meehan
Clay	Greenwood	Paul
Collins	Kirk	Quinn

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 2105

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

DECLARING GENOCIDE IN DARFUR, SUDAN

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 467, as amended.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado (Mr. TANCREDO) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 467, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 422, nays 0, not voting 12, as follows:

[Roll No. 420]

YEAS—422

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

NOT VOTING—12

Ackerman	Ferguson	Lowey
Carson (IN)	Gephardt	Meehan
Clay	Greenwood	Paul
Collins	Kirk	Quinn

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 2112

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

FAREWELL TO DOUG BEREUTER

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

Mr. TERRY. Mr. Speaker, tonight I join with my colleague, the gentleman from Nebraska (Mr. OSBORNE), in a bittersweet evening for us. The dean of our delegation, the gentleman from Nebraska (Mr. BEREUTER), who has served this House faithfully now into his 26th year, as we are here tonight, these are his last votes as a Member of this august body, and I ask all of my colleagues here tonight to join me in bidding our colleague, the gentleman from Nebraska (Mr. BEREUTER) farewell and Godspeed.

MOTION TO INSTRUCT CONFEREES ON H.R. 1308, TAX RELIEF SIMPLIFICATION, AND EQUITY ACT OF 2003

The SPEAKER pro tempore. The unfinished business is the question on the motion to instruct conferees on H.R. 1308.

The Clerk will designate the motion.

The Clerk designated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct conferees offered by the gentleman from Texas (Mr. STENHOLM).

Without objection, this will be a 5-minute vote.

There was no objection.

The vote was taken by electronic device, and there were—yeas 198, nays 222, not voting 14, as follows:

[Roll No. 421]

YEAS—198

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

Moore
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
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 (MI)
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—222

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
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
Kanjorski
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
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
Mollohan
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Pearce
Pence
Peterson (PA)
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
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—14

Ackerman
Carson (IN)
Clay
Collins
Ferguson
Gephardt
Greenwood
Kirk
Lowey
Meehan
Moran (VA)
Paul
Petri
Quinn

□ 2123

Mr. ENGLISH and Mrs. JOHNSON of Connecticut changed their vote from ''yea'' to ''nay.''

So the motion to instruct was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. KIRK. Mr. Speaker, today I missed a series of votes due to the visit of the President to my district. Had I been present, I would have voted in the following way:

"Yes" on rollcall No. 407, H. Res. 738, the rule providing for the Morocco Free Trade Agreement.

"Yes" on rollcall No. 408, H.R. 4175, Veteran's Compensation COLA Act of 2004.

"Yes" on rollcall No. 409, H. Res. 728, sense of Congress on Presidential election postponement.

"No" on rollcall No. 410, H.R. 3313, Marriage Protection Act of 2003.

"Yes" on rollcall No. 411, H.R. 4056, Commercial Aviation MANPADS Defense Act.

"Yes" on rollcall No. 412, 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.

"Yes" on rollcall No. 413, H.R. 4842, United States-Morocco Free Trade Implementation Act.

"Yes" on rollcall No. 414, H. Con. Res. 436, celebrating 10 years of majority rule in the Republic of South Africa.

"Yes" on rollcall No. 415, 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.

"No" on rollcall No. 416, motion to recommit H.R. 4837, Military Construction Appropriations Act for fiscal year 2005.

"Yes" on rollcall No. 417, H.R. 4837, Military Construction Appropriations Act for fiscal year 2005.

"Yes" on rollcall No. 418, conference report on H.R. 4613, Department of Defense Appropriations Act for fiscal year 2005.

"Yes" on rollcall No. 419, H. Con. Res. 469, condemning the attack on the AMIA Jewish Community Center in Buenos Aires, Argentina.

"Yes" on rollcall No. 420, H. Con. Res. 467, declaring genocide in Darfur, Sudan.

"No" on rollcall No. 421, motion to instruct conferees on H.R. 1308.

PROVIDING FOR AN ADJOURNMENT OR RECESS OF THE TWO HOUSES

Mr. DELAY. Mr. Speaker, pursuant to section 2 of House Resolution 683, I offer a concurrent resolution (H. Con. Res. 479) and ask for its immediate consideration.

The SPEAKER pro tempore (Mr. SIMPSON). The Clerk will report the concurrent resolution.

The Clerk read as follows:

H. CON. RES. 479

Resolved by the House of Representatives (the Senate concurring),

That when the House adjourns on the legislative day of Thursday, July 22, 2004, or Friday, July 23, 2004, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Tuesday, September 7, 2004, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on Thursday, July 22, 2004, Friday, July 23, 2004, or Saturday, July 24, 2004, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Tuesday, September 7, 2004, or at such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate whenever, in their opinion, the public interest shall warrant it.

The SPEAKER pro tempore. Without objection, the concurrent resolution is agreed to.

There was no objection.

A motion to reconsider was laid on the table.

EXPRESSING CONDOLENCES OF THE HOUSE OF REPRESENTATIVES TO FAMILY AND FRIENDS OF MATTIE STEPANEK ON HIS PASSING

Mr. MURPHY. Mr. Speaker, I ask unanimous consent that the Committee on Government Reform be discharged from further consideration of the resolution (H. Res. 695) expressing the condolences of the House of Representatives to the family and friends of Mattie Stepanek on his passing, and honoring the life of Mattie Stepanek for his braveness, generosity of spirit, and efforts to raise awareness of muscular dystrophy, and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

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

Mr. CARDIN. Mr. Speaker, reserving the right to object, and I do not intend to object, first I want to thank the gentleman from Pennsylvania (Mr. MURPHY) for bringing forward this unanimous consent request.

Under my reservation, I would be pleased to yield to the gentleman to explain the resolution.

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

Mr. CARDIN. I yield to the gentleman from Pennsylvania.

Mr. MURPHY. Mr. Speaker, on behalf of the Committee on Government Reform, I want to offer strong support for H. Res. 695. This resolution expresses the condolences of the House of Representatives to the family and friends of Mattie Stepanek on his passing on June 22. Thirteen-year-old Mattie Stepanek was a writer and a national figure who suffered from a rare form of muscular dystrophy, called dysautonomic mitochondrial myopathy.

Mattie, who lived in nearby Rockville, Maryland, was an incredibly articulate and optimistic spokesman for muscular dystrophy. He was perhaps best known for writing five volumes of poetry. Incredibly, three of his books reached the New York Times best seller list. I will briefly read one here. It is called, ''On Being a Champion.''

Mattie wrote: ''A champion is a winner, a hero, someone who never gives up even when the going gets rough. A champion is a member of a winning team, someone who overcomes challenges even when it requires creative solutions. A champion is an optimist, a hopeful spirit, someone who plays the game even when the game is called life, especially when the game is called life. There can be a champion in each of us, if we live as a winner, if we live as a member of the team, if we live with a hopeful spirit, for life.''

Mattie Stepanek passed away just a few weeks before his 14th birthday, which was last Saturday, July 17. His life was a singular credit to the strength of the human spirit. He contributed so much during a life that was so short. He has given faith to those in need and hope to those who have lost direction. He has touched so many lives that he has never met, and I know he has touched mine. Mattie will continue to reach down from heaven and touch so many more.

Tonight, I stand in strong support of this resolution that honors Mattie Stepanek, and I highly commend the gentleman from Maryland for moving ahead with H. Res. 695. I thank the gentleman for yielding to me and offer blessings to Mattie.

Mr. CARDIN. Mr. Speaker, further reserving the right to object, I first, again, thank the gentleman from Pennsylvania for moving this resolution.

I filed it on behalf of the entire Maryland congressional delegation. Mattie was a resident of our State. Jimmy Carter said that he was the most extraordinary person that he had ever met. Although only 13 years of age when he died, he had the courage that really led all of us. He captured love in the entire Nation when on Oprah's show, Oprah asked, what can I do for you, and he said just pray for me.

As the gentleman from Pennsylvania pointed out, Mattie published five books of poetry, an extraordinary accomplishment for a person his age. Of course, he is best known as a national poster child for muscular dystrophy and along with Jerry Lewis appeared on national television on behalf of raising money to cure that disease.

He was a national figure, a person who touched all of our lives, any person who met him.

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

Mr. CARDIN. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I thank my friend for yielding.

For those of us who met this extraordinary young man, it was really in many ways a life-enriching experience. It is hard to believe that someone as young as Mattie had such a depth of understanding of life. His mother is a wonderful lady who transferred to Mattie her own courage, and he had that in great abundance.

□ 2130

But it was his wisdom far beyond his years that impressed everyone who met with him.

When you listened to Mattie, he spoke as a child; but when you listened to what he said, he spoke as a very wise man.

Mr. Speaker, Mattie Stepanek was someone who enriched the lives of all with whom he came in contact. I had an opportunity to see him every year for a number of years at the softball tournament that the International Association of Firefighters conducted in Prince George's County on behalf of Jerry Lewis' telethon on muscular dystrophy. Mattie would attend and he would speak, and everyone there came to hear Mattie. The rest of us were simply surplus.

I want to thank the gentleman from Maryland (Mr. CARDIN) for introducing this resolution and thank everyone who has been involved in making sure that this resolution comes to the floor and that we observe the passing of an extraordinary American, an extraordinary young man, an extraordinary child of God.

Mr. CARDIN. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 695

Whereas Mattie Stepanek was born on July 17, 1990, and was raised in Rockville, Maryland;

Whereas Mattie Stepanek had mitochondrial myopathy, a rare form of muscular dystrophy that affects heart rate, breathing, and digestion;

Whereas in 2002, 2003, and 2004, Mattie Stepanek served as the National Goodwill Ambassador for the Muscular Dystrophy Association (MDA), appearing with MDA National Chairman Jerry Lewis on the MDA Labor Day Telethon;

Whereas Mattie Stepanek was able to fulfill three of his dreams by publishing a book of poetry, meeting his hero, former President Jimmy Carter, and meeting Oprah Winfrey;

Whereas Mattie Stepanek has written five books of poetry, including Heartsongs, Journey Through Heartsongs, Hope Through Heartsongs, Celebrate Through Heartsongs, and Loving Through Heartsongs;

Whereas the poetry books written by Mattie Stepanek have sold more than 500,000 copies;

Whereas by the age of 13, Mattie Stepanek reached an 11th grade education level through home schooling; and

Whereas on June 22, 2004, Mattie Stepanek lost his fight with muscular dystrophy at Children's National Medical Center in Washington, District of Columbia: Now, therefore, be it

Resolved, That the House of Representatives—

(1) expresses its condolences to the family and friends of Mattie Stepanek on his passing; and

(2) honors the life of Mattie Stepanek for his braveness, generosity of spirit, and efforts to raise awareness of muscular dystrophy.

The resolution was agreed to.

A motion to reconsider was laid on the table.

RESIGNATION FROM THE HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore laid before the House the following resignation from the House of Representatives:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
July 20, 2004.

Hon. J. DENNIS HASTERT,
Speaker, House Of Representatives, Room H–232, The Capitol, Washington, DC.

DEAR MR. SPEAKER: It has been my great privilege and honor to have represented the citizens of Nebraska's 1st Congressional District in the U.S. House of Representatives for 13 terms. During that time I have served with an extraordinary number of talented and dedicated representatives from both sides of the aisle, and with similarly dedicated and effective congressional staff, who of course make possible the work of Congress.

As a Member, I have been particularly aided by an especially talented, loyal, unusually long-serving, and hard-working congressional office staff and subcommittee staff of high integrity who epitomize the best qualities of my Nebraska constituents and of those Americans who make our country the finest in the world.

However, there comes a time in many a representative's life when that Member of Congress is ready to focus on other priorities and objectives, and I am at that point in my life, Therefore, Mr. Speaker, the purpose of this letter is to communicate to you and the House, that effective at the end of the day on August 31, 2004, I am resigning my seat as the Representative of the 1st District of Nebraska in the U.S. House of Representatives. I also have written to the Governor of Nebraska to advise him of my decision.

Best wishes,

DOUG BEREUTER,
Member of Congress.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
July 20, 2004.

Hon. MIKE JOHANNS,
Governor, State of Nebraska, State Capitol, P.O. Box 94848, Lincoln, Nebraska.

DEAR GOVERNOR JOHANNS: It has been my great privilege and honor to have represented the citizens of Nebraska's 1st Congressional District in the U.S. House of Representatives for 13 terms. During that time I

have served with an extraordinary number of talented and dedicated representatives from both sides of the aisle, and with similarly dedicated and effective congressional staff, who of course make possible the work of Congress.

As a Member, I have been particularly aided by an especially talented, loyal, unusually long-serving, and hard-working congressional office staff and subcommittee staff of high integrity who epitomize the best qualities of my Nebraska constituents and of those Americans who make our country the finest in the world.

However, there comes a time in many a representative's life when that Member of Congress is ready to focus on other priorities and objectives, and I am at that point in my life. Therefore, the purpose of this letter is to communicate to you that effective at the end of the day on August 31, 2004, I am resigning my seat as the Representative of the 1st District of Nebraska in the U.S. House of Representatives. I also have written to the Speaker of the U.S. House of Representatives to advise him of my decision.

Best wishes,

DOUG BEREUTER,
Member of Congress.

REMEMBERING AUNITA TRIDORIS HUDSON-EDWARDS

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

Ms. WATSON. Mr. Speaker, I want to read words of reflection about one who believed who just passed away, and read this scripture, ''God had the power to work within her and to accomplish abundantly far more than all she could ask or imagine.''

Aunita T. Hudson-Edwards was born to Levi Hudson and Elnora Davis Hudson on September 20, 1915 in Carthage, Texas. She was the first of three children, and she just recently passed away. When she married Frank Edwards, she enjoyed parenting four children. Many of you might know Willis Edwards, Brenda Joe Edwards and Edward Earl and Frank. In California she worked as a teacher in Palm Springs Unified School District for 15 years and found herself taking in children who had no one else to claim them. She was active in the community, and as a quiet force demonstrated her trailblazing tendency by founding the Palm Springs Chapter of the NAACP and joining as a founding member of the First Baptist Church. She was a life member of the NAACP.

Mr. Speaker, she was a stateswoman, this woman that we pay tribute as she passes on. She enjoyed coming here to the White House during the Clinton and Bush administrations and tended two Congressional Gold Medal ceremonies, one for Rosa Parks and the recent ceremony for Dorothy Height. She loved going to the NAACP national conventions. She was a great soul we will always remember, and wish that her legacy would produce more like Aunita T. Hudson-Edwards.

MRS. AUNITA TRIDORIS HUDSON-EDWARDS

Words of Reflection about one who believed—

''God had the power to work within (her) and to accomplish abundantly far more than all (she) could ask or imagine . . .'' Ephesians 3:20 (NRSV)

Aunita T. Hudson-Edwards was born to Levi Hudson and Elnora Davis Hudson on Sept. 20, 1915 in Carthage, Texas. She was the first of three children. She attended public school in Carthage, Texas and graduated from Bishop College, Marshall, Texas. She taught in the Texas public school system for many years. At an early age she united with Bethlehem Baptist Church of Carthage and remained active until she relocated to California.

She married Frank Edwards and enjoyed parenting four children, Willis, Brenda Jo, Edward Earl, and Frank. In California she worked as a teacher in the Palm Springs Unified School System for 15 years and found herself ''taking in'' children who had no one to claim them. She was active in the community, and as a quiet force demonstrated her trailblazing tendencies by founding the Palm Springs chapter of the NAACP and joining as a founding member of the First Baptist Church. She was a life member of the NAACP.

As an elder stateswoman she enjoyed accompanying Willis to the White House during the Clinton and Bush Administrations, and attended two Congressional Gold Medal ceremonies (Rosa Parks and Dorothy Height), NAACP national conventions, Congressional Black Caucus weekends, NAACP Image Awards, and numerous awards and community service events.

Aunita T. Hudson-Edwards departed this life July 19, 2004. She is preceded in death by her husband, Frank, her sister, Nelva J. Thomas and brother, Hodges Hudson, both of Kansas City, MO and her son Edward Earl. She leaves to cherish her memory, a son, Willis Edwards of Los Angeles, CA; a daughter, Brenda Joe Pine of Palm Springs, CA; a son Frank Edwards of Northridge, CA; grandchildren: Kisha Dixon, Zachary Clayton, Renita Pine, Natalie Edwards, Antoinette Pine, Charlotte Pine, Derrick Pine, Teresa (Kent) Taylor, Tanya (Kenneth) Molinelli, Karon (Lennard) Lehman, and Sharon Edwards; great-grandchildren: Devian, Fanasha, David, Demaria, Kadisha, Eric, Sierra, Alonzo, Jr, Demitra, Tony, Alonzo, Jason, Jr., Jordan, Deshaun, Delawn, Derrian, Armani, Sherlita, Juan, Vivianna, Derrick Jordan, DeMond, Jade, Arika, Eleana, Suamana (Bright), Mattias, Christian, Michelle, Heather, and Thomas; a nephew, Perry C. Daniels of Longview, TX; a niece, Gwendolyn C. Moore of Miami, FL; niece, Jacquetta J. West of Kansas City, MO; brother-in-law, Dr. Jackson Thomas of Kansas City, MO. She also leaves a host of nieces and nephews in addition to the many relatives and friends in California and Texas.

Aunita TriDoris Hudson-Edwards made herself available to be used by God. Because of her, young people were rescued, communities were activated, churches fulfilled their ministries, and her family was blessed.

Thank you, Mother Aunita, for giving us so much—We pledge to honor your legacy of humble service with the establishment of a computer lab for senior citizens at the First Baptist Church of Palm Springs sponsored by the Tavis Smiley Foundation and the Aunita TriDoris Hudson-Edwards Scholarship Fund in your name. Until we meet again!

JULY 21, 2004.

HOMEGOING SERVICES FOR WILLIS EDWARDS' MOM

We mourn not because she is lost, for God has taken her home, but because we will miss her. Yet, we are assured that if we are faithful, that parting will be only for a short while. We thank God that Mother Edwards came our way and loved us. Willis Edwards has asked that you, his extended family and friends know of the Homegoing Services for his Mom—

AUNITA TRIDORIS HUDSON-EDWARDS

Service in Los Angeles, Saturday, July 24, 2004, 11:00 AM, Ward AME Church, 1177 W. 25th Street, Los Angeles, CA.

Rev. Norman D. Copeland, Pastor and Officiant, Bishop Carolyn Tyler-Guidry, Eulogist.

Service in Palm Springs, Tuesday, July 27, 2004, 11:00 AM, First Baptist Church, 588 Las Vegas Road, Palm Springs, CA.

Rev. Rodney S. Croom, Officiant/Pastor.

Services conducted by: Agape Funeral Home—4250 South Central Avenue—Los Angeles, CA.

For those who have inquired, in lieu of flowers you may want to make a contribution to the Aunita Tridoris Hudson-Edwards Scholarship Fund to provide assistance to young people pursuing college and/or graduate degrees.

RECESS

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

Accordingly (at 9 o'clock and 35 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 2225

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SIMPSON) at 10 o'clock and 25 minutes p.m.

SURFACE TRANSPORTATION EXTENSION ACT OF 2004, PART IV

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent that the Committee on Transportation and Infrastructure, the Committee on Ways and Means, the Committee on Science, and the Committee on Resources be discharged from further consideration of the bill (H.R. 4916) 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, and ask for its immediate consideration.

The Clerk read the title of the bill.

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

Mr. OBERSTAR. Mr. Speaker, reserving the right to object, I regret that, for a record fifth time, we are again on this floor to extend the highway transit and highway safety programs. Our last extension was 2 months ago, amidst high hopes that we would be able to conclude a conference on the TEA–LU bill that the House passed and the companion bill passed in the other body.

The committee of conference, as we quaintly say in the language of the House, has come to no resolution

thereon, but there were signs of progress today. Members of both parties and both Houses have worked diligently and in great earnest to reach an agreement with the White House, but we have not been able to reach a meeting of the minds.

We have agreed to extend current law to continue the vitally important work of our highway transit and highway safety programs. Tonight we move forward with that effort.

To explain the measure pending before us, I yield to the chairman of our committee, the distinguished gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Speaker, it is my understanding that this is a resolution continuing present law until September 24 for highways and until the end of the month of September for transit and other activities under present law. That is my understanding.

We must do this, as the gentleman is well aware, because, if we do not, then the ongoing activities of States across this Nation will be brought to a halt. We have high hopes that by the 24th of September, as the gentleman mentioned, we will have a meeting of the minds on what we call the total bill and there will be no longer any need for a continuing resolution. That is the hope of this chairman, and I am sure it is the hope of the gentleman also.

Basically, that is what this resolution does.

Mr. OBERSTAR. Mr. Speaker, continuing my reservation, I thank the distinguished chairman for his explanation. He has worked diligently on this, put his heart and soul into this initiative. We are very hopeful. I join the chairman in the hope that over the ensuing weeks of August there will be a prayerful resolution to the matters and prayerful successful outcome to our negotiations.

Mr. Speaker, I yield to the distinguished gentleman from Wisconsin (Mr. PETRI), the chairman of the subcommittee.

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

Mr. PETRI. Mr. Speaker, we are here once again to extend funding for our nation's highway, transit and safety programs. This bill will complete funding for the fiscal year and ensure that state transportation programs continue to receive the necessary federal funds to maintain and build our Nation's critical infrastructure.

We are here today because we still are unable to reach an agreement on a level of spending that will meet the various demands that have been placed on us: Provide growth in funding for all states; improve the rate of return for donor states; ensure that donee states do not take too much of a hit; provide significant funding to build new corridors to meet emerging trade traffic; provide help to states that are overwhelmed by massive but critical projects that each can reach up to $1 billion in costs; and produce a conference report that will be signed by the President.

This seems to be an impossible situation, but I believe House and Senate conferees have been making a good faith effort to resolve this impasse—but we are not there yet.

I know that there is strong support in the Congress for a good, robust transportation program.

We know that transportation spending from the Highway Trust Fund is a good investment that is necessary in order to maintain and build a first-class transportation network. This is investment that leads to economic growth and prosperity, that provides needed jobs, that assists in the development of transit projects that moves millions of people each day, and that improves unsafe conditions on our highways—thereby saving thousands of lives.

So I urge passage of this bill so that States will continue to receive funds as we here in Washington press on in our efforts to ensure that we have a long-term program that meets our Nation's transportation needs.

Mr. OBERSTAR. Mr. Speaker, reclaiming my time, I earnestly support the extension of the current law as embodied in the pending legislation.

Mr. Speaker, I rise in support of H.R. 4916, the Surface Transportation Extension Act of 2004, Part IV, but I regret that we are forced, for the fifth time, to temporarily extend the highway, transit, and highway safety programs.

Since our last extension two months ago, there has been some progress on the TEA 21 reauthorization. Nevertheless, the Committee on Conference has come to no resolution on the appropriate funding level for successor legislation to TEA 21. Members of both parties of both Houses have worked diligently and in great earnest with each other and the White House, but have been unable to reach a meeting of the minds.

We agreed to extend current law to continue the vitally important work of our highway, transit, and highway safety programs. Tonight, we move forward with that effort.

However, I regret that, because of certain objections from Members of the other side of the aisle and the Other Body, this extension bill does not continue two critical elements of TEA 21. First, the bill does not ensure that every State receive a 90.5 percent minimum guarantee return. Second, the bill does not continue TEA 21's High Priority Projects program.

With regard to minimum guarantee, the Committee, under the leadership of Chairman YOUNG and on a bipartisan basis, introduced a bill (H.R. 4864) earlier this week that would have ensured that each State received a 90.5 percent return. Regrettably, I understand that the Budget Committee Chairman and others objected to H.R. 4864 because it would have increased the bill's highway allocation by one percent. As a result, this bill does not ensure that each State receives 90.5 percent and, as a result, some States lose an enormous amount of highway construction funding. California loses $34 million; Florida $36 million; Ohio $30 million; Oklahoma $13 million; and Texas loses $115 million; to name just a few. I don't think that outcome is fair. If we are truly extending TEA 21, we should ensure that each state receives the guaranteed 90.5 percent minimum set forth in that legislation. I am hopeful that we will remedy this situation when we return in September, but I realize that the same objections we face to remedying this problem tonight will still be there in September.

Mr. Speaker, I support passage of this fifth extension. Our Nation's highway, transit, and highway safety programs are simply too important to shut down. I believe this bill could be better, and I urge this Body to do better when we are back in September.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I ask unanimous consent to revise and extend my remarks.

Mr. Speaker, every day, our Nation's transportation system carries goods and products to stores, brings children to school, delivers employees to work and provides access to health care, education and entertainment.

Simply put, our Nation's transportation system is the backbone of our economy and way of life and we can not afford to shortchange either.

I have heard from local, state, and industry representatives, and they all concur that our transportation needs will only be met by passing a fully-funded, long-term bill at no less than a three hundred eighteen billion dollar level.

The continued stalling does nothing to address our Nation's crumbling infrastructure, and jeopardizes 1.7 million new jobs in our country.

Reports of bridges collapsing are increasing in news reports. In my district alone, there are seventeen structurally deficient bridges.

In the State of Texas, construction employment fell by two thousand one-hundred jobs in the month of June alone.

When I return home, the unemployed don't want to here about bureaucratic infighting.

They want to hear about a jobs bill that's going to put them back to work on family-wage jobs.

Mr. Speaker, the eyes of the Nation are upon us. Our constituents are counting on us to do what we know is the right thing. We can not let them down.

We must reject the notion of continuous, short-term extensions.

There is no better economic stimulus package than a fully funded public works bill—plain and simple.

Mr. OBERSTAR. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the bill, as follows:

H.R. 4916

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 ''Surface Transportation Extension Act of 2004, Part IV''.

SEC. 2. ADVANCES.

(a) IN GENERAL.—Section 2(a) of the Surface Transportation Extension Act of 2003 (23 U.S.C. 104 note; 117 Stat. 1110; 118 Stat. 478; 118 Stat. 627; 118 Stat. 698) is amended by striking ''and the Surface Transportation Extension Act of 2004, Part III'' and inserting ''the Surface Transportation Extension Act of 2004, Part III, and the Surface Transportation Extension Act of 2004, Part IV''.

(b) PROGRAMMATIC DISTRIBUTIONS.—

(1) SPECIAL RULES FOR MINIMUM GUARANTEE.—Section 2(b)(4) of such Act is amended by striking ''$2,333,333,333'' and inserting ''$2,800,000,000''.

(2) EXTENSION OF OFF-SYSTEM BRIDGE SETASIDE.—Section 144(g)(3) of title 23, United

States Code, is amended by striking ''2003 and in the period of October 1, 2003, through July 31, 2004,'' and inserting ''2004''.

(c) AUTHORIZATION OF CONTRACT AUTHORITY.—Section 1101(c)(1) of the Transportation Equity Act for the 21st Century (117 Stat. 1111; 118 Stat. 478; 118 Stat. 627; 118 Stat. 698) is amended by striking ''$26,998,288,667 for the period of October 1, 2003, through July 31, 2004'' and inserting ''$30,469,806,615 for the period of October 1, 2003, through September 24, 2004''.

(d) LIMITATION ON OBLIGATIONS.—Section 2(e) of the Surface Transportation Extension Act of 2003 (117 Stat. 1111; 118 Stat. 478; 118 Stat. 627) is amended—

(1) in the matter preceding subparagraph (A) of paragraph (1) by striking ''July 31'' and inserting ''September 24'';

(2) in paragraph (1)(A)—

(A) by striking ''Part II, and'' and inserting ''Part II,''; and

(B) by inserting after ''Part III'' the following: '', and the Surface Transportation Extension Act of 2004, Part IV'';

(3) in paragraph (1)(B) by striking ''10½'' and inserting ''49½'';

(4) in paragraph (2)—

(A) by striking ''July 31'' and inserting ''September 24'';

(B) by striking ''$28,202,500,000'' and inserting ''$31,890,519,230''; and

(C) by striking ''$532,500,000'' and inserting ''$602,134,615'';

(5) in paragraph (3) by striking ''July 31'' and inserting ''September 24''; and

(6) by adding at the end the following:

''(5) CALCULATION OF RATIO.—For purposes of the calculation of the ratio under section 110(a)(3) of the Transportation, Treasury, and Independent Agencies Appropriations Act, 2004 (division F of Public Law 108-199; 118 Stat. 291; 23 U.S.C. 104 note)—

''(A) the obligation limitation for Federal-aid Highways referred to in section 110(a)(3)(A) of such Act shall be deemed to be the obligation limitation for Federal-aid highways and highway safety construction programs for fiscal year 2004 identified under the heading 'FEDERAL-AID HIGHWAYS' in such Act (118 Stat. 290); and

''(B) the total of sums authorized to be appropriated for Federal-aid highways and highway safety construction programs (other than sums authorized to be appropriated for sections set forth in paragraphs (1) through (7) of section 110(b) of such Act and sums authorized to be appropriated for section 105 of title 23, United States Code, equal to the amount referred to in subsection 110(b)(8) of such Act) for such fiscal year, referred to in section 110(a)(3)(B) of such Act, shall be deemed to be $34,606,000,000, less the aggregate of the amounts not distributed under section 110(a)(1) of such Act.''.

SEC. 3. REPAYMENT FROM FUTURE APPORTIONMENTS.

Section 2(c) of the Surface Transportation Extension Act of 2003 (117 Stat. 1111) is amended—

(1) in paragraph (1) by striking ''a law reauthorizing the Federal-aid highway program enacted after the date of enactment of this Act'' and inserting ''the Surface Transportation Extension Act of 2004, Part IV''; and

(2) in paragraph (2) by striking ''a law described in paragraph (1)'' and inserting ''the Surface Transportation Extension Act of 2004, Part IV''.

SEC. 4. OTHER FEDERAL-AID HIGHWAY PROGRAMS.

(a) AUTHORIZATION OF APPROPRIATIONS UNDER TITLE I OF TEA–21.—

(1) FEDERAL LANDS HIGHWAYS.—

(A) INDIAN RESERVATION ROADS.—Section 1101(a)(8)(A) of the Transportation Equity Act for the 21st Century (112 Stat. 112; 117 Stat. 1113; 118 Stat. 479; 118 Stat. 628; 118 Stat. 699) is amended—

(i) in the first sentence by striking ''2003 and $229,166,667 for the period of October 1, 2003, through July 31,''; and

(ii) by striking the second sentence.

(B) PUBLIC LANDS HIGHWAYS.—Section 1101(a)(8)(B) of such Act (112 Stat. 112; 117 Stat. 1113; 118 Stat. 480; 118 Stat. 628; 118 Stat. 699) is amended by striking ''2003 and $205,000,000 for the period of October 1, 2003, through July 31,''.

(C) PARK ROADS AND PARKWAYS.—Section 1101(a)(8)(C) of such Act (112 Stat. 112; 117 Stat. 1113; 118 Stat. 480; 118 Stat. 628; 118 Stat. 699) is amended by striking ''2003 and $137,500,000 for the period of October 1, 2003, through July 31,'' .

(D) REFUGE ROADS.—Section 1101(a)(8)(D) of such Act (112 Stat. 112; 117 Stat. 1113; 118 Stat. 480; 118 Stat. 628; 118 Stat. 699) is amended by striking ''2003 and $16,666,667 for the period of October 1, 2003, through July 31,''.

(2) NATIONAL CORRIDOR PLANNING AND DEVELOPMENT AND COORDINATED BORDER INFRASTRUCTURE PROGRAMS.—Section 1101(a)(9) of such Act (112 Stat. 112; 117 Stat. 1114; 118 Stat. 480; 118 Stat. 628; 118 Stat. 699) is amended by striking ''$2003 and $116,666,667 for the period of October 1, 2003, through July 31,''.

(3) CONSTRUCTION OF FERRY BOATS AND FERRY TERMINAL FACILITIES.—

(A) IN GENERAL.—Section 1101(a)(10) of such Act (112 Stat. 113; 117 Stat. 1114; 118 Stat. 480; 118 Stat. 628; 118 Stat. 699) is amended by striking ''2003 and $31,666,667 for the period of October 1, 2003, through July 31,''.

(B) SET ASIDE FOR ALASKA, NEW JERSEY, AND WASHINGTON.—Section 5(a)(3)(B) of the Surface Transportation Extension Act of 2003 (117 Stat. 1114; 118 Stat. 480; 118 Stat. 628; 118 Stat. 700) is amended—

(i) in clause (i) by striking ''$8,333,333'' and inserting ''$10,000,000'';

(ii) in clause (ii) by striking ''$4,166,667'' and inserting ''$5,000,000''; and

(iii) in clause (iii) by striking ''$4,166,667'' and inserting ''$5,000,000''.

(4) NATIONAL SCENIC BYWAYS PROGRAM.—Section 1101(a)(11) of the Transportation Equity Act for the 21st Century (112 Stat. 113; 117 Stat. 1114; 118 Stat. 480; 118 Stat. 629; 118 Stat. 700) is amended by striking ''fiscal year 2003, and $22,916,667 for the period of October 1, 2003, through July 31, 2004'' and inserting ''fiscal years 2003 and 2004'' .

(5) VALUE PRICING PILOT PROGRAM.—Section 1101(a)(12) of such Act (112 Stat. 113; 117 Stat. 1114; 118 Stat. 480; 118 Stat. 629; 118 Stat. 700) is amended by striking ''2003 and $9,166,667 for the period of October 1, 2003, through July 31,''.

(6) HIGHWAY USE TAX EVASION PROJECTS.—Section 1101(a)(14) of such Act (112 Stat. 113; 117 Stat. 1114; 118 Stat. 480; 118 Stat. 629; 118 Stat. 700) is amended by striking ''2003 and $4,166,667 for the period of October 1, 2003, through July 31,''.

(7) COMMONWEALTH OF PUERTO RICO HIGHWAY PROGRAM.—Section 1101(a)(15) of such Act (112 Stat. 113; 117 Stat. 1114; 118 Stat. 481; 118 Stat. 629; 118 Stat. 700) is amended by striking ''2003 and $91,666,667 for the period of October 1, 2003, through July 31,''.

(8) SAFETY GRANTS.—Section 1212(i)(1)(D) of such Act (23 U.S.C. 402 note; 112 Stat. 196; 112 Stat. 840; 117 Stat. 1114; 118 Stat. 481; 118 Stat. 629; 118 Stat. 700) is amended by striking ''2003 and $416,667 for the period of October 1, 2003, through July 31,''.

(9) TRANSPORTATION AND COMMUNITY AND SYSTEM PRESERVATION PILOT PROGRAM.—Section 1221(e)(1) of such Act (23 U.S.C. 101 note; 112 Stat. 223; 117 Stat. 1114; 118 Stat. 481; 118 Stat. 629; 118 Stat. 700) is amended by striking ''2003 and $20,833,333 for the period of October 1, 2003, through July 31,''.

(10) TRANSPORTATION INFRASTRUCTURE FINANCE AND INNOVATION.—Section 188 of title 23, United States Code, is amended—

(A) by striking subsection (a)(1)(F) and inserting the following:

''(F) $130,000,000 for fiscal year 2004.'';

(B) in subsection (a)(2) by striking ''2003 and $1,666,667 for the period of October 1, 2003, through July 31,''; and

(C) in the item relating to fiscal year 2004 in the table contained in subsection (c) by striking ''$2,166,666,667'' and inserting ''$2,600,000,000''.

(b) AUTHORIZATION OF APPROPRIATIONS UNDER TITLE V OF TEA–21.—

(1) SURFACE TRANSPORTATION RESEARCH.—Section 5001(a)(1) of the Transportation Equity Act for the 21st Century (112 Stat. 419; 117 Stat. 1115; 118 Stat. 481; 118 Stat. 630; 118 Stat. 701) is amended by striking ''$87,500,000 for the period of October 1, 2003, through July 31, 2004'' and inserting ''$103,000,000 for fiscal year 2004''.

(2) TECHNOLOGY DEPLOYMENT PROGRAM.—Section 5001(a)(2) of such Act (112 Stat. 419; 117 Stat. 1115; 118 Stat. 481; 118 Stat. 630; 118 Stat. 701) is amended by striking ''$45,833,333 for the period of October 1, 2003, through July 31, 2004'' and inserting ''$50,000,000 for fiscal year 2004''.

(3) TRAINING AND EDUCATION.—Section 5001(a)(3) of such Act (112 Stat. 420; 117 Stat. 1115; 118 Stat. 481; 118 Stat. 630; 118 Stat. 701) is amended by striking ''$17,500,000 for the period of October 1, 2003, through July 31, 2004'' and inserting ''$20,000,000 for fiscal year 2004''.

(4) BUREAU OF TRANSPORTATION STATISTICS.—Section 5001(a)(4) of such Act (112 Stat. 420; 117 Stat. 1115; 118 Stat. 481; 118 Stat. 630; 118 Stat. 701) is amended by striking ''2003 and $25,833,333 for the period of October 1, 2003, through July 31,''.

(5) ITS STANDARDS, RESEARCH, OPERATIONAL TESTS, AND DEVELOPMENT.—Section 5001(a)(5) of such Act (112 Stat. 420; 117 Stat. 1115; 118 Stat. 481; 118 Stat. 630; 118 Stat. 701) is amended by striking ''$95,833,333 for the period of October 1, 2003, through July 31, 2004'' and inserting ''$110,000,000 for fiscal year 2004''.

(6) ITS DEPLOYMENT.—Section 5001(a)(6) of such Act (112 Stat. 420; 117 Stat. 1116; 118 Stat. 482; 118 Stat. 630; 118 Stat. 701) is amended by striking ''$103,333,333 for the period of October 1, 2003, through July 31, 2004'' and inserting ''$122,000,000 for fiscal year 2004''.

(7) UNIVERSITY TRANSPORTATION RESEARCH.—Section 5001(a)(7) of such Act (112 Stat. 420; 117 Stat. 1116; 118 Stat. 482; 118 Stat. 630; 118 Stat. 701) is amended by striking ''$22,500,000 for the period of October 1, 2003, through July 31, 2004'' and inserting ''$26,500,000 for fiscal year 2004''.

(c) METROPOLITAN PLANNING.—Section 5(c)(1) of the Surface Transportation Extension Act of 2003 (117 Stat. 1116; 118 Stat. 482; 118 Stat. 630; 118 Stat. 701) is amended by striking ''$200,000,000 for the period of October 1, 2003, through July 31, 2004'' and inserting ''$240,000,000 for fiscal year 2004''.

(d) TERRITORIES.—Section 1101(d)(1) of the Transportation Equity Act for the 21st Century (117 Stat. 1116; 118 Stat. 482; 118 Stat. 630; 118 Stat. 702) is amended by striking ''$30,333,333 for the period of October 1, 2003, through July 31, 2004'' and inserting ''$36,400,000 for fiscal year 2004''.

(e) ALASKA HIGHWAY.—Section 1101(e)(1) of such Act (117 Stat. 1116; 118 Stat. 482; 118 Stat. 630; 118 Stat. 702) is amended by striking ''$15,666,667 for the period of October 1, 2003, through July 31, 2004'' and inserting ''$18,800,000 for fiscal year 2004''.

(f) OPERATION LIFESAVER.—Section 1101(f)(1) of such Act (117 Stat. 1117; 118 Stat.

482; 118 Stat. 631; 118 Stat. 702) is amended by striking ''$416,667 for the period of October 1, 2003, through July 31, 2004'' and inserting ''$500,000 for fiscal year 2004''.

(g) BRIDGE DISCRETIONARY.—Section 1101(g)(1) of such Act (117 Stat. 1117; 118 Stat. 482; 118 Stat. 631; 108 Stat. 702) is amended—

(1) by striking ''$83,333,333'' and inserting ''$100,000,000''; and

(2) by striking ''the period of October 1, 2003 through July 31,'' and inserting ''fiscal year''.

(h) INTERSTATE MAINTENANCE.—Section 1101(h)(1) of such Act (117 Stat. 1117; 118 Stat. 482; 118 Stat. 631; 118 Stat. 702) is amended—

(1) by striking ''$83,333,333'' and inserting ''$100,000,000''; and

(2) by striking ''the period of October 1, 2003, through July 31,'' and inserting ''fiscal year''.

(i) RECREATIONAL TRAILS ADMINISTRATIVE COSTS.—Section 1101(i)(1) of such Act (117 Stat. 1117; 118 Stat. 482; 118 Stat. 631; 118 Stat. 702) is amended by striking ''$625,000 for the period of October 1, 2003, through July 31, 2004'' and inserting ''$750,000 for fiscal year 2004''.

(j) RAILWAY-HIGHWAY CROSSING HAZARD ELIMINATION IN HIGH SPEED RAIL CORRIDORS.—Section 1101(j)(1) of such Act (117 Stat. 1118; 118 Stat. 482; 118 Stat. 631; 118 Stat. 702) is amended—

(1) by striking ''$4,375,000'' and inserting ''$5,250,000'';

(2) by striking ''$208,833 instead of''; and

(3) by striking ''the period of October 1, 2003, through July 31, 2004'' each place it appears and inserting ''fiscal year 2004''; and

(4) by striking the comma preceding ''for eligible''.

(k) NONDISCRIMINATION.—Section 1101(k) of such Act (117 Stat. 1118; 118 Stat. 482; 118 Stat. 631; 118 Stat. 702) is amended—

(1) in paragraph (1) by striking ''$8,333,333 for the period of October 1, 2003, through July 31, 2004'' and inserting ''$10,000,000 for fiscal year 2004''; and

(2) in paragraph (2) by striking ''$8,333,333 for the period of October 1, 2003, through July 31, 2004'' and inserting ''$10,000,000 for fiscal year 2004''.

(l) ADMINISTRATION OF FUNDS.—Section 5(l) of the Surface Transportation Extension Act of 2003 (117 Stat. 1118; 118 Stat. 483; 118 Stat. 631; 118 Stat. 702) is amended—

(1) by striking ''and section 4 of the Surface Transportation Extension Act of 2004, Part III'' and inserting ''section 4 of the Surface Transportation Extension Act of 2004, Part III, and section 4 of the Surface Transportation Extension Act of 2004, Part IV'';

(2) by striking ''the amendment made by section 4(a)(1) of the Surface Transportation Extension Act, Part II'' and all that follows before the period at the end and inserting ''the amendment made by section 4(a)(1) of the Surface Transportation Extension Act of 2004, Part II, the amendment made by section 4(a)(1) of the Surface Transportation Extension Act of 2004, Part III, or the amendment made by section 4(a)(1) of the Surface Transportation Extension Act of 2004, Part IV''.

(m) REDUCTION OF ALLOCATED PROGRAMS.—Section 5(m) of such Act (117 Stat. 1119; 118 Stat. 483; 118 Stat. 632; 118 Stat. 703) is amended—

(1) by striking ''and section 4 of the Surface Transportation Extension Act of 2004, Part III'' and inserting ''section 4 of the Surface Transportation Extension Act of 2004, Part III, and section 4 of the Surface Transportation Extension Act of 2004, Part IV'';

(2) by striking ''and by section 4 of the Surface Transportation Extension Act of 2004, Part III'' each place it appears and inserting ''by section 4 of the Surface Transportation Extension Act of 2004, Part III, and by section 4 of the Surface Transportation Extension Act of 2004, Part IV''.

(n) PROGRAM CATEGORY RECONCILIATION.—Section 5(n) of such Act (117 Stat. 1119; 118 Stat. 483; 118 Stat. 632; 118 Stat. 703) is amended by striking ''and section 4 of the Surface Transportation Extension Act of 2004, Part III'' and inserting ''section 4 of the Surface Transportation Extension Act of 2004, Part III, and section 4 of the Surface Transportation Extension Act of 2004, Part IV''.

SEC. 5. EXTENSION OF HIGHWAY SAFETY PROGRAMS.

(a) SEAT BELT SAFETY INCENTIVE GRANTS.—Section 157(g)(1) of title 23, United States Code, is amended by striking ''$93,333,333 for the period of October 1, 2003, through July 31, 2004'' and inserting ''$112,000,000 for fiscal year 2004''.

(b) PREVENTION OF INTOXICATED DRIVER INCENTIVE GRANTS.—Section 163(e)(1) of such title is amended by striking ''$100,000,000 for the period of October 1, 2003, through July 31, 2004'' and inserting ''$110,000,000 for fiscal year 2004''.

SEC. 6. SPORT FISHING AND BOATING SAFETY.

(a) FUNDING FOR NATIONAL OUTREACH AND COMMUNICATIONS PROGRAM.—Section 4(c)(6) of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c(c)(6)) is amended to read as follows:

''(6) $10,000,000 for fiscal year 2004;''.

(b) CLEAN VESSEL ACT FUNDING.—Section 4(b)(4) of such Act (16 U.S.C. 777c(b)(4)) is amended—

(1) in the paragraph heading by striking ''FIRST 9 MONTHS OF'';

(2) in the matter preceding subparagraph (A)—

(A) by striking ''the period of October 1, 2003, through July 31, 2004'' and inserting ''fiscal year 2004''; and

(B) by striking ''$68,333,332'' and inserting ''$82,000,000'';

(3) in subparagraph (A) by striking ''$8,333,332'' and inserting ''$10,000,000''; and

(4) in subparagraph (B) by striking ''$6,666,668'' and inserting ''$8,000,000''.

(c) BOAT SAFETY FUNDS.—Section 13106(c) of title 46, United States Code, is amended—

(1) by striking ''$4,166,668'' and inserting ''$5,000,000''; and

(2) by striking ''$1,666,668'' and inserting ''$2,000,000''.

SEC. 7. EXTENSION OF FEDERAL TRANSIT PROGRAMS.

(a) ALLOCATING AMOUNTS.—Section 5309(m) of title 49, United States Code, is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A) by striking ''2003 and for the period of October 1, 2003, through July 31,'';

(B) in subparagraph (A) by striking '', except'' and all that follows before the semicolon and inserting '', except for fiscal year 2004 during which $1,206,506,000 will be available'';

(C) in subparagraph (B) by striking '', except'' and all that follows before the semicolon and inserting '', except for fiscal year 2004 during which $1,323,794,000 will be available''; and

(D) in subparagraph (C) by striking '', except'' and all that follows before the period and inserting '', except for fiscal year 2004 during which $607,200,000 will be available'';

(2) in paragraph (2)(B)—

(A) in clause (i) by striking ''2003'' and inserting ''2004''; and

(B) by striking clause (iii);

(3) in paragraph (3)(B) by striking ''2003 (and $2,485,250 shall be available for the period October 1, 2003, through July 31, 2004)'' and inserting ''2004''; and

(4) in paragraph (3)(C)—

(A) by striking ''1999 through 2003'' and inserting ''1999 through 2004'';

(B) by striking ''$41,420,833'' and inserting ''$50,000,000''; and

(C) by striking ''the period October 1, 2003, through July 31, 2004'' and inserting ''fiscal year 2004''.

(b) APPORTIONMENT OF APPROPRIATIONS FOR FIXED GUIDEWAY MODERNIZATION.—Section 8(b)(1) of the Surface Transportation Extension Act of 2003 (49 U.S.C. 5337 note) is repealed.

(c) FORMULA GRANTS AUTHORIZATIONS.—Section 5338(a)(2) of title 49, United States Code, is amended—

(1) in the paragraph heading by striking ''2003 AND FOR THE PERIOD OF OCTOBER 1, 2003, THROUGH JULY 31,'';

(2) by striking subparagraph (A)(vi) and inserting the following:

''(vi) $3,071,200,000 for fiscal year 2004.'';

(3) by striking subparagraph (B)(vi) and inserting the following:

''(vi) $767,800,000 for fiscal year 2004.''; and

(4) in subparagraph (C) by striking ''a fiscal year (other than for the period of October 1, 2003, through July 31, 2004)'' and inserting ''each of fiscal years 1999 through 2003''.

(d) FORMULA GRANT FUNDS.—Section 8(d) of the Surface Transportation Extension Act of 2003 (118 Stat. 633; 118 Stat. 705) is amended to read as follows:

''(d) ALLOCATION OF FORMULA GRANT FUNDS FOR FISCAL YEAR 2004.—Of the aggregate of amounts made available by or appropriated under section 5338(a)(2) of title 49, United States Code, for fiscal year 2004—

''(1) $4,849,950 shall be available to the Alaska Railroad for improvements to its passenger operations under section 5307 of such title;

''(2) $50,000,000 shall be available for bus and bus facilities grants under section 5309 of such title;

''(3) $90,652,801 shall be available to provide transportation services to elderly individuals and individuals with disabilities under section 5310 of such title;

''(4) $240,607,643 shall be available to provide financial assistance for other than urbanized areas under section 5311 of such title;

''(5) $6,950,000 shall be available to provide financial assistance in accordance with section 3038(g) of the Transportation Equity Act for the 21st Century; and

''(6) $3,445,939,606 shall be available to provide financial assistance for urbanized areas under section 5307 of such title.''.

(e) CAPITAL PROGRAM AUTHORIZATIONS.—Section 5338(b)(2) of title 49, United States Code, is amended—

(1) in the paragraph heading by striking ''2003 AND FOR THE PERIOD OF OCTOBER 1, 2003, THROUGH JULY 31,'';

(2) by striking subparagraph (A)(vi) and inserting the following:

''(vi) $2,510,000,000 for fiscal year 2004.''; and

(3) by striking subparagraph (B)(vi) and inserting the following:

''(vi) $627,500,000 for fiscal year 2004.''.

(f) PLANNING AUTHORIZATIONS AND ALLOCATIONS.—Section 5338(c)(2) of such title is amended—

(1) in the paragraph heading by striking ''2003 AND FOR THE PERIOD OF OCTOBER 1, 2003, THROUGH JULY 31,'';

(2) by striking subparagraph (A)(vi) and inserting the following:

''(vi) $58,600,000 for fiscal year 2004.'';

(3) by striking subparagraph (B)(vi) and inserting the following:

''(vi) $14,400,000 for fiscal year 2004.''; and

(4) in subparagraph (C) by striking ''or any portion of a fiscal year''.

(g) RESEARCH AUTHORIZATIONS.—Section 5338(d)(2) of such title is amended—

(1) in the paragraph heading by striking ''2003 AND FOR THE PERIOD OF OCTOBER 1, 2003, THROUGH JULY 31,'';

(2) by striking subparagraph (A)(vi) and inserting the following:

''(vi) $42,200,000 for fiscal year 2004.'';

(3) by striking subparagraph (B)(vi) and inserting the following:

''(vi) $10,800,000 for fiscal year 2004.''; and

(4) in subparagraph (C) by striking ''(other than for the period of October 1, 2003, through July 31, 2004)''.

(h) RESEARCH FUNDS.—Section 8(h) of the Surface Transportation Extension Act of 2003 (118 Stat. 635; 118 Stat. 706) is repealed.

(i) UNIVERSITY TRANSPORTATION RESEARCH AUTHORIZATIONS.—Section 5338(e)(2) of title 49, United States Code, is amended—

(1) in the paragraph heading by striking ''2003 AND FOR THE PERIOD OF OCTOBER 1, 2003, THROUGH JULY 31,'';

(2) in subparagraph (A) by striking '2003 and $3,976,400 for the period of October 1, 2003, through July 31,'';

(3) in subparagraph (B) by striking ''2003 and $994,100 for the period of October 1, 2003, through July 31,''; and

(4) in each of subparagraphs (C)(i) and (C)(iii) by striking ''(other than for the period of October 1, 2003, through July 31, 2004)''.

(j) UNIVERSITY TRANSPORTATION RESEARCH FUNDS.—

(1) IN GENERAL.—Section 8(j) of the Surface Transportation Extension Act of 2003 (118 Stat. 635; 118 Stat. 706) is repealed.

(2) CONFORMING AMENDMENT.—Section 3015(d)(2) of the Transportation Equity Act for the 21st Century (49 U.S.C. 5338 note; 112 Stat. 857; 118 Stat. 487; 118 Stat. 636; 118 Stat. 707) is amended by striking ''or 2003 and in the period October 31, 2003, through July 31, 2004'' and inserting '', 2003, or 2004''.

(k) ADMINISTRATION AUTHORIZATIONS.—Section 5338(f)(2) of title 49, United States Code, is amended—

(1) in the paragraph heading by striking ''2003 AND FOR THE PERIOD OF OCTOBER 1, 2003, THROUGH JULY 31,'';

(2) by striking subparagraph (A)(vi) and inserting the following:

''(vi) $60,400,000 for fiscal year 2004.''; and

(3) by striking subparagraph (B)(vi) and inserting the following:

(vi) $15,100,000 for fiscal year 2004.''.

(l) JOB ACCESS AND REVERSE COMMUTE PROGRAM.—Section 3037(l) of the Transportation Equity Act for the 21st Century (49 U.S.C. 5309 note) is amended—

(1) by striking paragraph (1)(A)(vi) and inserting the following:

''(vi) $100,000,000 for fiscal year 2004.'';

(2) by striking paragraph (1)(B)(vi) and inserting the following:

''(vi) $25,000,000 for fiscal year 2004.'';

(3) in paragraph (2) by striking ''; except that'' and all that follows before the period at the end; and

(4) in paragraph (4) by striking ''$16,568,333'' and inserting ''$20,000,000''.

(m) RURAL TRANSPORTATION ACCESSIBILITY INCENTIVE PROGRAM.—Section 3038(g) of the Transportation Equity Act for the 21st Century (49 U.S.C. 5310 note) is amended—

(1) by striking paragraph (1)(F) and inserting after paragraph (1)(E) the following:

''(F) $5,250,000 for fiscal year 2004.''; and

(2) in paragraph (2) by striking ''$6,800,000'' and all that follows through ''July 31, 2004)'' and inserting ''$1,700,000 shall be available for each of fiscal years 2000 through 2004''.

(n) URBANIZED AREA FORMULA GRANTS.—Section 5307(b)(2) of title 49, United States Code, is amended—

(1) in the paragraph heading by striking ''FISCAL YEAR 2003 AND FOR THE PERIOD OF OCTOBER 1, 2003, THROUGH JULY 31, 2004'' and inserting ''FISCAL YEARS 2003 AND 2004''; and

(2) in subparagraph (A) by striking ''fiscal year 2003, and for the period of October 1, 2003, through July 31, 2004'' and inserting ''fiscal years 2003 and 2004''.

(o) OBLIGATION CEILING.—Section 3040 of the Transportation Equity Act for the 21st Century (112 Stat. 394; 118 Stat. 637; 118 Stat. 708) is amended by striking paragraph (6) and inserting the following:

''(6) $7,309,000,000 in fiscal year 2004.''.

(p) FUEL CELL BUS AND BUS FACILITIES PROGRAM.—Section 3015(b) of the Transportation Equity Act for the 21st Century (112 Stat. 361; 118 Stat. 637; 118 Stat. 708) is amended by striking ''(or, in the case of the period of October 1, 2003, through July 31, 2004 $4,017,821)''.

(q) ADVANCED TECHNOLOGY PILOT PROJECT.—Section 3015(c)(2) of the Transportation Equity Act for the 21st Century (49 U.S.C. 322 note; 118 Stat. 637; 118 Stat. 708) is amended by striking ''2003, and for the period of October 1, 2003, through July 31, 2004 $5,000,000 per fiscal year and $4,142,083 for such period'' and inserting ''2004, $5,000,000 per fiscal year''.

(r) PROJECTS FOR NEW FIXED GUIDEWAY SYSTEMS AND EXTENSIONS TO EXISTING SYSTEMS.—Section 3030 of the Transportation Equity Act for the 21st Century (112 Stat. 373; 118 Stat. 637; 118 Stat. 708) is amended—

(1) by striking ''2003 and for the period of October 1, 2003, through July 31, 2004,'' each place it appears and inserting ''2004''; and

(2) in subsection (d)(3) by redesignating the second subparagraph (D), relating to the Memphis-Shelby International Airport intermodal facility, as subparagraph (H) and aligning the margin of such subparagraph with subparagraph (G).

(s) NEW JERSEY URBAN CORE PROJECT.—Section 3031(a)(3) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2122; 112 Stat. 379; 117 Stat. 1126; 118 Stat. 489; 118 Stat. 637; 118 Stat. 708) is amended by striking ''2003, and for the period of October 1, 2003, through July 31,'' each place it appears.

(t) TREATMENT OF FUNDS.—Section 8(t) of the Surface Transportation Extension Act of 2003 (23 U.S.C. 101 note; 118 Stat. 637; 118 Stat. 708) is amended—

(1) in paragraph (1) by striking '', and by section 7 of the Surface Transportation Extension Act of 2004, Part III'' and inserting ''by section 7 of the Surface Transportation Extension Act of 2004, Part III, and by section 7 of the Surface Transportation Extension Act of 2004, Part IV''; and

(2) in paragraph (2) by striking '', except that'' and all that follows before the period at the end.

(u) LOCAL SHARE.—Section 3011(a) of the Transportation Equity Act for the 21st Century (49 U.S.C. 5307 note; 118 Stat. 637; 118 Stat. 708) is amended by striking ''2003, and for the period of October 1, 2003 through July 31,''.

SEC. 8. NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION PROGRAMS.

(a) CHAPTER 4 HIGHWAY SAFETY PROGRAMS.—Section 2009(a)(1) of the Transportation Equity Act for the 21st Century (112 Stat. 337; 117 Stat. 1119; 118 Stat. 489; 118 Stat. 637; 118 Stat. 709) is amended by striking ''$136,688,750 for the period of October 1, 2003, through July 31, 2004'' and inserting ''$165,000,000 for fiscal year 2004''.

(b) HIGHWAY SAFETY RESEARCH AND DEVELOPMENT.—Section 2009(a)(2) of such Act (112 Stat. 337; 117 Stat. 1119; 118 Stat. 489; 118 Stat. 637; 118 Stat. 709) is amended by striking ''2003 and $59,646,000 for the period of October 1, 2003, through July 31,''.

(c) OCCUPANT PROTECTION INCENTIVE GRANTS-.—Section 2009(a)(3) of such Act (112 Stat. 337; 117 Stat. 1120; 118 Stat. 489; 118 Stat. 638; 118 Stat. 709) is amended by striking ''$16,568,333 for the period of October 1, 2003, through July 31, 2004'' and inserting ''$20,000,000 for fiscal year 2004''.

(d) ALCOHOL-IMPAIRED DRIVING COUNTERMEASURES INCENTIVE GRANTS.—Section 2009(a)(4) of such Act (112 Stat. 337; 117 Stat. 1120; 118 Stat. 489; 118 Stat. 638; 118 Stat. 709) is amended by striking ''$33,136,667 for the period of October 1, 2003, through July 31, 2004'' and inserting ''$40,000,000 for fiscal year 2004''.

(e) NATIONAL DRIVER REGISTER.—Section 2009(a)(6) of such Act (112 Stat. 338; 117 Stat. 1120; 118 Stat. 638; 118 Stat. 709) is amended by striking ''$2,982,300 for the period of October 1, 2003, through July 31, 2004'' and inserting ''$3,600,000 for fiscal year 2004''.

SEC. 9. FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION PROGRAM.

(a) ADMINISTRATIVE EXPENSES.—Section 7(a)(1) of the Surface Transportation Extension Act of 2003 (117 Stat. 1120; 118 Stat. 490; 118 Stat. 638; 118 Stat. 709) is amended by striking ''$146,725,000 for the period October 1, 2003, through July 31, 2004'' and inserting ''$176,070,000 for fiscal year 2004''.

(b) MOTOR CARRIER SAFETY ASSISTANCE PROGRAM.—Section 31104(a)(7) of title 49, United States Code, is amended to read as follows:

''(7) Not more than $169,000,000 for fiscal year 2004.''.

(c) INFORMATION SYSTEMS AND COMMERCIAL DRIVER'S LICENSE GRANTS.—

(1) AUTHORIZATION OF APPROPRIATION.—Section 31107(a)(5) of such title is amended to read as follows:

''(5) $20,000,000 for the fiscal year 2004.''.

(2) EMERGENCY CDL GRANTS.—Section 7(c)(2) of the Surface Transportation Extension Act of 2003 (117 Stat. 1121; 118 Stat. 490; 118 Stat. 638; 118 Stat. 709) is amended—

(A) by striking ''the period of October 1, 2003 through June 30,'' and inserting ''fiscal year''; and

(B) by striking ''$833,333'' and inserting ''$1,000,000''.

(d) CRASH CAUSATION STUDY.— Section 7(d) of such Act (117 Stat. 1121; 118 Stat. 490; 118 Stat. 638) is amended—

(1) by striking ''$833,333'' and inserting ''$1,000,000''; and

(2) by striking ''the period of October 1, 2003 through July 31,'' and inserting ''fiscal year''.

SEC. 10. EXTENSION OF AUTHORIZATION FOR USE OF TRUST FUNDS FOR OBLIGATIONS UNDER TEA–21.

(a) HIGHWAY TRUST FUND.—

(1) IN GENERAL.—Paragraph (1) of section 9503(c) of the Internal Revenue Code of 1986 is amended—

(A) in the matter before subparagraph (A), by striking ''August 1, 2004'' and inserting ''October 1, 2004'',

(B) by striking ''or'' at the end of subparagraph (H),

(C) by striking the period at the end of subparagraph (I) and inserting '', or'',

(D) by inserting after subparagraph (I) the following new subparagraph:

''(J) authorized to be paid out of the Highway Trust Fund under the Surface Transportation Extension Act of 2004, Part IV.'', and

(E) in the matter after subparagraph (J), as added by this paragraph, by striking ''Surface Transportation Extension Act of 2004, Part III'' and inserting ''Surface Transportation Extension Act of 2004, Part IV''.

(2) MASS TRANSIT ACCOUNT.—Paragraph (3) of section 9503(e) of such Code is amended—

(A) in the matter before subparagraph (A), by striking ''August 1, 2004'' and inserting ''October 1, 2004'',

(B) in subparagraph (F), by striking ''or'' at the end of such subparagraph,

(C) in subparagraph (G), by inserting ''or'' at the end of such subparagraph,

(D) by inserting after subparagraph (G) the following new subparagraph:

''(H) the Surface Transportation Extension Act of 2004, Part IV,'', and

(E) in the matter after subparagraph (H), as added by this paragraph, by striking

''Surface Transportation Extension Act of 2004, Part III'' and inserting ''Surface Transportation Extension Act of 2004, Part IV''.

(3) EXCEPTION TO LIMITATION ON TRANSFERS.—Subparagraph (B) of section 9503(b)(5) of such Code is amended by striking ''August 1, 2004'' and inserting ''October 1, 2004''.

(4) SPECIAL RULE FOR CORE HIGHWAY PROGRAMS.—

(A) IN GENERAL.—In the case of a core highway program, subsections (b)(5) and (c)(1) of section 9503 of such Code shall be applied by substituting ''September 25, 2004'' for ''October 1, 2004''.

(B) CORE HIGHWAY PROGRAM.—For purposes of subparagraph (A), the term ''core highway program'' means any program (other than any program carried out by the National Highway Traffic Safety Administration and any program carried out by the Federal Motor Carrier Administration) funded from the Highway Trust Fund (other than the Mass Transit Account).

(b) AQUATIC RESOURCES TRUST FUND.—

(1) SPORT FISH RESTORATION ACCOUNT.—Paragraph (2) of section 9504(b) of the Internal Revenue Code of 1986 is amended by striking ''Surface Transportation Extension Act of 2004, Part III'' each place it appears and inserting ''Surface Transportation Extension Act of 2004, Part IV''.

(2) BOAT SAFETY ACCOUNT.—Subsection (c) of section 9504 of such Code is amended—

(A) by striking ''August 1, 2004'' and inserting ''October 1, 2004'', and

(B) by striking ''Surface Transportation Extension Act of 2004, Part III'' and inserting ''Surface Transportation Extension Act of 2004, Part IV''.

(3) EXCEPTION TO LIMITATION ON TRANSFERS.—Paragraph (2) of section 9504(d) of such Code is amended by striking ''August 1, 2004'' and inserting ''October 1, 2004''.

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

(d) TEMPORARY RULE REGARDING ADJUSTMENTS.—During the period beginning on the date of the enactment of the Surface Transportation Extension Act of 2003 and ending on September 30, 2004, for purposes of making any estimate under section 9503(d) of the Internal Revenue Code of 1986 of receipts of the Highway Trust Fund, the Secretary of the Treasury shall treat—

(1) each expiring provision of paragraphs (1) through (4) of section 9503(b) of such Code which is related to appropriations or transfers to such Fund to have been extended through the end of the 24-month period referred to in section 9503(d)(1)(B) of such Code, and

(2) with respect to each tax imposed under the sections referred to in section 9503(b)(1) of such Code, the rate of such tax during the 24-month period referred to in section 9503(d)(1)(B) of such Code to be the same as the rate of such tax as in effect on the date of the enactment of the Surface Transportation Extension Act of 2003.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EXPRESSING DISMAY OVER ALLEGED CRIMINAL ACTIVITIES OF FORMER NATIONAL SECURITY ADVISOR SANDY BERGER

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

Mr. GIBBONS. Mr. Speaker, I rise today to express my profound dismay over the allegedly criminal activities of former National Security Adviser Sandy Berger and his apparent theft of classified terrorism-related documents from the National Archives.

As a former Air Force officer and current subcommittee chairman on the Permanent Select Committee on Intelligence, I am used to dealing with and protecting highly classified materials. I would have presumed that Mr. Berger was also.

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Yet, it appears that Mr. Berger smuggled his stolen documents out of a secure area in his socks and down his pants. That is correct, in his socks and down his pants, Mr. Speaker. If it was not so serious, it would be comical.

Are we expected to believe that this was all some sort of innocent mistake? The Wall Street Journal likened such a pitiful excuse to the old ''the dog ate my homework'' routine.

Mr. Speaker, there are two critical concerns here. First is the apparent premeditated theft of highly classified material, presumably to be withheld from the 9/11 Commission and; second, what was in these stolen documents that would cause a former National Security Adviser to risk his reputation and potential jail time to cover up. I want to know the answers to these questions, and I want Mr. Berger to be held accountable for his actions. I suspect the American people do as well.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY, SEPTEMBER 8, 2004

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday, September 8, 2004.

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

There was no objection.

CONDITIONAL ADJOURNMENT TO MONDAY, JULY 26, 2004

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 4 p.m. on Monday, July 26, 2004, unless it sooner has received a message from the Senate transmitting its concurrence in House Concurrent Resolution 479, in which case the House shall stand adjourned pursuant to that concurrent resolution.

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

There was no objection.

APPOINTMENT OF HON. FRANK R. WOLF OR HON. TOM DAVIS OF VIRGINIA TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS THROUGH SEPTEMBER 7, 2004

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

HOUSE OF REPRESENTATIVES,
Washington, DC, July 22, 2004.

I hereby appoint the Honorable FRANK R. WOLF or, if he is not available to perform this duty, the Honorable TOM DAVIS to act as Speaker pro tempore to sign enrolled bills and joint resolutions through September 7, 2004.

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

The SPEAKER pro tempore. Without objection, the appointment is approved.

There was no objection.

POLYGAMY IN ELDORADO, TEXAS

(Mr. BURGESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include therein extraneous material.)

Mr. BURGESS. Mr. Speaker, I would just point out in the gentleman from Washington's comments, Sandy Berger is not the issue. Why was he fired by the Kerry campaign?

I am really here this morning to talk about H.R. 3313, the Marriage Protection Act, and I wanted to bring to the House's attention an article that appeared in one of my hometown papers, the Fort Worth-Star Telegram earlier this month.

This article dealt with a polygamy sect that is taking over the town of Eldorado, Texas, and their lawyer Rodney Parker disputes the allegation of abuse, saying that detractors had taken beliefs out of context. He went on to say marriages of 16-year-olds and occasionally younger happen, but they are not commonplace, his words. None of these girls is being held prisoner.

He went on to say, I think polygamy is constitutionally permitted. He said all manner of sexual relationships are now permitted. To somehow single this one out and say it is illegal does not make sense.

Mr. Speaker, I would submit that our efforts today to protect the Defense of Marriage Act that was passed in 1996 are right on target and worthy of the support of everyone in this House.

I will include the article I referred to earlier for the RECORD at this point.

[From the Fort Worth Star-Telegram, July 6, 2004]

ELDORADO.—First it was going to be a hunting lodge.

Then a retreat.

But as each new dormitory-style building goes up, residents here become a little more apprehensive as a secretive polygamist sect prepares to occupy a ranch four miles outside Eldorado.

Locals say they have good reasons for feeling uneasy about their new neighbors.

The Fundamentalist Church of Jesus Christ of Latter Day Saints, based in Arizona and Utah, is believed to be the largest polygamist group in the country. The 10,000-member church openly promotes plural marriage and has been subject to allegations of forced marriages, abusing the welfare system and wife swapping. If large numbers of the polygamist church's followers do end up in Eldorado, residents fear the group could dominate the town of 1,955 about 45 miles south of San Angelo. ''They could easily come in here, bring in several thousand followers and take over the hospital board and other elected positions if they wanted to,'' said Randy Matkin, editor of the Eldorado Success and head of the Schleicher County Hospital District board. ''That is what concerns us.''

Locals note that the Fundamentalist Church of Latter Day Saints initially tried to hide its purchase of the 1,691-acre ranch last year. And the scale of the construction there leads many to question whether church elders were truthful when they said the ranch will be used as a retreat for 200 members. As part of their beliefs, church members interact with the outside world as little as possible. Followers could not be reached for comment for this article, but their lawyer, Rodney Parker, said the allegations are nothing more than religious persecution.

Polygamist towns—The twin cities of Colorado City, Ariz., and Hildale, Utah, where the church is based, are dominated by the polygamist group. The church owns the houses and controls the police and the schools, even though most children of its members are home-schooled. The group believes that the mainstream Church of Jesus Christ of Latter-day Saints strayed from its true beliefs when it renounced plural marriage in 1890. The fundamentalists broke away from the church and have defiantly practiced polygamy ever since.

Eldorado residents became upset in March when they learned that the group had bought the property. One City Council member even suggested the devil had come to town. The Alarm has largely subsided, replaced by apprehension. Residents still grab copies of the Success as soon as they're placed in the racks and call the sheriff when they see large trucks headed to the church compound. From Country Road 300, a two-lane road that surrounds the ranch, the construction is largely out of view. The only evidence of the budding community is a no-trespassing sign and guard shack. The top of a cement batch plant tower is the only visible structure.

But it's a different picture from the air. Five buildings, including three large structures, that appear to be living quarters, have been erected in a matter of months. Workers laid another large foundation in mid-June. Getting a clear picture of what this activity means is difficult.

Warren Jeffs took over leadership of the church after his father, Rulon Jeffs, died in 2002. This year Jeffs purged about 20 church elders, including several rivals, leading some observers to think that the move to Texas is a search for greener pastures.

The church already has a community in Bountiful, British Columbia, and there are rumors of another outpost in Mexico.

One author and former member says the group has changed since Warren Jeffs became the leader.

''The biggest thing I've noticed since Warren Jeffs took over is the wife swapping—taking wives from one man and giving them to another,'' said Benjamin Bistline, who wrote The Polygamists: A History of Colorado City, Arizona, a nonfiction account of the church's history published by Scottsdale, Ariz.-based Agreka Books.

Under Jeffs, the group has changed some of its beliefs, said Bistline, who left the church in 1980.

''I've always defended the polygamists,'' Bistline said. ''They're very moral people. But now, since he has taken over, there is more corruption, more abuse of women.''

Bistline, who lives just outside Colorado City, said he believes that some young women are forced into marriage to keep them in the fold. Moving to Texas may increase the hold on them, he said.

''I think as isolated as it is down there, it will be much harder for the young people to escape,'' Bistline said.

Religious persecution. Rodney Parker, the church's lawyer, disputes allegations of abuse and forced marriages, saying that detractors take the group's beliefs out of context.

''With regard to the marriage issue, it's very messy, very complicated,'' Parker said. ''There are marriages between the ages of 16 and 18, and occasionally younger, but they're not commonplace. They're being used by critics to imply that's what the church is about and nothing else. It's grossly inaccurate, a deliberate falsehood. None of these girls are being held prisoner.''

Parker also argues that attempts to prosecute polygamists will not withstand legal challenges.

''I think polygamy is constitutionally permitted,'' he said. ''All manner of sexual relationships are now being permitted. To somehow single out this one and say it's illegal doesn't make any sense.''

Schleicher County Sheriff David Doran, who has visited Colorado City and the Eldorado property, has been trying to learn about the group and calm locals' concerns.

''They have very different beliefs, but they have a nice town up there in Colorado City, and they let me see everything,'' Doran said. ''I talked to women and young children, and everyone was open and polite. I'm trying to do everything in my power to keep a line of communication open to them.''

Yet Doran agrees that the group will do whatever Jeff asks.

''If he gives them an order, whatever it is, I'm sure they'll follow it,'' Doran said.

Flora Jessup, a Phoenix woman who grew up in the fundamentalist church, has been a vocal critic of the sect. It was she who alerted Eldorado residents that the church had bought the ranch.

''They're very good at putting on a face to the public,'' said Jessup. ''They're told to 'keep sweet.' It is a mask that is portrayed by the community. If you do not portray it right, there is punishment.''

She said Eldorado residents shouldn't let their guard down.

''You never get a clear picture of what is going on in these communities,'' Jessup said. ''What you see in public and what is happening in private are two totally different things.''

A closed society. In Colorado City, the incorporated town is run as a closed society, said Buster Johnson, a Mohave County, Ariz., supervisor from Lake Havasu City.

''They won't be coming into town and kidnapping children or causing any problems,'' Johnson said. ''But they will try and get every bit of government assistance that they can.''

Johnson noted that 66 percent of Hildale residents receive Medicaid. The average in Utah is 6.5 percent, he said.

Some critics have referred to the tactic as ''bleeding the beast,'' a method by which the sect siphons financial resources from nonbelievers.

Parker, the group's attorney, said that's false.

''That doesn't mean, however, that they don't take advantage of what they're legally entitled to,'' he said.

Parker said the ranch will be ''a new place to get away from the pressure here in Utah. In that sense, it's a place of refuge, but I think that's about as specific as I can get.''

The group is already at odds with the state of Texas over environmental permits. The Texas Commission on Environmental Quality issued cease and desist orders to the group in May for failure to obtain permits for a rock crusher, concrete plant and sewage treatment facilities, and for lacking a storm water runoff plan.

When a Star-Telegram reporter and photographer flew over the compound in June, the concrete plant appeared to be in operation.

''I think we'll be out there within a week,'' John Steib, the commission's deputy director of the office of compliance and enforcement, said Thursday. If there are violations, the agency could impose fines of $10,000 a day. As for local residents, many say they will tolerate the church as long as no one is harmed. ''The only time we're ever going to know is if someone comes in and swears up a complaint,'' said Justice of the Peace Jimmy Doyle. ''If they keep it locked up, I don't know if anyone can get out of an 8-foot, deerproof fence.''

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will recognize Members for Special Order speeches without prejudice to the possible resumption of legislative business.

SPECIAL ORDERS

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

ORDER OF BUSINESS

Ms. WOOLSEY. Mr. Speaker, I ask unanimous consent to take my special order at this time.

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

There was no objection.

SMART SECURITY AND WASTED RESOURCES

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, yesterday the Government Accountability Office issued a report stating that the Pentagon will need an estimated $12.3 billion to pay for military operations in Iraq and Afghanistan through September.

The extraordinary amount of money needed to pay for our major military operations is not surprising. What greatly troubles me, once again, is the sheer unwillingness of the Bush administration to adequately plan and prepare for those military operations. The additional $12.3 billion is triple, triple the amount that General Richard Myers, Chairman of the Joint Chiefs of

Staff, projected in April would be needed to make it through September. President Bush and the top brass at the Pentagon have, once again, underestimated the resources needed to sustain our military halfway across the world.

The sad part is that many of us have actually come to expect President Bush to shortchange our troops. Military operations are costing more than the Pentagon estimated, in part because top officials expected that Iraq would be a peaceful democracy by now and we could start bringing our troops home. But it does not take a genius to realize that rebuilding a country from the ground up, an entire country that has been decimated by a brutal dictator, takes years, possibly decades.

The costs of these failures are adding up, Mr. Speaker, both in human and in financial terms. Two days ago the United States reached another disheartening milestone when the 900th American soldier was killed in Iraq. Moreover, due to a shortage of qualified soldiers, the Pentagon has shamefully reenlisted the Ready Reserve, a group of retired soldiers who have moved on to civilian life.

Congress has already appropriated nearly $200 billion in supplemental funds to pay for the wars in Iraq and Afghanistan. That number could easily reach $1 trillion before the end of this decade. We cannot possibly fund the war in Iraq at the rate we are going, especially if we want to truly address the threat of terrorism, that threat which, by the way, was never in Iraq, where weapons of mass destruction have yet to be found. Instead of rooting out terrorist networks in Afghanistan, the Bush administration chose to focus on Saddam Hussein, who had no connection to al-Qaeda.

In the process, we have not only failed to adequately address the growing terrorist threat; we have actually added to that threat by incurring the wrath of thousands of Muslims who think we are fighting a war against Islam.

We need to be much smarter about how we address America's national security, Mr. Speaker. That is why I have introduced H. Con. Res. 392, legislation to create a SMART security platform for the 21st century. SMART stands for Sensible Multilateral American Response to Terrorism. In crafting this legislation, my staff and I received the help and support of the Physicians for Social Responsibility, the Friends Committee on National Legislation, and Women's Action for New Directions. Without the counsel of these organizations, SMART security would not have happened as it did.

SMART security is more vigilant than President Bush claims to be in fighting terror. Instead of emphasizing military force, SMART focuses on multilateral partnerships and stronger intelligence capabilities to track and detain terrorists, and it does so while respecting human and civil rights.

Terrorism is an international problem, and so it makes sense that the fight against terrorism should involve the international community. That is why SMART security calls for working closely with the U.N. and with NATO to achieve our goals. Only by actively involving other nations in this fight can we hope to prevent future acts of terrorism.

It is time America got smart about its national security. I urge all of my colleagues to cosponsor this vitally important resolution, H. Con. Res. 392, because SMART security is tough, pragmatic, and patriotic, and it will keep America safe.

ILLEGAL OCCUPATION OF ISLAND OF CYPRUS BY TURKISH TROOPS

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

Mr. BILIRAKIS. Mr. Speaker, as I have done every year, I rise again today to reiterate my fierce objection to the illegal occupation of the island of Cyprus by Turkish troops and declare my grave concern for the future of the area. The island's three decades of internal division make the status quo absolutely unacceptable.

In July 1974, Turkish troops captured the northern part of Cyprus, seizing more than a third of the island. The Turkish troops expelled 200,000 Greek-Cypriots from their homes and killed 5,000 citizens of the once-peaceful island. The Turkish invasion was a conscious and deliberate attempt at ethnic cleansing. Turkey proceeded to install 40,000 military personnel on Cyprus. Today, these troops, in conjunction with United Nations (U.N.) peacekeeping forces, make the small island of Cyprus one of the most militarized areas in the world. Over a quarter of a century later, approximately 1,500 Greek-Cypriots remain missing, including four Americans.

The Green Line, a 113-mile barbed wire fence, separates the Greek-Cypriot community from its Turkish-Cypriot counterpart. For thirty years, the Turkish Northern Republic of Cyprus (TNRC), recognized by no nation in the world except for Turkey, has prohibited Greek-Cypriots, until recently, from freely crossing the Green Line to visit the towns and communities of their families. With control of about 37 percent of the island, Turkey's military occupation has had severe consequences, most notably the dislocation of the Greek-Cypriot population and the resulting refugees.

Thirty years later, the forced separation of these two communities still exist despite efforts by the U.N. and G–8 leadership to mend this rift between north and south. The U.N., with the explicit support of the United States, has sponsored several rounds of proximity talks between the former President of the Republic of Cyprus, Mr. Glafcos Clerides, and Mr. Rauf Denktash, the self-proclaimed leader of the occupied northern part of the island.

In March 2003, the United Nations-sponsored Cyprus peace talks at the Hague between the President of Cyprus, Tassos Papadopoulos, and Mr. Denktash came to an abrupt halt. Responsibility for this unfortunate setback in the peace process rested largely with Mr. Denktash, who rejected U.N. Secretary General Kofi Annan's plan to end the 29-year division of Cyprus. It was shameful that the Secretary General's personal diplomacy was met by this kind of flat-out rejection. A large share of the blame also rested with the Turkish military and hard-line nationalists in Ankara, who have maintained the illegal Turkish military occupation of Cyprus since Turkish forces invaded the island in 1974. If the Government of Turkey was sincere about settling the Cyprus problem, it could have put the necessary pressure on Mr. Denktash to say "yes" to the U.N. Plan at that time.

Nearly a year later, the Turkish government finally expressed interest in renewing negotiations using the Annan plan as a basis. However, the clock was ticking toward Cyprus becoming a full member of the European Union (EU) on May 1, 2004. The goal was to have a completed and agreed-to settlement plan by the week before so Cyprus could enter the EU as a united island. Even though both sides knew they were not going to get everything they wanted, each side was guaranteed a fair plan and one that would be immediately functional. Unfortunately, the final version of the Annan plan which was submitted for a referenda vote to both communities was unbalanced and biased against the Greek-Cypriots.

On several occasions, my colleagues and I strongly voiced our serious concerns with the Annan plan through letters, meetings and floor statements. We wanted to make sure that all those involved in the negotiation process were well aware that unless these issues were addressed and resolved, the Greek-Cypriots would not agree to the plan. Greater efforts should have been made to address these legitimate concerns which could have secured a positive vote from the Greek-Cypriots.

On April 24, 2004, the people of Cyprus had the opportunity to speak for themselves and vote on a United Nations settlement plan. The Greek-Cypriots' rejection of the suggested settlement plan should not be interpreted as a vote against reunification, but rather, as an important statement about the fundamental principles that must be addressed in any viable and workable settlement.

The Greek-Cypriot voters have made clear that the suggested settlement plan failed because it did not provide for guarantees to ensure the complete implementation of commitments under the plan. Security was a major concern for the Greek-Cypriots.

The Annan plan did not thoroughly satisfy the condition of the removal of foreign troops from Cyprus and the elimination of the right of the guarantor powers to interview in Cyprus. Although previous versions of the Annan plan called for the complete withdrawal of Greek and Turkish forces once Turkey joint the E.U., the final version of the Annan plan provided for an indefinite presence of Turkish troops in Cyprus. According to the plan, the number of troops would gradually decrease to 650 over a period of 14 years. However, their continuing presence and intervention rights would make a full and genuine independence of Cyprus impossible.

The plan also provided for the continuation of the Treaty of guarantee. This treaty gives the guarantor powers (Turkey, Greece, United Kingdom (UK)) the right to unilaterally intervene in order to preserve the "constitutional order" of the United Cyprus Republic and its constituent states. However, the Annan plan failed to specifically clarify that this treaty does not authorize military intervention. This was a critical point because Turkey insisted that it

would continue to have the right to intervene militarily in Cyprus. This Turkish arrogance increased the Greek-Cypriot fear of a repetition of the 1974 invasion and its tragic consequences.

The Annan plan also did not provide for a property recovery system that would recognize the rights and interests of displaced Greek-Cypriots, and a property compensation system that would not force Greek-Cypriots to pay for their own restitution. The plan allowed for one-third restitution and two-thirds compensation for property owned in the north by Greek-Cypriots who would be losing the use of their properties. The funds for the restitution would be guaranteed by the Federal State. However, nine-tenths of the Federal State's resources would derive from Greek-Cypriots and the remainder from Turkish-Cypriots. Essentially, the Greek-Cypriots, to a large extent, would be paying for their own loss of property.

In addition, compensation for the property would have been required to be paid by the constituent states. This meant that Greek-Cypriot refugees would have to request compensation from the Greek-Cypriot Constituent State. Again, Greek-Cypriot taxpayers, who were the victims of the invasion, would be paying for their own loss of use of property.

Lastly, the Annan plan ignored the right of all Cypriots to buy property and to live wherever they choose without being limited by ethnic quotas and failed to provide a viable, functional government free of built-in deadlocks and voting restrictions based on ethnicity. It set complicated and restrictive provisions regarding the right of Greek-Cypriot refugees to return to their homes in the north. More specifically, a restrictive moratorium of 6 years would be implemented for those Greek-Cypriots who wished to return and permanently live in the Turkish-Cypriot Constituent State (TCCS). For the first 19 years or until Turkey's accession to the EU, the number of Greek-Cypriots who wished to permanently live in the TCCS would not be able to exceed 18 percent of its total population. After that time period, they would not be able to exceed 33.3 percent of the total population of the TCCS. This restriction would have been permanent.

The Annan plan established a system based on permanent ethnic division, while denying fundamental democratic rights to a segment of the population. Under the plan, Greek-Cypriots permanently living in the TCCS and possessing its internal citizenship status would not have the right to participate in the elections for its 24 representatives in the federal Senate.

Since the vote on the referenda, Greek-Cypriots have been criticized for allegedly rejecting peace and the ''only chance'' for reunification. Many people—including the Greek-Cypriots themselves—regret that the plan presented to them did not allow both communities to respond positively. Criticism and anger, however, will only further divide the island precisely when the Cypriot people need the support of the international community to continue on the path toward lasting peace.

Greek-Cypriots should not be blamed for voting against a plan that they believed did not meet the interests of their country and their futures. It is one thing for others to comment on the terms and conditions for settlement, but it is the Cypriots who must live with whatever plan is adopted.

The Government of Cyprus continues to emphasize that it remains committed to persevering in its efforts to reunify Cyprus as a bizonal, bicommunal federation with democratic and human rights for all Cypriots. Earlier this year, the Cypriot Government announced a series of measures aimed at assisting those Turkish-Cypriots residing under the control of the Turkish occupation army. This package includes a wide range of political, social, humanitarian, educational and economic measures that will enhance the ability of the Turkish-Cypriots to enjoy many of the benefits that the Republic of Cyprus offers to its citizens—as well as to share in the benefits of European Union membership. Far beyond a merely symbolic gesture, the package is a substantive program to integrate the Turkish-Cypriot community into the larger Cypriot society.

At the same time, the Turkish occupation regime partially lifted restrictions on freedom across the artificial line of division created by Turkey's military occupation. Since then, hundreds of thousands of Greek-Cypriots and Turkish-Cypriots have crossed the line to visit homes and areas of their own country that were inaccessible to them for nearly 30 years. It isn't clear whether opening the border was just a tactic to ease the frustrations, or a sign of a fundamental change of heart. But it has produced rare displays of human kinship, exchanges of flowers and pastries, and emotional visits to homes abandoned in the mid-1970s.

However, neither the Government's measures for the Turkish-Cypriots nor the partial lifting of restrictions by the occupation regime should be seen as a substitute for a comprehensive resolution to end the division of Cyprus.

I urge this Administration, the United Nations and the European Union to respect the democratic decision of the Cypriot people, to remain engaged in efforts to resolve the Cyprus problem, and to work toward a fair and lasting reunification of Cyprus.

ORDER OF BUSINESS

Mr. KINGSTON. Mr. Speaker, I ask unanimous consent to take my special order at this time.

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

There was no objection. Without objection.

9/11 COMMISSION REPORT

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

Mr. KINGSTON. Mr. Speaker, today we received the long awaited report from the 9/11 Commission, and the 9/11 report I think had some constructive ideas that we in Washington are going to listen to. It was a bipartisan group and they had a lot of good thoughts and some good discussion, and it was a unanimous report.

Three of the things that they said were our problems going into 9/11 was one, we did ignore a lot of red flags. Number two, the capacity that we had to fight terrorism, we were somewhat in the Cold War model and not using all of the technology or on-the-ground intelligence that we really need for this century. Number three, the management of information, the FBI not talking to the CIA, other agencies not sharing information led to lots of things going on and the right arm not knowing what the left arm was doing.

Finally, just our imagination, unable to really conceive of people who hated us so much that we did not know what they were plotting against us, that they were willing to kill themselves, they were instructed to kill Americans in order to get revenge on a country that had done them no harm.

Yet, indeed, if we look at some of the terrorist attacks leading into 9/11, as outlined by our colleague, the gentleman from Pennsylvania (Mr. MURPHY), and I will submit this for the RECORD, it is unbelievable. November 1979, terror in Iran, American embassy attacked, hostages taken. April 1983, Beirut, 63 people killed from a truck filled with explosives driven into the United States embassy. October 1983, Beirut, 241 U.S. servicemen killed from a truck filled with explosives, driven through the main gate of a U.S. Marine Corps headquarters. September 1984, Beirut, a truck filled with explosives crashed through the gate of the U.S. embassy compound. October 1995, the Achille Lauro cruise ship hijacked, one American killed. November 1985, hijackers on an Egyptian plane kill U.S. passengers. December 1985, Rome and Vienna, 20 killed from suicide bombers at U.S. and Israeli international airports. April 1988, 259 killed in bombing of the Pan Am Flight 103 over Lockerbie, Scotland. December 1992, Yemen, 2 killed from a bomb at Gold Mohur Hotel immediately after 100 U.S. servicemen departed. February 1993, World Trade Center, New York City, 6 deaths and more than 1,000 injuries. October 1993, 18 U.S. servicemen killed, Osama bin Laden claims he supplied weapons and fighters to the Somalians. 1994, New York City, investigators thwart the attempt to blow up Holland and Lincoln Tunnels and other New York City landmarks. 1995 Manila, Philippines investigators discover plots to assassinate the Pope and President Clinton during his visit to the Philippines.

This list, Mr. Speaker, goes on and on, and I am going to submit this for the RECORD. But again, one of the things the 9/11 Commission said is we could not imagine the whole concept of the war on terror. I think that what really happened on 9/11, we changed our views that terrorism is not a crime, but an act of war, and that these events, some isolated, are yet still linked together.

I think with some of the recommendations that they have come up with we will be able to avoid this in the future. In the meantime, we need to complete our job and our duty in Iraq. Iraq has harbored terrorists, and that was also in the 9/11 Commission Report. And we have a report that has come in; one year after being in Iraq,

U.S. Agency for International Development talking about restoring the services there. This book, Mr. Speaker, which is available to the public, I do have a web page: www.usaid.gov, that is the U.S. Agency for International Development, it talks about reopening the schools there, building the democracy, vaccinating children, helping small businesses and newspapers to reopen. Lots of work is being done.

Iraq is an independent country at this point. It is on its own. We need to support them. We do not need to pull the rug out from under them. We need to help them complete their journey to democracy, and it is not time for Congress to pull the rug out from under them in the name of November politics.

MEMORANDUM

To: Members.
From: Tim Murphy (PA–18).
Date: July 21, 2004.
Subject: Timeline of major terrorist activities.

As we head home for the August recess and face questions from our constituents regarding the War on Terror, I thought you might find helpful this timeline of actual and attempted terrorist attacks.

November 1979—Tehran, Iran: American Embassy attacked and seized, hostages taken—released 1981.

April 1983—Beirut: 63 people killed from truck filled with explosives driven into U.S. Embassy.

October 1983—Beirut: 241 U.S. servicemen killed from truck filled with explosives driven through main gate at U.S. Marine Corps headquarters.

September 1984—Beirut: Truck filled with explosives crashes through gate into U.S. Embassy compound in Beirut, no deaths.

August 1985—Rhein-Main, Germany: 22 killed from car filled with explosives driven into main gate at U.S. Air Force Base.

October 1985: *Achille Lauro* cruise ship hijacked, one American killed.

November 1985: Hijackers on Egyptian plane kill U.S. passengers.

December 1985—Rome and Vienna: 20 killed from suicide bombers at U.S. and Israeli international airports.

April 1988: 259 killed in bombing of Pan Am Flight 103 over Lockerbie, Scotland.

December 1992—Aden, Yemen: Two killed from bomb at Gold Mohur Hotel immediately after one hundred U.S. servicemen departed on their way to duty in Somalia.

February 1993—World Trade Center, New York City: Six deaths and more than 1,000 injuries from bombing.

October 1993—Mogadishu, Somalia: 18 U.S. servicemen killed, Bin Laden claims he supplied weapons and fighters to Somalis involved in the battle.

1994—New York City: Investigators thwarted attempt to blow up Holland and Lincoln tunnels and other New York City landmarks.

Late 1994 early 1995—Manila, Philippines: Investigators discovered plots to assassinate the Pope and President Clinton during visits to the Philippines.

1995: Investigators discovered plans to explode a dozen commercial jets over the Pacific.

June 1995—Addis Ababa, Ethiopia: Unsuccessful attempt to assassinate Egyptian President Hosni Mubarak.

November 1995—Riyadh, Saudi Arabia: Five Americans killed by car bomb at a U.S.-run training facility for the Saudi National Guard.

June 1996—Dhahran, Saudi Arabia: 19 U.S. airmen killed by truck bomb at the Khobar Towers apartment compound where hundreds of U.S. Air Force personnel were stationed.

August 1998—Dar-es-Salaam, Tanzania & Nairobi, Kenya: 224 killed, including 12 Americans, and more than 5,000 wounded by truck bombs at U.S. embassies in both cities.

December 1999—Port Angeles, Washington: U.S. Customs agents stopped Ahmed Ressam from crossing out of Canada into the U.S. with a truck full of explosives headed to Los Angeles airport.

December 1999—Amman, Jordan: Intelligence officials reveal plot to kill U.S. and Israeli citizens by bombing a fully booked hotel and prominent Christian sites over millennium celebrations.

October 2000—Aden, Yemen: 17 sailors killed and 30 wounded when terrorists on boat rigged with explosives attack the U.S.S. *Cole*.

September 2001—New York City; Washington, DC; Shanksville, Pennsylvania: Thousands killed from four hijacked passenger airliners crashed into New York City's two tallest buildings, the Pentagon and a field in rural Pennsylvania.

September 2001—Paris and Brussels: Intelligence officials uncover evidence of plots to bomb the U.S. embassy in Paris, and possibly also NATO headquarters in Brussels.

October 2001—Sarajevo, Bosnia: NATO officials break up an al-Qaeda cell planning to attack the U.S. embassy and Eagle Base airfield, home base to 3,000 U.S. peacekeepers.

December 2001: Richard Reid attempts to blow up a commercial flight from United Kingdom en route to United States using bombs hidden in his shoes.

March 2004—Madrid, Spain: 198 killed and more than 1,400 wounded from 10 coordinated bomb detonations on Madrid subway during commuter rush hour.

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

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

ORDER OF BUSINESS

Ms. HERSETH. Mr. Speaker, I ask unanimous consent to take my special order at this time.

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

There was no objection.

SOCIAL SECURITY COST OF LIVING ADJUSTMENT PROTECTION ACT

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

Ms. HERSETH. Mr. Speaker, today I am introducing the Social Security Cost of Living Adjustment Protection Act of 2004. As my colleagues know, I am a new Member of Congress. This legislation, which will protect the retirement incomes of millions of Americans, marks the first bill that I have introduced.

□ 2245

To me, this bill represents the partial fulfillment of a pledge I made to thousands of seniors in South Dakota that if they sent me to Washington, I would fight for them, stand by them and make their voice heard. This bill meets that goal by helping to ensure retirement security for every senior who depends upon his or her monthly social security check to make ends meet.

I am joined today in introducing this bill by our Democratic leader, the gentlewoman from California (Ms. PELOSI), and by two senior members of the Committee on Ways and Means, the gentleman from California (Mr. STARK), the ranking member of the Committee on Ways and Means Subcommittee on Health; and the gentleman from California (Mr. MATSUI), the ranking member of the Committee on Ways and Means Subcommittee on Social Security.

In addition, I deeply appreciate the support of the many additional Members who are joining us in sponsoring this legislation today. Our bill will protect senior citizens from seeing the modest annual increase they receive in their social security benefits absorbed by the rising cost of health care. For retirees who depend on social security benefits to live, the only defense against increasing prices for food, clothing, and energy is the annual cost-of-living adjustment. However, rising Medicare premiums are threatening to severely diminish the purchasing power of this yearly increase in benefits.

In fact, this fall retirees are projected to face the largest premium increase in the history of the program. This means that next year a widow with a $600 monthly social security check will use 59 percent of her COLA just to pay the increase in her Medicare premium.

Every dollar that goes toward rising Medicare premiums is one less she can use to pay for groceries or her utility bill. We are not wealthy in South Dakota. Retirees in my State clip coupons. They put off buying the things they need. They live modestly, because that is what they have to do to get by. So it is no exaggeration to say that retirees in South Dakota need every penny of their COLA, not just so they can maintain a basic standard of living, but so they can maintain their dignity.

This legislation protects retirees by ensuring that no more than 25 percent of their COLA can be absorbed by the increase in Medicare premiums. Next year, it will protect more than 27 million retirees who otherwise would see their scarce dollars taken from food, clothing and other essential purchases.

I hope that Congress will take up and pass this legislation quickly, because the need for it is real and immediate. This fall, just as Medicare premiums go up, temperatures in South Dakota will be going down. Seniors will sit at their kitchen tables reading through their bills, and they may wonder yet again how they are going to make it through the month. We owe them to do better, and I hope that we will.

The SPEAKER pro tempore (Mr. HENSARLING). 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.)

ORDER OF BUSINESS

Mr. SCHIFF. Mr. Speaker, I ask unanimous consent to take my Special Order at this time.

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

There was no objection.

THE LIBERTY LIST ACT

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

Mr. SCHIFF. Mr. Speaker, when he presented the 2003 State Department human rights report, Secretary of State Colin Powell declared, ''We join in solidarity with courageous men and women all over the world who strive to advance human rights and democratic values within their own countries and throughout the international community.''

Today, joined by the gentlewoman from Ohio (Mrs. JONES) and the gentleman from Michigan (Mr. CONYERS), I am introducing legislation that will build upon the foundation of the State Department's annual human rights report and the annual report on religious freedom. The Liberty List Act will reinforce the special significance of the central pillars of American foreign policy: freedom, democracy, and human rights.

The Liberty List will be an independent annual report issued by the State Department. It will highlight the work of individuals and organizations, including the media, that promote the development of liberty, democracy, and respect for human rights.

In addition to honoring these individuals and organizations for their important contributions to society, the Liberty List will draw attention to the conditions against which these honorees struggle and will offer some protection for honorees by identifying them to the national community.

A few individuals and groups, such as Aung San Suu Kyi and her National League for Democracy, are known around the world for their struggle. Yet for every individual who is known to the international community, there are many other heroes who deserve recognition and support as they risk their lives for the improvement of others.

How many of us in this body have heard of Shirin Ebedi before she was awarded the Nobel Peace Prize in 2003 for her work on behalf of Iran's women and children? There are Aung San Suu Kyis and Shirin Ebedis working in countless places around the world. Their struggle is our struggle; and they deserve our attention, our admiration, and support.

The Liberty List is fundamentally different from the existing State Department report on international religious freedom and the annual country reports on human rights practices. Current reports focus on the human rights records of national governments. They deal with the imposition of State power. The Liberty List in contrast will spotlight individuals and organizations who are working against that power to build freedom, democracy, and respect for human rights.

For example, a group of courageous women called Women of Zimbabwe Arise have been struggling against the cruelty of the dictatorship of Zimbabwe's President Robert Mugabe. Despite facing arrest, rape and force, these brave women have continued a peaceful struggle for a better life for all Zimbabaweans.

In Uzbekistan, Ruslan Sharipov, an independent human rights activist and journalist, was sentenced to 5½ years in prison last summer. Sharipov has been a fearless critic of police corruption and human rights abuses in Uzbekistan, a nation whose human rights record has been so dismal, the United States cut off aid earlier this month.

These leaders and others like them who struggle for freedom and democracy around the world deserve recognition for their sacrifices and their struggles. It is too easy to forget that the advancement of human rights, democracy, and religious liberty is the product of individuals and small groups of people who fight to improve the lives of their family, friends, and neighbors.

The Liberty List Act will allow the United States to honor these men and women as they strive to make the world a better, safer place for themselves, their children, and ultimately for all of us.

I urge my colleagues to join as cosponsors of the Liberty List Act.

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

(Mr. NORWOOD 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.)

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

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

EXCHANGE OF SPECIAL ORDER TIME

Mr. PALLONE. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from Washington (Mr. MCDERMOTT).

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

There was no objection.

NATIVE AMERICAN HEALTH

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

Mr. PALLONE. Mr. Speaker, I rise tonight to talk about the health care crisis that continues to affect Native Americans in this country. For far too long, Native Americans have suffered from a lack of access to quality health services, resulting in increasing amounts of Native Americans that suffer from a wide range of diseases and illnesses.

Mr. Speaker, language from a report commissioned by the Federal Government in 1928, 75 years ago, to study the health status of Native Americans is just as true today as it was then. And the language states, ''The health of the Indians as compared with that of the general population is bad. The existing evidence warrants the statement that both the general death rates and the infant mortality rates are high. The prevailing living conditions among the great majority of the Indians are conducive to the development and spread of disease. With comparatively few exceptions, the diet of the Indians is bad. The housing conditions are likewise conducive to bad health. The inadequacy of appropriations has prevented the development of an adequate system of public health administration and medical relief work for the Indians.''

Mr. Speaker, this excerpt is from a report commissioned by the Federal Government in 1928, over 75 years ago; but to my disbelief and to the disbelief of millions of Native Americans, not much has changed. Indeed, the U.S. Commission on Civil Rights just came out with a draft report studying the current status of the Native American health care system that cites similar trends from a 1928 report. The main reason why there has been such limited success in improving the health status of Native Americans is that the Federal Government has failed miserably to live up to its trust obligation to provide quality health services to American Indians.

Mr. Speaker, the United States Government has a moral and legal obligation to provide for the health of Native Americans. This Federal obligation is the result of Native Americans ceding over 400 million acres of tribal land to

the United States. In return, the Federal Government entered into a number of agreements that promised to provide health care services among many other benefits to Native Americans.

The U.S. Commission on Civil Rights report notes that specifically Native Americans are 770 percent more likely to die from alcoholism, 650 percent more likely to die from tuberculosis, 427 percent more likely to die from diabetes, 280 percent more likely to die from accidents, and 52 percent more likely to die from pneumonia or influenza than the rest of the United States, including white and other minority populations. These statistics are appalling, and I think they are just plain heart breaking.

There are many reasons why this health status of Native Americans continues to be poor, such as social and cultural and structural barriers, but the number one reason why American Indians and Alaska natives suffer disproportionately from a poor health status is because the United States Government refuses to invest the funding needed to improve the health status for Native Americans.

Mr. Speaker, the Federal Government is willing to expend nearly twice the amount of Federal dollars to fund health care services for Federal criminals than it spends on health care services for Native Americans. How does that seem fair?

Mr. Speaker, the U.S. Government can and must do better by American Indians and Alaska natives. The first step towards achieving that goal is reauthorizing the Indian Health Care Improvement Act. This legislation is designed to provide parity between Native American health care and the rest of America. The bill enjoys the support of Indian country and bipartisan support in the House and Senate. Yet it languishes in this Congress, awaiting the administration to submit its views.

Accordingly, I urge my colleagues on both sides of the aisle to press upon the Bush administration to send its statement of administration policy to the Congress so we can pass this important piece of legislation. The longer we take, the longer Native Americans will continue to suffer.

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

(Mr. GINGREY 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 Oregon (Mr. BLUMENAUER) is recognized for 5 minutes.

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

REPUBLICANS GRILL BERGER

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

Mr. DEFAZIO. Mr. Speaker, well, today we finally have the 9/11 Commission report; but unfortunately on the other side of the aisle, they want to focus on Sandy Berger, a former high-ranking official in the Clinton administration and his transgressions, whatever they might be. Whatever they might be, they did not kill 3,000 people. They did not destroy the World Trade Center. They did not attack the Pentagon, the United States of America, attempted to attack the Capitol and the White House, and he is not planning another attack on the United States of America, unlike al Qaeda, who is still out there planning another attack.

In fact, we have heard from the head of homeland security. It is an imminent threat of attack that will happen sometime between now and the election. And this report points to the fact that we have not taken the steps necessary to utilize and better utilize the resources of the Government of the United States of America to forestall that attack.

Now, remember, a number of us on this side of the aisle called for a Cabinet-level position to coordinate intelligence on the head of the homeland security. The President said no; but after public opinion moved against him, finally they threw out a proposal, just about 2 years ago today.

And 2 years ago today they threw out this proposal, full-blown from the basement of the White House, to create a 270,000-person bureaucracy that would be the Department of Homeland Security; but curiously enough, it did not go to the issues raised in this report, which is it did not touch the intelligence agencies, the CIA, all the intelligence agencies at the Defense Department. They were excluded from Homeland Security. It did not go to the FBI, who failed to coordinate and get the information and share information with the CIA and let people into the country who were on a terrorist watch list, but we let them into the country with visas who were some of the perpetrators of this attack.

They say we need to make major structural changes to address those deficiencies. We have not made them. The Department of Homeland Security did not do it. We created this little weeny thing called the TTIC, Terrorist Threat Information Center, where the various agencies sent over short-term detailees who have no authority, who are supposed to share; but they still do not share. They do not like to share. We have multibillion dollar intelligence agencies, and they are like 3-year-olds. It is mine; it is mine. They do not want to share. Unfortunately, people die when they do not share, and we need to break down that culture.

Now they want to go back and blame Berger and the Clinton administration. This report says both the Clinton administration, the Clinton administration and the Bush administration are to blame, but that is history. What are we going to do today to adopt the recommendations of this report? Because they say the problems are ongoing. They are ongoing. They are still not sharing. We are still not coordinating. We are not defending ourselves to the best of our ability. They make two recommendations, a national counterterrorism center. Great idea, seems like to me. And a national intelligence director, who would be appointed by the President, based in the White House, with a large staff and would have the authority to make the intelligence agencies and the FBI share. No more 3-year-olds saying mine, mine, you cannot have it, but make them share in a meaningful way.

Put together the pieces of the puzzle. They point out here we had 10 pieces of the puzzle, but we failed to put it together. We cannot fail again, but they are saying we will. This is a nonpartisan report, unanimous by Republicans and Democrats alike. Most former elected officials, Governors, Senators, Members of Congress. This should not be politicized.

□ 2300

Let us not waste time down here talking about Sandy Berger. Maybe he committed a crime, maybe. Maybe he did not. Fine. They are investigating, put him in jail if he committed the crime. That is not the point. The point is there is someone out there planning an attack on the United States today which has nothing to do with what that guy might have done or not done, but it has a lot to do with what we have not done here with the inadequacies of the Homeland Security Department that we adopted 2 years ago that are ongoing.

It is all in this report. I urge people to get a copy, to read it and to demand that their Members of Congress, their Senators take meaningful action in the near future.

CELEBRATING INDIA'S INDEPENDENCE DAY

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

Mr. WILSON of South Carolina. Mr. Speaker, I offer my warmest congratulation, to the people of India and the Indian Diaspora as we approach India's Independence Day on August 15.

On that day in 1947, India marched forward into a future of uncertainty. With a struggling economy and high illiteracy and poverty rates, many challenges lay in India's path. Now many of these challenges have been overcome and greater economic opportunities have been created every day for the people of India.

More importantly, India is our ally and a democratic friend. America is

the world's oldest democracy and India is the world's largest democracy. We are increasing bilateral trade and increasing military ties through military exercises. We face the same threat from joint terrorists who are targeting innocent civilians unable to defend themselves. Terrorists attacked an Indian airlines plane in 1999 and stabbed an Indian passenger to death, and this same network of terrorists have beheaded innocent people who have tried to help the people of the Middle East. This shows we are allies in the global war on terror and we must work together to eradicate this menace to civilization.

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

9/11 COMMISSION REPORT FINDINGS

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

Mr. ROHRABACHER. Mr. Speaker, let me just note that I do not believe that anyone has had a chance, including my colleague that was just down on the floor, to read the entire testimony or the entire 9/11 Commission's report. I have just read the executive summary and not the entire book, as I find it almost impossible that anyone has, considering the fact that it was just distributed today at 11:30 in the morning.

But let me note that there is every reason in the world to be concerned about Sandy Berger, and for my colleague to cast any type of aspersions on anyone in this body for serious concerns that Mr. Berger, who was the National Security Adviser to President Clinton, has in some ways been guilty of a crime that goes right to the heart of the investigation of 9/11.

Mr. Berger is accused, now he may be innocent, and I am not saying that he is guilty, but he is being accused of taking documents out of the archives of the United States that go directly to the issues that my colleague was just addressing on the floor.

The fact that our colleague would be downplaying the importance of the accusation against Mr. Berger is mind boggling, and I hope that the public looks very carefully at who is really serious about the security of the United States of America. Anyone who downplays the potential damage that Mr. Berger was doing by taking documents out of the Archives, which we do not know which documents, and perhaps inadvertently losing some of them supposedly, this is a very serious charge.

Let me note, my colleague over and over again was talking about the lack of cooperation among the intelligence agencies both domestic and foreign. It was during the Clinton administration under Mr. Berger that the directives were written and the orders were given that the intelligence agencies that investigate overseas, the CIA, et cetera, would not talk to those agencies. Those law enforcement agencies in the United States, FBI, it was there where that policy was made, and Mr. Berger was well aware of that policy. It came into being under his watch during the Clinton administration, and perhaps those documents that are now missing because what Mr. Berger has done could shed some light on this whole issue.

No, this is very serious. It goes to the heart of the matter. Those people are downplaying the potential of what this, the potential atrocity that has been committed against the public's right to know by Mr. Berger's alleged actions. This is really not something that should be just discarded and not looked at as a very serious issue.

Let me note that what I have seen in the 9/11 Commission report, there are some good suggestions in here; but by and large this has been an attempt to whitewash those specific individuals and the specific policies that caused 9/11. What we have got here are people on both sides of the aisle, and that is correct, working together to make sure we do not hold people specifically accountable. That is one of the problems in this town, why problems never get solved. That is why we never seem to make things better because we do not hold people accountable and we do not go back and say the policies, like I just mentioned, the policy during the Clinton administration, which was by the way written and put into practice by Ms. Gorelick, who is on the 9/11 Commission.

Republicans suggest that Ms. Gorelick, who was the one who wrote down this directive, that there should not be cooperation that my colleague was just talking about, Republicans suggested maybe she is a little biased and should not be on the 9/11 Commission. No, we were called partisan by suggesting that she was biased and this should be a very responsible account rather than an account that is being drafted by someone who is guilty of the very charges that my colleague has just made.

So I would think there is a lot more discussion we need on the issue of 9/11, why it happened. I would suggest that we need to go back at least to the Clinton administration, although I will have to admit that some of the things done during the Reagan years during the war against the Soviet's occupation of Afghanistan made some contribution, but it was the Clinton's administration support for the Taliban and their agreement with the Saudis and the Pakistanis and all along their unwillingness to call the Taliban to task and to join with those against the Taliban that that led to 9/11 and this horrible attack and this war that we are in today.

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

(Mr. BEREUTER 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 New York (Mr. BOEHLERT) is recognized for 5 minutes.

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

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. MONAHAN, one of its clerks, announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 2712. An act to preserve the ability of the Federal Housing Administration to insure mortgages under sections 238 and 519 of the National Housing Act.

9/11 COMMISSION REPORT

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

Mr. PEARCE. Mr. Speaker, first of all, I would like to kind of catch up on some of the comments that were made earlier this evening by my friends on the other side of the aisle.

One of our friends suggested that we should involve the international community here in the Iraq situation. I would remind her that the international community, the U.N., the United Nations is involved in the largest scandal, the oil-for-food scandal that this world has seen, almost $10 billion, and it looks like our friends in France and Russia were involved in taking payoffs and taking oil vouchers at the very time they were taking U.N. Security votes, and even in the press accusing the United States of involving themselves in Iraq for the oil.

That is the international community that we would like to involve. I would remind my friends also that the United Nations cannot even have a definition, they do not have an established definition for terrorism because Syria sits on the Security Council, and Syria will not let our neighbors be characterized in any way as terrorists, and yet our friends call for the involvement of the international community, meaning the United Nations.

I would note that we pointed out last week in a similar venue that the media somehow has seemed to overlook this scandal. They go smelling around and looking for scandals any time the Bush administration makes a decision, but when the facts come to light in the United Nations' largest scandal ever, they simply ignore it.

They also have overlooked the 400,000 mass graves that have been found in Iraq and seem to be fixated on other problems overlooking the damages that were done during 35 years of Saddam Hussein.

□ 2310

I would like to associate myself with the comments by my other colleague from the other side of the aisle who said put Sandy Berger in jail. If it would help, I would second that and call for a vote immediately on the floor of the House.

It looks like Mr. Berger rolled up documents, stuck them in his underwear and stuck them in his socks and carried them out. These were documents that related to his service during the Clinton years and as it dealt with terrorism.

I suspect then that we begin to put some of the facts in place as we consider Richard Clarke's testimony where he began to tell the American people that there is absolutely no evidence that Iraq was ever supporting al Qaeda ever. This is Richard Clark who was the head terrorism expert under President Clinton.

If one looks back to his initial memos, immediately after 9/11, while the Nation is still sorting through the grief, Mr. Clarke is beginning to e-mail and memo his colleagues that we should begin to cover our trails. It looks like Mr. Berger may have been doing the same thing there in taking documents from the archives, continuing to cover trails that they felt like were damaging.

But the 9/11 Commission came out today with their final report today, Mr. Speaker, and we found several significant findings.

First of all, they declared that there was no smoking gun. The 9/11 Commission's report is very clear in its finding that the terrible events of September 11 could not reasonably have been prevented. The findings produce no smoking gun and place blame at the feet of no single individual or institution.

Furthermore, they go on to quote that since we believe that both President Clinton and President Bush were genuinely concerned about the danger posed by al Qaeda, approaches involving more direct intervention against the sanctuary in Afghanistan apparently must have seen, if they were considered at all, to be disproportionate to the threat. That is on page 349 of the document.

Furthermore, they commented that we do not believe, this is the 9/11 Commission quoting, that we do not believe it is possible to defeat all terrorist attacks against Americans every time and everywhere. A President should tell the American people no President can promise that a catastrophic attack like that of 9/11 will not happen. Again, history has shown us that even the most vigilant and expert agencies cannot always prevent determined, suicidal attackers from reaching a target. That is quoted on page 365.

The report goes on, Mr. Speaker, to establish a very clear link to al Qaeda, and I would remind this body about former Vice President Al Gore's quote. You will recall that in the height of his emotion about 60-days ago, former Vice President Al Gore quoted, the President convinced the country with a mixture of documents that turned out to be forged and blatantly false assertions that Saddam was in league with al Qaeda. I suspect that we should see Mr. Gore coming out now to say that the 9/11 Commission was subjected to those same forged and blatantly false documents because the 9/11 Commission says that there is a clear link between Iraq and al Qaeda. The Commission's report provides ample evidence that there was a strong and real link between al Qaeda and Saddam Hussein's Iraq.

Quoting from the report, page 66, it describes similar meetings between Iraqi officials and bin Laden or his aids may have occurred in 1999 during a period of some reported strings with the Taliban. According to the reporting, Iraqi officials offered bin Laden a safe haven in Iraq. The reports describe friendly contacts and indicate some common themes in both sides hatred of the United States.

Again, on page 61, the 9/11 Commission finds that bin Laden himself met with senior Iraqi intelligence officers in Khartoum in late 1994 or 1995.

On page 66, again, the 9/11 Commission report quotes, in March 1998, after bin Laden's public plot against the United States, two al Qaeda members reportedly went to Iraq to meet with Iraqi intelligence. In July, an Iraqi delegation traveled to Afghanistan to meet first with the Taliban and then with bin Laden.

Mr. Speaker, I suspect that Mr. Gore should apologize to the American people for blatant, false comments or he should provide the documentation for his rhetoric.

The 9/11 Commission, Mr. Speaker, also comments on the fixation on Iraq. Over the past year, there have been numerous reports from people in the media and from our friends on the other side of the aisle that the Bush administration was fixated on attacking Iraq in the wake of 9/11. However, the Commission's finding strongly refutes such a claim.

On page 335, the Commission quotes, Secretary Powell recalled that Wolfowitz, not Rumsfeld, argued that Iraq was ultimately the source of terrorist problems and should, therefore, be attacked. Powell said the President did not give Wolfowitz's argument much weight. Though continuing to worry about Iraq in the following week, Powell said President Bush saw Afghanistan as the priority.

It goes on on page 336 to quote that, on September 20, President Bush met with British prime minister Tony Blair and the two leaders discussed the global conflict ahead. When Blair asked about Iraq, the President replied that Iraq was not the immediate problem. Some members of his administration, he commented, had expressed a different view, but he was the one responsible for making the decision. Again, the September 11 Commission finds no fixation on Iraq.

Page 336, they continue speaking about General Franks, in quotes, Franks told that he was pushing independently to do more robust planning on military responses in Iraq during the summer before 9/11, a request President Bush denied, arguing that the time was not right. The CENTCOM commander told us he renewed his appeal for further military planning to respond to Iraqi moves shortly after 9/11. Franks said that President Bush again turned down the request.

So our friends on the other side of the aisle would like to characterize the attacks on 9/11 as being easy to contemplate, easy to forecast, and yet, the 9/11 Commission says it is not possible at all.

There is also great testimony on the other side that there was absolutely no link between Iraq and al Qaeda, and the 9/11 Commission report says blatantly that there was connection between the two. They also comment that President Bush did not have a fixation on Iraq, that actually he felt like the problems were elsewhere, Afghanistan or other places.

Finally, the 9/11 report, Mr. Speaker, comments about our urgent need in this country. It comments that perhaps the most powerful finding of the 9/11 Commission is that fighting the global war on terror is a total call to arms.

The Commission goes on to say that one of the key structural failures that the Commission identifies, referred to as a lack of imagination, that was the lack of the imagination of anyone in America to conceive that any persons could hate America so much as to do the attacks on 9/11. In failing to connect the isolated pieces of intelligence in the past, leaders did not understand the urgency because they underestimated the terrorists' singular goal of destroying every American.

Therefore, the September 11 report continues, one of the larger points that the Commission makes is that the war on terror is about killing terrorists before they kill us.

The report said that bin Laden and Islamic terrorists mean exactly what they say. To them, that is, to bin Laden and the terrorists, America is the font of all evil, the head of the snake, and it must be converted or destroyed. It is not in a position with which Americans can bargain or negotiate.

With it, there is no common ground, not even respect for life on which to begin a dialogue. It can only be destroyed or utterly isolated.

The report goes on to say that bin Laden said we do not differentiate between those dressed in military uniforms and civilians. They are all targets in the spotlight. That is, bin

Laden is saying that if you are dressed in a uniform, you are no more of a military target than people walking on the streets in any town in Iowa, Michigan or New Mexico.

Furthermore, the report goes on to clarify that the 1993 World Trade Center bombing signaled a new terrorist challenge, one whose rage and malice had no limit. Again, this is the 1993 attack on the World Trade Center, following on 10 years later with the more brutal attack.

□ 2320

But considering the 1993 attack Ramzi Yousef, the Sunni extremist who planted the bomb, said later that he had hoped to kill 250,000 people, all of those being Americans.

The recommendation on page 367 of this 9/11 report, this bipartisan report that just came out today, this month's long study of the 9/11 catastrophe, the recommendation is that the U.S. Government must identify and prioritize actual or potential terrorist sanctuaries. For each it should have a realistic strategy to keep possible terrorists insecure and on the run using all elements of national power.

Mr. Speaker, after 9/11, the President came on TV and said we must do three things. We must first of all uproot the Taliban to where they cannot continue to train and turn out terrorists onto the streets. We must uproot the Taliban from Afghanistan and its training camps. Secondly, we need to choke off the funding for the Taliban for the terrorists. Thirdly, we need to take the fight to them.

Mr. Speaker, in Afghanistan we did uproot the Taliban and put them on the run. They are not able to sit and take shots at us because they are in a defensive mode moving constantly. So the President followed through on the first of his objectives.

On the second objective, that is squeezing off funding to the terrorist groups worldwide, the President and members of the international community have done a very good job. Just recently, Secretary Powell reported that even in Saudi Arabia that the leaders there acknowledged within the last 30 days that they have a tremendous problem with terrorism and they committed to seek to end the funding that Saudi nationals have given to terrorists.

Finally, Mr. Speaker, in response to the third mantra that he laid out, the President did take the fight to the terrorists. Liberating Iraq is the right thing to do. He has taken the fight to them. He has uprooted them, and we have begun squeezing off their funding sources. Mr. Speaker, the only thing that could cause us to lose this war on terror is for us to lose our resolve.

Mr. Speaker, I yield to the gentleman from Michigan (Mr. MCCOTTER) at this time for observations that he has in dealing and talking with Iraqis here in this city this week.

Mr. MCCOTTER. Mr. Speaker, I thank the gentleman from New Mexico (Mr. PEARCE). As a member of the Committee on International Relations, Subcommittee on the Middle East, I would like to thank the gentlewoman from Florida (Ms. ROS-LEHTINEN) for bringing into the committee some victims who had survived Saddam Hussein's brutality so we could personally hear from them. They also had with them a documentary filmmaker, Mr. Janos, who showed excerpts of his film interviewing survivors, the grieving mothers and widows of Saddam Hussein's executioners.

It is not often that we truly get a chance to plumb the unfathomable depths of human pain, but I believe we experienced that in committee yesterday. We had a chance to see a grieving mother whose husband was killed, whose children were killed, saying she would never laugh again in her lifetime, and praying to God for a short life and a merciful death so she could forget.

We saw a mother break down because she remembered the cries of her child in a cell, a 6 year old, crying out that he had no milk, he was hungry. Well, he is gone and she remains to grief. We had a Mr. Ibraham and a Mr. Taimor. They were both testaments to the evil of the Iraqi dictator. Mr. Ibraham, a Shiite, had been chased through that country, arrested several times, housed in Abu Ghraib prison, and was so shocked by what he experienced there he could not speak about it, especially about what happened to the women.

We also saw Mr. Taimor who had been shot by Iraqi executioners in front of a mass grave and while bleeding had to crawl out.

We in this country hear much from many that Iraq was a mistake. I ask one thing of those people, I ask them to say it to those victim's faces. We hear the hippocrits in this country say that Saddam was a bad man, but the United States should not have taken him from power. I ask them to say that to the Iraqi victims' faces. For those people who believe America is the greatest threat to peace in the world, I ask them never to show their faces in public again.

Whether we like it or not, what we are seeing internationally is a clash of revolutions. It is a clash of revolutions that is fought not upon maps but upon minds. It is the American revolution of freedom for the individual and republican forms of democracy and private enterprise that chased every king from Europe or put them on the dole, that has chased imperial Japanese forces and put a democracy in place, and the world is better. We have seen the Philippines that we once annexed and helped bring into a stable democracy, and throughout the globe we see people trying to emulate the freedom and opportunity we have here.

Yet the second revolution, which is lot upon many, is the Iranian revolution, a revolution of extremism and totalitarianism perverting the peaceful tenets of Islam to accomplish political objectives. Right now our revolutions meet in Iraq. That is why those in this country who do not think deeply about this believe we can retreat from Iraq and that the only consequence will be the United States will have to act multilaterally. The reality is we cannot retreat because unless freedom and democracy are established on the borders of the Iranian revolution, the Iranian revolution will continue to be exported through means both traditional and terrorist. The stakes have never been greater.

I know it is very difficult for many to remember that we are and remain the seminal revolutionary country, and that in many ways it is hard to admit we are a moral force for good in this world, and that absent the United States, what would the world be like.

Well, we might have trouble remembering that, but when I had the chance to ask the victims of Saddam if they thought any other country on the face of the earth could or would save them from his butchery, their answer was no, only the United States could do that. Only the United States would do that. I asked them if they thought it was a mistake, and they said no, that they believe we were a great and a good country for helping to save them.

So as we engage in the debate through now and the election and perhaps throughout the remainder of our lives, let us remember what is at stake, the clash of revolutions. Either we will prevail or we will be defeated, and if we are defeated, as President Lincoln said, we will lose the last best hope of earth.

Mr. PEARCE. Mr. Speaker, I thank the gentleman for his comments.

Mr. Speaker, in the last year I have had the opportunity to meet a man in New Mexico and I have become friends with him. In looking at things he has in his story, I told him you have been in China for a very long time.

He said yes, since the late sixties.

I commented to him you had to be one of the only Americans there during that period of time. I said how did you go there?

He very truthfully and straightforwardly responded, and his comment was, ''To my internal shame, I was invited to mainland China in the late sixties because of my campus radicalism. I went there with the greatest hope to help fight the war for communism and to spread it.'' He said, ''I was not in China more than 30 minutes before I realized it was one of the deepest and biggest scams I had ever seen.''

□ 2330

He continued to live in China, eventually marrying a Chinese woman. They watched as her father was carried to the edge of town and summarily shot.

Mr. Speaker, we defeated communism for the most part in this world because of the efforts of Ronald Reagan. But I feel like there is as much lack of truth in this argument about al Qaeda and Iraq and the dangers that

terrorism presents to the United States and to the world today as there was back in the 1960s and 1970s about the Communist regimes throughout the world.

There is much work to be done if we are to find freedom and liberty for more people. Freedom and liberty cannot live together in the same world as terrorism. We are finding that out. What the world is going through right now is a decision process: Are we going to accept terrorism, or are we going to root terrorism out? Are we going to have liberty, or are we going to have tyranny? This is one of the most important discussions in our history because at this point terrorism has the potential to be spread worldwide.

Terrorism has as its main focus instability. The terrorists understand they could not militarily defeat the United States. Their attempt was to destabilize us financially. On 9/11, the high estimates are that over $2 trillion worth of losses occurred in the U.S. economy. $2 trillion represents almost 20 percent, Mr. Speaker, of our total economy. How many countries could have suffered that kind of loss and still bounced back with an economy where we could be concerned about the production of jobs? $2 trillion and over 3,000 lives in one split second. That is what happened on 9/11.

If the terrorists are not defeated at every turn, they have stated their intent to get vials of disease, to unleash chemical weapons, to unleash nuclear weapons. Whatever it takes to defeat freedom, they are willing to do. Those attacks on freedom are going to continue to be targeted at the United States first because they realize that this country is the heart and soul of freedom worldwide, that this country is a shining light of liberty to those countries that would aspire to it.

Mr. Speaker, we can make no mistake. We must choose sides in this. We cannot appease terrorists. We cannot act like it will get better. We have read into the RECORD earlier tonight an entire list, two pages, double-spaced, of attacks into the United States or to United States troops by terrorists. Mostly those went unresponded to, but President Bush made a bold decision that we will take the fight to the terrorists. He should be commended for his activities, Mr. Speaker, because it is that boldness that has forestalled any future attacks.

The investments in homeland security, the investments in our defense have been somewhat successful. I agree with the 9/11 report, though, that says that any President should promise the American people that we cannot fight a defensive battle all of the time. That is the reason I favor taking the fight to the terrorists. We must take the heart out of the fight for them. We must take the will to damage this country away from the heart of terrorism.

Mr. Speaker, the 9/11 Commission report gives us valuable information about this Nation's lack of preparedness, the lack of preparedness that extended across more than one administration. I would recommend that Members of this body on both sides of the aisle begin to discuss the findings of the 9/11 Commission, that commission which stated that there is a link between al Qaeda and Iraq, that there was no preoccupation with Iraq as far as President Bush is concerned, and, finally, that we must either kill the terrorists or accept that they are going to kill us.

The SPEAKER pro tempore (Mr. HENSARLING). The gentleman from New Mexico will suspend.

PRESERVING ABILITY OF FEDERAL HOUSING ADMINISTRATION TO INSURE MORTGAGES

Mr. NEY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 2712) to preserve the ability of the Federal Housing Administration to insure mortgages under sections 238 and 519 of the National Housing Act, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2712

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

SECTION 1. AMENDMENT TO GENERAL AND SPECIAL RISK PROGRAM ACCOUNT.

Under the heading ''FEDERAL HOUSING ADMINISTRATION—GENERAL AND SPECIAL RISK PROGRAM ACCOUNT'' in title II of Division G of the Consolidated Appropriations Act, 2004 (Public Law 108–199), in the first proviso, strike ''$25,000,000,000'' and insert ''$29,000,000,000''.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. NEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to insert extraneous material on the Senate bill just passed.

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

There was no objection.

9/11 COMMISSION REPORT

The SPEAKER pro tempore. The gentleman from New Mexico (Mr. PEARCE) may continue not beyond midnight.

Mr. PEARCE. Mr. Speaker, I yield to the gentleman from Michigan.

Mr. MCCOTTER. Mr. Speaker, I would just like to touch upon a couple of points that the gentleman from New Mexico brought up. One of them I think that is fascinating is the fixation in this country to try to split hairs between what is a collaborative tie between Iraq and al Qaeda or what is, I suppose, called a casual tie between Iraq and al Qaeda. Or whether or not because al Qaeda may or may not have been involved in Iraq to a great extent but other terrorists were, it still was unjustified.

It seems to me, and I can only speak for myself on this, if a terrorist kills me, it is not really going to matter to me whether he was al Qaeda or whether he was some other group that was housed in Iraq or anything else. It is going to seem to me that, assuming I am looking down as opposed to looking up, I would ask the question why nothing was done. Have we become that legalistic in this country, that formalistic, that blind to the reality around us that we do not understand that if a dictator hates you and a terrorist hates you and they have ties, it does not bode well for you?

I think that is just something that has grated on me for quite some time, how we tend to intellectualize things without seeing the reality, behind the sophistry of the arguments. It is much like the approach that many wish to take towards terrorism. Many in this country believe that you can cleanse the criminal by deeming it political. A murder is a murder. Kidnapping is kidnapping. Extortion is extortion. It is an inherently, intrinsically evil act. The goal for which one engages in the intrinsically evil act does not change its nature, does not justify it.

So when we hear many in the international community trying to justify the actions of the terrorists based upon years of colonial occupation by European powers, I reiterate European powers, or we hear that there are underlying root causes, many of which are valid root causes but no justification for the act of terrorism, we have to be clear in our minds, because as I said before, every single American today is under attack from the terrorists. The act of killing our fellow citizens or kidnapping and killing our fellow citizens or kidnapping and killing other citizens of this world is designed to prey upon our minds, so that we believe that we cannot prevail, that we tend to doubt that people wish to breathe free, that they wish to love their children, that they wish to grow old, that they wish to savor the gift of life from our Creator.

Some would have you believe that there are people in this world that are unfit for democracy, that they would say they can never take to this forum, that it cannot be imposed from above. I believe that the thirst for democracy, the thirst for freedom, comes from within, and that what we as a Nation have done is created the conditions in which their own yearnings can be expressed and their own futures be determined, and then can they live in freedom. I think that if you come from

that perspective, it is easy. It is difficult to miss the reality in Iraq which proves my point about the terrorists trying to prey upon your mind. There are 25 million people in Iraq.

The reason the terrorists are engaging in individual suicide bombings, in individual kidnappings, is because you do not have millions of Iraqis fighting with their new government to return to the days of Saddam Hussein.

□ 2340

We do not see organized armies of Iraqis out in the field en masse trying to overthrow the transitional government and replace it with a terrorist regime. What we see every day in Iraq is what we try to do here: Iraqi citizens trying very desperately to live normal, happy lives. They want to take their children to school.

Let me just stress this. In this country when people take their child to school, they generally feel safe that their child will be in a stable environment, will be educated, will return to their loving arms. Put oneself in a position of an Iraqi parent today, and the gentleman from New Mexico (Mr. PEARCE) and I were there at the time of the so-called days of national resistance when the first place they put the fliers threatening to kill people were around the schools so the parents would not take their children to school. We see an Iraqi parent, they have to take their child to school with the threat of terrorism around them every day in a magnitude we have yet to experience. We see them dropping them at the schools, under threat of death for doing so, and then praying that their child comes home to them.

And yet many in this world will say that these are people unfit for freedom. They are no different than we are. I think it was President Kennedy that put it best: We all inhabit this small planet. We all breath the same air. We all cherish our children's future, and we are all mortal.

To our fellow human beings in Iraq, we cannot offer condescension. We cannot offer derision. We must continue to offer assistance so that they can breath free, so that their internal thirst can commence upon a quest for freedom in their lifetimes.

And probably one of the things I will always remember from Iraq, as we were leaving, we were getting on the Black Hawk helicopters to leave the Green Zone for the final time. It was Halloween, and there was an American soldier with a small Iraqi child, maybe 8 or 10, and he had little Dracula fangs he was playing with and smiling at the American soldier. That to me expressed the hope for Iraq, that that child who has been inoculated, who has been given an opportunity to go to school, whose parents have a chance to seize his freedom, that child is the future of Iraq, and we cannot turn our back on that child.

Mr. PEARCE. Mr. Speaker, I thank the gentleman for his comments again.

And, Mr. Speaker, I would note that during this week we were allowed and privileged to hear the Deputy National Security Adviser. He commented that much of Iraq is still very stable. Always when the gentleman from Michigan (Mr. MCCOTTER) and I were in Iraq at the end of October and the first of November, it appeared that about 75 percent of the country was very stable, that there were areas of difficulty in Fallujah, Mosul, that there were areas of problems but that most of the country was doing exactly what the gentleman from Michigan (Mr. MCCOTTER) said. People were trying to live normal lives.

As we drove up and down the highways, it was obvious that we were Americans. We had American flags on the convoy. We had armored vehicles. We were in armored vehicles, and yet there were no signs of obvious dislike or distrust of the Americans. People just seemed to be living their lives. Occasionally we would give waves. No overtly aggressive actions were taken toward us. Small kids sometimes waved and gave us the thumbs up. But that is the picture now of Iraq now under the transitional government, that people are trying to get out and live their lives, and the gentleman from Michigan (Mr. MCCOTTER) pointed out very well that while we were there they brought in fliers and showed us that these days of national resistance, if they take their child to school, they will either kill them or blow the school up. People still were selecting to send their kids to schools. About 50 percent of the school kids went that day with those difficult threats about them. Different fliers announced, Do not go shopping, Do not go into the business district today or we will kill you there. And yet the Iraqis, in trying to live normal lives, normal lives where they could expect to come and go, normal lives of freedom, the things that we take for granted and have somewhat become complacent about in this country that they are doing under the threat of death day in and day out.

So to find this transitional government operating actually quite well, we were actually able to hand the power over to them a couple of days early, and in fact many of the ministries were operating even before the handover date. By a couple of weeks they had already been operating. So we find the stability of the transition to be remarkable, and what we are finding also, according to this Deputy National Security Adviser, is that the Iraqis are buying more into the need for them to be out on the frontlines, and as they provide security in their neighborhoods, as they provide border security, they are able to do it better because the United States is not under the tremendous pressure that the international community would bring, and the Iraqis do not face that same pressure either. The Iraqis can act more decisively. They can act with more abruptness. They can act with far more retribution than what the Americans could do, and there is an acceptance in the international community when the Iraqis act in that fashion.

So, Mr. Speaker, if this country will maintain its resolve, if both sides of the debate will begin to discuss the actual truth instead of what they would like to be true, then, Mr. Speaker, we can win this war on terror.

One of the things that I think is very critical is for the media to begin to discuss it truthfully. The media has had it correct back as far as 1999. Many in the news media were publicly reporting the ties between Iraq and al Qaeda. It was only under President Bush, when they decided that they wanted to be against him, that they wanted to discredit him at any cost, that the media began to change their story. Mr. Speaker, I would hope that the media would take a look at the 9/11 Commission, that they would put that beside the Senate Select Committee, which had many of the same findings. I would hope that the news media would compare it to the Butler report on British intelligence and begin to report the truth, that this is indeed a war on terror, that this is indeed the war on terror that is going to determine the outcome of world history.

Mr. Speaker, the media had it right back in 1999. Newsweek Magazine ran an article on January 11, 1999, entitled Saddam + bin Laden? It read in part: ''Saddam Hussein, who has a long record of supporting terrorism, is trying to rebuild his intelligence network overseas, assets that would allow him to establish a terrorism network. U.S. sources say he is reaching out to Islamic terrorists, including some who may be linked to Osama bin Laden, the wealthy Saudi exile accused of masterminding the bombing of two U.S. embassies in Africa last summer.''

Mr. Speaker, ABC News on January 15, 1999, also had a report in which they acknowledged the links between Iraq and al Qaeda, and yet now they are claiming that there is no link. But on January 15, 1999, ABC News said: ''Intelligence sources say bin Laden's long relationship with the Iraqis began as he helped Sudan's fundamentalist government in their efforts to acquire weapons of mass destruction.'' This according to ABC news. It goes on to say that ''ABC News has learned that in December an Iraqi intelligence chief named Faruq Hijazi, now Iraq's Ambassador to Turkey, made a secret trip to Afghanistan to meet with bin Laden. Three intelligence agencies tell ABC News they cannot be certain what was discussed, but almost certainly, they say, bin Laden had been told he would be welcome in Baghdad.''

Those findings are similar to the findings of the 9/11 Commission that I reported on earlier in this discussion tonight.

Another well-reported article and news source, NPR reporter Mike Shuster reported in an interview with Vincent Cannistraro, who was the former

head of the CIA's counterterrorism center.

□ 2350

Mike Shuster reports on NPR that Iraq's contacts with bin Laden go back some years to at least 1994 when, according to one U.S. Government source, Hijazi met with him when bin Laden lived in Sudan. According to Cannistraro, Iraq invited bin Laden to live in Baghdad to be nearer to potential targets of terrorist attack in Saudi Arabia and Kuwait. Some experts believed bin Laden might be tempted to live in Iraq because of his reported desire to obtain chemical or biological weapons. CIA Director George Tenet referred to that in recent testimony before the Senate Committee on Armed Services, when he said bin Laden was planning additional attacks on American targets.

Mr. Speaker, the news media has had it correct in the past. I earnestly hope that they will return to the truthful reporting of the past and give this 9/11 report the hearing in front of the American people that it deserves. The American people need to know the truth, and the news media needs to be certain that the American people should and will know the truth, whether or not it comes from them.

Mr. Speaker, again, I would begin my wrap up comments by saying that Mr. Berger's removing of documents from the archives absolutely appears to have been criminal contact. I would recommend that this body and all other bodies responsible look into these sorts of illegal activities, to bring this to the highest level of examination.

Mr. Speaker, it is obvious that Mr. Berger wanted to take documents, some of which he has not returned, some of which supposedly have been destroyed. Mr. Berger needs to be held accountable for the illegal activities that he conducted while he was working with the Kerry campaign. I think, Mr. Speaker, that the Kerry campaign needs to also be very straightforward with the American people about their association with Mr. Berger.

Mr. Speaker, I would offer one last time to yield to the gentleman from Michigan.

Mr. MCCOTTER. Mr. Speaker, I thank the gentleman from New Mexico for yielding.

I would just like to conclude with an observation and a question. When we last participated in special orders, I asked the question about where is the opposition's plan for dealing with terrorism? Where is their plan for reconstructing Iraq? Where is their plan essentially to protect the national security of the United States, whether they would delegate it to the United Nations or keep it where it remains, here in the bosom of the sovereign people?

Well, I got kind of an answer, and I guess maybe this is what passes for planning these days, it seems to me more a statement of the obvious, that part of the opposition's plan was that they would, with sufficient evidence, preemptively take out terrorists.

Well, I am glad that they concur with part of the President's plan. But that is not necessarily the in-depth approach that we need at the present time. Maybe the forthcoming week will show us more.

My observation along those lines is perhaps more of a frustration, that many people today are saying that America needs international support if we are to stand with the Iraqi people. We all know we would enjoy international support. But what I find galling is they will then turn around and say they are most capable of building the international support for the coalition to help reshape Iraq and help defend the United States. But, in the process of doing that, they have done something very interesting, is that they have denigrated as coerced, as distorted, as bribed, quote-unquote, the allies we have abroad as part of our coalition whose children, whose young men and women, are fighting beside our soldiers in Iraq and who are dying.

Now, I am a liberal arts guy, I was not a math guy, but it seems to me that if you attack and denigrate your own allies, it is very difficult through subtraction to build a larger coalition, especially when one is going to rely on people who have adversarially tried to undermine the United States' effort and our coalition partners' efforts in Iraq. I am thinking of many people in the United Nations who during the Oil For Food scandal were not necessarily in the best position to tell Saddam Hussein, who they were in league with and making money off of, to try to follow the resolutions they passed regarding weapons of mass destruction.

So I would just ask people to consider whether someone may or may not hypothetically be fit to be the Commander-in-Chief of the United States who, during a time of war, denigrates our allies and courts our adversaries. There is no simpler way to put that, because that is absolutely true. Ask yourself that question.

Mr. PEARCE. Mr. Speaker, reclaiming my time, I thank you for your tolerance in allowing us to speak tonight about this very important subject, that of understanding the tie between Iraq, al Qaeda and the international war on terror. It is the most significant thing that this generation faces. We are either going to leave the world more safe, or we can leave the world without freedom.

Mr. Speaker, it is up to this body, it is up to this government, it is up to this President, and it is up to the American people. We must decide. We are going to decide this year which way we are going to pursue this particular war on terror.

Mr. Speaker, I would request humbly that all of the citizens, all of the people throughout this country, and especially the people in this body, would give that discussion their fullest attention and arrive at decisions, so we can explain to the next generation that we took the responsibility and handled that responsibility wisely.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. KIRK (at the request of Mr. DELAY) for today after 12:00 p.m. on account of traveling with the President to his district.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Mr. SCHIFF, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Mr. BLUMENAUER, for 5 minutes, today.

Ms. HERSETH, for 5 minutes, today.

(The following Members (at the request of Mr. HENSARLING) to revise and extend their remarks and include extraneous material:)

Mr. BEREUTER, for 5 minutes, today.

Mr. BOEHLERT, for 5 minutes, today.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Mr. KINGSTON, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. ROHRABACHER, for 5 minutes, today.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 2249. An act to amend the Stewart B. McKinney Homeless Assistance Act to provide for emergency food and shelter; to the Committee on Financial Services.

S. 2724. An act to amend section 33(a) of the Small Business Act (15 U.S.C. 657c(a)) to clarify that the National Veterans Business Development Corporation is a private entity; to the Committee on Small Business.

S. Con. Res. 130. Concurrent resolution expressing the sense of Congress that the Supreme Court of the United States should act expeditiously to resolve the confusion and inconsistency in the Federal criminal justice system caused by its decision in Blakely v. Washington, and for other purposes; to the Committee on the Judiciary.

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. 1914. An act to provide for the issuance of a coin to commemorate the 400th anniversary of the Jamestown settlement.

H.R. 1572. An act to designate the United States courthouse located at 100 North Palafox Street in Pensacola, Florida, as the ''Winston E. Arnow United States Courthouse''.

H.R. 2768. An act to require the Secretary of the Treasury to mint coins in commemoration of Chief Justice John Marshall.

H.R. 3277. An act to require the Secretary of the Treasury to mint coins in commemoration of the 230th Anniversary of the United States Marine Corps, and to support construction of the Marine Corps Heritage Center.

H.R. 4380. An act to designate the facility of the United States Postal Service located at 4737 Mile Stretch Drive in Holiday, Florida, as the ''Sergeant First Class Paul Ray Smith Post Office Building''.

ADJOURNMENT

Mr. PEARCE. Mr. Speaker, Pursuant to House Concurrent Resolution 479, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore (Mr. HENSARLING). Accordingly, pursuant to the previous order of the House of today, the House stands adjourned until 4 p.m. on Monday, July 26, 2004, unless it sooner has received a message from the Senate transmitting its adoption of House Concurrent Resolution 479, in which case the House shall stand adjourned pursuant to that concurrent resolution.

Thereupon (at 11 o'clock and 57 minutes p.m.), pursuant to the previous order of the House of today, the House adjourned until 4 p.m. on Monday, July 26, 2004, unless it sooner has received a message from the Senate transmitting its adoption of House Concurrent Resolution 479, in which case the House shall stand adjourned pursuant to that concurrent resolution.

OATH OF OFFICE MEMBERS, RESIDENT COMMISSIONERS, AND DELEGATES

Under clause 13 of Rule XXIII, the following Members executed the oath for access to classified information:

Neil Abercrombie, Aníbal Acevedo-Vilá, Gary L. Ackerman, Robert B. Aderholt, W. Todd Akin, Rodney Alexander, Thomas H. Allen, Robert E. Andrews, Joe Baca, Spencer Bachus, Brian Baird, Richard H. Baker, Tammy Baldwin, Frank W. Ballance, Jr., Cass Ballenger, J. Gresham Barrett, Roscoe G. Bartlett, Joe Barton, Charles F. Bass, Bob Beauprez, Xavier Becerra, Chris Bell, Doug Bereuter, Shelley Berkley, Howard L. Berman, Marion Berry, Judy Biggert, Michael Bilirakis, Rob Bishop, Sanford D. Bishop, Jr., Timothy H. Bishop, Marsha Blackburn, Earl Blumenauer, Roy Blunt, Sherwood Boehlert, John A. Boehner, Henry Bonilla, Jo Bonner, Mary Bono, John Boozman, Madeleine Z. Bordallo, Leonard L. Boswell, Rick Boucher, Allen Boyd, Jeb Bradley, Kevin Brady, Robert A. Brady, Corrine Brown, Henry E. Brown, Jr., Sherrod Brown, Ginny Brown-Waite, Michael C. Burgess, Max Burns, Richard Burr, Dan Burton, G.K. Butterfield, Steve Buyer, Ken Calvert, Dave Camp, Chris Cannon, Eric Cantor, Shelley Moore Capito, Lois Capps, Michael E. Capuano, Benjamin L. Cardin, Dennis A. Cardoza, Brad Carson, Julia Carson, John R. Carter, Ed Case, Michael N. Castle, Steve Chabot, Ben Chandler, Chris Chocola, Donna M. Christensen, Wm. Lacy Clay, James E. Clyburn, Howard Coble, Tom Cole, Mac Collins, Larry Combest, John Conyers, Jr., Jim Cooper, Jerry F. Costello, Christopher Cox, Robert E. (Bud) Cramer, Jr., Philip M. Crane, Ander Crenshaw, Joseph Crowley, Barbara Cubin, John Abney Culberson, Elijah E. Cummings, Randy ''Duke'' Cunningham, Artur Davis, Danny K. Davis, Jim Davis, Jo Ann Davis, Lincoln Davis, Susan A. Davis, Tom Davis, Nathan Deal, Peter A. DeFazio, Diana DeGette, William D. Delahunt, Rosa L. DeLauro, Tom DeLay, Jim DeMint, Peter Deutsch, Lincoln Diaz-Balart, Mario Diaz-Balart, Norman D. Dicks, John D. Dingell, Lloyd Doggett, Calvin M. Dooley, John T. Doolittle, Michael F. Doyle, David Dreier, John J. Duncan, Jr., Jennifer Dunn, Chet Edwards, Vernon J. Ehlers, Rahm Emanuel, Jo Ann Emerson, Eliot L. Engel, Phil English, Anna G. Eshoo, Bob Etheridge, Lane Evans, Terry Everett, Sam Farr, Chaka Fattah, Tom Feeney, Mike Ferguson, Bob Filner, Jeff Flake, Ernie Fletcher, Mark Foley, J. Randy Forbes, Harold E. Ford, Jr., Vito Fossella, Barney Frank, Trent Franks, Rodney P. Frelinghuysen, Martin Frost, Elton Gallegly, Scott Garrett, Richard A. Gephardt, Jim Gerlach, Jim Gibbons, Wayne T. Gilchrest, Paul E. Gillmor, Phil Gingrey, Charles A. Gonzalez, Virgil H. Goode, Jr., Bob Goodlatte, Bart Gordon, Porter J. Goss, Kay Granger, Sam Graves, Gene Green, Mark Green, James C. Greenwood, Raúl M. Grijalva, Luis V. Gutierrez, Gil Gutknecht, Ralph M. Hall, Jane Harman, Katherine Harris, Melissa A. Hart, J. Dennis Hastert, Alcee L. Hastings, Doc Hastings, Robin Hayes, J. D. Hayworth, Joel Hefley, Jeb Hensarling, Wally Herger, Stephanie Herseth, Baron P. Hill, Maurice D. Hinchey, Rubén Hinojosa, David L. Hobson, Joseph M. Hoeffel, Peter Hoekstra, Tim Holden, Rush D. Holt, Michael M. Honda, Darlene Hooley, John N. Hostettler, Amo Houghton, Steny H. Hoyer, Kenny C. Hulshof, Duncan Hunter, Henry J. Hyde, Jay Inslee, Johnny Isakson, Steve Israel, Darrell E. Issa, Ernest J. Istook, Jr., Jesse L. Jackson, Jr., Sheila Jackson-Lee, William J. Janklow, William J. Jefferson, William L. Jenkins, Christopher John, Eddie Bernice Johnson, Nancy L. Johnson, Sam Johnson, Timothy V. Johnson, Stephanie Tubbs Jones, Walter B. Jones, Paul E. Kanjorski, Marcy Kaptur, Ric Keller, Sue W. Kelly, Mark R. Kennedy, Patrick J. Kennedy, Dale E. Kildee, Carolyn C. Kilpatrick, Ron Kind, Peter T. King, Steve King, Jack Kingston, Mark Steven Kirk, Gerald D. Kleczka, John Kline, Joe Knollenberg, Jim Kolbe, Ray LaHood, Nick Lampson, James R. Langevin, Tom Lantos, Rick Larsen, John B. Larson, Tom Latham, Steven C. LaTourette, James A. Leach, Barbara Lee, Sander M. Levin, Jerry Lewis, John Lewis, Ron Lewis, John Linder, William O. Lipinski, Frank A. LoBiondo, Zoe Lofgren, Nita M. Lowey, Frank D. Lucas, Ken Lucas, Stephen F. Lynch, Denise L. Majette, Carolyn B. Maloney, Donald A. Manzullo, Edward J. Markey, Jim Marshall, Jim Matheson, Robert T. Matsui, Carolyn McCarthy, Karen McCarthy, Betty McCollum, Thaddeus G. McCotter, Jim McCrery, James P. McGovern, John M. McHugh, Scott McInnis, Mike McIntyre, Howard P. ''Buck'' McKeon, Michael R. McNulty, Martin T. Meehan, Kendrick B. Meek, Gregory W. Meeks, Robert Menendez, John L. Mica, Michael H. Michaud, Juanita Millender-McDonald, Brad Miller, Candice S. Miller, Gary G. Miller, Jeff Miller, Alan B. Mollohan, Dennis Moore, James P. Moran, Jerry Moran, Tim Murphy, John P. Murtha, Marilyn N. Musgrave, Sue Wilkins Myrick, Jerrold Nadler, Grace F. Napolitano, Richard E. Neal, George R. Nethercutt, Jr., Randy Neugebauer, Robert W. Ney, Anne M. Northup, Eleanor Holmes Norton, Charlie Norwood, Devin Nunes, Jim Nussle, James L. Oberstar, David R. Obey, John W. Olver, Solomon P. Ortiz, Tom Osborne, Doug Ose, C. L. ''Butch'' Otter, Major R. Owens, Michael G. Oxley, Frank Pallone, Jr., Bill Pascrell, Jr., Ed Pastor, Ron Paul, Donald M. Payne, Stevan Pearce, Nancy Pelosi, Mike Pence, Collin C. Peterson, John E. Peterson, Thomas E. Petri, Charles W. ''Chip'' Pickering, Joseph R. Pitts, Todd Russell Platts, Richard W. Pombo, Earl Pomeroy, Jon C. Porter, Rob Portman, David E. Price, Deborah Pryce, Adam H. Putnam, Jack Quinn, George Radanovich, Nick J. Rahall II, Jim Ramstad, Charles B. Rangel, Ralph Regula, Dennis R. Rehberg, Rick Renzi, Silvestre Reyes, Thomas M. Reynolds, Ciro D. Rodriguez, Harold Rogers, Mike Rogers (AL), Mike Rogers (MI), Dana Rohrabacher, Ileana Ros-Lehtinen, Mike Ross, Steven R. Rothman, Lucille Roybal-Allard, Edward R. Royce, C.A. Dutch Ruppersberger, Bobby L. Rush, Paul Ryan, Timothy J. Ryan, Jim Ryun, Martin Olav Sabo, Linda T. Sánchez, Loretta Sanchez, Bernard Sanders, Max Sandlin, Jim Saxton, Janice D. Schakowsky, Adam B. Schiff, Edward L. Schrock, David Scott, Robert C. Scott, F. James Sensenbrenner, Jr., José E. Serrano, Pete Sessions, John B. Shadegg, E. Clay Shaw, Jr., Christopher Shays, Brad Sherman, Don Sherwood, John Shimkus, Bill Shuster, Rob Simmons, Michael K. Simpson, Ike Skelton, Louise McIntosh Slaughter, Adam Smith, Christopher H. Smith, Lamar S. Smith, Nick Smith, Vic Snyder, Hilda L. Solis, Mark E. Souder, John M. Spratt, Jr., Cliff Stearns, Charles W. Stenholm, Ted Strickland, Bart Stupak, John Sullivan, John E. Sweeney, Thomas G. Tancredo, John S. Tanner, Ellen O. Tauscher, W. J. (Billy) Tauzin, Charles H. Taylor, Gene Taylor, Lee Terry, William M. Thomas, Bennie G. Thompson, Mike Thompson, Mac Thornberry, Todd Tiahrt, Patrick J. Tiberi, John F. Tierney, Patrick J. Toomey, Edolphus Towns, Jim Turner, Michael R. Turner, Mark Udall, Tom Udall, Fred Upton, Chris Van Hollen, Nydia M. Velázquez, Peter J. Visclosky, David Vitter, Greg Walden, James T. Walsh, Zach Wamp, Maxine Waters, Diane E. Watson, Melvin L. Watt, Henry A. Waxman, Anthony D. Weiner, Curt Weldon, Dave Weldon, Jerry Weller, Robert Wexler, Ed Whitfield, Roger F. Wicker, Heather Wilson, Joe Wilson, Frank R. Wolf, Lynn C. Woolsey, David Wu, Albert Russell Wynn, C. W. Bill Young, Don Young

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

9313. A letter from the Administrator, AMS, Department of Agriculture, transmitting the Department's final rule — Milk in the Pacific Northwest Marketing Area: Order Amending the Order [Docket No. AO-368-A29; DA-01-06] received July 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9314. A letter from the Senior Paralegal (Regulations), Office of Thrift Supervision, Department of the Treasury, transmitting the Department's final rule — Community Reinvestment Act Regulations [No. 2004-28] (RIN: 1550-AB91); Department of the Treasury, Office of the Comptroller of the Currency [Docket No. 04- 17] (RIN: 1557-AC86); Federal Reserve System [Regulations BB; Docket No. R-1205]; Federal Deposit Insurance Corporation (RIN: 3064-AC82) received

July 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9315. A letter from the Counsel for Legislation and Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Commuity Development Block Grant Program; Small Cities and Insular Areas Programs [Docket No. FR-4919-1-01] (RIN: 2506-AC17) received June 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9316. A letter from the Director, Defense Security Cooperation Agency, transmitting notification with respect to a proposed Letter of Offer and Acceptance (LOA) to sell defense articles and services, pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

9317. 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 Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report of the national emergency with respect to the Western Balkans that was declared in Executive Order 13219 of June 26, 2001; to the Committee on International Relations.

9318. A letter from the Administrator, National Nuclear Security Administration, Department of Energy, transmitting a report regarding calendar year 2003 sales to designated Tier III countries of computers capable of operating at a speed in excess of a specified number of million theoretical operations per second (MTOPS) by companies that participated in the Advanced Simulation & Computing (ASC) Program of the Department, pursuant to Public Law 105–85, section 3157; to the Committee on International Relations.

9319. A letter from the Co-Chairs, Abraham Lincoln Bicentennial Commission, transmitting the Commission's interim report, pursuant to Public Law 106–173, section 8(b) (114 Stat. 17); to the Committee on Government Reform.

9320. A letter from the Paralegal, District of Columbia Retirement Board, transmitting the personal financial disclosure statements of Board members, pursuant to D.C. Code section 1–732 and 1–734(a)(1)(A); to the Committee on Government Reform.

9321. A letter from the Director, Office of White House Liaison, Department of Commerce, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9322. A letter from the White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9323. A letter from the Director, Information Security Oversight Office, transmitting a copy of the Information Security Oversight Office's (ISOO) ''Report to the President'' for 2003; to the Committee on Government Reform.

9324. A letter from the Executive Associate Director, Office of Management and Budget, transmitting in accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, and the Office of Management and Budget Memorandum 04-07, the Office's report on competitive sourcing efforts for FY 2003; to the Committee on Government Reform.

9325. A letter from the Chairman, Postal Rate Commission, transmitting the FY 2003 annual report on International Mail Volumes, Costs, and Revenues, pursuant to 39 U.S.C. 3663(a) Public Law 105–277; to the Committee on Government Reform.

9326. A letter from the Regional Director, National Park Service, Department of the Interior, transmitting a report entitled ''Lincoln Highway Special Resource Study and Environmental Assessment,'' pursuant to Public Law 106–583; to the Committee on Resources.

9327. A letter from the General Counsel, Architectural and Transportation Barriers Compliance Board, transmitting the Boards's ''Major'' final rule — Americans with Disabilities (ADA) Accessibility Guidelines for Buildings and Facilities; Architectural Barriers Act (ABA) Accessibility Guidelines [Docket No. 99-1] (RIN: 3014-AA20) received July 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9328. A letter from the Chief Counsel, Bureau of the Public Debt, Fiscal Service, Department of the Treasury, transmitting the Department's final rule — U.S. Treasury Securities — State and Local Government Series — received July 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9329. A letter from the Assistant Chief, RPD, TTB, Department of the Treasury, transmitting the Department's final rule — Establishment of Salado Creek Viticultural Area (2003R-025P) [T.D.TTB-13; Notice No. 20] (RIN: 1513-AA69) received received July 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9330. A letter from the Assistant Chief, RPD, TTB, Department of the Treasury, transmitting the Department's final rule — San Bernabe and San Lucas Viticultural Areas (2001R-170P) [T.D.TTB-14; Re; Notice No. 8] (RIN: 1513-AA28) received July 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9331. A letter from the Chief Counsel, Bureau of Public Debt, Fiscal Service, Department of the Treasury, transmitting the Department's final rule — Offering of United States Savings Bonds, Series HH — received June 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9332. A letter from the Chief, Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting the Department's final rule — Import Restrictions Imposed on Archaeological Material Originating in Honduras [CBP Dec. 04-08] (RIN: 1505-AB50) received June 28, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9333. A letter from the Chief, Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting the Department's final rule — Extension of Port Limits of Memphis, Tennessee [CBP Dec. 04-22] received July 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9334. A letter from the Administrator, Office of Workforce Security, Department of Labor, transmitting the Department's final rule — Repayment of Non-Federal Loans Used to Pay Unemployment Compensation — received July 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9335. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Qualified residential rental projects (Rev. Proc. 2004-39) received July 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9336. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Extension of Effective Date of Relative Value Regulations (Announcement 2004-58) received July 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9337. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Charitable Contributions and Conservation Easements [Notice 2004-41] received July 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9338. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Allocation of income and deductions amoung taxpayers (Rev. Proc. 2004-40) received July 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9339. A letter from the Acting Chief, Publications and Regulations Br., Internal Revenue Service, transmitting the Service's final rule — Authority to Make Credits or Refunds (Rev. Rul. 2004-74) received July 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9340. A letter from the Acting Chief, Publications & Regulations, Internal Revenue Service, transmitting the Service's final rule — Appeals Settlement Guidelines: IRC 351 Contingent Liability Capital Loss Transactions — received July 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9341. A letter from the Chief, Publications & Regulations, Internal Revenue Service, transmitting the Service's final rule — Authority to Make Credits or Refunds (Rev. Rul. 2004-72) received July 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9342. A letter from the Chief, Publications & Regulations Br., Internal Revenue Service, transmitting the Service's final rule — Authority to Make Credits or Refunds (Rev. Rul. 2004-73) received July 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9343. A letter from the Acting Chief, Publications and Regulations Br., Internal Revenue Service, transmitting the Service's final rule — Action on Decision in United States v. Roland Harry Macher (In re Macher) received July 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9344. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Qualified Payment Card Agent Determination (Rev. Proc. 2004-42) received July 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9345. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Pre-Filing Agreement Program of the Large and Mid-Size Business Division for the Calendar Year 2003 (Announcement 2004-59) received July 12, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9346. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Income from sources within the United States (Rev. Rul. 2004-75) received July 12, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9347. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Information Reporting and Backup Withholding for Payment Card Transactions [TD 9136] (RIN: 1545-BA17) received July 12, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9348. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Request for comments on the use of debit cards to provide qualified transportation

fringes under section 132(f) [Notice 2004-46] received July 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9349. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Rents and Royalties [TD 9135] (RIN: 1545-BB44) received July 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9350. A letter from the Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Tax Analysts v. Internal Revenue Service — received July 1, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9351. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Services's Final Rule- Partnership Transactions Involving Long-Term Contracts [TD 9137] (RIN: 1545-BA81) received July 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9352. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Medicare and Medicaid Programs; Physicians Referrals to Health Care Entities With Which They Have Financial Relationships: Extension of Partial Delay of Effective Date [CMS-1809-F5] (RIN: 0938-AM99) received July 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

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. HYDE. Committee on International Relations. House Resolution 699. Resolution directing the Secretary of State to transmit to the House of Representatives documents in the possession of the Secretary of State relating to the treatment of prisoners and detainees in Iraq, Afghanistan, and Guantanamo Bay, adversely; (Rept. 108–631). Referred to the House Calendar.

Mr. HUNTER. Committee on Armed Services. House Resolution 689. 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, adversely; (Rept. 108–632). Referred to the House Calendar.

Mr. YOUNG of Florida: Committee on Appropriations. Report on the Revised Suballocation of Budget Allocations for Fiscal Year 2005 (Rept. 108–633). Referred to the Committee of the Whole House on the State of the Union.

Mr. BARTON: Committee on Energy and Commerce. H.R. 4501. A bill to extend the statutory license for secondary transmissions under section 119 of title 17, United States Code, and to amend the Communications Act of 1934 with respect to such transmissions, and for other purposes (Rept. 108–634). Referred to the Committee of the Whole House on the State of the Union.

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 180. Referral to the Committee on Rules extended for a period ending not later than October 1, 2004.

H.R. 3358. Referral to the Committee on the Budget extended for a period ending not later than October 1, 2004.

H.R. 3800. Referral to the Committee on the Budget extended for a period ending not later than October 1, 2004.

H.R. 3925. Referral to the Committee on the Budget extended for a period ending not later than October 1, 2004.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. ISTOOK (for himself, Mr. BACHUS, Mr. BAKER, Mr. BARTLETT of Maryland, Mr. BISHOP of Utah, Mr. BOOZMAN, Mr. BROWN of South Carolina, Mr. CANTOR, Mr. CULBERSON, Mrs. JO ANN DAVIS of Virginia, Mr. DOOLITTLE, Mrs. EMERSON, Mr. FRANKS of Arizona, Mr. GARRETT of New Jersey, Mr. GOODE, Mr. HAYWORTH, Mr. HERGER, Mr. SAM JOHNSON of Texas, Mr. JONES of North Carolina, Mr. LINDER, Mr. LUCAS of Oklahoma, Mr. MCCOTTER, Mr. MILLER of Florida, Mrs. MYRICK, Mr. NORWOOD, Mr. PENCE, Mr. PITTS, Mr. SESSIONS, Mr. SHUSTER, Mr. SMITH of Michigan, Mr. TANCREDO, Mr. TIAHRT, Mr. WAMP, Mr. WELDON of Florida, Mr. WICKER, Mr. WILSON of South Carolina, Mr. BRADY of Texas, and Mr. COLLINS):

H.R. 4892. A bill to establish that marriage in the United States consists only of the union of a man and a woman; to the Committee on the Judiciary.

By Mr. CALVERT (for himself and Mrs. NAPOLITANO):

H.R. 4893. A bill to authorize additional appropriations for the Reclamation Safety of Dams Act of 1978; to the Committee on Resources.

By Mr. MCINTYRE:

H.R. 4894. A bill to amend title II of the Social Security Act to eliminate the 5-month waiting period for entitlement to disability benefits and to eliminate reconsideration as an intervening step between initial benefit entitlement decisions and subsequent hearings on the record on such decisions; to the Committee on Ways and Means.

By Mr. SAM JOHNSON of Texas (for himself, Mr. TOOMEY, Mr. FLAKE, Ms. DUNN, Mr. SHADEGG, Mr. FEENEY, Mr. SMITH of Michigan, Mr. DOOLITTLE, Mr. BURTON of Indiana, Mr. HOEKSTRA, Mr. OTTER, Mr. BARTLETT of Maryland, Mr. FRANKS of Arizona, Mr. PITTS, and Mr. WILSON of South Carolina):

H.R. 4895. A bill to amend title II of the Social Security Act and the Internal Revenue Code of 1986 to provide for enhanced retirement security in the form of an Individual Investment Program; to the Committee on Ways and Means.

By Mr. OBERSTAR (for himself, Ms. CORRINE BROWN of Florida, Mr. LIPINSKI, Mr. DEFAZIO, Mr. CUMMINGS, Mr. BLUMENAUER, Mr. LARSEN of Washington, Mr. BISHOP of New York, and Mr. MEEHAN):

H.R. 4896. A bill to provide for the security of the United States railroad system; to the Committee on Transportation and Infrastructure.

By Mr. GREENWOOD (for himself, Mr. PALLONE, Mr. SAXTON, Mr. WELDON of Pennsylvania, Mr. SHAYS, Mr. FARR, Mr. SANDERS, Mrs. CAPPS, Mr. GEORGE MILLER of California, Mr. CASE, Mr. HONDA, Mr. DOGGETT, Mr. GRIJALVA, Mr. VAN HOLLEN, Mr. MORAN of Virginia, Mr. WEXLER, Mr. ENGEL, Ms. WOOLSEY, Ms. BORDALLO, Mr. FALEOMAVAEGA, Ms. LORETTA SANCHEZ of California, and Mr. KUCINICH):

H.R. 4897. A bill to protect deep sea corals and sponges, and for other purposes; to the Committee on Resources, and in addition to the Committee on Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BROWN of Ohio (for himself, Mr. DINGELL, Mr. WAXMAN, Mr. RANGEL, Mr. STARK, Mr. STRICKLAND, Mr. ENGEL, and Mr. PALLONE):

H.R. 4898. A bill to amend title XVIII of the Social Security Act to modernize the Medicare Program by ensuring that appropriate preventive services are covered under such program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BROWN of Ohio:

H.R. 4899. A bill to amend the Public Health Service Act and the Internal Revenue Code of 1986 to require agreements regarding the wholesale price of brand-name prescription drugs as a condition of the allowance of certain tax deductions and credits; 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. GREENWOOD (for himself, Mr. FARR, Mr. WELDON of Pennsylvania, Mr. ALLEN, and Mr. GERLACH):

H.R. 4900. A bill to establish a national policy for our oceans, to strengthen the National Oceanic and Atmospheric Administration, to establish a National Oceans Council, and for other purposes; to the Committee on Resources, and in addition to the Committee on Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RYAN of Wisconsin (for himself and Ms. ROS-LEHTINEN):

H.R. 4901. A bill to promote freedom, fairness, and economic opportunity by establishing a National Enterprise Zone system to promote prosperity in economically depressed areas; to the Committee on Ways and Means.

By Mr. WALDEN of Oregon (for himself, Mr. POMEROY, Mr. BISHOP of Georgia, Mr. BURR, Mr. KILDEE, Mr. KIND, Mr. KING of Iowa, Mr. MCHUGH, Mr. MCINTYRE, Mr. MILLER of Florida, Mr. NETHERCUTT, Mr. PETERSON of Pennsylvania, Mr. RYUN of Kansas, Mr. SANDERS, Mr. SHUSTER, Mr. TOWNS, Mr. BOUCHER, Mr. LUCAS of Oklahoma, Mr. STENHOLM, Mr. BASS, Mr. SANDLIN, Mr. MANZULLO, Mr. RENZI, Mr. HEFLEY, Mr. UDALL of New Mexico, Mr. ROSS, Mr. NEY, Mrs. EMERSON, and Mr. ALEXANDER):

H.R. 4902. A bill to extend the temporary increase in payments under the Medicare Program for home health services furnished in a rural area; 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. BROWN of Ohio (for himself, Mr. DINGELL, Mr. RANGEL, Mr. STARK, and Mr. WAXMAN):

H.R. 4903. A bill to amend title XVIII of the Social Security Act to provide for improved accountability in the Medicare Advantage and prescription drug programs; 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. FILNER:

H.R. 4904. A bill to amend title II of the Social Security Act to provide certain benefits under that Act to individuals who served in the United States Merchant Marine during World War II; to the Committee on Ways and Means.

By Mr. UPTON (for himself, Mr. TOWNS, Mr. PICKERING, Mr. CUMMINGS, Mrs. CAPITO, Ms. DELAURO, Mr. SPRATT, Mr. RUSH, Mr. MARSHALL, and Mr. DAVIS of Illinois):

H.R. 4905. A bill to amend the Public Health Service Act with respect to the Healthy Start Initiative; to the Committee on Energy and Commerce.

By Mr. HAYWORTH (for himself, Mr. BOEHNER, and Mr. ISSA):

H.R. 4906. A bill to clarify the rights of Indians and Indian tribes on Indian lands under the National Labor Relations Act; to the Committee on Education and the Workforce.

By Mr. ISSA (for himself and Mr. CALVERT):

H.R. 4907. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Elsinore Valley Municipal Water District Wildomar Service Area Recycled Water Distribution Facilities and Alberhill Wastewater Treatment and Reclamation Facility Projects; to the Committee on Resources.

By Mr. ISSA:

H.R. 4908. A bill to transfer certain land in Riverside County, California, from the Bureau of Land Management to the United States to be held in trust for the Pechanga Band of Luiseno Mission Indians, and for other purposes; to the Committee on Resources.

By Mr. GREEN of Wisconsin (for himself, Mr. SOUDER, Mr. EHLERS, Mr. RADANOVICH, and Mr. PITTS):

H.R. 4909. A bill to establish the Office of Faith-Based and Community Initiatives; to the Committee on Government Reform.

By Ms. HERSETH (for herself, Ms. PELOSI, Mr. STARK, Mr. MATSUI, Mr. RANGEL, Mr. MARKEY, Mr. LAMPSON, Mr. LANTOS, Mr. COSTELLO, Mr. RYAN of Ohio, Mr. CHANDLER, Mr. SANDLIN, Mrs. CHRISTENSEN, Mrs. CAPPS, Mr. MCNULTY, Mr. WAXMAN, Mr. SERRANO, Mr. GEORGE MILLER of California, Mr. DAVIS of Illinois, Mr. NEAL of Massachusetts, Mrs. MCCARTHY of New York, Mr. DOGGETT, Mr. MICHAUD, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MCDERMOTT, Mr. BECERRA, Mr. RODRIGUEZ, Mr. KILDEE, Mr. LEWIS of Georgia, Mr. BROWN of Ohio, Mr. COOPER, Mrs. TAUSCHER, Mr. BERMAN, Mr. BOSWELL, Ms. MCCOLLUM, Mr. ALLEN, Mr. DEFAZIO, Mr. SANDERS, Mr. FILNER, Mr. GONZALEZ, Mr. MCGOVERN, Mrs. JONES of Ohio, Mr. JEFFERSON, Mr. CLAY, Mr. WEINER, Mr. NADLER, Ms. BERKLEY, Mr. ETHERIDGE, Ms. MILLENDER-MCDONALD, Mr. STRICKLAND, Mr. CROWLEY, Mr. DAVIS of Alabama, Ms. SOLIS, Mr. FARR, Mr. HINCHEY, Mr. GREEN of Texas, Mr. OLVER, Mr. KLECZKA, Mr. JOHN, Mr. TOWNS, Mr. ROSS, Mr. EDWARDS, Mr. DAVIS of Tennessee, Mr. MARSHALL, Mr. BISHOP of New York, Mrs. DAVIS of California, Mr. LUCAS of Kentucky, Ms. LORETTA SANCHEZ of California, Mr. SCOTT of Virginia, Ms. WATSON, Mr. CAPUANO, Mr. FROST, Mr. OBEY, Ms. SCHAKOWSKY, Mr. BERRY, Mr. BISHOP of Georgia, Mr. RUPPERSBERGER, Mr. DAVIS of Florida, Mr. CUMMINGS, and Ms. JACKSON-LEE of Texas):

H.R. 4910. A bill to amend the Social Security Act to protect Social Security cost-of-living adjustments (COLA); 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. DOGGETT (for himself, Mr. ORTIZ, Mr. RODRIGUEZ, Mr. REYES, Mr. GONZALEZ, Mr. HINOJOSA, Mr. BELL, Mr. EDWARDS, Mr. FROST, Mr. GREEN of Texas, Mr. HALL, Ms. JACKSON-LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LAMPSON, Mr. SANDLIN, Mr. STENHOLM, Mr. THORNBERRY, Mr. TURNER of Texas, Mr. BACA, Mr. BECERRA, Mr. CARDOZA, Mr. FILNER, Mr. GRIJALVA, Mr. GUTIERREZ, Mrs. NAPOLITANO, Mr. PASTOR, Ms. ROYBAL-ALLARD, Ms. LINDA T. SANCHEZ of California, Ms. LORETTA SANCHEZ of California, Mr. SERRANO, Ms. SOLIS, Ms. VELAZQUEZ, and Mr. MENENDEZ):

H.R. 4911. A bill to designate the facility of the United States Postal Service located at 102 East Alexander Street in Three Rivers, Texas, as the ''Private Felix Z. Longoria Veterans' Memorial Post Office''; to the Committee on Government Reform.

By Mr. ACKERMAN:

H.R. 4912. A bill to amend the Internal Revenue Code of 1986 to expand the Hope Scholarship Credit to allow a credit without limitation for 50 percent of higher education expenses; to the Committee on Ways and Means.

By Mr. ADERHOLT:

H.R. 4913. A bill to provide for the protection and preservation of certain rare paleontological resources on the former Union Chapel Mine site in Alabama, and for other purposes; to the Committee on Resources.

By Mr. MICA (for himself, Mr. DEFAZIO, Mr. YOUNG of Alaska, Mr. OBERSTAR, Mr. HOLDEN, Mrs. TAUSCHER, Ms. CORRINE BROWN of Florida, Mr. LIPINSKI, Mr. EHLERS, Mr. PEARCE, Mr. BAKER, Mr. SHUSTER, Ms. NORTON, Mr. MORAN of Kansas, Mr. MATHESON, Mr. DUNCAN, Mr. RAHALL, Mr. CAPUANO, Mr. LOBIONDO, Mr. CHOCOLA, Mr. PASCRELL, Mr. ISAKSON, Mr. BEAUPREZ, Mr. HAYES, Mr. KENNEDY of Minnesota, Mr. BACHUS, Mr. DOOLITTLE, Mr. REHBERG, Mr. GRAVES, Mr. BOOZMAN, Mr. GERLACH, and Mr. MARIO DIAZ-BALART of Florida):

H.R. 4914. A bill to amend title 49, United States Code, to clarify the importance of utilizing existing, as well as emerging, biometric technology to improve aviation security, including airport perimeter access security; to the Committee on Transportation and Infrastructure.

By Mr. FERGUSON:

H.R. 4915. A bill to amend the Internal Revenue Code of 1986 to encourage investment in small companies; to the Committee on Ways and Means.

By Mr. YOUNG of Alaska (for himself, Mr. OBERSTAR, Mr. PETRI, and Mr. LIPINSKI):

H.R. 4916. A bill to provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Ways and Means, Science, and Resources, 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. CANNON (for himself, Mr. SENSENBRENNER, Mr. HOYER, Mr. HYDE, Mr. CONYERS, Mr. SMITH of Texas, Mr. BERMAN, Mr. CHABOT, Mr. BOUCHER, Mr. BACHUS, Mr. NADLER, Mr. HOSTETTLER, Mr. CARTER, Mr. WATT, Mr. FEENEY, Ms. JACKSON-LEE of Texas, Mr. DOOLITTLE, Mr. DELAHUNT, Mr. WOLF, Mr. FRANK of Massachusetts, Mr. SCHIFF, Mr. OSE, Mr. COBLE, Ms. LOFGREN, Mr. GALLEGLY, Mr. WEXLER, Mr. KELLER, Mr. WEINER, Ms. HART, Ms. LINDA T. SANCHEZ of California, Mr. PENCE, Ms. ESHOO, and Mr. FORBES):

H.R. 4917. A bill to amend title 5, United States Code, to authorize appropriations for the Administrative Conference of the United States for fiscal years 2005, 2006, and 2007, and for other purposes; to the Committee on the Judiciary.

By Mr. ALEXANDER:

H.R. 4918. A bill to provide for the conveyance of certain Federal land administered by the Department of Agriculture in the City of Bastrop, Louisiana, to the City to permit the City to establish and operate a regional emergency services training center for firefighters, police, and EMS personnel serving rural communities in northeast Louisiana, southern Arkansas, and western Mississippi; to the Committee on Agriculture.

By Mr. ALLEN (for himself and Mr. MICHAUD):

H.R. 4919. A bill to amend part D of title XVIII of the Social Security Act to provide for the offering of a Federal national prescription drug discount card program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BAIRD:

H.R. 4920. A bill to suspend temporarily the duty on amyl-anthraquinone; to the Committee on Ways and Means.

By Ms. BERKLEY:

H.R. 4921. A bill to amend the Internal Revenue Code of 1986 to provide incentives for the conservation of water; to the Committee on Ways and Means.

By Mr. BISHOP of New York (for himself, Mr. SIMMONS, and Mr. PALLONE):

H.R. 4922. A bill to amend the Federal Water Pollution Control Act to reauthorize programs to improve the quality of coastal recreation waters, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. BRADLEY of New Hampshire:

H.R. 4923. A bill to amend the Federal Food, Drug, and Cosmetic Act to protect the public health from the unsafe importation of prescription drugs and from counterfeit prescription drugs, and for other purposes; to the Committee on Energy and Commerce.

By Ms. CORRINE BROWN of Florida (for herself and Mr. CRENSHAW):

H.R. 4924. A bill to designate the United States courthouse at 300 North Hogan Street, Jacksonville, Florida, as the ''John Milton Bryan Simpson United States Courthouse''; to the Committee on Transportation and Infrastructure.

By Mr. BURNS (for himself, Mr. NORWOOD, Mr. SCOTT of Georgia, Mr. BISHOP of Georgia, Mr. ROGERS of Alabama, Mr. DUNCAN, Mr. BONNER, Mr. PICKERING, Mr. BARRETT of South Carolina, Mr. MARSHALL, Mr. KINGSTON, and Ms. MAJETTE):

H.R. 4925. A bill to require a study and report regarding the construction and designation of a new Interstate from Augusta, Georgia to Natchez, Mississippi; to the Committee on Transportation and Infrastructure.

By Mr. BURNS (for himself, Mr. NORWOOD, Mr. SCOTT of Georgia, Mr. BISHOP of Georgia, Mr. KINGSTON, Mr. ROGERS of Alabama, Mr. DUNCAN, Mr. BONNER, Mr. PICKERING, Mr. BARRETT of South Carolina, and Ms. MAJETTE):

H.R. 4926. A bill to require a study and report regarding the construction and designation of a new interstate from Savannah, Georgia to Knoxville, Tennessee; to the Committee on Transportation and Infrastructure.

By Mr. CAMP (for himself, Mr. JEFFERSON, Mr. ENGLISH, Mr. NEAL of Massachusetts, and Mr. POMEROY):

H.R. 4927. A bill to amend title XVIII of the Social Security Act to improve the benefits under the Medicare Program for beneficiaries with kidney disease, and for other purposes; 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. CASE:

H.R. 4928. A bill to prohibit the import, export, and take of certain coral reef species, and for other purposes; to the Committee on Resources, and in addition to the Committees on Ways and Means, and International Relations, 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 Mrs. CHRISTENSEN:

H.R. 4929. A bill to require the Secretary of Homeland Security to establish at least one Border Patrol unit for the Virgin Islands of the United States; to the Committee on the Judiciary.

By Mr. COX (for himself and Mr. GIBBONS):

H.R. 4930. A bill to amend the Homeland Security Act of 2002 to enhance homeland security information sharing and analysis, and for other purposes; to the Committee on Intelligence (Permanent Select), and in addition to the Committees on Government Reform, and Homeland Security (Select), 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. CRANE (for himself, Mr. ROGERS of Michigan, and Mr. LEVIN):

H.R. 4931. A bill to amend the Internal Revenue Code of 1986 to encourage and accelerate the nationwide production, retail sale, and consumer use of new commercial and consumer motor vehicles with intelligent vehicle technology systems; to the Committee on Ways and Means.

By Mr. DEFAZIO:

H.R. 4932. A bill to establish management priorities for Federal forest lands in Oregon and Washington located west of the Cascade Crest that will protect old growth timber while improving the health of young managed stands, increasing the volume of commercial timber available from these lands, and providing economic opportunities in local communities, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Resources, 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. DELAHUNT (for himself, Mr. MARKEY, Mr. CAPUANO, Mr. FRANK of Massachusetts, Mr. LYNCH, Mr. MCGOVERN, Mr. MEEHAN, Mr. OLVER, and Mr. NEAL of Massachusetts):

H.R. 4933. A bill to require the prompt review by the Secretary of the Interior of the long-standing petition by the Mashpee Wampanoag Tribe for Federal recognition, and for other purposes; to the Committee on Resources.

By Mr. DICKS (for himself, Mr. SMITH of Washington, and Mr. INSLEE):

H.R. 4934. A bill to direct the Secretary of the Interior to take certain tribally-owned reservation land into trust for the Puyallup Tribe; to the Committee on Resources.

By Mr. DINGELL (for himself, Mr. BROWN of Ohio, Mr. WAXMAN, and Mrs. CAPPS):

H.R. 4935. A bill to amend titles XIX and XXI of the Social Security Act to clarify and ensure that the authority granted to the Secretary of Health and Human Services under section 1115 of that Act is used solely to promote the objectives of the Medicaid and State children's health insurance programs, and for other purposes; to the Committee on Energy and Commerce.

By Mr. DINGELL (for himself and Mr. BARTON of Texas):

H.R. 4936. A bill to amend title XXI of the Social Security Act to modify the rules relating to the availability and method of redistribution of unexpended SCHIP allotments, and for other purposes; to the Committee on Energy and Commerce.

By Mr. DOGGETT (for himself, Mr. ALLEN, Mr. BAIRD, Mr. BECERRA, Mr. BELL, Mrs. CAPPS, Mr. CARDIN, Ms. CARSON of Indiana, Mr. CASE, Mr. DAVIS of Illinois, Mr. DEFAZIO, Mr. DELAHUNT, Ms. DELAURO, Mr. EDWARDS, Mr. EVANS, Mr. FARR, Mr. FILNER, Mr. FRANK of Massachusetts, Mr. FROST, Mr. GONZALEZ, Mr. GREEN of Texas, Mr. GRIJALVA, Mr. HASTINGS of Florida, Mr. HOEFFEL, Mr. HOLT, Mr. INSLEE, Mr. JEFFERSON, Mrs. JONES of Ohio, Ms. KAPTUR, Mr. KUCINICH, Ms. LEE, Mr. LEVIN, Mr. LEWIS of Georgia, Mrs. MALONEY, Mr. MARKEY, Mr. MATSUI, Mrs. MCCARTHY of New York, Ms. MCCARTHY of Missouri, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. MCNULTY, Mr. GEORGE MILLER of California, Mrs. NAPOLITANO, Mr. NEAL of Massachusetts, Mr. POMEROY, Mr. RODRIGUEZ, Ms. ROYBAL-ALLARD, Mr. RYAN of Ohio, Mr. SANDERS, Ms. SCHAKOWSKY, Ms. SLAUGHTER, Ms. SOLIS, Mr. STARK, Mr. TANNER, Mr. TIERNEY, Mr. UDALL of New Mexico, Mr. WAXMAN, and Ms. WOOLSEY):

H.R. 4937. A bill to amend the Lobbying Disclosure Act of 1995 to require certain coalitions and associations to disclose their lobbying activities; to the Committee on the Judiciary.

By Mr. DOGGETT (for himself, Mr. ALLEN, Mr. BAIRD, Mr. BECERRA, Mr. BELL, Mrs. CAPPS, Mr. CARDIN, Ms. CARSON of Indiana, Mr. CASE, Mr. DAVIS of Illinois, Mr. DEFAZIO, Mr. DELAHUNT, Ms. DELAURO, Mr. EDWARDS, Mr. EVANS, Mr. FARR, Mr. FILNER, Mr. FRANK of Massachusetts, Mr. FROST, Mr. GONZALEZ, Mr. GREEN of Texas, Mr. GRIJALVA, Mr. HASTINGS of Florida, Mr. HOEFFEL, Mr. HOLT, Mr. INSLEE, Mr. JEFFERSON, Mrs. JONES of Ohio, Ms. KAPTUR, Mr. KUCINICH, Ms. LEE, Mr. LEVIN, Mr. LEWIS of Georgia, Mrs. MALONEY, Mr. MARKEY, Mr. MATSUI, Mrs. MCCARTHY of New York, Ms. MCCARTHY of Missouri, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. MCNULTY, Mr. GEORGE MILLER of California, Mrs. NAPOLITANO, Mr. NEAL of Massachusetts, Mr. POMEROY, Mr. RODRIGUEZ, Ms. ROYBAL-ALLARD, Mr. RYAN of Ohio, Mr. SANDERS, Ms. SCHAKOWSKY, Ms. SLAUGHTER, Ms. SOLIS, Mr. STARK, Mr. TANNER, Mr. TIERNEY, Mr. UDALL of New Mexico, Mr. WAXMAN, and Ms. WOOLSEY):

H.R. 4938. A bill to amend the Internal Revenue Code of 1986 to require disclosure of lobbying activities by certain organizations; to the Committee on Ways and Means.

By Mr. FORD (for himself, Mr. PETRI, Mr. KENNEDY of Rhode Island, and Mr. ENGLISH):

H.R. 4939. A bill to encourage savings, promote financial literacy, and expand opportunities for young adults by establishing KIDS Accounts; to the Committee on Ways and Means.

By Mr. GILLMOR (for himself, Mr. DINGELL, Mr. GREENWOOD, Mr. ROGERS of Michigan, Mr. STUPAK, Mr. UPTON, Mr. HALL, Mr. STEARNS, Mr. PICKERING, Mr. TAUZIN, Mr. TERRY, Mr. RADANOVICH, Mr. PITTS, Mr. DEAL of Georgia, Mrs. CUBIN, Mrs. MILLER of Michigan, Mr. OXLEY, Mr. BUYER, Mr. BILIRAKIS, Mr. KILDEE, Mr. SULLIVAN, Mr. GREEN of Texas, Mr. BROWN of Ohio, Mr. STRICKLAND, Mr. LEVIN, and Mr. ISSA):

H.R. 4940. A bill to amend the Solid Waste Disposal Act to authorize local governments and Governors to restrict receipt of out-of-State and foreign municipal solid waste, to direct the Administrator of the Environmental Protection Agency to carry out certain authorities under an agreement with Canada respecting the importation of municipal solid waste, and for other purposes; to the Committee on Energy and Commerce.

By Ms. GRANGER (for herself and Mr. HOYER):

H.R. 4941. A bill to reduce and prevent childhood obesity by encouraging schools and school districts to develop and implement local, school-based programs designed to reduce and prevent childhood obesity, promote increased physical activity, and improve nutritional choices; to the Committee on Energy and Commerce, 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. GREEN of Wisconsin:

H.R. 4942. A bill to prohibit certain forms of material support for terrorism, and for other purposes; to the Committee on the Judiciary.

By Mr. GRIJALVA (for himself and Mr. KOLBE):

H.R. 4943. A bill to provide for a land exchange involving certain Bureau of Land Management lands in Pima County, Arizona for the purpose of consolidating Federal land ownership within the boundaries of the Ironwood Forest National Monument and the Las Cienegas National Conservation Area, and for other purposes; to the Committee on Resources.

By Mr. HASTINGS of Washington (for himself, Mr. OTTER, Ms. DUNN, Ms. HOOLEY of Oregon, Mr. NETHERCUTT, Mr. DEFAZIO, Mr. BLUMENAUER, Mr. WALDEN of Oregon, Mr. INSLEE, Mr. SIMPSON, Mr. WU, and Mr. BAIRD):

H.R. 4944. A bill to designate the Ice Age Floods National Geologic Trail, and for other purposes; to the Committee on Resources.

By Mr. HAYES:

H.R. 4945. A bill to amend the Internal Revenue Code of 1986 to provide an incentive for expanding employment in rural areas by allowing employers the work opportunity credit for hiring residents of rural areas; to the Committee on Ways and Means.

By Mr. HEFLEY (for himself, Mr. GARRETT of New Jersey, Mr. UDALL of Colorado, Mr. MILLER of Florida, Mr. GOODE, and Mr. TANCREDO):

H.R. 4946. A bill to provide for the orderly termination of the United States Court of Federal Claims, and for other purposes; to the Committee on the Judiciary.

By Mr. HERGER (for himself and Mr. GEORGE MILLER of California):

H.R. 4947. A bill to suspend the duty on certain educational toys and devices; to the Committee on Ways and Means.

By Ms. HERSETH:

H.R. 4948. A bill to facilitate economic growth and development and to promote Tribal sovereignty, by encouraging a dramatic increase in the number of individuals with higher education degrees working within and for Indian Country; to the Committee on Education and the Workforce.

By Ms. HERSETH:

H.R. 4949. A bill to provide compensation to the Lower Brule and Crow Creek Sioux Tribes of South Dakota for damage to tribal land caused by Pick-Sloan projects along the Missouri River; to the Committee on Resources.

By Ms. HERSETH (for herself and Mr. EVANS):

H.R. 4950. A bill to amend title 38, United States Code, to extend the requirement for biennial reports from the Advisory Committee on Former Prisoners of War; to the Committee on Veterans' Affairs.

By Mr. HOLT:

H.R. 4951. A bill to require the videotaping of interrogations and other pertinent actions between a detainee or prisoner in the custody or under the effective control of the armed forces of the United States pursuant to an interrogation, or other pertinent interaction, for the purpose of gathering intelligence and a member of the armed forces of the United States, an intelligence operative of the United States, or a contractor of the United States; to the Committee on Armed Services.

By Mr. HOLT:

H.R. 4952. A bill to suspend temporarily the duty on methacrylamido etheleneurae monomer; to the Committee on Ways and Means.

By Mr. HOLT:

H.R. 4953. A bill to suspend temporarily the duty on allyl ureido monomer; to the Committee on Ways and Means.

By Mr. HONDA:

H.R. 4954. A bill to amend the Family and Medical Leave Act of 1993 to authorize leave for the immediate family members of a member of the uniformed services who dies in the line of duty to facilitate the attendance of immediate family members at the burial ceremony of the member, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committees on Government Reform, and House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. HOOLEY of Oregon:

H.R. 4955. A bill to regulate interstate commerce by prohibiting the sale of children's personally identifiable information for commercial marketing purposes; to the Committee on Energy and Commerce.

By Mr. INSLEE (for himself, Mr. BARTLETT of Maryland, Mr. FLAKE, and Mr. DELAHUNT):

H.R. 4956. A bill to amend title 18, United States Code, to provide penalties for accessing certain electronic communications in a manner that violates consumer privacy, and for other purposes; to the Committee on the Judiciary.

By Mr. JOHN:

H.R. 4957. A bill to ensure an appropriate balance between resources and accountability under the No Child Left Behind Act of 2001; to the Committee on Education and the Workforce.

By Mr. JOHN:

H.R. 4958. A bill to direct the Secretary of the Interior to conduct a sale of oil and gas leases on certain submerged lands of the outer Continental Shelf in the Eastern Gulf of Mexico; to the Committee on Resources.

By Mr. JOHN:

H.R. 4959. A bill to recognize the heritage of hunting and provide opportunities for continued hunting on Federal public land, to protect the public's ability to fish for sport, and for other purposes; to the Committee on Resources.

By Mr. JONES of North Carolina:

H.R. 4960. A bill to prohibit the anticipated extreme reduction in the national marketing quotas for the 2005 crop of Flue-cured and Burley tobacco, which, if permitted to occur, would mean economic ruin for tobacco farmers and their families; to the Committee on Agriculture.

By Mr. KING of New York (for himself and Mr. BROWN of Ohio):

H.R. 4961. A bill to extend State Medicaid fiscal relief; to the Committee on Energy and Commerce.

By Mr. LAMPSON (for himself and Mr. GRIJALVA):

H.R. 4962. A bill to create a commemorative currency program featuring each of the 50 State capitols or statehouses on the $1 Federal reserve note, and for other purposes; to the Committee on Financial Services.

By Mr. LAMPSON (for himself, Mr. PAYNE, Mr. OWENS, and Mr. KUCINICH):

H.R. 4963. A bill to amend title 5, United States Code, to allow Federal employees to take time off from work, without loss of time or pay, for the purpose of donating blood; to the Committee on Government Reform.

By Mr. LANGEVIN:

H.R. 4964. A bill to amend the Social Security Act and the Internal Revenue Code of 1986 to assure comprehensive, affordable health insurance coverage for all Americans through an American Health Benefits Program; 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. LANTOS (for himself, Ms. ROS-LEHTINEN, Mr. BERMAN, Mr. ACKERMAN, and Mr. SHERMAN):

H.R. 4965. A bill to impose sanctions on foreign entities that engage in certain nuclear proliferation activities, and for other purposes; to the Committee on International Relations.

By Mr. LARSON of Connecticut:

H.R. 4966. A bill to amend the Help America Vote Act of 2002 to require the software used in the operation of an electronic voting machine to meet certain requirements as a condition of the use of the machine in elections for Federal office, and for other purposes; to the Committee on House Administration.

By Mr. LARSON of Connecticut:

H.R. 4967. A bill to amend titles XVIII and XIX of the Social Security Act to require automatic fire sprinkler systems in all nursing facilities participating in the Medicare or Medicaid Programs; 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. LEWIS of Kentucky:

H.R. 4968. A bill to designate the facility of the United States Postal Service located at 25 McHenry Street in Rosine, Kentucky, as the ''Bill Monroe Post Office''; to the Committee on Government Reform.

By Mrs. MALONEY (for herself and Mr. CLAY):

H.R. 4969. A bill to require the annual poverty estimate and the National Assessment of Educational Progress to be subject to certain guidance on the release of information to the public; to the Committee on Education and the Workforce.

By Mrs. MALONEY (for herself, Mr. HOLT, Mr. MCDERMOTT, and Mr. OWENS):

H.R. 4970. A bill to amend title 49, United States Code, to repeal the security screening opt-out program for airport operators; to the Committee on Transportation and Infrastructure.

By Mrs. MALONEY (for herself, Ms. LEE, Ms. WATSON, Mr. JACKSON of Illinois, Mr. CLAY, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CROWLEY, Mr. DAVIS of Illinois, Mr. OWENS, Ms. JACKSON-LEE of Texas, Mr. CHANDLER, Ms. MCCARTHY of Missouri, Mr. GRIJALVA, Mr. SHERMAN, Mr. MCDERMOTT, Mr. CONYERS, Mr. SANDERS, and Mr. MEEKS of New York):

H.R. 4971. A bill to amend the Rules of the House of Representatives to prohibit behavior that threatens that institution, and for other purposes; to the Committee on Rules, and in addition to the Committee on the Judiciary, 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. MARKEY (for himself, Ms. LINDA T. SANCHEZ of California, Mr. MCNULTY, Mr. RYAN of Ohio, Mr. LEWIS of Georgia, Mrs. CHRISTENSEN, Mr. FROST, Mr. OWENS, Mr. HINCHEY, and Mr. DEUTSCH):

H.R. 4972. A bill to amend the National Voter Registration Act of 1993 to permit certain individuals who are under the minimum legal voting age to complete voter registration application forms, and for other purposes; to the Committee on House Administration.

By Mrs. MCCARTHY of New York (for herself, Ms. PRYCE of Ohio, Mr. GREEN of Texas, Mr. PAYNE, Mr. FATTAH, and Mr. BERMAN):

H.R. 4973. A bill to authorize the Project GRAD program, and for other purposes; to the Committee on Education and the Workforce.

By Mr. MEEKS of New York:

H.R. 4974. A bill to provide health services for individuals assisting with the response to the terrorist attacks in New York City on September 11, 2001, and for other purposes; 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. MEEKS of New York:

H.R. 4975. A bill to amend the Internal Revenue Code of 1986 to impose an excise tax on the international transportation of individuals by water, to establish the Caribbean

Ports and Infrastructure Improvement Trust Fund and the Water and Marine Wildlife Protection Trust Fund, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Transportation and Infrastructure, 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. MICHAUD (for himself, Ms. SLAUGHTER, Ms. DEGETTE, and Mrs. DAVIS of California):

H.R. 4976. A bill to amend title 10, United States Code, to require emergency contraception to be included on the uniform formulary of pharmaceutical agents of the pharmacy benefits program of the Department of Defense; to the Committee on Armed Services.

By Mr. NADLER (for himself, Ms. SCHAKOWSKY, Mr. KUCINICH, and Mrs. MALONEY):

H.R. 4977. A bill to amend title 18, United States Code, to protect the reasonable expectation of privacy of users of e-mail, and for other purposes; to the Committee on the Judiciary.

By Mr. NADLER:

H.R. 4978. A bill to amend part D of title XVIII of the Social Security Act to condition the payment of employer prescription drug subsidies on the maintenance of current prescription drug benefits; 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. NETHERCUTT (for himself, Mrs. DAVIS of California, Mr. GERLACH, Mr. SESSIONS, and Mr. VITTER):

H.R. 4979. A bill to amend the Public Health Service Act to provide for educational activities and research with respect to women's pelvic floor health through the Centers for Disease Control and Prevention and the National Institutes of Health; to the Committee on Energy and Commerce.

By Mr. OSE (for himself, Mr. DELAY, Mr. DOOLITTLE, Mr. GALLEGLY, Mr. GARY G. MILLER of California, Mr. SESSIONS, Mr. HOBSON, Mr. ROHRABACHER, Mr. GIBBONS, Mr. NEUGEBAUER, Mr. BAKER, Mr. SMITH of Texas, Mr. DUNCAN, Mr. MCKEON, Mr. HYDE, Mr. SOUDER, Mr. OSBORNE, Mr. CANNON, and Mr. RADANOVICH):

H.R. 4980. A bill to direct the Secretary of the Interior to arrange for the carving of the figure of former President Ronald Reagan on Mount Rushmore National Memorial, and for other purposes; to the Committee on Resources.

By Mr. OTTER (for himself and Mr. SIMPSON):

H.R. 4981. A bill to direct the Secretary of the Interior and the heads of other Federal agencies to carry out an agreement resolving major issues relating to the adjudication of water rights in the Snake River Basin, Idaho, and for other purposes; to the Committee on Resources.

By Mr. PASCRELL (for himself, Mr. HINCHEY, Mr. WELDON of Pennsylvania, Mr. STENHOLM, Mr. PALLONE, Mr. GREEN of Texas, and Mr. OWENS):

H.R. 4982. A bill to establish a Probation and Parole Officer Safety Task Force within the Department of Justice, and for other purposes; to the Committee on the Judiciary.

By Mr. PASCRELL (for himself, Mr. HINCHEY, Mr. ENGLISH, Mr. FROST, Mr. UPTON, Mr. REYES, Ms. HARRIS, Mr. JEFFERSON, Ms. ROS-LEHTINEN, Mr. RUPPERSBERGER, Mr. SOUDER, Mr. PAYNE, Mr. GREENWOOD, Mr. PALLONE, Mr. WELDON of Pennsylvania, Ms. LEE, Mr. MCHUGH, Mr. OWENS, Ms. HART, Mr. FATTAH, Mr. VITTER, Mr. ALLEN, and Ms. LORETTA SANCHEZ of California):

H.R. 4983. A bill to amend the Internal Revenue Code of 1986 to provide a credit to businesses whose employees teach at community colleges; to the Committee on Ways and Means.

By Mr. PEARCE:

H.R. 4984. A bill to provide that the royalty rate on the output from Federal lands of potassium and potassium compounds from the mineral sylvite in the 5-year period beginning on the date of the enactment of this Act shall be reduced to 1.0 percent, and for other purposes; to the Committee on Resources.

By Mr. PRICE of North Carolina (for himself and Mr. CASTLE):

H.R. 4985. A bill to amend the Federal Election Campaign Act of 1971 to clarify the requirements for the disclosure of identifying information within authorized campaign communications which are printed, to apply certain requirements regarding the disclosure of identifying information within communications made through the Internet, to apply certain disclosure requirements to prerecorded telephone calls, and for other purposes; to the Committee on House Administration.

By Mr. ROGERS of Michigan:

H.R. 4986. A bill to require the Secretary of the Treasury to analyze and report on the exchange rate policies of the People's Republic of China, and to require that measures consistent with the obligations of the United States under the World Trade Organization be taken to offset any disadvantage to United States producers resulting from China's exchange rate policies; to the Committee on Ways and Means.

By Mr. SAXTON (for himself, Mr. LOBIONDO, and Mr. ANDREWS):

H.R. 4987. A bill to provide for priority funding of water, waste disposal, and wastewater facility loans and grants and community facilities loans and grants for the communities in Burlington and Camden counties in New Jersey, affected by the flood which occurred on July 12, 2004; to the Committee on Agriculture.

By Ms. SCHAKOWSKY (for herself, Mr. GEORGE MILLER of California, Mr. GRIJALVA, Mr. STRICKLAND, Mr. HINCHEY, Mr. EVANS, Mr. OWENS, Ms. LEE, Mr. OLVER, Mr. MCGOVERN, Ms. WATERS, Mr. DEFAZIO, and Mr. PALLONE):

H.R. 4988. A bill to amend title 36, United States Code, to require the observance of certain labor standards by companies that enter into licensing agreements with the United States Olympic Committee; to the Committee on the Judiciary.

By Mr. SCHIFF (for himself, Mr. CONYERS, Mrs. JONES of Ohio, and Mr. ROHRABACHER):

H.R. 4989. A bill to require an annual Department of State report on information relating to the promotion of religious freedom, democracy, and human rights in foreign countries by individuals, nongovernmental organizations, and the media in those countries, and for other purposes; to the Committee on International Relations.

By Mr. SESSIONS:

H.R. 4990. A bill to designate the facility of the United States Postal Service located at 8135 Forest Lane in Dallas, Texas, as the ''Dr. Robert E. Price Post Office Building''; to the Committee on Government Reform.

By Mr. SESSIONS:

H.R. 4991. A bill to designate the facility of the United States Postal Service located at 9130 Markville Drive in Dallas, Texas, as the ''Vaughn Gross Post Office Building''; to the Committee on Government Reform.

By Mr. SHADEGG (for himself, Mr. NORWOOD, and Mr. THORNBERRY):

H.R. 4992. A bill to amend the Public Health Service Act to protect certain health care providers against legal liability for providing emergency and related care to uninsured individuals; to the Committee on Energy and Commerce.

By Mr. SHADEGG (for himself, Mr. FLAKE, Mr. NORWOOD, and Mr. THORNBERRY):

H.R. 4993. A bill to limit the liability of hospitals and emergency departments for noneconomic and punitive damages when providing uncompensated care, and for other purposes; to the Committee on the Judiciary.

By Ms. SLAUGHTER (for herself, Mrs. CAPITO, Ms. GINNY BROWN-WAITE of Florida, Ms. SOLIS, Mrs. BIGGERT, Mr. BOEHLERT, Mr. CASE, Mrs. DAVIS of California, Ms. DELAURO, Mr. DOGGETT, Mr. FRANK of Massachusetts, Mr. FROST, Mr. GREEN of Texas, Mr. GRIJALVA, Mr. INSLEE, Mrs. JONES of Ohio, Mrs. JOHNSON of Connecticut, Mr. KUCINICH, Ms. LEE, Mrs. MCCARTHY of New York, Mr. MCNULTY, Mr. OWENS, Mr. PAYNE, Mr. RANGEL, Ms. ROS-LEHTINEN, Mr. SANDERS, Ms. SCHAKOWSKY, Mr. SHAYS, Mr. SIMMONS, Mr. STARK, Mr. VAN HOLLEN, Ms. WATSON, Mr. WEXLER, and Ms. WOOLSEY):

H.R. 4994. A bill to amend the Elementary and Secondary Education Act of 1965 to direct certain coeducational elementary and secondary schools to make available information on equality in school athletic programs, and for other purposes; to the Committee on Education and the Workforce.

By Ms. SLAUGHTER:

H.R. 4995. A bill to require the acquisition of intermittent escalators by Federal agencies; to the Committee on Energy and Commerce.

By Mr. STEARNS (for himself and Ms. SCHAKOWSKY):

H.R. 4996. A bill to enhance Federal Trade Commission enforcement against cross-border fraud and deception; to the Committee on Energy and Commerce.

By Mr. STENHOLM (for himself, Mr. ALEXANDER, Mr. BACA, Mr. BERRY, Mr. BISHOP of Georgia, Mr. BOSWELL, Mr. BOYD, Mr. CARDOZA, Mr. CASE, Mr. CHANDLER, Mr. COOPER, Mr. CRAMER, Mr. DAVIS of Tennessee, Ms. HARMAN, Ms. HERSETH, Mr. HILL, Mr. HOLDEN, Mr. LUCAS of Kentucky, Mr. MICHAUD, Mr. MOORE, Mr. PETERSON of Minnesota, Mr. POMEROY, Mr. ROSS, Mr. SANDLIN, Mr. SCHIFF, Mr. SCOTT of Georgia, Mr. TANNER, Mrs. TAUSCHER, Mr. TAYLOR of Mississippi, Mr. THOMPSON of California, Mr. TURNER of Texas, Ms. LORETTA SANCHEZ of California, Mr. ISRAEL, Mr. FORD, and Mr. MCINTYRE):

H.R. 4997. A bill to amend the Internal Revenue Code of 1986 to provide tax relief for middle income taxpayers, and for other purposes; to the Committee on Ways and Means.

By Mr. STRICKLAND:

H.R. 4998. A bill to make funds available to pay the United States prisoners of war that brought suit against the Government of Iraq in the case of Acree v. Republic of Iraq; to the Committee on International Relations.

By Mr. VAN HOLLEN:

H.R. 4999. A bill to repeal the provisions of law making reemployed annuitants ineligible for physicians comparability allowances under title 5, United States Code, and special pay for physicians and dentists under

title 38, United States Code; to the Committee on Government Reform, and in addition to the Committee on Veterans' Affairs, 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. WELDON of Pennsylvania (for himself and Mr. ISSA):

H.R. 5000. A bill to require the Secretaries of Health and Human Services, Defense, and Homeland Security to carry out activities toward bringing to market effective medical countermeasures to radiation from a nuclear or radiological attack; to the Committee on Energy and Commerce, and in addition to the Committees on Armed Services, and Homeland Security (Select), 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. WELDON of Pennsylvania (for himself, Mr. ALLEN, and Mr. GREENWOOD):

H.R. 5001. A bill to establish a pilot program to develop a comprehensive system of ocean and coastal observations for the Nation's oceans, coasts, and Great Lakes, including enhanced security at United States ports, and for other purposes; to the Committee on Resources, and in addition to the Committee on Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. CHRISTENSEN:

H.J. Res. 101. A joint resolution proposing an amendment to the Constitution of the United States regarding presidential election voting rights for residents of all United States territories and commonwealths; to the Committee on the Judiciary.

By Mr. FERGUSON:

H. Con. Res. 477. Concurrent resolution expressing the sense of the Congress that a commemorative postage stamp should be issued in honor of the USS New Jersey and all those who served aboard her; to the Committee on Government Reform.

By Mr. COBLE (for himself, Mr. CONYERS, Mr. SMITH of Texas, Mr. SCOTT of Virginia, and Mr. CHABOT):

H. Con. Res. 478. Concurrent resolution expressing the sense of Congress that the Supreme Court of the United States should act expeditiously to resolve the confusion and inconsistency in the Federal criminal justice system caused by its decision in Blakely v. Washington, and for other purposes; to the Committee on the Judiciary.

By Mr. DELAY:

H. Con. Res. 479. A concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate; considered and agreed to.

By Mr. BURR (for himself and Mr. UDALL of Colorado):

H. Con. Res. 480. Concurrent resolution recognizing the spirit of Jacob Mock Doub and his contribution to encouraging youth to be physically active and fit and expressing the sense of Congress that ''National Take a Kid Mountain Biking Day''should be established in Jacob Mock Doub's honor; to the Committee on Energy and Commerce.

By Mr. CHABOT (for himself and Mr. BROWN of Ohio):

H. Con. Res. 481. Concurrent resolution expressing the sense of Congress regarding high level visits by democratically elected officials of Taiwan to the United States; to the Committee on International Relations.

By Mr. MEEKS of New York (for himself, Mrs. CHRISTENSEN, Ms. LEE, Mr. RUSH, Mr. RANGEL, and Mr. CUMMINGS):

H. Con. Res. 482. Concurrent resolution recognizing and celebrating the abolition of slavery more than 150 years ago in the Latin American countries of Mexico, Chile, Uruguay, Bolivia, Colombia, Ecuador, Argentina, Peru, and Venezuela, and for other purposes; to the Committee on International Relations.

By Mr. PASCRELL:

H. Con. Res. 483. Concurrent resolution affirming the support of the Congress for preserving the image of Alexander Hamilton on the face of $10 Federal reserve notes because of his standing as one of the United States' most influential founding fathers; to the Committee on Financial Services.

By Mr. RANGEL:

H. Con. Res. 484. Concurrent resolution expressing the sense of Congress that the Honorable Percy Sutton be recognized as primarily responsible for the rebirth of the legendary Apollo Theatre of Harlem and as a trailblazer in business, politics, telecommunications, and law; to the Committee on Government Reform.

By Mr. SIMMONS (for himself and Mr. EVANS):

H. Con. Res. 485. Concurrent resolution extending the thanks of Congress and the Nation to the Defense POW/Missing Personnel Office and the Joint POW/MIA Accounting Command of the Department of Defense and to the Socialist Republic of Vietnam for their efforts to achieve the fullest possible accounting of all Americans unaccounted for as a result of the Vietnam War; to the Committee on Armed Services, and in addition to the Committee on International Relations, 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. MENENDEZ:

H. Res. 741. A resolution electing a Member to certain standing committees of the House of Representatives; considered and agreed to.

By Mr. FERGUSON (for himself, Mr. CASTLE, and Mrs. MCCARTHY of New York):

H. Res. 742. A resolution providing for the consideration of the bill (H. R. 3831) to extend the sunset on the assault weapons ban for 10 years; to the Committee on Rules.

By Ms. BORDALLO (for herself, Mr. ACEVEDO-VILA, Mrs. CHRISTENSEN, Mr. FALEOMAVAEGA, and Ms. NORTON):

H. Res. 743. A resolution amending the Rules of the House of Representatives to allow Delegates and the Resident Commissioner to file, sign, and call up discharge petitions; to the Committee on Rules.

By Mr. BURTON of Indiana (for himself, Mr. WEXLER, and Mr. BEREUTER):

H. Res. 744. A resolution congratulating the people and Government of the Republic of Indonesia on successfully completing elections for national, provincial, and regional parliamentary representatives, and praising the growth of democracy in Indonesia; to the Committee on International Relations.

By Mr. DINGELL (for himself, Mr. WAXMAN, and Mr. MARKEY):

H. Res. 745. A resolution of inquiry requesting the President of the United States to provide certain information to the House of Representatives respecting the National Energy Policy Development Group; to the Committee on Energy and Commerce.

By Mr. DINGELL (for himself, Mr. WELDON of Pennsylvania, Mr. BASS, Mr. CASTLE, Mr. GREENWOOD, Mr. BOEHLERT, Mr. SHAYS, Mr. GILCHREST, Mr. RAHALL, Mr. GRIJALVA, Mr. GEORGE MILLER of California, Mr. UDALL of New Mexico, and Mr. UDALL of Colorado):

H. Res. 746. A resolution honoring the 40th Anniversary of the Wilderness Act; to the Committee on Resources.

By Ms. LEE:

H. Res. 747. A resolution recognizing the anniversary of the ratification of the 13th Amendment and encouraging the American people to educate and instill pride and purpose into their communities and to observe the anniversary annually with appropriate programs and activities; to the Committee on the Judiciary.

By Ms. LEE:

H. Res. 748. A resolution providing for consideration of the bill (H.R. 1102) to establish the National Affordable Housing Trust Fund in the Treasury of the United States to provide for the development, rehabilitation, and preservation of decent, safe, and affordable housing for low-income families; to the Committee on Rules.

By Mrs. MALONEY:

H. Res. 749. A resolution amending the Rules of the House of Representatives to limit the maximum voting time; to the Committee on Rules.

By Mr. MCCOTTER (for himself and Mr. STUPAK):

H. Res. 750. A resolution recognizing the 130th anniversary of the creation of lifesaving stations on the Great Lakes, which became part of the United States Life-Saving Service, and for other purposes; to the Committee on Transportation and Infrastructure.

By Ms. ROS-LEHTINEN (for herself and Mr. ACKERMAN):

H. Res. 751. A resolution commending the people and the Governments of the Hashemite Kingdom of Jordan, the Kingdom of Bahrain, the State of Kuwait, the State of Qatar, and the Sultanate Oman for their progress toward democratization and political and economic liberalization; to the Committee on International Relations.

By Mr. SHIMKUS (for himself, Mr. SOUDER, and Mr. LIPINSKI):

H. Res. 752. A resolution expressing continued support for the construction of the Victims of Communism Memorial; to the Committee on Resources.

By Mr. WILSON of South Carolina:

H. Res. 753. A resolution expressing the sense of the House of Representatives that a portrait of Dilip Singh Saund should be displayed in an appropriate place in the United States Capitol or in a House Office Building; to the Committee on House Administration.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

413. The SPEAKER presented a memorial of the General Assembly of the Commonwealth of Pennsylvania, relative to House Resolution No. 114 memorializing the Congress of the United States to give priority to the passage of the defense appropriations bill; to the Committee on Armed Services.

414. Also, a memorial of the General Assembly of the Commonwealth of Pennsylvania, relative to House Resoultion No. 753 memorialzing the Centers for Medicare and Medicaid Services (CMS) to approve Pennsylvania's assessment on Medicaid-participating nursing homes and provide the funding necessary to ensure quality care for Pennsylvania's vulnerable seniors; to the Committee on Energy and Commerce.

415. Also, a memorial of the General Assembly of the Commonwealth of Pennsylvania, relative to House Resoultion No. 744 memorializing the Congress of the United States to support passage of the Men's Health Act; to the Committee on Energy and Commerce.

416. Also, a memorial of the House of Representatives of the State of Delaware, relative to House Resolution No. 86 recognizing the plight of Falun Gong practitioners in China and memorializing the Congress of the United States to take all appropriate actions and to use all appropriate public and private forums to address this issue; to the Committee on International Relations.

417. Also, a memorial of the Senate of the State of Alaska, relative to Senate Resolution No. 4 memorializing the Congress of the United States to amend the federal Wilderness Act to authorize fishery enhancement programs and similar activities in wilderness areas; to the Committee on Resources.

418. Also, a memorial of the Legislature of the State of California, relative to Assembly Joint Resoultion No. 57 memorialzing the President and the Congress of the United States to protect and uphold the intent and substance of the United States Supreme Court decision in the Roe v. Wade, relating to reproductive rights, and to encourage all Americans to participate in the national celebration, ''The March for Women's Lives,'' in recognition of that decision's historic importance in promoting women's rights; to the Committee on the Judiciary.

419. Also, a memorial of the General Assembly of the State of New York, relative to Assembly Resolution No. 2139 memorializing the President and the Congress of the United States to approve the Agricultural Job Opportunity, Benefits, and Security Act of 2003 (H.R. 3142 and S. 1645), also known as AgJOBS; to the Committee on the Judiciary.

420. Also, a memorial of the Legislature of the State of California, relative to Senate Joint Resoultion No. 16 memorializing airline companies in the United States to permanently establish reduced price airfares for active duty military personnel; to the Committee on Transportation and Infrastructure.

421. Also, a memorial of the Legislature of the State of Michigan, relative to Senate Concurrent Resolution No. 41 memorializing the Congress of the United States to provide funding for the dredging of canals around the city of Gibraltar; to the Committee on Transportation and Infrastructure.

422. Also, a memorial of the General Assembly of the Commonwealth of Pennsylvania, relative to House Resoultion No. 659 memorializing the Congress of the United states to extend and make retroactive the Federal Temporary Extended Unemployment Compensation (TEUC) program; to the Committee on Ways and Means.

423. Also, a memorial of the Legislature of the State of Arizona, relative to House Concurrent Memorial 2003 memorializing the Congress of the United States to return responsibility for surface transportation policy to the states by allowing the states to retain federal fuel tax revenues; jointly to the Committees on Transportation and Infrastructure and Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. KENNEDY of Minnesota:

H.R. 5002. A bill for the relief of Jose Manual Guzman-Morales; to the Committee on the Judiciary.

By Mr. ROTHMAN:

H.R. 5003. A bill for the relief of Malachy McAllister, Nicola McAllister, and Sean Ryan McAllister; to the Committee on the Judiciary.

By Mr. VAN HOLLEN:

H.R. 5004. A bill for the relief of Judith Atuh Tanjoh, Serge Mbah Tikum, Marie Noel Tikum, Emmanuel Ngwa Tikum, and Roger Fon Tikum; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 54: Mr. VITTER.

H.R. 104: Mr. DOGGETT, Mr. STARK, Mr. RANGEL, Mr. SCHIFF, Mrs. CAPPS, and Mr. ORTIZ.

H.R. 107: Mr. PASCRELL.

H.R. 126: Mr. DEUTSCH.

H.R. 434: Mr. CRAMER, Mr. WELDON of Pennsylvania, Mr. PICKERING, and Mr. FLAKE.

H.R. 545: Mr. PORTER.

H.R. 613: Mr. NORWOOD.

H.R. 614: Mr. NORWOOD.

H.R. 623: Mr. GRIJALVA and Mr. SOUDER.

H.R. 648: Mr. VITTER.

H.R. 677: Mrs. CHRISTENSEN.

H.R. 713: Mr. POMEROY.

H.R. 715: Mr. MARKEY and Mr. VITTER.

H.R. 727: Mr. DEFAZIO.

H.R. 729: Mr. PORTER.

H.R. 745: Mr. FATTAH and Mr. BOSWELL.

H.R. 771: Mr. VITTER.

H.R. 782: Mr. PORTER.

H.R. 792: Mr. LARSEN of Washington.

H.R. 814: Mr. PORTER.

H.R. 834: Mr. KENNEDY of Minnesota.

H.R. 839: Mr. STARK and Mr. MCKEON.

H.R. 879: Mr. PICKERING.

H.R. 935: Mr. PASCRELL.

H.R. 1043: Ms. LORETTA SANCHEZ of California.

H.R. 1083: Mr. VITTER and Mr. MATHESON.

H.R. 1101: Mr. PORTER.

H.R. 1157: Mr. TAYLOR of Mississippi.

H.R. 1205: Mr. THOMPSON of Mississippi and Mr. PASCRELL.

H.R. 1212: Mr. WAMP.

H.R. 1231: Mr. CHANDLER.

H.R. 1294: Mrs. JONES of Ohio and Mr. KIND.

H.R. 1305: Mr. GILLMOR.

H.R. 1310: Mr. KENNEDY of Minnesota.

H.R. 1336: Mr. HOSTETTLER and Mr. OXLEY.

H.R. 1381: Mr. SHERMAN.

H.R. 1422: Mr. VITTER.

H.R. 1430: Mr. SHERMAN.

H.R. 1434: Mr. MEEKS of New York.

H.R. 1448: Mr. SHERMAN.

H.R. 1477: Mr. OLVER.

H.R. 1501: Mr. GILCHREST, Mr. HUNTER, Mr. SAXTON, and Mrs. BONO.

H.R. 1508: Ms. HERSETH.

H.R. 1582: Mr. MATHESON.

H.R. 1684: Mr. LEVIN.

H.R. 1734: Mr. LEWIS of California, Mr. ISRAEL, Mr. GONZALEZ, and Mr. MARSHALL.

H.R. 1736: Mr. MCINTYRE.

H.R. 1746: Mr. NORWOOD.

H.R. 1749: Mrs. BIGGERT.

H.R. 1811: Mr. BEAUPREZ, Mr. WALSH, and Mr. ORTIZ.

H.R. 1916: Mr. SHERMAN.

H.R. 1930: Mr. HASTINGS of Florida and Mr. TOWNS.

H.R. 1993: Mr. DEUTSCH and Mrs. CHRISTENSEN.

H.R. 2173: Mr. VITTER and Mr. LARSEN of Washington.

H.R. 2176: Mr. FERGUSON.

H.R. 2203: Mr. BERMAN and Mr. TIERNEY.

H.R. 2237: Mr. MCHUGH.

H.R. 2239: Mr. WU.

H.R. 2295: Mr. BOSWELL.

H.R. 2318: Mr. DAVIS of Florida.

H.R. 2387: Mr. BERMAN.

H.R. 2426: Mr. DEUTSCH.

H.R. 2509: Mr. TERRY.

H.R. 2541: Mr. PASCRELL.

H.R. 2598: Mr. GRIJALVA.

H.R. 2621: Mr. MICHAUD.

H.R. 2735: Mr. RANGEL.

H.R. 2815: Mr. BLUMENAUER.

H.R. 2863: Mr. NEY.

H.R. 2868: Mr. VITTER.

H.R. 2890: Mr. HEFLEY.

H.R. 2950: Mr. HOYER, Mr. ROGERS of Michigan, and Mr. SHAW.

H.R. 2959: Mr. WICKER and Mr. SHAW.

H.R. 2974: Mr. PASCRELL.

H.R. 3022: Mr. KUCINICH.

H.R. 3069: Mr. VITTER.

H.R. 3103: Mr. SHUSTER.

H.R. 3142: Mr. LEVIN.

H.R. 3148: Mr. TOM DAVIS of Virginia, Mr. KLINE, Mrs. JO ANN DAVIS of Virginia, Mr. ABERCROMBIE, Ms. ROS-LEHTINEN, and Mr. CAPUANO.

H.R. 3178: Mr. MURPHY.

H.R. 3193: Mr. REGULA and Mr. PORTMAN.

H.R. 3242: Mrs. TAUSCHER.

H.R. 3243: Mr. WAXMAN.

H.R. 3369: Mr. PENCE.

H.R. 3412: Mr. GREENWOOD, Mr. WAXMAN, Mr. BEAUPREZ, and Mr. PASCRELL.

H.R. 3420: Mr. PASTOR.

H.R. 3446: Mr. SHERMAN.

H.R. 3507: Mrs. NAPOLITANO.

H.R. 3582: Mr. OLVER.

H.R. 3619: Mr. GORDON.

H.R. 3656: Mr. SIMMONS, Mr. HINCHEY, and Mr. ANDREWS.

H.R. 3676: Mr. OLVER.

H.R. 3719: Mr. SHERMAN.

H.R. 3729: Mr. MILLER of Florida, Mr. DAVIS of Tennessee, and Mr. PASCRELL.

H.R. 3784: Mr. BISHOP of Utah.

H.R. 3801: Mr. HASTINGS of Washington.

H.R. 3802: Mr. GERLACH.

H.R. 3815: Mr. PORTER.

H.R. 3831: Mr. WAXMAN and Mr. WEXLER.

H.R. 3858: Mr. BARTLETT of Maryland, Mr. FORBES, Mr. ALLEN, Mr. BERMAN, and Mr. STUPAK.

H.R. 3871: Mr. CARDIN, Mr. OWENS, Mr. LEWIS of California, and Mr. PASCRELL.

H.R. 3881: Mr. SANDLIN and Mr. DEUTSCH.

H.R. 3891: Mr. MILLER of Florida.

H.R. 3892: Mr. MILLER of Florida.

H.R. 3901: Mr. GARRETT of New Jersey.

H.R. 3968: Mr. RANGEL and Mr. COSTELLO.

H.R. 3987: Mr. CONYERS.

H.R. 4017: Mr. GRIJALVA and Mr. OWENS.

H.R. 4020: Mr. BOUCHER.

H.R. 4026: Mr. PENCE and Mr. PASCRELL.

H.R. 4064: Mr. SHADEGG.

H.R. 4067: Mr. PASCRELL, Mr. NADLER, and Ms. JACKSON-LEE of Texas.

H.R. 4069: Mr. SANDERS and Mr. UDALL of New Mexico.

H.R. 4102: Mr. PASCRELL.

H.R. 4113: Mr. REHBERG.

H.R. 4126: Mr. KING of New York.

H.R. 4129: Mr. FERGUSON, Mr. SHADEGG, and Mr. SAXTON.

H.R. 4151: Mr. FRANKS of Arizona, Mr. BURTON of Indiana, Mr. TOWNS, Mr. PITTS, and Mr. BURGESS.

H.R. 4155: Mr. DEUTSCH.

H.R. 4225: Mr. MILLER of Florida.

H.R. 4230: Mr. LINCOLN DIAZ-BALART of Florida.

H.R. 4249: Mr. GONZALEZ, Mr. GORDON, Mr. MOLLOHAN, Mr. HINOJOSA, Mr. BELL, Mr. SESSIONS, Mr. OBEY, Mrs. CHRISTENSEN, Ms. NORTON, Mr. ACEVEDO-VILA, Mr. MORAN of Virginia, Mr. WOLF, Mr. KENNEDY of Rhode Island, Mr. BOSWELL, Mrs. CAPPS, Mr. PRICE of North Carolina, Mr. BURTON of Indiana, Mr. MCGOVERN, Mr. STRICKLAND, Mr. SCHIFF, Mr. FORD, Mr. CAPUANO, Mr. HINCHEY, Mr. EDWARDS, Mr. BROWN of Ohio, Mr. OSE, Mr. MCINTYRE, Mr. WATT, and Mr. BAIRD.

H.R. 4256: Mrs. MALONEY.

H.R. 4262: Mr. PAYNE and Mr. PALLONE.

H.R. 4263: Mr. MORAN of Virginia.

H.R. 4283: Mr. ISAKSON, Mr. NUSSLE, and Mr. LATHAM.
H.R. 4306: Mr. BERMAN.
H.R. 4316: Mr. MORAN of Virginia.
H.R. 4346: Mr. HASTINGS of Florida, Mr. OLVER, and Mr. MOORE.
H.R. 4354: Mr. OLVER.
H.R. 4356: Mr. SMITH of Washington.
H.R. 4358: Mr. GERLACH.
H.R. 4366: Ms. DELAURO, Mr. SANDERS, Mr. KUCINICH, and Mr. GRIJALVA.
H.R. 4367: Mr. REYES and Mr. BOUCHER.
H.R. 4377: Mr. MCDERMOTT.
H.R. 4391: Mr. HALL.
H.R. 4392: Mr. GOODLATTE and Mr. MORAN of Virginia.
H.R. 4420: Mr. PETRI, Mr. KINGSTON, and Mr. PICKERING.
H.R. 4433: Mr. CASTLE and Mr. MORAN of Virginia.
H.R. 4440: Mr. ROHRABACHER and Mr. FOLEY.
H.R. 4445: Mr. DAVIS of Alabama and Mr. PAYNE.
H.R. 4474: Mr. BECERRA and Mr. BERMAN.
H.R. 4491: Mr. KANJORSKI, Ms. SLAUGHTER, Mr. PRICE of North Carolina, Mr. LAHOOD, and Mr. DOYLE.
H.R. 4493: Mr. WAXMAN, Mr. BECERRA, Mr. GEORGE MILLER of California, Ms. DELAURO, Mr. CHRISTENSEN, Mr. FATTAH, Mr. MCCOTTER, Mrs. LOWEY, Mr. OWENS, and Ms. SOLIS.
H.R. 4496: Mr. MCKEON, Mr. NORWOOD, Mr. UPTON, Mr. EHLERS, Mr. ISAKSON, Mr. BURNS, and Mr. VITTER.
H.R. 4502: Mr. SOUDER, Mr. MCCOTTER, and Mr. VITTER.
H.R. 4530: Mrs. MYRICK.
H.R. 4546: Mr. OWENS and Ms. BORDALLO.
H.R. 4576: Mr. SHIMKUS and Mr. MANZULLO.
H.R. 4578: Mr. TURNER of Ohio, Mr. CRAMER, Mrs. DAVIS of California, Mr. INSLEE, Mr. FILNER, Mr. STRICKLAND, Mr. LARSEN of Washington, Mr. ISSA, Mr. SANDERS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LYNCH, Mr. COSTELLO, Mr. TURNER of Texas, and Mr. WELLER.
H.R. 4585: Mr. GORDON, Mr. SERRANO, Mr. GRIJALVA, Mr. PALLONE, Ms. SOLIS, Mr. SANDERS, Mr. MCDERMOTT, Mr. CROWLEY, Mr. FATTAH, and Mr. EMANUEL.
H.R. 4595: Mr. MORAN of Virginia, Mr. LARSON of Connecticut, Ms. SOLIS, Mr. HINOJOSA, Mr. ACEVEDO-VILA, Ms. LINDA T. SANCHEZ of California, Mr. ORTIZ, and Mr. RODRIGUEZ.
H.R. 4605: Mr. OLVER, Mr. RAMSTAD, and Mr. LEWIS of Georgia.
H.R. 4610: Mr. SOUDER.
H.R. 4628: Mr. PASCRELL.
H.R. 4634: Mr. GARY G. MILLER of California, Mr. NETHERCUTT, Mr. RENZI, Mr. LATOURETTE, Mr. ISSA, Mr. OSE, Mr. WELLER, Mr. CALVERT, Mr. HASTINGS of Washington, Mr. KLINE, Mr. SMITH of Washington, Mr. KNOLLENBERG, Mr. ISAKSON, Mr. BISHOP of Utah, Mr. FRELINGHUYSEN, Mr. BASS, Mr. BURTON of Indiana, Mr. RAMSTAD, Mr. HUNTER, Mr. BURGESS, Mr. SAM JOHNSON of Texas, Mr. HALL, Mr. THORNBERRY, Ms. GRANGER, Mr. SWEENEY, Mr. BOOZMAN, Mr. PUTNAM, Mr. MILLER of Florida, Mr. FORBES, Mr. CRENSHAW, and Mr. KELLER.
H.R. 4652: Mr. LEACH.
H.R. 4656: Ms. JACKSON-LEE of Texas.
H.R. 4658: Mr. VITTER.
H.R. 4662: Mr. CAMP and Mr. GUTKNECHT.
H.R. 4668: Mr. MILLER of Florida, Mr. TIBERI, Mrs. LOWEY, Mrs. CHRISTENSEN, Mr. ACEVEDO-VILA, Mr. MEEKS of New York, Mr. WAXMAN, Mr. MCNULTY, Mr. CARDOZA, Ms. WATSON, Mr. BERMAN, and Mr. LEWIS of California.
H.R. 4669: Mr. SNYDER, and Mrs. MYRICK.
H.R. 4671: Ms. WOOLSEY.
H.R. 4676: Mr. SHIMKUS, Mrs. CAPITO, Mr. SERRANO, Mr. ACEVEDO-VILA, Ms. ROYBAL-ALLARD, Mr. CUMMINGS, Ms. SOLIS, and Mrs. JOHNSON of Connecticut.
H.R. 4678: Mr. DELAHUNT, Mr. MCGOVERN, Ms. SOLIS, Mr. MEEKS of New York, Mr. MCDERMOTT, Mr. ABERCROMBIE, Mr. OLVER, Mr. CROWLEY, Mr. HONDA, Mr. FRANK of Massachusetts, and Mr. BERMAN.
H.R. 4680: Mr. MILLER of Florida.
H.R. 4682: Mr. GONZALEZ, Ms. LORETTA SANCHEZ of California, Mr. KLECZKA, Mr. MORAN of Virginia, Mr. HONDA, Mr. CARDOZA, Mr. MEEKS of New York, Ms. CORRINE BROWN of Florida, Mr. LIPINSKI, Mr. WEINER, Mr. PORTER, and Mr. SHAW.
H.R. 4687: Mr. ROSS, Mr. KILDEE, Mr. MCHUGH, Mr. TAYLOR of Mississippi, Mr. BEREUTER, Mr. SANDERS, Mr. MARSHALL, Mr. STUPAK, and Mr. JOHN.
H.R. 4701: Mr. WAXMAN.
H.R. 4706: Ms. ESHOO, Mr. LANTOS, and Mr. OWENS.
H.R. 4711: Ms. DELAURO and Mr. FOLEY.
H.R. 4712: Mr. SOUDER and Mr. VITTER.
H.R. 4715: Mr. DUNCAN and Mr. GARRETT of New Jersey.
H.R. 4718: Mr. JENKINS, Mrs. CUBIN, and Mr. MCINTYRE.
H.R. 4736: Mr. CONYERS.
H.R. 4758: Ms. SLAUGHTER.
H.R. 4768: Mr. TURNER of Ohio.
H.R. 4769: Ms. HERSETH.
H.R. 4772: Mrs. TAUSCHER, Ms. MCCOLLUM, Mr. MEEHAN, Mr. PALLONE, Mr. BOSWELL, Mr. OBEY, Mr. KENNEDY of Rhode Island, Mr. OWENS, Mr. LAMPSON, and Mr. MICHAUD.
H.R. 4773: Mr. RYUN of Kansas, Mr. SAM JOHNSON of Texas, Mr. MILLER of Florida, and Mr. SOUDER.
H.R. 4774: Mr. OWENS.
H.R. 4779: Mr. GUTKNECHT.
H.R. 4785: Mr. BOEHNER.
H.R. 4786: Mrs. CHRISTENSEN and Mr. FROST.
H.R. 4792: Mr. ACKERMAN, Mr. LEACH, and Mr. ALLEN.
H.R. 4793: Mr. OWENS, Mr. TOWNS, Mr. RUSH, Mr. KUCINICH, Mr. WEXLER, Mr. MEEKS of New York, and Ms. CORRINE BROWN of Florida.
H.R. 4799: Mr. BERMAN, Mr. CUMMINGS, Mr. KILDEE, Mr. WAXMAN, Mrs. CHRISTENSEN, Mr. EMANUEL, Mr. BURR, Mr. LAHOOD, Mr. OWENS, Mr. MCINTYRE, Mr. MARKEY, Mr. MORAN of Virginia, Mr. HALL, and Mr. FRANK of Massachusetts.
H.R. 4802: Mr. HOLDEN, Mr. SANDLIN, Mr. WELDON of Pennsylvania, and Mr. GONZALEZ.
H.R. 4805: Mr. MARIO DIAZ-BALART of Florida and Mr. RYAN of Wisconsin.
H.R. 4807: Ms. HARMAN, Ms. WOOLSEY, Mrs. TAUSCHER, Mr. HUNTER, Mr. CUNNINGHAM, Ms. ROYBAL-ALLARD, Mrs. CAPPS, Mr. BECERRA, Mr. LANTOS, Mr. BACA, Mr. COX, Mr. THOMPSON of California, Mr. STARK, Mr. GALLEGLY, Mr. THOMAS, Ms. WATERS, Mrs. NAPOLITANO, Ms. SOLIS, Mr. GEORGE MILLER of California, Ms. LINDA T. SANCHEZ of California, Ms. LORETTA SANCHEZ of California, Mrs. DAVIS of California, Mr. DOOLEY of California, Mr. BERMAN, Mrs. BONO, Mr. RADANOVICH, Ms. LOFGREN, Mr. ISSA, Ms. PELOSI, and Mr. DREIER.
H.R. 4809: Mr. SOUDER.
H.R. 4824: Mrs. MCCARTHY of New York and Mr. HOLT.
H.R. 4826: Mr. HINCHEY, Mr. CUNNINGHAM, Mr. MCDERMOTT, and Mr. GRIJALVA.
H.R. 4828: Mr. OWENS, Mr. LEWIS of Georgia, Mr. KLECZKA, Ms. SCHAKOWSKY, Ms. MAJETTE, Ms. MILLENDER-MCDONALD, Mr. SANDERS, Mr. CONYERS, Ms. KAPTUR, Mr. PAYNE, Ms. ESHOO, Mr. MARKEY, Mr. ABERCROMBIE, Mr. JEFFERSON, and Ms. KILPATRICK.
H.R. 4830: Mr. PASCRELL.
H.R. 4835: Mr. UDALL of New Mexico.
H.R. 4853: Ms. BALDWIN, Mr. HAYES, Mr. LANGEVIN, Mr. GERLACH, and Mr. STARK.
H.R. 4860: Mr. BEREUTER and Ms. SLAUGHTER.
H.R. 4866: Mr. STRICKLAND, Mr. RYAN of Ohio, and Mr. FILNER.
H.R. 4877: Mr. STUPAK.
H.J. Res. 9: Mr. DEMINT.
H.J. Res. 50: Mr. VITTER.
H.J. Res. 56: Mr. RADANOVICH.
H. Con. Res. 111: Mr. CUMMINGS.
H. Con. Res. 213: Mr. EVANS.
H. Con. Res. 298: Mr. SHUSTER.
H. Con. Res. 319: Mr. PRICE of North Carolina.
H. Con. Res. 330: Mr. MILLER of North Carolina.
H. Con. Res. 363: Mr. DEUTSCH.
H. Con. Res. 375: Mr. RANGEL, Mr. ETHERIDGE, Mr. PORTER, Mr. ROTHMAN, and Mr. PALLONE.
H. Con. Res. 425: Ms. EDDIE BERNICE JOHNSON of Texas.
H. Con. Res. 431: Mr. FROST, Mr. GARRETT of New Jersey, and Mr. UPTON.
H. Con. Res. 435: Mr. TURNER of Texas.
H. Con. Res. 441: Mr. TERRY, Mr. SIMPSON, Mr. WAMP, Mr. RENZI, Mr. UPTON, Mr. HASTINGS of Washington, and Mr. SHIMKUS.
H. Con. Res. 443: Mr. JONES of North Carolina.
H. Con. Res. 456: Mr. PASCRELL.
H. Con. Res. 473: Mr. PASCRELL.
H. Con. Res. 475: Mr. HOUGHTON, Mr. SERRANO, Mrs. MALONEY, Mr. TOWNS, Mr. OWENS, Ms. SLAUGHTER, Mrs. LOWEY, Mr. CROWLEY, Mr. SWEENEY, Mr. QUINN, Mr. HINCHEY, Mr. MCNULTY, Mr. MEEKS of New York, Mr. ENGEL, Mr. KING of New York, Mr. WALSH, and Mr. BISHOP of New York.
H. Res. 28: Ms. ROS-LEHTINEN.
H. Res. 485: Mr. RAMSTAD.
H. Res. 556: Mr. CALVERT.
H. Res. 587: Mr. FRANK of Massachusetts.
H. Res. 632: Mr. DEUTSCH.
H. Res. 690: Mr. LEWIS of Georgia, Ms. BORDALLO, Mr. THOMPSON of California, Mr. TURNER of Texas, Mr. GREEN of Texas, Mr. HONDA, Ms. LOFGREN, Mr. DAVIS of Florida, Mr. MEEK of Florida, Ms. HOOLEY of Oregon, Mr. VAN HOLLEN, Ms. DEGETTE, Mr. STUPAK, Mr. LYNCH, Mr. PRICE of North Carolina, Mrs. NAPOLITANO, Mr. JACKSON of Illinois, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. REYES, Ms. SLAUGHTER, Mr. BRADY of Pennsylvania, Mr. UDALL of Colorado, and Mr. DAVIS of Illinois.
H. Res. 716: Mr. WELDON of Pennsylvania.
H. Res. 717: Mr. MEEKS of New York.
H. Res. 720: Mr. WHITFIELD, Mr. PAUL, Mr. GARRETT of New Jersey, Mr. DEFAZIO, Mr. CULBERSON, and Mr. BARRETT of South Carolina.
H. Res. 721: Mr. FROST.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

100. The SPEAKER presented a petition of the Legislature of Rockland County, New York, relative to Resolution No. 261 of 2004 petitioning the Congress of the United States to introduce and pass appropriate legislation allowing persons alleging age discrimination to be held to the same ''disparate impact'' standard of proof as those alleging other forms of discrimination; to the Committee on Education and the Workforce.

101. Also, a petition of the City Council of Atlanta, Georgia, relative to Resolution 04-R-1203 supporting pending Federal Legislation that would double reserach spending on Alzheimer's Disease, and for other purposes; to the Committee on Energy and Commerce.

102. Also, a petition of H.R.M. Akahi Nui, a Citizen of Maui, Hawaii, relative to notification of violations and offences with order to answer; to the Committee on Resources.

103. Also, a petition of Members of the General Assembly of California, relative to a letter noting the passage of Proposition 22, which read ''only marriage between a man and a woman is valid or recognized in California,'' and petitioning Congress of the United States to pass an amendment to the United States Constitution that would protect and defend the scanctity of marriage between a man and a woman; to the Committee on the Judiciary.

DISCHARGE PETITIONS

Under clause 2 of rule XV, the following discharge petition was filed:

Petition 10. July 19, 2004, by Mr. BISHOP of New York, on House Resolution 708, was signed by the following Members: Timothy H. Bishop, John D. Dingell, Jim McDermott, Eddie Bernice Johnson, Henry A. Waxman, Sherrod Brown, Charles B. Rangel, Albert Russell Wynn, Linda T. Sanchez, Bill Pascrell, Jr., Bob Filner, Jose E. Serrano, James R. Langevin, Betty McCollum, Stephen F. Lynch, Robert E. Andrews, Rick Larsen, Peter A. DeFazio, Lloyd Doggett, Lois Capps, Bobby L. Rush, Anthony D. Weiner, Dale E. Kildee, Karen McCarthy, Robert A. Brady, Joseph Crowley, John W. Olver, Ruben Hinojosa, James P. Moran, Adam B. Schiff, Nita M. Lowery, Nydia M. Velazquez, Janice D. Schakowsky, John Conyers, Jr., Jane Harman, Rodney Alexander, Carolyn McCarthy, Steny H. Hoyer, Eliot L. Engel, Diane E. Watson, Donald M. Payne, Earl Blumenauer, Micheal R. McNulty, Tom Lantos, Rahm Emanuel, Michael H. Michaud, Nick J. Rahall II, Tom Udall, Grace F. Napolitano, Hilda L. Solis, Raul M. Grijalva, Joe Baca, Rush D. Holt, Artur Davis, Major R. Owens, C.A. Dutch Ruppersberger, Chris Van Hollen, Chris Bell, Fortney Peter Stark, Jim Davis, Martin Frost, Bob Etheridge, Ellen O. Tauscher, Louise McIntosh Slaughter, Brad Miller, Lucille Roybal-Allard, Leonard L. Boswell, Anna G. Eshoo, Darlene Hooley, James P. McGovern, Baron P. Hill, Steven Israel, Dennis Moore, Lynn C. Woolsey, Steven R. Rothman, Susan A. Davis, Jesse L. Jackson, Jr., Frank Pallone, Jr., Carolyn B. Maloney, Tim Ryan, Robert Wexler, Adam Smith, Corrine Brown, Michael F. Doyle, Bart Stupak, Barbara Lee, Ken Lucas, Dennis A. Cardoza, Bart Gordon, Loretta Sanchez, Jim Cooper, David E. Price, Dennis J. Kucinich, Carolyn C. Kilpatrick, Martin T. Meehan, Alcee L. Hastings, Stephanie Tubbs Jones, Bernard Sanders, Earl Pomeroy, John M. Spratt, Jr., Tammy Baldwin, Xavier Becerra, Maurice D. Hinchey, Sander M. Levin, Mark Udall, Mike Thompson, Thomas H. Allen, Sanford D. Bishop, Jr., John Lewis, Shelley Berkley, Barney Frank, Howard L. Berman, Gene Taylor, Mike Ross, David Wu, Danny K. Davis, Gregory W. Meeks, William D. Delahunt, Gary L. Ackerman, Stephanie Herseth, Nancy Pelosi, Melvin L. Watt, Elijah E. Cummings, Brian Baird, Michael M. Honda, Ted Strickland, Edward J. Markey, Jay Inslee, Benjamin L. Cardin, Silvestre Reyes, Diana DeGette, Patrick J. Kennedy, Tm Holden, Lincoln Davis, Ike Skelton, Ed Case, Peter Deutsch, Charles A. Gonzalez, Marcy Kaptur, Robert Menendez, Zoe Lofgren, Lane Evans, Denise L. Majette, Jerrold Nadler, Ben Chandler Vic Snyder, Maxine Waters, Ron Kins, Juanita Millender-McDonald, George Miller, Chaka Fattah, Edolphus Towns, Brad Serman, G.K. Butterfield, James E. Clyburn, Robert T. Matsui, Martin Olav Sabo, Bennie G. Thompson, Ciro D. Rodriguez, Robert E. (Bud) Cramer, Jr., Joseph M. Hoeffel, Harold E. Ford, Jr., Jerry F. Costello, Luis V. Gutierrez, John F. Tierney, Robert C. Scott, Calvin M. Dooley, Paul E. Kanjorski, and Gerald D. Kleczka.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 8, by Mr. EDWARDS on House Resolution 584: G.K. Butterfield.

Petition 9, by Mr. FROST on House Resolution 696: Dennis J. Kucinich, David Wu, Tim Holden, William J. Jefferson, David R. Obey, Xavier Becerra, Lloyd Doggett, Chaka Fattah, Mike Thompson, Neil Abercrombie, Fortney Pete Stark, Adam Smith, Michael M. Honda, Jay Inslee, Denise L. Majette, G.K. Butterfield, Robert E. (Bud) Cramer, Jr., and Richard E. Neal.

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Senate

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2005—CONFERENCE REPORT—Continued

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I ask unanimous consent that the time allocated to the Senator from Arizona be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. STEVENS. How much time remains, Mr. President?

The ACTING PRESIDENT pro tempore. Approximately 1 hour 10 minutes.

Mr. STEVENS. May I inquire if the Senator from West Virginia wishes to use any further time at this time?

Mr. BYRD. Mr. President, if the distinguished Senator will yield, I will respond. I do intend to. I would hope that the cloakroom would find out if any Senators on my side want any time on this bill.

Mr. STEVENS. That is the reason I have reserved our time and Senator INOUYE reserved his time also. I have been notified of no Senator on my side who wishes to use part of my time. I don't know about the Senator from Hawaii. He indicates he has had no requests.

It appears Senator BYRD would be the last person to make a statement.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from West Virginia.

Mr. BYRD. I thank the Chair.

Mr. President, I speak, in part, on another matter, but basically with reference to the Homeland Security appropriations bill. I would hope to title my remarks at this point ''Homeland Insecurity.''

In a mere matter of days, we will officially kick off the 2004 Presidential election season, with the convening of the Democratic convention in Boston. The political activities and festivities in Boston will also mark the beginning of a tense interlude between the conventions and the November elections, during which the Nation has been told to brace for the possibility of a large-scale terrorist attack on the United States.

Earlier this month, Homeland Security Secretary Tom Ridge and FBI Director Robert Mueller went on national television to warn the American people that credible evidence pointed to plans by al-Qaida to launch a large-scale attack on the United States before the November elections in an effort to disrupt our democratic process. Yet in the weeks since our Nation's top Homeland Security officials issued that blunt and alarming warning, the administration appears to have buried its head in the sand, carrying on with business as usual, seemingly oblivious to the gathering danger predicted by its own experts.

This morning the Washington Times newspaper published on its front page a chilling account of shadowy groups of Middle Eastern men carrying out surveillance at airports, probing security measures, conducting what appear to be dry runs on our aircraft. The reports are anecdotal, but regardless of whether the article turns out to be accurate or merely an example of scaremongering, it raises serious questions and underscores serious flaws in the administration's preparedness to respond to another terrorist attack on the United States.

Following the tragic events of September 11, protecting the Nation's commercial aircraft became the top antiterrorism priority of the Federal Government in this country. The administration established a firm goal for the number of Federal air marshals so that a high percentage of critical flights could be protected. The exact number of air marshals is classified. However, it is no secret that the Federal Air Marshals Program has never reached the staffing level deemed necessary to protect the American people in the wake of the September 11 attacks.

Worse, as commercial air travel rebounds to its highest level since the September 11 attacks, the number of Federal air marshals is actually declining, falling 9 percent below the meager staffing level that the program was initially able to achieve and far further below the administration's stated goal.

As air marshals leave the program, budget constraints prohibit the hiring of replacements. The number of air marshals continues to dwindle, and the number of critical flights they are able to cover remains on a steady downward spiral. That is enough to make your hair stand on end.

At a time when Americans have been told, in the starkest terms possible, that al-Qaida is moving forward with plans to attack our homeland, the administration continues to twiddle its thumbs and allow our homeland defenses, including protection of commercial aircraft, to erode.

While the Bush administration claims progress in the war on terror and asserts that it is making the Nation safer, the facts belie the rhetoric. The assertions are hollow. The administration has consistently put homeland security on the back burner. At the prodding of Congress, the administration grudgingly created the Cabinet-level Department of Homeland Security. Senator STEVENS and I wrote language into appropriation bills providing that the head of Homeland Security would require confirmation. No, the administration didn't want to send Mr. Ridge up before the Appropriations Committee until Senator STEVENS and I joined in writing that language. Since the creation of this Department, the administration has failed to provide the Department with the resources needed to make Americans safer.

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

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The Senate, I am sorry to say, is somewhat complicit in the administration's negligence. The Senate has danced right along to the White House tune. As Brutus said, in scolding Cicero for attempting to toady up to Antony:

Our ancestors would have scorned even a gentle master.

Although the Senate Appropriations Committee passed the Homeland Security bill more than a month ago, it has been languishing—now get this. Let me say that again. Hear me. Although the Senate Appropriations Committee passed the Homeland Security appropriations bill more than a month ago, that bill has been languishing on the shelf since then and has yet to see the light of day on the Senate floor.

That is the bill making appropriations for homeland security. That is the bill for your protection, may I say to the people who are watching this Senate through those electronic lenses. It is your protection, your security, your children's protection, your property, your community. And yet that bill has been languishing, where? On the shelf since then and has yet to see the light of day on this Senate floor.

For some reason which I cannot divine, this do-nothing Senate—hear me—for some reason which I cannot divine, this do-nothing Senate, under the Senate Republican leadership, has bottled up the Homeland Security bill, refusing to allow the Senate to debate it and pass it and send it to the President of the United States.

Here we are, the Senate is about to go out for 45 days, and what about your safety out there? What about the safety of the American people? What about the safety of the communities of this country? What about the safety of the children who attend the schools of this country? What about them? Are they going to have to wait 45 days before this bill making appropriations for homeland defense is to even be called up and debated in this Senate? Yes. We are going to go home. We are going to go home and leave those people unprotected insofar as new moneys are concerned for the Department of Homeland Security.

Fie on the administration that would treat the American people so cavalierly. Here is a bill that has been waiting. This is not Senator STEVENS' fault. His Appropriations Committee, of which I am the ranking member, has reported out this bill days and days ago. We should have taken that bill up and passed it. Where is it now? It is bottled up, and there are no chances—none—of calling this appropriations bill up before we go home for a 45-day recess. Go home. Go home. And yet amidst all of this, this administration has been issuing dire warnings about al-Qaida and what may happen in this country in the meantime, and particularly during a time when the American people are going through the democratic processes of nominating a President and Vice President of the United States.

Now, if that isn't enough to make the hair curl, I would like to know what we need to make it curl.

Unlike the billions upon billions of dollars in funding that the President has demanded from Congress to fight his war in Iraq, he has been strangely silent on the need to appropriate homeland security funding to better protect you, Senators, you, the American people at home.

In the wake of the most recent terrorist alert, one would think—wouldn't one think—that the President of the United States would have called on Congress to provide supplemental funding for new measures to thwart the threat from al-Qaida? Wouldn't one think that?

There are so many weak links in our homeland security network for which added resources could be a true lifesaver. The country needs additional funds to secure our mass transit systems, to increase the inspection of air and ship cargo containers, and, yes, to increase the number of Federal air marshals.

Yet the White House is doing nothing in this regard—nothing, nothing—to press Congress to move on this Homeland Security appropriations bill before we close the doors and go home.

If the reports of pilots and flight attendants and air marshals cited in the Washington Times article are accurate, our Nation's aircraft may be under a renewed threat of attack. If the ''credible evidence'' cited by the Secretary of Homeland Security and the Director of the FBI is accurate, then the United States is entering an extremely—extremely—dangerous period. And if the chairman of the so-called 9/11 Commission was correct in the assessments he made today—I believe he was—then the United States must face up to the mistakes it made in the past and to the probability of another terrorist attack of even greater magnitude than that which shook the Nation on September 11, 2001.

Yet the White House is doing nothing in this regard. By pretending that funding for homeland security can wait, and by refusing to acknowledge that additional resources are needed to protect the Nation, the administration is callously playing fast and loose with the safety of the American people.

I hope and I pray that America remains safe over the coming months. I hope and pray that the reporting is wrong. I hope and pray that the evidence collected by our homeland security experts is off the mark. I hope and pray that the political conventions will be the scenes of nothing more sinister than elbowing for a better view of the platform. Above all, I hope and pray that the administration will come to its senses, drop its pretension that all is well with homeland security, and provide the financial resources required to truly protect the American people at home.

Mr. President, I reserve the remainder of my time and yield the floor.

Mr. BIDEN. Mr. President, today, the 9/11 Commission released its report and the Commission Chairman, Thomas H. Kearn, said that an attack ''of even greater magnitude is possible—even probable.'' In fact, intelligence assessments have long warned that al-Qaida is seeking weapons of mass destruction to use against Americans in the United States.

The 9/11 Commission specifically recommended today: ''Support the Cooperative Threat Reduction Program'' and went on to state that it ''is now in need of expansion, improvement, and resources.'' Yet the conference report before us today includes a rescission insisted upon by the other body of $50 million in fiscal year 2003 funding for cooperative threat reduction programs. In other words, although this bill appropriates $409 million for these programs in fiscal year 2005, 12 percent of that amount from prior appropriations is being taken away. I think that is a huge mistake.

These programs, known as ''Nunn-Lugar'' programs after former Senator Sam Nunn and the current distinguished chairman of the Foreign Relations Committee, Senator LUGAR, assist countries of the former Soviet Union in the safe and secure transportation, storage and dismantlement of nuclear weapons and nuclear and chemical materials, as well as preventing the diversion of nuclear materials or equipment. So, we have just cut funding for programs that will help keep nuclear weapons out of the hands of terrorists.

There has been some confusion about the impact of this cut. The official at the Defense Department charges with administering these programs believes that she will be able to move funds around sufficiently to prevent the cancellation of any programs, this time. I hope she is right.

The cooperative threat reduction programs are notorious for how slowly the money is obligated. That is not because the programs are unneeded, or because federal employees are not doing their jobs. Rather, pay-outs are slow because cooperation from the countries concerned and various statutory certifications are required before the funds can be used.

This fact makes the program a tempting target for those looking for a pot of money to raid. But such critical programs must not be looked at as ''bill payers'' for other defense needs.

Neither should we view cooperative threat reduction programs as ''foreign aid.'' That red herring must be put to rest. As former Defense Secretary Bill Perry used to say, CTR is ''defense by other means.'' There is no more pressing national security need than to secure the sources of weapons of mass destruction and keep them out of the hands of terrorists.

I want to put the House on notice today that I will vigorously oppose further cuts in these programs. And should any deobligation of funds be

necessary because of this cut, I will urge the President and the Secretary of Defense to reprogram funds to prevent the cancellation of programs and contracts.

We have no greater responsibility than to protect our Nation from an attack with weapons of mass destruction and I, for one, will not stand for this critical program to be chipped away until it becomes ineffective.

Mr. CONRAD. Mr. President, today I want to discuss the Defense Appropriations conference report. I want to say upfront this legislation is extremely important. At a time when our soldiers are still in harm's way in Iraq, Afghanistan, and around the world, this legislation provides resources they need.

This bill is all the more important because costs of war in Iraq are spiraling upward. The GAO has just reported that there is a shortfall of over $12 billion in funding for war costs for fiscal year 2004. This is on top of the $87 billion supplemental that we passed last year. This year's Defense Appropriations bill makes $25 billion in emergency reserve funding for war costs available immediately, helping to cover this shortfall and ensure that our troops have what they need in Iraq.

It is important to note that much more is likely to be needed in 2005. CBO recently estimated that military operations in 2005 could cost $55–$60 billion. These estimates demonstrate that the Bush administration has failed to budget properly for the war in Iraq and continues to understate the likely cost of these operations.

While this Defense conference report is extremely important, I want to make clear that I am deeply disappointed with the budget provisions that were added to this conference report behind closed doors by the majority, without any debate in the House or Senate. In what I believe is an unprecedented move, the majority has inserted deeming language into this defense conference report—setting the overall fiscal year 2005 discretionary spending level at $821 billion. This deeming language should have been debated in the Senate. It is entirely inappropriate to add this language outside the scope of conference without any debate by the Senate or by the Budget Committee. Clearly it was added because the majority knows that members of the Senate will not want to oppose a defense bill while our troops are in harm's way.

This is no way to govern. It sets a terrible precedent. Since a conference report is not amendable, the majority is effectively stifling the ability of the Senate to fully debate and amend the deeming language. But that seems to be the point here. The majority does not want to give the Senate the opportunity to fully debate and amend this language.

We wouldn't be in this position if the majority had passed a budget resolution this year. That is where the overall spending and revenue amounts are supposed to be determined. Yet, because the majority's leadership has refused to restore a strong paygo rule that applies to both tax cuts and spending, the Senate has been unable to get an agreement on a budget. Despite the record deficits we now face, the majority and the Bush administration are still fixated on passing more and more unpaid-for tax cuts. The Bush administration's fiscally irresponsible leadership is driving our nation's finances right off the cliff—and at the worst possible time, on the brink of the retirement of the baby boom generation.

I mentioned that there was no debate on this deeming language. Governing this way is bound to lead to mistakes. In drafting this deeming language, the majority has left out the firewall provisions that guarantee that the gas tax contributions of our Nation's motorists will be used to finance the Nation's highway and mass transit. We have had highway and mass transit firewalls in place for the last 6 years to ensure that funding for those programs is not diverted to other areas. But now, under this deeming language, the firewalls will be eliminated and those highway and mass transit funds could be pilfered to cover shortfalls in other areas of the budget. I think this is a significant mistake—a horrible precedent to set in advance of a highway reauthorization bill.

As I said earlier, the funding for our troops contained in this bill is very important. But I want to be clear how disappointed I am in the way the majority is operating here and in the way they, along with the Bush administration, are dangerously undermining our Nation's fiscal and economic security.

Mr. MCCAIN. Mr. President, today we are considering the conference report for the fiscal year 2005 Defense appropriations act. While I recognize the importance of passing this legislation prior to the upcoming recess, I am once again disappointed that we are acting on the appropriations measure prior to enactment of the Defense Authorization Act.

The responsibilities of authorizers and appropriators are expected to be distinct. The Defense Authorization Act lays out the blueprint for the policies and funding levels for the Department of Defense and its programs. The role of the Appropriations Committee is to allocate funding based on policies provided by authorizations bills. In reality, the appropriators' function, however, has expanded dramatically, and the Appropriations Committee now engages in significant policy decision making and micromanagement, largely usurping the role of the authorizing committees. I remain hopeful that we will complete action on the Defense authorization act when we return in September in order to provide further clarification of congressional intent to the Department of Defense.

In the meantime, enactment of the Defense appropriations legislation is very important, and it will enable us to continue to meet our obligations to support service members in the fight against terror. The conference report includes many critical funding provisions to which I lend strong support, such as the funding to increase Army end strength by 20,000 soldiers. Unfortunately, although not surprisingly, the conference report also includes a large number of unauthorized and unrequested provisions.

While I appreciate the hard work and the laudable intentions of the members of the Appropriations Committee, the number of earmarks contained in this conference report is alarming. This conference report and accompanying statement of the managers contains close to 2,000 earmarks totaling $8.9 billion in Member adds.

With Americans deployed across the globe fighting terror, and with looming budget deficits at home, the Congress faces some tough choices. We must find a way to uphold our fiscal responsibility while fully providing for our military needs. The costs that go along with the conflicts in Afghanistan and Iraq demand now, more than ever, a new fiscal sanity in approaching our appropriations bills. A half-a-trillion dollar budget deficit means we simply cannot afford business as usual. We simply cannot continue the binge of pork barrel spending that consumes an ever growing proportion of our Federal budget. While the cost of an individual project may get lost in the fine print of lengthy bills, together, they all do real damage. Collectively, these earmarks significantly burden American taxpayers.

Not surprisingly, along with the growth in deficit spending over the past few years, there has also been a significant growth in earmarks and pork barrel spending. In fact, according to information compiled by the Congressional Research Service, CRS, the total number of earmarks has grown from 4,126 in fiscal year 1994 to 14,040 in fiscal year 2004. That is an increase of 240 percent in 10 years. In dollar terms, the earmarking has risen from $26.6 billion to $47.9 billion over the same period.

Based on the calculations of my office, the fiscal year 2002 Defense appropriations act contained $3.7 billion in pork. The conference report on the fiscal year 2003 Defense appropriations act contained $8.1 billion in pork. The fiscal year 2004 Senate-passed Defense appropriations act contained well over $4 billion in pork. This year $8.9 billion was added in the conference report and the statement of the managers, which is more than twice the number in last year's Senate-passed version of the legislation. This is real money. Every year, countless important military and domestic programs go unfunded or underfunded. I find it hard to understand why we can find the money to pay for member add-ons, but then have to battle to fund concurrent receipt or the survivor benefit plan.

The Joint Chiefs provided a list of critical requirements above what was

provided for in the President's budget request. That list totaled nearly $18 billion for fiscal year 2005. I believe that if we have the resources, we should do all we can to provide additional defense funding for items and programs which the Joint Chiefs need. But instead, we routinely fund programs just because they are important to a particular state or district represented by a powerful Member of Congress. I find this practice to be a disservice to our military men and women, as well as to all American taxpayers.

Once again, the appropriators' addiction to tanker recapitalization is too great for any amount of medication. The whole tanker love affair reads like a bad novel. It is very suspect that the Appropriations Committee added $100 million in this conference report under the heading ''Tanker Replacement Transfer Fund.'' Fortunately, the Senate provision prevailed and Chairman Stevens, as he publicly stated he would do, did not allow the House earmark for Boeing 767 tankers to carry through conference. On that point, the Tanker Replacement Fund is muted. Only the report language makes reference to the ''current tanker replacement program of record''—that program, undisputedly, is the KC–X program which is in the Air Force's Future Years Defense Program.

Over the past 3 years, I have spoken at length on the Senate floor on the Boeing 767 tanker lease—it is difficult to understand why we are still debating a tanker program when no money has been included in the President's defense budget submitted to Congress. Further, the Senate Armed Services Committee did not authorize any funding for tanker recapitalization for fiscal year 2005. The Chief of Staff of the Air Force, General John P. Jumper, USAF, did not request advance procurement for tanker replacement in his ''Fiscal Year 2005 Unfunded Priority List,'' totaling nearly $4 billion, which he submitted to Congress in March 2005. The reason is simple—tanker replacement money is not needed now. However, the appetite for this scandal-riddled program is too great, despite the unethical acts of serious misconduct by Air Force officials and the firing of several senior Boeing officers, including the very top of the corporation. It is hard to comprehend why the appropriators continue to put tanker recapitalization ahead of greater priorities for our servicemen and women.

Having said this, I congratulate the appropriators for considering the recent Report of the Defense Science Board Task Force on Aerial Refueling Requirements. Critically, the Defense Science Board task force found there 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.' Moreover the task force observed that the Air Force greatly overstated both the amount of corrosion throughout the KC–135 fleet and the KC–135's operation and support cost growth. It also found that the KC–135E can fly to 2040. In other words, the 'dominating rationale' cited by the Air Force to Congress for having taxpayers pay billions of dollars more for leasing Boeing's KC–767A tankers than they would for buying them outright, has been conclusively shown to be without merit. The Air Force's representations on this issue remains a matter of continuing investigative concern. The likelihood that the analysis of alternatives, AOA, and mobility capabilities study, MCS, if done properly, will recommend an acquisition method for these tankers now known to be wholly unsuitable here, is probably minimal. So the Secretary's decision appears fatal to at least the lease component of the proposal.

I look forward to seeing the language in the fiscal year 2005 Defense appropriations act reconciled with the fiscal year 2005 National Defense Authorization Act, which remains in conference. The language in the Senate version of the Defense authorization bill is valuable in that for the first time, it will inject much needed sunlight on a program whose development has been largely insulated from public scrutiny. The tanker provision in the authorization bill ensures that any effort by the Air Force to replace its fleet of tankers is done responsibly, as is the case with most defense programs, however, that has not been the case so far. We should expect no less from the Air Force.

Let me briefly highlight just some of the egregious examples of pork contained either in the conference report or the statement of managers for FY 2005:

$3.5 million sleep deprivation research. Last night, my staff was here late into the night, conducting tests in sleep deprivation, as they compiled the seventy-plus pages of pork found in the joint explanatory statement. The results: they are tired.

$3.4 million for USMC Hitchhiker. Back in my day, you could give a Marine a ride for free.

$1 million for the Deep Digger.

$1 million for repair to the Biathlon Trail at Fort Richardson, Alaska.

$ million to restore the Woody Island and its historic structures.

$110 million for the Advanced Procurement of F–15s. The air Force has decided to procure the F–22 to replace the F–15. Yet this earmark keeps the F–15 production line open, so I question the necessity of the F–22 procurement in the numbers of aircraft and at the funding levels requested by the Air Force. Apparently we just decided to pay for both.

$1.9 million, for the Lewis and Clark Bicentennial celebration. You don't need to have the exploration skills of Lewis and Clark to see that this is a path to higher deficits.

$1 million for the Center for Optical Logic Devices. I am the first one who would pay for logic if we could insert some into our political process, but this earmark won't do it.

$7.7 million for the Chameleon Miniaturized Wireless System. Chameleons change colors; but one thing does not change is the unrequested provisions in appropriations bills.

$2 million for the Air Battle Captain program at the University of North Dakota. This provision sends students from West Point to North Dakota for their flight lessons. Instead of letting flight schools compete for the ability to train these cadets, we have earmarked their training to North Dakota. We are putting parochial interests over the necessity to provide the best training possible for the best price to our Army cadets.

$4.2 million for the LISA inspector. This sounds very interesting.

$3.4 million dollars for Project Albert. Hey Hey Hey! Seems like Albert could get pretty fat off all the pork in this bill.

$2.8 million for the C–135 Improved Waste Removal System. We need to improve the way we remove waste from this bill. Maybe combined with the Deep Digger, we can find a way.

I use humor in describing some of these earmarks, but the damage they do is deadly serious. They pull money away from legitimate funding priorities and they waste taxpayer dollars. Each year, many of the same earmarks appear in appropriations legislation, and each year I come to the floor and point them out to my colleagues. Some of the appropriators' perennial favorite projects include:

$4.3 million for the Smart Truck. This provision, which directly lines the pockets of the auto industry in Detroit, is not exactly smart.

$7.5 million for the 21st Century Truck. This program has been around for years and not once has the Department of Defense requested funding for it. While I'm sure we all would love to jump into a truck that could be in a James Bond movie, I'm not sure it is appropriate for the Department of Defense to pay for it.

$5.6 million for the New England Manufacturing Supply Chain. This is above and beyond the $14 million for this project already earmarked over the last two years.

$33.9 million for the Maui Space Surveillance System. Why should we provide $44 million for this system, when there are many observatories in the United States, such as the Lowell Observatory in Arizona, that already offers many of the same benefits as the Maui site?

$1 million for the Brown Tree Snakes. Once again, the brown tree snake has slithered its way into our defense appropriation bill. I'm sure the snakes are a serious problem, but a defense appropriations act is not the appropriate vehicle to address this issue.

There are many earmarks that funnel dollars to worthy programs—such as breast cancer research, but there is no compelling national defense reason for these items to be on this piece of legislation. This type of critical research should be funded through the Labor/HHS appropriations bill. Our soldiers and sailors need to be provided with the best equipment, housing, and support possible. Scarce defense dollars should be used for these defense purposes, not others.

Once again, the appropriations earmarks in this defense conference report are funneled primarily in to the home States of those Members who sit on the Appropriations Committee. If you look at the plus-ups in the Counter-Drug Activities the earmarking becomes clear. Plus-ups are included for the following States: Florida, Indiana, Tennessee, Alaska, Hawaii, West Virginia,

Kentucky, Nevada, New Mexico. All of these states, I repeat, all of these States have Members on the Appropriations Committee in either the House or Senate. I find it hard to believe that only States represented by appropriators have drug problems.

I could go on and on listing examples of pork in this legislation. We would fulfill our objectives better if we reassessed our spending priorities.

This year's conference report also includes a number of ''Buy America'' provisions. For example, it prevents the foreign purchase of welded shipboard anchor and mooring chain four inches in diameter and under. Another provision ensures, that all carbon, alloy or steel plates are produced in the United States. Whew. I know we will sleep better at night knowing that all of our carbon plates are manufactured in the U.S. Yet another section prohibits the Department of Defense from purchasing supercomputers from a foreign source.

I continue to be very concerned about the potential impact on readiness of our restrictive trade policies with our allies. Every year, Buy America restrictions cost the Department of Defense and the American taxpayers over $5.5 billion. From a philosophical point of view, I oppose these types of protectionist policies, and from an economic point of view they are ludicrous. Free trade is both an important element in improving relations among nations and essential to economic growth. From a practical standpoint, Buy America restrictions could seriously impair our ability to compete freely in international markets and also could result in the loss of existing business from long-standing trade partners. Not to mention that procurement policy determined in the Defense authorization bill, not in the appropriations bill.

I also want to comment briefly about a provision contained in this Defense appropriations conference report that is entirely unrelated to funding our national defense needs.

A so-called ''technical amendment'' was added to the Senate measure at the surprise of a number of us who have been on record for opposing such a provision when efforts were made to add it to other legislative measures. Despite the fact that a member of my staff was on the floor during the debate on the Defense appropriations bill and we had been assured the opportunity to review all amendments prior to their adoption, one amendment was suddenly accepted without the review or concurrence of myself or my staff. That amendment rewrites the Fiscal Year 2004 Omnibus Appropriations bill to allow for 23—States plus the District of Columbia, to receive over $300 million in additional funding for highway project earmarks. Of course, this project funding is on top of the funding they already receive under what many of us consider to be an unfair formula whereby the gas taxes of donor states are transferred to pay for the roads in donee states.

With the adoption of this new provision that has been retained in the pending conference report, 23 States plus the District of Columbia, the majority of which are already donee States and receiving more funding than they contribute, will now receive even more money to pay for earmarked projects included in the Omnibus. Again, this funding is in addition to the funding distributed by formula. While the appropriators are taking action to ensure their earmarks are funded outside the formula, 27 States, the majority of which are donor States and already subsidizing other States' highways, will get no benefit, thereby exasperating highway funding inequity.

While it doesn't surprise me that the appropriators found a vehicle for their provision; it does surprise me that they would act in such an orchestrated manner when they knew fully their efforts faced opposition if done so in what most of us consider to be regular order, whereby objectionable amendments are not added just because they are supported by the bill managers. One of the many Senatorial courtesies we all hold dear is that we usually can take Members at their word and that their rights will not be ignored simply for political expediency. Sadly, that was not the case with the adoption of this provision.

The ongoing conference on the highway reauthorization bill is on life-support. If the House, Senate, and administration can reach an agreement on an overall funding level, I will certainly do all that I can as a conferee to ensure that earmarks are counted towards each State's formula distribution. It is only fair that we ensure that once a formula is determined; a formula that I am confident will still include donors and donees, that earmarks are not permitted to further shortchange donor States' highway funding.

I also want to point out that buried at the end of the bill text is a legislative rider that changes our immigration laws. This provision carves out workers in the fish roe processing industry from numerical limitations under the H–2B visa program. While I will be the first to testify to the need to reform our immigration system, and have done so repeatedly, we should not begin to do it on the Defense Appropriations bill by giving a benefit to one small segment of the fishing industry.

This is not the way to legislate. There are severe problems with our H–2B visas. We reached the numerical cap on visas early this year and dependent industries are now struggling to hire the labor they need to operate. The H–2B is just one example of our flawed immigration system; yet carving out a fix for parochial interests; without addressing the overall problem is shortsighted. While owners of fish roe processing facilities benefit from the help powerful members of the Appropriations Committee, every other industry-facing a labor shortage because of this cap will continue to suffer.

I wish it were not necessary for me to come to the Senate floor with every appropriations bill to criticize the amount of unrequested spending in the legislation. I do so because I believe it is critical for American taxpayers to understand where the money from their pockets is really going. I urge my colleagues to stop ''porking up'' our appropriations bills. In a time of huge spending deficits and scarce dollars, it is long past time to stop feeding at the rough. We can do better.

Mr. NICKLES. Mr. President, the conference report to accompany H.R. 4613, the Department of Defense appropriations bill for fiscal year 2005, provides $391.170 billion in budget authority and $416.011 billion in outlays in fiscal year 2005 for the Department of Defense. Of these totals, $239 million is for mandatory programs in fiscal year 2005.

The bill further provides $28.2 billion in budget authority in fiscal year 2004 designated as emergency requirements. Of this total $26.8 billion is for defense purposes and $1.3 billion is for non-defense purposes.

The fiscal year 2004 emergency funds for defense include $25 billion in supplemental appropriations for on-going operations in Iraq and Afghanistan. While the President requested these funds for fiscal year 2005, the conference report makes these funds available on enactment. The conference report also includes a repeal of a $1.8 billion defense rescission enacted in the 2004 Omnibus Appropriations bill, P.L. 108–199—in effect appropriating a new $1.8 billion for defense. In total, the $26.8 billion in fiscal year 2004 emergency defense budget authority generates $19.3 billion in outlays in fiscal year 2005.

The bill provides $500 million for wildland fire suppression for 2004. These funds are consistent with amounts assumed in the 2005 budget resolution. The conference report also includes the following non-defense funds: $685 million for the Iraq embassy and diplomatic security expenses; $50 million for convention security in New York City and Boston; and $95 million for Sudan humanitarian assistance.

The bill provides total discretionary budget authority in fiscal year 2005, including emergencies, of $390.931 billion. This amount is $1.684 billion less than the President's request and equal to the 302(b) allocations adopted by the House of Representatives. This amount is $68.4 billion less than fiscal year 2004 enacted levels when supplemental appropriations are included. When supplemental appropriations are not included the conference report provides $20.8 billion more than last year's enacted level.

The conference report also provides a 2005 302(a) allocation to the Senate Appropriations Committee. This will ensure that adequate enforcement tools are available as the Senate considers

the remaining appropriation bills. The allocation in the conference report is consistent with the levels envisioned in S. Con. Res. 95, the Concurrent Resolution on the Budget for fiscal year 2005.

I commend the distinguished chairman of the Appropriations Committee for bringing this legislation before the Senate, and I ask unanimous consent that a table displaying the Budget Committee scoring of the bill be inserted in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

H.R. 4613, 2005 DEFENSE APPROPRIATIONS.—SPENDING COMPARISONS—CONFERENCE REPORT

[Fiscal Year 2005, $ millions]

	General Purpose	Mandatory	Total
Conference report: [1]			
Budget authority	390,931	239	391,170
Outlays	415,772	239	416,011
House 302(b) allocation: [2]			
Budget authority	390,931	239	391,170
Outlays	415,987	239	416,226
2004 Enacted:			
Budget authority	459,374	226	459,600
Outlays	424,429	226	424,655
President's request:			
Budget authority	392,615	239	392,854
Outlays	418,639	239	418,878
House-passed bill:			
Budget authority	390,931	239	391,170
Outlays	415,594	239	415,833
Senate-passed bill:			
Budget authority	383,773	239	384,012
Outlays	401,566	239	401,805
CONFERENCE REPORT COMPARED TO			
Senate 302(b) allocation:			
Budget authority	0	0	0
Outlays	−215	0	−215
2004 Enacted:			
Budget authority	−68,443	13	−68,430
Outlays	−8,657	13	−8,644
President's request:			
Budget authority	−1,684	0	−1,684
Outlays	−2,867	0	−2,867
House-passed bill:			
Budget authority	0	0	0
Outlays	178	0	178
Senate-passed bill:			
Budget authority	7,158	0	7,158
Outlays	14,206	0	14,206

[1] In addition to the amounts shown above, the bill includes $19.902 billion in emergency outlays in 2005 flowing from the $27.656 billion emergency supplemental included in Titles IX and X of H.R. 4613 for 2004. The bill also contains $500 million BA and $340 million outlays in 2004 for wildland fire suppression.

[2] This table compares Senate action to the House 302(b) allocation for information purposes only, not for budget enforcement purposes. The House has deemed 302(b) allocations for 2005 based on the 302(a) appropriations allocation set out in the conference agreement on S. Con. Res. 95, the 2005 budget resolution, which the House has passed.

Note.—Details may not add to totals due to rounding. Totals adjusted for consistency with scorekeeping conventions.

The PRESIDING OFFICER (Mr. ENZI). The Senator from Alaska.

Mr. STEVENS. Mr. President, may I address a question to my colleague from West Virginia?

There are no more requests for time. We are prepared to yield back the remainder of our time and go to a vote. Is the Senator from West Virginia prepared to yield back the remainder of his time?

Mr. BYRD. Yes.

Mr. STEVENS. Mr. President, not having had any other requests for time, I ask that all time remaining be rescinded.

Mr. REID. Reserving the right to object.

Mr. STEVENS. I withdraw that request.

Mr. REID. If the Senator will allow us the opportunity, we have some people who are not expecting the vote to occur right now.

Mr. President, if the distinguished chairman of the committee will allow a 5-minute quorum call, we think we will have this matter worked out very quickly.

Mr. STEVENS. I withdraw my request and concur and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. 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 direct this question to the distinguished Senator from Alaska, the chairman of the committee, who has worked so hard on this bill. Would he and Senator BYRD allow the vote to begin at 7:15?

Mr. STEVENS. Mr. President, I am very willing to enter into such an agreement. Have the yeas and nays been requested?

The PRESIDING OFFICER. No, they have not.

Mr. STEVENS. I request the yeas and nays on final passage, when that occurs. I ask unanimous consent that the rollcall commence at 7:15.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Is there objection to the unanimous consent request?

Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I ask the distinguished Senator from Iowa, Mr. GRASSLEY—we have about 4 minutes until the vote occurs. Would he like to speak for that period of time?

Mr. GRASSLEY. Yes.

Mr. REID. I ask unanimous consent that the Senator from Iowa be recognized until 7:15, when the vote occurs.

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

The Senator from Iowa is recognized until 7:15.

Mr. GRASSLEY. I thank the Chair.

(The remarks of Mr. GRASSLEY pertaining to the introduction of S. 2762 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER. The hour of 7:15 has arrived. The question is on agreeing to the conference report to accompany H.R. 4613. The yeas and nays have been requested.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from Florida (Mr. GRAHAM), the Senator from Iowa (Mr. HARKIN), and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

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

The result was announced—yeas 96, nays 0, as follows:

[Rollcall Vote No. 163 Leg.]

YEAS—96

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

NOT VOTING—4

Edwards	Harkin
Graham (FL)	Kerry

The conference report was agreed to.

Mr. STEVENS. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table is agreed to.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I inserted in the RECORD the name of staff members who worked on this bill. I compliment them. I need a round of applause for the staff. This is record time for this bill. It is a very good bill. It is essential. Emergency funds will be available as soon as the President signs it.

I thank all Senators for their cooperation today to get this bill passed before we go home for recess.

MORNING BUSINESS

Mr. MCCONNELL. Mr. President, I ask unanimous consent there now be a period for morning business with Senators permitted to speak for up to 10 minutes each.

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

The Senator from Pennsylvania.

THE 9/11 COMMISSION REPORT AND THE STATUS OF INTELLIGENCE IN THE UNITED STATES

Mr. SPECTER. Mr. President, I have sought recognition to discuss briefly the 9/11 Commission report and to comment on the status of intelligence in the United States.

In a context where we have been put on notice by the Director of the FBI

and the Secretary of Homeland Security that we may expect an attack by al-Qaida on U.S. soil some time between now and the election, it is of utmost importance we move ahead to put under a single umbrella all of the intelligence agencies in the United States.

The 9/11 Commission report is one further statement that there is a need to put all the intelligence agencies under one umbrella. When we debated the Homeland Security bill back in 2002, I made the submission on the floor of the Senate repeatedly—on September 3, September 10, September 30, November 14, and November 19—that I thought it imperative the new Secretary of Homeland Security should have the authority to direct—not just to ask but to direct—all of the intelligence agencies, to have some effective structure to put all of the intelligence agencies under one umbrella.

I submitted that contention based upon my view that had all of the information been at hand, the attack on 9/11 might well have been prevented. Had the FBI Phoenix report gotten to the right people in headquarters, had the information on Zacarias Moussaoui been properly handled with an appropriate standard for probable cause, had the terrorists in Kuala Lumpur been kept out of the United States—known by the CIA, but let in by Immigration and Naturalization—had those facts and others been pulled together, 9/11 might well have been prevented.

When I chaired the Intelligence Committee in the 104th Congress, it was apparent to me at that time all of the intelligence agencies should be under one umbrella. I made that suggestion in legislation at that time. The Scowcroft report has made the same conclusion. We recently had a report by the Senate Intelligence Committee which pointed out many deficiencies in the CIA. Today we have had the report by the 9/11 Commission, all of which leads to one conclusion, which is hard to dispute; and that is, all the intelligence agencies ought to be under one umbrella.

At a news conference earlier today, Senator MCCAIN, Senator LIEBERMAN, Senator BAYH, and I announced our intention to take the 9/11 Commission report and put it into legislative language, to introduce it when we return after the August break. In so doing, we are not subscribing to all of the provisions of the 9/11 Commission conclusions. But we agree there ought to be a focus of attention, and there ought to be debate, and there ought to be action at an early date.

It was suggested during the course of that news conference that when we come back in a post-election session, which I think is a virtual certainty, we take up the issue of reorganizing the intelligence structure in the United States. If we do not come back in a post-election session as lameducks to finish much of the unfinished business, or to finish all of the unfinished business, then the suggestion was made there ought to be a special session. I repeat that in cosponsoring legislation to encompass the 9/11 Commission report, it is not in total agreement with all of the provisions. I have reservations as to whether it is appropriate to designate a Director as opposed to a Secretary with Cabinet rank to take on the onerous job of struggling with the culture of concealment of the FBI and the culture of concealment of the CIA and the resistance of the Defense Intelligence Agency. We will have an opportunity to consider that in a legislative package.

When the Commission on Weapons of Mass Destruction filed its report in 1999—a commission which I cochaired, a commission which came out of the recommendations of the Senate Intelligence Committee in the 104th Congress when I chaired the Intelligence Committee—the structure was to give the Vice President of the United States the responsibility to coordinate all of the activities of weapons of mass destruction because it was so important and because if you wanted to deal with the Secretaries of the various Departments, it would require somebody of the stature of the Vice President to do that.

It may be that we will revisit the concept of having the Vice President undertake that kind of a responsibility because we are dealing with very strong, powerful forces, which have already started resistance—from the Department of Defense not wanting to give up power or fiscal control; resistance by the CIA, with the Acting Director speaking out very forcefully in opposition to the 9/11 Commission's prospective conclusions, even before the report was filed, and in defending what the CIA had done. There is much which has to be examined as to where the FBI stands.

When we examined the letter from Special Agent Coleen Rowley—13 pages, single spaced—at a Judiciary Committee oversight hearing in June of 2002, we found out the FBI did not even have the right standard for probable cause for a warrant under the Foreign Intelligence Surveillance Act.

When we have seen what the CIA has done in the very strong criticism levied a few weeks ago by the Senate Intelligence Committee, we see there is much, much which has to be done. There have to be improvements in the FBI. There have to be improvements in the CIA. And all of this now comes into sharp focus with the events culminating in today's filing of the 9/11 Commission report—again, especially at a time when we are under siege and under threat of an al-Qaida attack between now and the election.

Recent disclosures by the Senate Intelligence Committee have documented the failures of the CIA to accurately inform the country, including the President and Congress, concerning the facts or judgments on whether Iraq possessed weapons of mass destruction. As a result, some are now questioning whether the United States made the right judgment on going to war with Iraq.

The action on going to war with Iraq, I submit, cannot appropriately be judged by 20/20 hindsight. Based on the facts at hand, when the Senate voted, the judgment to approve the use of force cannot rightfully be faulted. The vote of 77 to 23 encompassed a majority of Democrats, including Senator JOHN KERRY and Senator JOHN EDWARDS.

The decision to use preemptive force was based on the standard of international law which warrants anticipatory self-defense when the threat of attack is imminent so that the defense of preemption is warranted.

This standard was enunciated in 1842 by Secretary of State Daniel Webster in dealing with the so-called Caroline incident.

In the floor debate on the force resolution on October 10, 2002, I quoted Hugo Crotius, considered the father of international law, who said in his 1925 book ''The Law of War and Peace'' that a nation may use self-defense in anticipation of attack when there is a ''present danger.'' He said, ''it is lawful to kill him who is preparing to kill.''

In that floor statement, I also quoted another eminent authority on international law, Elihu Root, who said in 1914 that international law did not require a nation to wait to use force in self-defense until it is too late to protect itself.

It is important to revisit the Iraq war vote not to second-guess ourselves but to learn from that experience as we view escalating problems around the world which may pose an imminent threat to this country. It is important that our intelligence agencies present the full picture to decisionmakers, in particular the President, Secretary of Defense, Secretary of State, and the Congress, so the subtleties may be considered in making complicated judgments. Had the decisionmakers been presented with more objective comprehensive information concerning Iraq possessing weapons of mass destruction, it is doubtful that the ''imminence'' test under international law would have been met.

It is important, in reviewing the incidents, that we not engage in self-flagellation. The comments coming out of Great Britain are informative and instructive. The New York Times reported on July 14 that:

> A major British report released Wednesday found extensive failures both in intelligence gathering on illicit weapons and the government's use of that intelligence to justify the Iraq war. But it cleared Prime Minister Tony Blair of accusations that he or his government distorted the evidence to build a case for war.

The Times further reported:

> Like an earlier inquiry led by Lord Hutton, the report exonerated the government of the charge that it deliberately exaggerated the threat posed by Mr. Hussein in an effort to deceive the public and Parliament. ''No single individual is to blame,'' Lord Butler said. ''This was a collective operation.''

I suggest very close similarities between British intelligence and U.S. intelligence and the reliance of the executive branch and the reliance of Congress in our vote to use force and in the action of the British, that the self-criticism ought not to be levied in the context of the findings by the British report that clears Prime Minister Blair of accusations that he or his Government distorted the evidence to build the war and the finding by Lord Hutton that no single individual is to blame but, rather, it was a collective operation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

JOB CREATION

Mr. DAYTON. Mr. President, I have the greatest respect for the majority leader, and I agree with him on many subjects, but earlier tonight he had some pretty harsh words for some of the economic statements that I and others of my colleagues have been making in recent weeks. He called them ''canards'' which is a nice sounding word but means they are false statements.

I feel compelled to rise and present what I think is a better version of the facts which, as we can see, are very different. The majority leader, as I understood his argument, was saying the new jobs that are now being created in the economy are better paying on average than the average of other jobs that were in existence in the year 2003. But that misses the essential point, which is that most of those newly created jobs pay less and offer lower benefits than the over 2.5 million jobs lost during the first 2½ years of the Bush administration. Most of those jobs were good-paying manufacturing jobs, and most of them have not come back. Many of them have been transferred to other countries with lower wages and no standards. They are not coming back at all.

Those are the jobs that the unemployed workers of America are now finding and that are paying on average thousands of dollars less than the jobs those workers held before the recession began in March of 2001. They are among the millions of Americans whose incomes have fallen, who used to have jobs with health insurance but now don't.

I quote from an editorial in today's New York Times in part which states:

> From three different vantage points . . . the same basic picture emerges: While there has been an increase in job creation over the past four months—an unusually belated and anemic spurt by historical standards—the bulk of the activity has been at the low end of the quality spectrum. The Great American Job Machine is not even close to generating the surge of the high-powered jobs that is typically the driving force behind greater incomes and consumer demand.
>
> This puts households under enormous pressure. Desperate to maintain lifestyles, they have turned to far riskier sources of support. Reliance on tax cuts has led to record budget deficits, and borrowing against homes has led to record household debt. These trends are dangerous and unsustainable, and they pose a serious risk to economic recovery.
>
> We hear repeatedly that the employment disconnect is all about productivity—that America needs to hire fewer workers because the ones already working are more efficient. This may well be true, but there is a more compelling explanation: global labor arbitrage. Under unrelenting pressure to cut costs, American companies are now replacing high-wage workers here with like-quality, low-wage workers abroad.
>
> It was only a matter of time before the globalization of work affected the United States labor market. The character and quality of American job creation is changing before our very eyes. Which poses the most important question of all: what are we going to do about it?

That is a subject which both of our major party candidates for President this year need to address—what are we going to do about it?

The response of President Bush and his economic apologists thus far is to deny even the reality. Fortunately, we have their own earlier predictions by which to measure today's economic facts.

In May of 2003, the President's own Council of Economic Advisers stated that his what was then called jobs and growth plan of more deficit-driving tax cuts for the rich and the super-rich would result in the creation, they said, of 5.5 million new jobs by the end of this year. Congress passed the President's plan, and it took effect in July of 2003. The actual number of jobs created in the past 12 months is over 2.2 million fewer jobs than the President's Council of Economic Advisers forecast. In fact, the job creation in this country has failed to meet the President's forecasts in 10 of the last 12 months.

Once again, the administration trots out their favorite apologist, Chairman Greenspan, whose salary now should be paid by the President's reelect committee rather than the American taxpayers, who preached fiscal responsibility for 8 years to President Clinton's administration and to the Congress at that time and was instrumental in creating a balanced Federal budget in the year 2000, after taking out the Social Security trust fund—the first time in 40 years that the budget of the Federal Government, the operating accounts were balanced. He then turned around and has acquiesced with every tax cut that has been passed and which has led to the deficits that now exceed over $500 billion a year and which the nonpartisan Concord Coalition, chaired by former Republican Senator Rudman, has called the most reckless fiscal policy in this Nation's history.

Mr. Greenspan, who acquiesced in those, now comes forward and says the tax cuts prevented a deeper recession. In part, he is probably correct that the child tax credit, which certainly passed here with overwhelming bipartisan support, and the 10-percent bracket had those benefits, but certainly nobody could say eliminating the estate tax in 2010 was a force in either dampening the recession or speeding our recovery, nor did making the top tax brackets for the rich and the super-rich even lower, according to most economists, result in that kind of economic stimulus. In fact, the Federal Reserve's own econometric forecast states that public spending is a better multiplier for jobs and economic growth than the tax cuts.

He has gone farther in the last day to say the reason we have lower paying jobs in America is now because American workers are not well enough educated. It is pretty hard to understand how the educational quality of the American workforce could change from what it was prior to the recession when employment had expanded at a robust pace for almost 8 years to where it is less than 3 years later. In fact, the reality is that many American workers are overeducated for the jobs that are available, as the New York Times editorial and other economic analyses have attested. We are not providing the jobs in this economy that people need with the talents they have. We are not providing the jobs people need to maintain the standards of living they enjoyed before. And we are not providing enough jobs for the unemployed and underemployed people of this country. That is the reality, not a canard.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

COAST GUARD AND MARITIME TRANSPORTATION ACT OF 2004—CONFERENCE REPORT

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the conference report to accompany H.R. 2443, the Coast Guard reauthorization bill.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

> The Committee of Conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 2443), to authorize appropriations for the Coast Guard for fiscal year 2004, to amend various laws administered by the Coast Guard, and for other purposes, having met, after full and free conference, have agreed that the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, signed by all conferees on the part of both Houses.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings in the CONGRESSIONAL RECORD of Tuesday, July 20, 2004 (Volume 150, Number 101).

Mr. MCCAIN. Mr. President, I rise today as the chairman of the Senate Committee on Commerce, Science, and Transportation, and I am pleased to announce today the successful completion of the conference report for H.R.

2443, The Coast Guard Maritime Transportation Act of 2004. The conference report will provide the Coast Guard with the authorization bill it desperately needs to carry out all its missions, protect the homeland, and ultimately prepare for the future.

This legislation will provide the Coast Guard with an authorization for fiscal year 2004 and several critical programs. First and foremost, it authorizes the funding and personnel levels it needs to fulfill its obligation to the maritime communities of this Nation. It will provide the Coast Guard with $5.4 B in authorized operating expenses, and a $1.1 B authorization for the Integrated Deepwater Program designed to allow the Coast Guard to continue the prosecution of its traditional missions, while at the same time combating new and emerging threats.

Additionally, the conference report authorizes an increase in the active duty personnel to 45,500 personnel, an increase of nearly 8,000, including an authorization for up to 6,700 officers that are desperately needed to fill critical homeland security positions.

The Secretary of homeland security is now authorized to require vital electronic navigation systems onboard vessels the Secretary deems necessary in order to improve and facilitate safe navigation.

A National Coast Guard Museum will be established in New London, CT that will exemplify the fine traditions and heritage that the United States Coast Guard possesses, yet until today, has been unable to properly display. This legislation will now allow the public to witness first hand, the legacy of what once was the Lifesaving Service, now evolved into the modern-day Coast Guard.

This legislation also provides many provisions which improve the Coast Guard's ability to recruit, reward, and retain high-quality personnel. It addresses personnel management and quality of life issues by providing for a critical skills training bonus, retaining commissioned officers with essential skill sets and experiences, expanding property authorities to ease housing shortages, and includes several measures that grant parity with the other Armed Services. There are also many provisions regarding Law Enforcement, Marine Safety, and Environmental Protection which allow the Coast Guard to better accomplish its many missions.

Further, the legislation requires increased reporting and targeting for inspection of cargo containers headed to the United States. It also provides for increased research and development to improve and deploy port security technology. There are also a number of provisions that clarify the role of the Coast Guard in leading the United States' efforts to improve port and maritime security.

This legislation was crafted in a bipartisan fashion and it provides the Coast Guard with a solid foundation to do its job both now, and in the future. I am proud to give the Coast Guard the resources it needs to carry out its many essential missions that will result in saved lives, seized contraband, a cleaner environment, and ultimately the protection of our homeland.

Mr. HOLLINGS. I am pleased that the conference committee charged with resolving the differences between the House and Senate versions of H.R. 2443 has reached final agreement on the Coast Guard and Maritime Transportation Act of 2004. Through this bill, Congress underscores our support for a strong and effective Coast Guard.

The Coast Guard has always taken on an impressive array of tasks that are important for our national security, the protection of our resources, and the safety of our mariners. After the tragic events of September 11, 2001, we have asked the Coast Guard to take on even more responsibility for our maritime security, all the while continuing to excel in their traditional missions.

This legislation provides an authorization of $8,167,610,000 for the Coast Guard's fiscal year 2005 budget, an increase of 19 percent over fiscal year 2004, and important new authority for the Coast Guard to better execute its missions. Of this, $5,404,300,000 is authorized for the Coast Guard's operating expenses, an increase of 14 percent over fiscal year 2004, with $100 million allocated to cover the costs of the Coast Guard's new tempo demands. This will assure that the traditional core missions of the Coast Guard—such as search and rescue of mariners in distress and protection of our living marine resources—are not compromised. Most importantly, we authorized approximately $300 million for port security that was not requested by the President. I believe the provision of these funds are essential to the security of our ports, our waterways, and our maritime transportation industry. In particular, the funds will help implement the Coast Guard's Automatic Identification System, AIS, to track the movement of foreign vessels operating in U.S. waters.

I have always been a firm supporter of providing the Coast Guard with the tools it needs to get the job done. The Coast Guard needs to upgrade its core assets, in particular, its aging fleet of cutters. The Integrated Deepwater Program is the Coast Guard's program for achieving these upgrades, and the administration has not requested sufficient funding in its budgets to even keep this program on track. The bill authorizes $1.1 billion in fiscal year 2005 for the Deepwater Program. This sends an important signal we support the Coast Guard's modernization effort. I do have some reservations as to whether the Coast Guard can in reality absorb such a large increase over last year's levels, an issue that GAO raised in testimony before the Senate Commerce Committee this year. However, we can consider this issue further when we take up the Department of Homeland Security, DHS, appropriations bill. I am pleased the conference agreed to procurement management improvements by requiring the Coast Guard to report on how it intends to implement recent GAO recommendations, including measures to increase competition of subcontracts, and how it intends to alter the mix of legacy and replacement assets in the future, as well as expected costs of any changes to its original plan. Unless there are significant changes to the way the Deepwater contracting business is conducted, there will be enormous problems in the future that may ultimately undermine this program.

I would also like to thank the conferees for supporting the inclusion of various measures that were addressed in S. 2279, the Maritime Transportation Security Act of 2004, MTSA 2004, a bill that I introduced to enhance implementation of MTSA 2002. I remain very concerned about the current implementation of port security measures and will continue to demand review of implementation policies to ensure that we are aggressively implementing effective security measures. Specifically, the conference agreement includes important requirements to review and improve cargo security programs. We must have concrete cargo security programs in place to detect and prevent cargo containers from being used in a terrorist attack. In the event we are attacked through our ports, we then need to be able to reopen U.S. ports to the commerce that sustains so much of our Nation's economy, with some degree of confidence. We are far from where we should be. Cargo security programs must require that we can verify the contents do not include weapons of mass destruction. Similarly, cargo security programs must be continually inspected to ensure their compliance. Documentary evaluation of cargo information, while important, does not substitute for physical verification. Our motto should not continue to be: ''trust, but don't verify''.

I also am pleased that the Coast Guard will be reviewing and reporting on Joint Operations Centers such as Operation SeaHawk. Operation SeaHawk, established in Charleston, SC, is providing law enforcement an opportunity to coordinate their law enforcement and security missions, and is being utilized to help implement the security and contingency response plans for the whole area. I feel confident that this model will be found to provide the best structure to coordinate law enforcement activities of the various agencies that are involved in port security and provide a model for the Coast Guard to utilize Area Maritime Security plans.

I am also pleased that the final bill includes a number of important provisions to address important natural resource issues. For example, the bill includes a number of provisions regarding the Oil Pollution Act, including a program to provide loans to fishermen

and aquaculture producers who are damaged by oil spills, a requirement for using electronic charts which will reduce oil spill incidents, as well as a report on a number of important issues such as the feasibility of speeding up the requirement for double hulls, and the state of health of the oil pollution trust fund. The bill also requires the Coast Guard to improve its coordination on fisheries enforcement with NOAA and State and local authorities. Finally, it mandates that the Coast Guard must cooperate with NOAA in analyzing ship routing measures for certain ports that would reduce ship strikes of the North Atlantic right whale.

Mr. BYRD. Mr. President, I commend Senator MCCAIN, Senator HOLLINGS, and the rest of the conference committee for their hard work on this bipartisan authorization bill. This legislation provides an authorization of $8.168 billion for the Coast Guard's fiscal year 2005 budget, an increase of 19 percent over fiscal year 2004. This conference agreement also includes important new authority for the Coast Guard to better carry out its missions and meet the growing responsibilities of a post-September 11 environment.

Sadly, when it comes to funding homeland security needs, I believe the congressional intent expressed in this bill will, yet again, be ignored at the White House.

This conference report authorizes $5.4 billion for the Coast Guard's operating expenses account—an increase of 14 percent over fiscal year 2004 levels and over $231 million above the President's fiscal year 2005 request for the Coast Guard.

Over 20 months ago, the President signed the Homeland Security Act creating the Department of Homeland Security. With respect to the Coast Guard, that act required that, ''. . .the authorities, functions, and capabilities of the Coast Guard to perform its missions shall be maintained intact and without significant reduction. . . .''

Unfortunately, the administration has not held up its end of the bargain. The administration has failed to provide the Coast Guard with sufficient budgets to maintain both traditional missions and new homeland security responsibilities. As a result, since September 11, 2001, there has been severe degradation in the Coast Guard's traditional mission areas. Because of the administration's negligence, the number of hours the Coast Guard is spending on many of its mission areas has dropped dramatically as compared to pre-September 11, 2001. Drug enforcement is down 41 percent; fisheries enforcement is down 26 percent; search and rescue is down 22 percent; and marine safety is down 41 percent. The administration's fiscal year 2005 request for the Coast Guard falls well short in addressing these serious deficiencies.

This conference report also provides $1.1 billion for the Coast Guard's program to modernize and/or replace some 100 cutters and 200 aircraft over a multi-year period, called Deepwater. This is $334 million above the administration's request and puts the program on track to be completed in 15 years, compared to 22 years as proposed by the administration. Since the terrorist attacks on 9/11, the Coast Guard's ships and planes are being used more today than ever in the Coast Guard's history. The Coast Guard Commandant makes no bones about the fact that recapitalizing operational assets is his No. 1 priority. In testimony before the Senate Appropriations Subcommittee on Homeland Security, the Commandant testified that the current condition of the aging, technologically obsolete fleet, threatens Coast Guard mission performance. He testified that Coast Guard assets are in a ''declining readiness spiral.''

The question that must be asked is, if Coast Guard assets are in a ''declining readiness spiral,'' why has the administration failed to address the situation. Despite the Commandant's plea for help, the President's budget for the Deepwater program will take 22 years to complete. Twenty-two years. This is 2 years slower than the capital improvement program envisioned when Deepwater was conceived prior to the tragic events of September 11th.

The funding authorized in this bill addresses some of the operational and capital deficiencies that have been ignored by the administration. It is a good bill. However, as a result of the President setting arbitrary limits on discretionary spending, the Homeland Security Appropriations bill, at whatever point the Republican leadership decides to allow the Senate to debate the measure, will not come close to funding the Coast Guard at the levels set in this bill.

By all indications, the President will sign this bill into law. Unfortunately, it will likely be thrown into the pile of other homeland security promises that have gone unfulfilled.

Ms. SNOWE. Mr. President, I rise today in support of the Coast Guard and Maritime Transportation Act of 2004. Since the Coast Guard was last authorized in 2002 as part of the Maritime Transportation Security Act of 2002, its responsibilities and needs have continued to evolve. Last year I introduced the Senate Coast Guard Authorization bill (S. 733), the underlying bill of this conference report, to address many of these concerns. We have successfully finished this critical conference and I strongly believe we need to move forward expeditiously and pass this conference report as soon as possible so that we can provide the Coast Guard with the authorization bill it desperately needs.

In April, as Chair of the Oceans, Fisheries, and Coast Guard subcommittee, I held a hearing to examine the Coast Guard's readiness concerns; review the challenges it faces in balancing its homeland security and traditional missions; and ensure that we provide this service with the fiscal year 2005 budget it needs to carry out all of its many responsibilities.

During this hearing the Coast Guard Commandant, Admiral Collins, presented a stark picture of his service's increasing maintenance costs. I was struck by Admiral Collins' testimony as he laid out the depths of the legacy asset sustainment problems faced by the Coast Guard. I am greatly concerned about the toll such a high operational tempo is taking on his antiquated ships and aircraft and ultimately on his personnel.

The conference report we are considering will provide many important authorizations for the Coast Guard. First and foremost, it would authorize the funding and personnel levels it needs. In recent years we have seen an unprecedented growth in the Coast Guard's budget—more than 30 percent over the past 2 years alone—but this has not been enough. We must provide the Coast Guard with the funding it needs to restore its non-homeland security missions—such as search and rescue, fisheries enforcement, and marine environmental protection—to near their pre-September 11th levels.

Additionally, while we have increased the number of Coast Guard personnel by more than 4,000, we have not raised the statutory cap on its authorized number of officers. We are rectifying this before the Coast Guard reaches its cap and is forced to terminate reserve officer contracts or delay some officer's deserved commissions and promotions. The Conference report raises this cap to 6,700 and prevents the Coast Guard from being forced to implement these drastic measures which would unfairly impact individual officers.

Secondly, we all know that the Coast Guard currently operates the third oldest of the world's 39 similar naval fleets with several cutters dating back to World War II. The administration's fiscal year 2005 request would put this program on a 22-year time line, which is 2 years behind the original 20-year plans. This is simply not acceptable. I strongly believe that we must authorize the acceleration of this critical program because it is the best and most cost effective way to remedy the Coast Guard's readiness problems and provide it with the tools it needs to carry out all of its missions. That is why, I am extremely pleased with the $1.1 billion authorization for the Deepwater program in this Conference report, which if fully funded, will accelerate the program to a 15-year time line.

This conference report also provides many non-controversial provisions which improve the Coast Guard's ability to recruit, reward, and retain high-quality personnel. It addresses personnel management and quality of life issues by providing for a critical skills training bonus, retaining commissioned officers with essential skill sets and experiences, expanding property authorities to ease housing shortages,

and includes several measures that grant parity with the other Armed Services. There are also many provisions requested by the administration regarding Law Enforcement, Marine Safety, and Environmental Protection which allow the Coast Guard to better accomplish its many missions.

This conference report was crafted in a bi-partisan fashion and it provides the Coast Guard with a solid foundation to do its job. I thank all of the Members who have actively participated in its development. I am proud to give the Coast Guard my full support, and the resources it needs to carry out its many essential missions.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the conference report be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the conference report be printed in the RECORD.

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

The conference report was agreed to.

PRESERVING THE ABILITY OF THE FEDERAL HOUSING ADMINISTRATION TO INSURE MORTGAGES

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Banking Committee be discharged from further consideration of S. 2712 and the Senate then proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2712) to preserve the ability of the Federal Housing Administration to insure mortgages under sections 238 and 519 of the National Housing Act.

There being no objection, the Senate proceeded to consider the bill.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the bill be read a third time, passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD, without intervening action or debate.

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

The bill (S. 2712) was read the third time and passed, as follows:

S. 2712

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

SECTION 1. AMENDMENT TO GENERAL AND SPECIAL RISK PROGRAM ACCOUNT.

Under the heading ''FEDERAL HOUSING ADMINISTRATION—GENERAL AND SPECIAL RISK PROGRAM ACCOUNT'' in title II of Division G of the Consolidated Appropriations Act, 2004 (Public Law 108–199), in the first proviso, strike ''$25,000,000,000'' and insert ''$29,000,000,000''.

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

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

Mr. FRIST. Mr. President, we have actually a lot of business that we are doing and wrapping up for the night. In fact, we are going on recess for the conventions for the next several weeks. Most of the business has been completed, but there will be a lot of very important business that we will be conducting over the next several hours, but we will get it done tonight.

This particular piece of business has to do with patient safety. For me, it means a lot because I can see up close both the importance of this legislation, and have watched it legislatively as it has traveled through its various iterations. So to be able to propound this unanimous consent request is something that we can briefly comment on shortly.

PATIENT SAFETY AND QUALITY IMPROVEMENT ACT OF 2003

Mr. FRIST. Mr. President, I ask unanimous consent the Senate now proceed to consideration of Calendar No. 387, S. 720.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 720) to amend title IX of the Public Health Service Act to provide for the improvement of patient safety and to reduce the incidence of events that adversely affect patient safety.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Health, Education, Labor, and Pensions, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

(Strike the part shown in black brackets and insert the part shown in italic.)

S. 720

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 ''Patient Safety and Quality Improvement Act''.

[SEC. 2. FINDINGS AND PURPOSES.

[(a) FINDINGS.—Congress makes the following findings:

[(1) In 1999, the Institute of Medicine released a report entitled To Err is Human that described medical errors as the eighth leading cause of death in the United States, with as many as 98,000 people dying as a result of medical errors each year.

[(2) To address these deaths and injuries due to medical errors, the health care system must identify and learn from such errors so that systems of care can be improved.

[(3) In their report, the Institute of Medicine called on Congress to provide legal protections with respect to information reported for the purposes of quality improvement and patient safety.

[(4) The Health, Education, Labor, and Pensions Committee of the Senate held 4 hearings in the 106th Congress and 1 hearing in the 107th Congress on patient safety where experts in the field supported the recommendation of the Institute of Medicine for congressional action.

[(5) Myriad public and private patient safety initiatives have begun. The Quality Interagency Coordination Taskforce has recommended steps to improve patient safety that may be taken by each Federal agency involved in health care and activities relating to these steps are ongoing.

[(6) The research on patient safety unequivocally calls for a learning environment, rather than a punitive environment, in order to improve patient safety.

[(7) Voluntary data gathering systems are more supportive than mandatory systems in creating the learning environment referred to in paragraph (5) as stated in the Institute of Medicine's report.

[(8) Promising patient safety reporting systems have been established throughout the United States and the best ways to structure and use these systems are currently being determined, largely through projects funded by the Agency for Healthcare Research and Quality.

[(9) The Department of Health and Human Services has initiated several patient safety projects. The Joint Commission on Accreditation of Healthcare Organizations issued a patient safety standard that went into effect on July 1, 2001, and the peer review organizations are conducting ongoing studies of clinical performance measurement of care delivered to beneficiaries under the medicare program under title XVIII of the Social Security Act.

[(10) Many organizations currently collecting patient safety data have expressed a need for legal protections that will allow them to review protected information so that they may collaborate in the development and implementation of patient safety improvement strategies. Currently, the State peer review protections provide inadequate conditions to allow the sharing of information to promote patient safety.

[(11) In 2001, the Institute of Medicine released a report entitled Crossing the Quality Chasm that found that the United States health care system does not consistently deliver high quality care to patients.

[(b) PURPOSES.—It is the purpose of this Act to—

[(1) encourage a culture of safety and quality in the United States health care system by providing for legal protection of information reported voluntarily for the purposes of quality improvement and patient safety; and

[(2) ensure accountability by raising standards and expectations for continuous quality improvements in patient safety through the actions of the Secretary of Health and Human Services.

[SEC. 3. AMENDMENTS TO PUBLIC HEALTH SERVICE ACT.

[Title IX of the Public Health Service Act (42 U.S.C. 299 et seq.) is amended—

[(1) in section 912(c), by inserting '', in accordance with part C,'' after ''The Director shall'';

[(2) by redesignating part C as part D;

[(3) by redesignating sections 921 through 928, as sections 931 through 938, respectively;

[(4) in section 938(1) (as so redesignated), by striking ''921'' and inserting ''931''; and

[(5) by inserting after part B the following:

["PART C—PATIENT SAFETY IMPROVEMENT

["SEC. 921. DEFINITIONS.

[''In this part:

[''(1) NON-IDENTIFIABLE INFORMATION.—The term 'non-identifiable information' means information that is presented in a form and manner that prevents the identification of any provider, patient, and the reporter of patient safety data.

[''(2) PATIENT SAFETY DATA.—The term 'patient safety data' means—

[''(A) any data, reports, records, memoranda, analyses, deliberative work, statements, root cause analyses, or quality improvement processes that could result in improved patient safety or health care quality, that are—

[''(i) collected or developed by a provider for the purpose of reporting to a patient safety organization;

[''(ii) reported to a patient safety organization for patient safety or quality improvement processes;

[''(iii) requested by a patient safety organization (including the contents of such request);

[''(iv) reported to a provider by a patient safety organization;

[''(v) collected or developed by a patient safety organization; or

[''(vi) reported among patient safety organizations, after obtaining authorization; or

[''(B) information related to corrective actions taken in response to patient safety data;

for the purpose of improving patient safety, health care quality, or health care outcomes.

[''(3) PATIENT SAFETY ORGANIZATION.—The term 'patient safety organization' means a private or public organization or component thereof that performs the following activities (which are deemed to be necessary for the proper management and administration of such organization or component thereof):

[''(A) The conduct, as its primary activity, of efforts to improve patient safety and the quality of health care delivery.

[''(B) The collection and analysis of patient safety data that are voluntarily submitted by a provider.

[''(C) The development and dissemination of information to providers with respect to improving patient safety, such as recommendations, protocols, or information regarding best practices.

[''(D) The utilization of patient safety data to carry out activities under this paragraph and for the purposes of encouraging a culture of safety and of providing direct feedback and assistance to providers to effectively minimize patient risk.

[''(E) The maintenance of confidentiality with respect to individually identifiable health information.

[''(F) The provision of appropriate security measures with respect to patient safety data.

[''(G) The certification to the Agency that the patient safety organization satisfies the criteria of this paragraph for the period in which the organization is carrying out such duties.

[''(4) PROVIDER.—The term 'provider' means—

[''(A) a provider of services (as defined in section 1861(u) of the Social Security Act) and a person furnishing any medical or other health care services (as defined in section 1861(s)(1) and (2) of such Act) through, or under the authority of, such a provider of services;

[''(B) a physician (as defined in section 1861(r) of such Act);

[''(C) any other person, including a pharmacist, who is engaged in the delivery of medical or other health services (as defined in section 1861(s)(1) and (2) of such Act) in a State and who is required by State law or regulation to be licensed or certified by the State to engage in the delivery of such services in the State;

[''(D) a renal dialysis facility, ambulatory surgical center, pharmacy, physician or health care practitioner's office, long term care facility, behavioral health residential treatment facility, or clinical laboratory; or

[''(E) any other person or entity specified in regulations by the Secretary after public notice and comment.

[''SEC. 922. CONFIDENTIALITY AND PEER REVIEW PROTECTIONS.

[''(a) IN GENERAL.—Notwithstanding any other provision of law, and subject to this section, patient safety data shall be privileged and confidential.

[''(b) SCOPE OF PRIVILEGE.—Subject to the provisions of subsection (c), patient safety data to which subsection (a) applies shall not be—

[''(1) subject to a civil, criminal, or administrative subpoena;

[''(2) subject to discovery in connection with a civil, criminal, or administrative proceeding;

[''(3) disclosed pursuant to section 552 of title 5, United States Code (commonly known as the Freedom of Information Act) or any other similar Federal or State law;

[''(4) admitted as evidence or otherwise disclosed in any civil, criminal, or administrative proceeding; or

[''(5) utilized in an adverse employment action or in the evaluation of decisions made in relation to accreditation, certification, credentialing or licensing of an individual, that is based on such individual's participation in the development, collection, reporting, or storage of patient safety data in accordance with this part.

[''(c) DISCLOSURE REQUIREMENTS.—Nothing in this section shall be construed to prohibit one or more of the following disclosures (which are deemed to be necessary for the proper management and administration of the patient safety organization):

[''(1) Disclosures by a provider in complying with authorized requests for the provision of information to which subsection (a) applies (such as a patient's medical record or other relevant information) that is in the control of such a provider and that has been developed, maintained, or exists separately from the process by which the provider collects or develops information for reporting to a patient safety organization.

[''(2) Disclosures by a provider or patient safety organization of patient safety data as part of a disciplinary proceeding relating to a provider, or a criminal proceeding, if such a disclosure of such patient safety data is—

[''(A) material to the proceeding;

[''(B) within the public interest; and

[''(C) not available from any other source.

[''(3) Disclosures by a provider or patient safety organization of relevant information to the Food and Drug Administration, or to a person that is subject to the jurisdiction of such Administration, with respect to an Administration-regulated product or activity for which that entity has responsibility, for the purposes of activities related to the quality, safety, or effectiveness of such Administration-regulated product or activity, subject to section 520(c) of the Federal Food, Drug, and Cosmetic Act.

[''(4) Disclosures by a provider or patient safety organization of information to which subsection (a) applies to carry out activities described in paragraph (2)(A) (i) through (vi) or (3) of section 921.

[''(d) TRANSFER OF INFORMATION.—The transfer of any patient safety data by a provider to a patient safety organization shall not be treated as a waiver of any privilege or protection established under this part or established under State law.

[''(e) PENALTY.—Except as provided in subsection (c) and as otherwise provided for in this section, it shall be unlawful for any person to disclose any patient safety data described in subsection (a). Any person violating the provisions of this section shall, upon conviction, be fined in accordance with section 934(d).

[''(f) NO LIMITATION OF OTHER PRIVILEGES.—Nothing in this section shall be construed to limit other privileges that are available under Federal or State laws that provide greater peer review or confidentiality protections than the peer review and confidentiality protections provided for in this section.

[''(g) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to alter or affect the implementation of any provision of section 264(c) of the Health Insurance Portability and Accountability Act of 1996 (Public Law 104–191; 110 Stat. 2033) or any regulation promulgated under such section.

[''SEC. 923. NATIONAL DATABASE.

[''(a) AUTHORITY.—

[''(1) IN GENERAL.—In conducting activities under this part, the Secretary may provide for the establishment and maintenance of a database to receive relevant non-identifiable patient safety data, or may designate entities to collect relevant non-identifiable patient safety data, that is voluntarily reported by patient safety organizations upon the request of the Secretary.

[''(2) USE OF DATA.—Data reported to any database established or designated under paragraph (1) shall be used to analyze regional variations and national statistics related to patient safety and health care quality. The information resulting from such analyses may be included in the annual quality reports prepared under section 913(b)(2).

[''(b) STANDARDS.—In developing or designating a database under subsection (a)(1), the Secretary may determine common formats for the voluntary reporting of non-identifiable patient safety data, including necessary data elements, common and consistent definitions, and a standardized computer interface for the processing of such data. To the extent practicable, such standards shall be consistent with the administrative simplification provisions of part C of title XI of the Social Security Act.

[''(c) CONFIDENTIALITY.—Any non-identifiable patient safety data that is transferred to the database under this section shall be privileged and confidential.

[''SEC. 924. TECHNICAL ASSISTANCE.

[''The Secretary, acting through the Director, may provide technical assistance to patient safety organizations. Such assistance shall include annual meetings for patient safety organizations to discuss methodology, communication, data collection, or privacy concerns.

[''SEC. 925. PROMOTING THE INTEGRATION OF HEALTH CARE INFORMATION TECHNOLOGY SYSTEMS.

[''(a) DEVELOPMENT.—Not later than 36 months after the date of enactment of the Patient Safety and Quality Improvement Act, the Secretary shall develop or adopt voluntary national standards that promote the integration of health care information technology systems.

[''(b) UPDATES.—The Secretary shall provide for the ongoing review and periodic updating of the standards developed under subsection (a).

[''(c) DISSEMINATION.—The Secretary shall provide for the dissemination of the standards developed and updated under this section.

[''SEC. 926. AUTHORIZATION OF APPROPRIATIONS.

[''There is authorized to be appropriated such sums as may be necessary to carry out this part.''.

[SEC. 4. STUDIES AND REPORTS.

[(a) MEDICAL TECHNOLOGIES AND THERAPIES.—

[(1) IN GENERAL.—The Secretary of Health and Human Services shall enter into a contract with an appropriate research organization for the conduct of a study to assess the impact of medical technologies and therapies on patient safety, patient benefit, health

care quality, and the costs of care as well as productivity growth. Such study shall determine—

[(A) the extent to which the current health care system's use of labor versus the use of technology has contributed to increases in the share of the gross domestic product that is devoted to health care and the impact of medical technologies and therapies on such increases;

[(B) the extent to which early and appropriate introduction and integration of innovative medical technologies and therapies may affect the overall productivity and quality of the health care delivery systems of the United States; and

[(C) the relationship of such medical technologies and therapies to patient safety, patient benefit, health care quality, and cost of care.

[(2) REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary of Health and Human Services shall prepare and submit to the appropriate committees of Congress a report containing the results of the study conducted under paragraph (1).

[(b) STATE LAWS RELATING TO PATIENT SAFETY PEER REVIEW SYSTEMS.—

[(1) SURVEY.—The Attorney General shall conduct a survey of State laws that relate to patient safety data peer review systems, including laws that establish an evidentiary privilege applicable to data developed by such systems, and shall review the manner in which such laws have been interpreted by the courts.

[(2) REPORT.—Not later than 9 months after the date of enactment of this Act, the Attorney General shall prepare and submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives, a report concerning the results of the survey conducted under paragraph (1).]

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Patient Safety and Quality Improvement Act of 2003''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress makes the following findings:

(1) In 1999, the Institute of Medicine released a report entitled To Err is Human that described medical errors as the eighth leading cause of death in the United States, with as many as 98,000 people dying as a result of medical errors each year.

(2) To address these deaths and injuries due to medical errors, the health care system must identify and learn from such errors so that systems of care can be improved.

(3) In their report, the Institute of Medicine called on Congress to provide legal protections with respect to information reported for the purposes of quality improvement and patient safety.

(4) The Health, Education, Labor, and Pensions Committee of the Senate held 4 hearings in the 106th Congress and 1 hearing in the 107th Congress on patient safety where experts in the field supported the recommendation of the Institute of Medicine for congressional action.

(5) Myriad public and private patient safety initiatives have begun. The Quality Interagency Coordination Taskforce has recommended steps to improve patient safety that may be taken by each Federal agency involved in health care and activities relating to these steps are ongoing.

(6) The research on patient safety unequivocally calls for a learning environment, rather than a punitive environment, in order to improve patient safety.

(7) Voluntary data gathering systems are more supportive than mandatory systems in creating the learning environment referred to in paragraph (6) as stated in the Institute of Medicine's report.

(8) Promising patient safety reporting systems have been established throughout the United States and the best ways to structure and use these systems are currently being determined, largely through projects funded by the Agency for Healthcare Research and Quality.

(9) Many organizations currently collecting patient safety data have expressed a need for legal protections that will allow them to review protected information and collaborate in the development and implementation of patient safety improvement strategies. Currently, the State peer review protections are inadequate to allow the sharing of information to promote patient safety.

(b) PURPOSES.—It is the purpose of this Act to—

(1) encourage a culture of safety and quality in the United States health care system by providing for legal protection of information reported voluntarily for the purposes of quality improvement and patient safety; and

(2) ensure accountability by raising standards and expectations for continuous quality improvements in patient safety.

SEC. 3. AMENDMENTS TO PUBLIC HEALTH SERVICE ACT.

Title IX of the Public Health Service Act (42 U.S.C. 299 et seq.) is amended—

(1) in section 912(c), by inserting '', in accordance with part C,'' after ''The Director shall'';

(2) by redesignating part C as part D;

(3) by redesignating sections 921 through 928, as sections 931 through 938, respectively;

(4) in 934(d) (as so redesignated), by striking the second sentence and inserting the following: ''Penalties provided for under this section shall be imposed and collected by the Secretary using the administrative and procedural processes used to impose and collect civil money penalties under section 1128A of the Social Security Act (other than subsections (a) and (b), the second sentence of subsection (f), and subsections (i), (m), and (n)), unless the Secretary determines that a modification of procedures would be more suitable or reasonable to carry out this subsection and provides for such modification by regulation.'';

(5) in section 938(1) (as so redesignated), by striking ''921'' and inserting ''931''; and

(6) by inserting after part B the following:

''PART C—PATIENT SAFETY IMPROVEMENT

''SEC. 921. DEFINITIONS.

''In this part:

''(1) NON-IDENTIFIABLE INFORMATION.—

''(A) IN GENERAL.—The term 'non-identifiable information' means information that is presented in a form and manner that prevents the identification of a provider, a patient, or a reporter of patient safety data.

''(B) IDENTIFIABILITY OF PATIENT.—For purposes of subparagraph (A), the term 'presented in a form and manner that prevents the identification of a patient' means, with respect to information that has been subject to rules promulgated pursuant to section 264(c) of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d–2 note), that the information has been de-identified so that it is no longer individually identifiable health information as defined in such rules.

''(2) PATIENT SAFETY DATA.—

''(A) IN GENERAL.—The term 'patient safety data' means—

''(i) any data, reports, records, memoranda, analyses (such as root cause analyses), or statements that could result in improved patient safety or health care quality or health care outcomes, that are—

''(I) collected or developed by a provider for reporting to a patient safety organization, provided that they are reported to the patient safety organization within a reasonable period of time;

''(II) requested by a patient safety organization (including the contents of such request);

''(III) reported to a provider by a patient safety organization; or

''(IV) collected from a provider or patient safety organization or developed by a patient safety organization; or

''(ii) any deliberative work or process or oral communications with respect to any patient safety data described in clause (i).

''(B) LIMITATION.—The term 'patient safety data' shall not include information (including a patient's medical record) that is collected or developed separately from and that exists separately from patient safety data. Such separate information or a copy thereof submitted to a patient safety organization shall not itself be considered as patient safety data.

''(3) PATIENT SAFETY ORGANIZATION.—The term 'patient safety organization' means a private or public organization or component thereof that performs all of the following activities (which are deemed to be necessary for the proper management and administration of such organization or component thereof), and that is currently listed by the Secretary as a patient safety organization pursuant to section 924(c):

''(A) The conduct, as its primary activity, of efforts to improve patient safety and the quality of health care delivery.

''(B) The collection and analysis of patient safety data that are submitted by more than one provider.

''(C) The development and dissemination of information to providers with respect to improving patient safety, such as recommendations, protocols, or information regarding best practices.

''(D) The utilization of patient safety data for the purposes of encouraging a culture of safety and of providing direct feedback and assistance to providers to effectively minimize patient risk.

''(E) The maintenance of a process to preserve confidentiality with respect to the information that is not non-identifiable.

''(F) The provision of appropriate security measures with respect to patient safety data.

''(G) The submittal to the Secretary of a certification pursuant to section 924.

''(4) PROVIDER.—The term 'provider' means—

''(A) a person licensed or otherwise authorized under State law to provide health care services, including—

''(i) a hospital, nursing facility, comprehensive outpatient rehabilitation facility, home health agency, hospice program, renal dialysis facility, ambulatory surgical center, pharmacy, physician or health care practitioner's office, long term care facility, behavior health residential treatment facility, clinical laboratory, or health center; or

''(ii) a physician, physician assistant, nurse practitioner, clinical nurse specialist, certified registered nurse anesthetist, certified nurse midwife, psychologist, certified social worker, registered dietitian or nutrition professional, physical or occupational therapist, pharmacist, or other individual health care practitioner; or

''(B) any other person specified in regulations promulgated by the Secretary.

''SEC. 922. PRIVILEGE AND CONFIDENTIALITY PROTECTIONS.

''(a) PRIVILEGE.—Notwithstanding any other provision of Federal, State, or local law, patient safety data shall be privileged and, subject to the provisions of subsection (c), shall not be—

''(1) subject to a Federal, State, or local civil, criminal, or administrative subpoena;

''(2) subject to discovery in connection with a Federal, State, or local civil, criminal, or administrative proceeding;

''(3) disclosed pursuant to section 552 of title 5, United States Code (commonly known as the Freedom of Information Act) or any other similar Federal, State, or local law;

''(4) admitted as evidence or otherwise disclosed in any Federal, State, or local civil, criminal, or administrative proceeding; or

''(5) utilized in a disciplinary proceeding against a provider.

''(b) CONFIDENTIALITY.—Notwithstanding any other provision of Federal, State, or local law, and subject to the provisions of subsections (c) and (d), patient safety data shall be confidential and shall not be disclosed.

''(c) EXCEPTIONS TO PRIVILEGE AND CONFIDENTIALITY.—Nothing in this section shall be construed to prohibit one or more of the following uses or disclosures:

''(1) Disclosure by a provider or patient safety organization of relevant patient safety data for use in a criminal proceeding only after a court makes an in camera determination that such patient safety data contains evidence of an intentional act to directly harm the patient.

''(2) Voluntary disclosure by a provider or patient safety organization of information to the Food and Drug Administration, or to a person that is subject to the jurisdiction of the Food and Drug Administration, with respect to a Food and Drug Administration-regulated product or activity for which that entity has responsibility, for the purposes of activities related to the quality, safety, or effectiveness of a Food and Drug Administration-regulated product or activity or a Food and Drug Administration proceeding.

''(3) Voluntary disclosure of non-identifiable patient safety data by a provider or a patient safety organization.

''(4) Voluntary disclosure by a provider of patient safety data to the Centers for Disease Control and Prevention for public health surveillance, investigation, or other public health activities.

''(d) PROTECTED DISCLOSURE AND USE OF INFORMATION.—Nothing in this section shall be construed to prohibit one or more of the following uses or disclosures:

''(1) Disclosure by a provider or patient safety organization of information to which subsections (a) or (b) applies to carry out activities described in paragraph (2) or (3) of section 921.

''(2) Use or disclosure by a provider or patient safety organization of patient safety data in connection with providing treatment, improving patient safety, health care quality or administrative efficiency, or any other customary activity of the provider or in obtaining payment.

''(3) Disclosure of patient safety data among patient safety organizations.

''(4) Disclosure of patient safety data by a provider or patient safety organization to grantees or contractors carrying out patient safety research, evaluation, or demonstration projects authorized by the Director.

''(5) Disclosure of patient safety data by a provider to an accrediting body that accredits that provider.

''(e) CONTINUED PROTECTION OF INFORMATION.—Patient safety data used or disclosed in accordance with subsection (d) shall continue to be privileged and confidential in accordance with subsections (a) and (b) and shall not be disclosed—

''(1) by an entity that possessed such information before such use or disclosure; or

''(2) by an entity to which the information was disclosed;

unless such additional disclosure is permitted under subsection (d).

''(f) LIMITATION ON ACTIONS.—

''(1) PATIENT SAFETY ORGANIZATIONS.—Except as provided in subsection (c), no action may be brought or process served against a patient safety organization to compel disclosure of information collected or developed under this part whether or not such information is patient safety data.

''(2) PROVIDERS.—An accrediting body shall not take an accrediting action against a provider based on the good faith participation of the provider in the collection, development, reporting, or maintenance of patient safety data in accordance with this part. An accrediting body may not require a provider to reveal its communications with any patient safety organization established in accordance with this part.

''(g) DISCLOSURE OR USE OF INFORMATION.—

''(1) IN GENERAL.—Except with respect to the specific patient safety data that is used or disclosed, the disclosure or use of any patient safety data in accordance with subsection (c) or (d) shall not be treated as a waiver of any privilege or protection established under this part.

''(2) INADVERTENT DISCLOSURE OR USE.—The inadvertent disclosure or use of patient safety data shall not waive any privilege or protection established under this part with respect to such data.

''(h) REPORTER PROTECTION.—

''(1) IN GENERAL.—A provider may not take an adverse employment action, as described in paragraph (2), against an individual based upon the fact that the individual in good faith reported information—

''(A) to the provider with the intention of having the information reported to a patient safety organization; or

''(B) directly to a patient safety organization.

''(2) ADVERSE EMPLOYMENT ACTION.—For purposes of this subsection, an 'adverse employment action' includes—

''(A) loss of employment, the failure to promote an individual, or the failure to provide any other employment-related benefit for which the individual would otherwise be eligible; or

''(B) an adverse evaluation or decision made in relation to accreditation, certification, credentialing, or licensing of the individual.

''(i) ENFORCEMENT.—

''(1) PROHIBITION.—Except as provided in subsections (c) and (d) and as otherwise provided for in this section, it shall be unlawful for any person to negligently or intentionally disclose any patient safety data described in subsection (a) and any such person shall, upon adjudication, be assessed in accordance with section 934(d).

''(2) RELATION TO HIPAA.—The penalty provided for under paragraph (1) shall not apply if the defendant would otherwise be subject to a penalty under the regulations promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d–2 note) or under section 1176 of the Social Security Act (42 U.S.C. 1320d–5) for the same disclosure.

''(3) EQUITABLE RELIEF.—Without limiting remedies available to other parties, a civil action may be brought by any aggrieved individual to enjoin any act or practice that violates subsection (h) and to obtain other appropriate equitable relief (including reinstatement, back pay, and restoration of benefits) to redress such violation.

''(4) ACTIONS AGAINST STATE EMPLOYEES.—Notwithstanding subsection (a), with respect to a State employer, the privilege described in such subsection shall not apply to such employer unless the employer consents, in advance, to be subject to a civil action under paragraph (3).

''(j) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to—

''(1) limit other privileges that are available under Federal, State, or local laws that provide greater confidentiality protections or privileges than the privilege and confidentiality protections provided for in this section;

''(2) limit, alter, or affect the requirements of Federal, State, or local law pertaining to patient-related data that is not privileged or confidential under this section;

''(3) alter or affect the implementation of any provision of section 264(c) of the Health Insurance Portability and Accountability Act of 1996 (Public Law 104–191; 110 Stat. 2033), section 1176 of the Social Security Act (42 U.S.C. 1320d–5), or any regulation promulgated under such sections;

''(4) limit the authority of any provider, patient safety organization, or other person to enter into a contract requiring greater confidentiality or delegating authority to make a disclosure or use in accordance with subsection (c) or (d); and

''(5) prohibit a provider from reporting crime to law enforcement authorities.

"SEC. 923. PATIENT SAFETY NETWORK OF DATABASES.

''(a) IN GENERAL.—The Secretary shall maintain a patient safety network of databases that provides an interactive evidence-based management resource for providers, patient safety organizations, and other persons. The network of databases shall have the capacity to accept, aggregate, and analyze nonidentifiable patient safety data voluntarily reported by patient safety organizations, providers, or other persons.

''(b) NETWORK OF DATABASE STANDARDS.—The Secretary may determine common formats for the reporting to the patient safety network of databases maintained under subsection (a) of nonidentifiable patient safety data, including necessary data elements, common and consistent definitions, and a standardized computer interface for the processing of such data. To the extent practicable, such standards shall be consistent with the administrative simplification provisions of part C of title XI of the Social Security Act.

"SEC. 924. PATIENT SAFETY ORGANIZATION CERTIFICATION AND LISTING.

''(a) CERTIFICATION.—

''(1) INITIAL CERTIFICATION.—Except as provided in paragraph (2), an entity that seeks to be a patient safety organization shall submit an initial certification to the Secretary that the entity intends to perform the activities described in subparagraphs (A) through (F) of section 921(3).

''(2) DELAYED CERTIFICATION OF COLLECTION FROM MORE THAN ONE PROVIDER.—An entity that seeks to be a patient safety organization may—

''(A) submit an initial certification that it intends to perform the activities described in subparagraph (A) through (F) of section 921(3) other than the activities described in subparagraph (B) of such section; and

''(B) within 2 years of submitting the initial certification under subparagraph (A), submit a supplemental certification that it performs the activities described in section 921(3)(B).

''(3) EXPIRATION AND RENEWAL.—

''(A) EXPIRATION.—An initial certification under paragraph (1) or (2)(A) shall expire on the date that is 3 years after it is submitted.

''(B) RENEWAL.—

''(i) IN GENERAL.—An entity that seeks to remain a patient safety organization after the expiration of an initial certification under paragraph (1) or (2)(A) shall, within the 3-year period described in subparagraph (A), submit a renewal certification to the Secretary that the entity satisfies the criteria described in subparagraph (A) through (F) of section 921(3).

''(ii) TERM OF RENEWAL.—A renewal certification under clause (i) shall expire on the date that is 3 years after that date on which it is submitted, and may be renewed in the same manner as an initial certification.

''(b) ACCEPTANCE OF CERTIFICATION.—Upon the submission by an organization of an initial certification pursuant to subsection (a)(1) or (a)(2)(A), a supplemental certification pursuant to subsection (a)(2)(B), or a renewal certification pursuant to subsection (a)(3)(B), the Secretary shall review such certification and—

''(1) if such certification meets the requirements of subsection (a)(1) or (a)(2)(A), (a)(2)(B), or (a)(3)(B), as applicable, the Secretary shall notify the organization that such certification is accepted; or

''(2) if such certification does not meet such requirements, as applicable, the Secretary shall notify the organization that such certification is not accepted and the reasons therefore.

''(c) LISTING.—

''(1) IN GENERAL.—Except as otherwise provided in this subsection, the Secretary shall compile and maintain a current listing of patient safety organizations with respect to which the Secretary has accepted a certification pursuant to subsection (b).

''(2) REMOVAL FROM LISTING.—The Secretary shall remove from the listing under paragraph (1)—

''(A) an entity with respect to which the Secretary has accepted an initial certification pursuant to subsection (a)(2)(A) and which does not submit a supplemental certification pursuant to subsection (a)(2)(B) that is accepted by the Secretary;

''(B) an entity whose certification expires and which does not submit a renewal application that is accepted by the Secretary; and

''(C) an entity with respect to which the Secretary revokes the Secretary's acceptance of the entity's certification, pursuant to subsection (d).

''(d) REVOCATION OF ACCEPTANCE.—

''(1) IN GENERAL.—Except as provided in paragraph (2), if the Secretary determines that a patient safety organization does not perform any activity described in subparagraph (A) through (F) of section 921(3), the Secretary may, after notice and an opportunity for a hearing, revoke the Secretary's acceptance of the certification of such organization.

''(2) DELAYED CERTIFICATION OF COLLECTION FROM MORE THAN ONE PROVIDER.—A revocation under paragraph (1) may not be based on a determination that the organization does not perform the activity described in section 921(3)(B) if—

''(A) the listing of the organization is based on its submittal of an initial certification under subsection (a)(2)(A);

''(B) the organization has not submitted a supplemental certification under subsection (a)(2)(B); and

''(C) the 2-year period described in subsection (a)(2)(B) has not expired.

''(e) NOTIFICATION OF REVOCATION OR REMOVAL FROM LISTING.—

''(1) SUPPLYING CONFIRMATION OF NOTIFICATION TO PROVIDERS.—Within 15 days of a revocation under subsection (d)(1), a patient safety organization shall submit to the Secretary a confirmation that the organization has taken all reasonable actions to notify each provider whose patient safety data is collected or analyzed by the organization of such revocation.

''(2) PUBLICATION.—Upon the revocation of an acceptance of an organization's certification under subsection (d)(1), or upon the removal of an organization from the listing under subsection (c)(2), the Secretary shall publish notice of the revocation or removal in the Federal Register.

''(f) STATUS OF DATA AFTER REMOVAL FROM LISTING.—

''(1) NEW DATA.—With respect to the privilege and confidentiality protections described in section 922, data submitted to an organization within 30 days after the organization is removed from the listing under subsection (c)(2) shall have the same status as data submitted while the organization was still listed.

''(2) PROTECTION TO CONTINUE TO APPLY.—If the privilege and confidentiality protections described in section 922 applied to data while an organization was listed, or during the 30-day period described in paragraph (1), such protections shall continue to apply to such data after the organization is removed from the listing under subsection (c)(2).

''(g) DISPOSITION OF DATA.—If the Secretary revokes the acceptance of an organization's certification under subsection (d)(1) and removes the organization from the listing as provided for in subsection (c)(2), with respect to the patient safety data that the organization received from providers, the organization shall—

''(1) with the approval of the provider and another patient safety organization, transfer such data to such other organization;

''(2) return such data to the provider of that patient safety data; or

''(3) if returning such data to the provider is not practicable, destroy such data.

''SEC. 925. TECHNICAL ASSISTANCE.

''The Secretary, acting through the Director, may provide technical assistance to patient safety organizations, including annual meetings for patient safety organizations to discuss methodology, communication, data collection, or privacy concerns.

''SEC. 926. PROMOTING THE INTEROPERABILITY OF HEALTH CARE INFORMATION TECHNOLOGY SYSTEMS.

''(a) DEVELOPMENT.—Not later than 36 months after the date of enactment of the Patient Safety and Quality Improvement Act of 2003, the Secretary shall develop or adopt voluntary national standards that promote the electronic exchange of health care information.

''(b) UPDATES.—The Secretary shall provide for the ongoing review and periodic updating of the standards developed under subsection (a).

''(c) DISSEMINATION.—The Secretary shall provide for the dissemination of the standards developed and updated under this section.

''SEC. 927. AUTHORIZATION OF APPROPRIATIONS.

''There is authorized to be appropriated such sums as may be necessary to carry out this part.''.

SEC. 4. STUDIES AND REPORTS.

(a) IN GENERAL.—The Secretary of Health and Human Services shall enter into a contract (based upon a competitive contracting process) with an appropriate research organization for the conduct of a study to assess the impact of medical technologies and therapies on patient safety, patient benefit, health care quality, and the costs of care as well as productivity growth. Such study shall examine—

(1) the extent to which factors, such as the use of labor and technological advances, have contributed to increases in the share of the gross domestic product that is devoted to health care and the impact of medical technologies and therapies on such increases;

(2) the extent to which early and appropriate introduction and integration of innovative medical technologies and therapies may affect the overall productivity and quality of the health care delivery systems of the United States; and

(3) the relationship of such medical technologies and therapies to patient safety, patient benefit, health care quality, and cost of care.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary of Health and Human Services shall prepare and submit to the appropriate committees of Congress a report containing the results of the study conducted under subsection (a).

Mr. KENNEDY. Mr. President, I commend Senator GREGG, Senator JEFFORDS, Senator DODD, SENATOR FRIST, Senator SESSIONS, and all of the other Democratic and Republican members of our Health committee who have devoted extraordinary energy and skill to finding bipartisan consensus on the complex issue of medical errors and improving patient safety.

For even one American to die from an avoidable medical error is a tragedy. That thousands die every year is a national disgrace—and an urgent call to action.

More than 4 years ago, the Institute of Medicine reported that medical errors cause 98,000 deaths every year. The IOM recommended that health care professionals should be encouraged to report medical errors, without fearing that their reports will be used against them. Our legislation implements this sensible recommendation by establishing patient safety organizations to analyze medical errors and recommend ways to avoid them in future. The legislation also creates a legal privilege for material reported to these safety organizations, while seeing that original records, such as a patient's chart, remain accessible to patients.

Drawing the boundaries of this privilege requires a careful balance. The legislation is designed to create a culture in which medical professionals feel secure in reporting errors without fear of punishment, and it is right to do so. But we must be careful that in doing so, we do not actually shield those who have negligently or intentionally caused harm to patients. We must also make sure not to interfere with existing State laws on reporting.

The proposal that the Senate considers today has made substantial and welcome progress on these and other important issues, and I look forward to making further progress in conference with our colleagues in the House. I will do all I can to see that we continue the bipartisan cooperation that has allowed today's important action. I look forward to working with our colleagues in the House to produce a conference report that includes the best features of the Senate and House proposals. I believe that several features of the bipartisan House legislation are worth close consideration by the conference, including the strong protections against conflict of interest.

I hope that this legislation is the beginning of our action on patient safety—not the conclusion. Other steps are also necessary. The Federal Government should play a leading role in the quest for improving quality and safety for patients. Indeed, the very title of one of IOM's most important reports, ''Leadership by Example,'' highlights the central role that the Federal Government must play in transforming the quality of health care.

I thank all my colleagues from both sides of the aisle, who came together and put their differences aside to bring this legislation to the floor. This legislation sends a promising message that every patient in America will receive effective, high quality health care.

Mr. JEFFORDS. Mr. President, I am very pleased that today the Senate will pass a measure that many have worked on for many years. The Patient Safety and Quality Improvement Act, and similar companion legislation, have been the focus of considerable efforts by many of our colleagues since 1999. I must thank Senator GREGG, Senator KENNEDY and our other colleagues for all their hard work in bringing S. 720 before the Senate today.

In 1999, Americans were shocked by the findings of the landmark Institute of Medicine study on medical errors. As we all know, that study reported that the number of deaths associated with medical errors could be as high 98,000 each year.

Most importantly, the report noted that more than half of these deaths resulted from preventable errors—needless deaths that could have been prevented if we only had a system in place that would help providers learn from each other's mistakes.

The bill starts with a simple premise. Let's set up a system that helps our health

care providers learn from each other. Let's set up a system that promotes the reporting and analysis of medical errors. Let's set up a system that engenders the trust of providers and the patients they serve.

Of course, we also live in a complex society, one in which medical errors that may have harmed a patient might also be the basis for litigation. It is a right under our laws to seek a remedy when harmed, and we need to preserve access to certain information for this redress of grievances.

However, an unfortunate consequence of living in a litigious society is that hospitals and providers often feel that it's not in their best interests to share information openly and honestly. We know, in fact, that their attorneys and risk managers often advise them not to do so. So, in order for our system to work, it needs to balance these sometimes competing demands.

The bill we are considering strikes this balance. It calls for the creation of new entities we call Patient Safety Organizations that would collect voluntarily reported patient safety data. This bill provides the protections of confidentiality and privilege to that patient safety data, but the bill also sets definite limitations on what can be considered confidential and privileged.

This legislation does nothing to reduce or affect other Federal, State or local legal requirements pertaining to health related information. Nor does this bill alter any existing rights or remedies available to injured patients. The bottom line is that this legislation neither strengthens nor weakens the existing system of tort and liability law.

Instead, the legislation before us creates a new, parallel system of information collection and analysis, designed to educate our doctors and protect patients' safety everywhere. This bill reflects difficult negotiations and many compromises over almost 5 years of consideration. Through the contributions of Members on both sides of the aisle, this legislation has been greatly strengthened since I first introduced it back in the 106th Congress. I have appended these remarks with an article I wrote that provides a more detailed description of the efforts that have been made to reduce medical errors and I ask unanimous consent that it will be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FIRST, DO NO HARM

With the publication of the Institute of Medicine IOM study, To Err is Human 1999, we were all reminded that Hippocrates' maxim to ''first, do no harm'' is as relevant to the practice of medicine today as it was in 400 B.C. The IOM report was among the first to galvanize national attention on the issue of patient safety when it reported that medical errors contribute to approximately 100,000 patient deaths a year. This startling and troubling statistic has been verified in subsequent studies and cited in peer reviewed articles in the leading journals of biomedical research, including the Journal of the American Medical Association, the Lancet, and the New England Journal of Medicine.

When I was Chairman of the Senate Committee on Health, Education, Labor, and Pensions in 1999, I undertook several hearings—five in all—to examine this issue and discuss the recommendations of the To Err is Human report. The testimony overwhelmingly agreed with several of the original Institute of Medicine recommendations.

Perhaps the most important of these recommendations stress that improving patient safety requires a learning environment rather than a punitive environment; voluntary data gathering systems as opposed to mandatory systems; and appropriate legal protections—including confidentiality and privilege from discovery—that allow for the review and analysis of medical error information.

In response to this focused attention, a myriad of public and private patient safety initiatives have begun. The Department of Health and Human Services has initiated several patient safety projects, including project grants funded by the Agency for Healthcare Research and Quality AHRQ. The work of the Veteran's Administration in developing and implementing innovative patient safety systems—especially in the area of medication management—has drawn attention from throughout the country. In addition, the Quality Interagency Coordination Taskforce has recommended steps to improve patient safety that can be taken by each Federal agency involved in health care, and agency activities to implement these steps are ongoing.

In addition, several non-governmental organizations and professional societies have ''stepped up to the plate'' of patient safety. The Joint Commission on Accreditation of Healthcare Organizations, the U.S. Pharmacopoeia, the American Medical Association, and other health care providers including the American Federation of Hospitals and American Hospital Association have launched innovative efforts dedicated to improving patient safety. However, many of the organizations currently collecting patient safety data have expressed the need for legal protections that will allow them to review protected information so that they may collaborate in the development and implementation of patient safety improvement strategies.

The work of Lucien Leape, a member of the IOM panel and adjunct professor of health policy at Harvard University, has supported this view. Dr. Leape has argued persuasively that we as a society will continue to have difficulty in reducing medical errors and improving patient safety because our institutions are ''still locked into a blame and punish approach to errors and a focus on individual culpability,'' and that ''the fear of malpractice litigation thus becomes a major barrier to openly discussing and reporting errors.''

I have introduced legislation with my colleagues, Senators Bill Frist, John Breaux, and Judd Gregg, which seeks to address these concerns. The legislation raises expectations for higher standards for continuous patient safety improvement and it encourages a new and needed culture of patient safety among health care providers and American hospitals. The bill accomplishes these goals by establishing appropriate legal protections for patient safety information voluntarily shared among patient safety organizations and providers. Our legislation reflects the belief that a culture of patient safety can flourish only in an environment where information, data, process, and recommendations enjoy legal protection and privilege.

Because it appropriately addresses an obvious need and concern, the Jeffords Patient Safety and Quality Improvement Act has enjoyed widespread endorsement by hospital, patient, doctor, and consumer advocacy organizations. This degree of support underscores the broad appeal and essential nature of this proposed legislation.

In the time since the release of To Err is Human, the Congress has been unable to enact sensible legislation to reduce medical errors and increase patient safety. However I believe we can accomplish that goal this year. The House of Representatives has already passed its version of patient safety legislation and we are working to pass the Patient Safety and Quality Improvement Act in the Senate. I am hopeful that we can reconcile disagreements that have previously stopped this legislation from moving forward and I am committed to seeing that happen.

It has been three years since the release of the IOM report. That means, based on the IOM's statistics, that an additional 300,000 deaths and an untold number of injuries have occurred from medical errors. We need to apply Hippocrates' admonition to ''first, do no harm'' beyond the medical community to the legislative community. We need to pass legislation now that will help the health care community stop the needless injury caused by unintentional medical errors.

Mr. JEFFORDS. I offer my appreciation to the many contributions from Chairman GREGG, Ranking Member KENNEDY, and Senators FRIST, BREAUX, ENZI, SESSIONS, DODD, and BINGAMAN.

We legislate many essential issues in the Congress, but rarely can we say that what we do is a matter of life and death. This, however, is one of those issues. The time to act is long overdue. This is an area where delay will lead to deaths that can be prevented. I urge all of my colleagues to vote in support of this bill.

Mr. FRIST. I ask unanimous consent that the amendment at the desk be agreed to, the committee amendment as amended be agreed to, the bill as amended be read a third time, and the HELP Committee be discharged from further consideration of H.R. 663, and the Senate proceed to its consideration; provided that all after the enacting clause be stricken and the text of S. 720, as amended, be inserted in lieu thereof; provided further that the bill, as amended, be read a third time and passed, the Senate insist upon its amendment and request a conference with the House of Representatives on the disagreeing votes of the two Houses, and the Chair be authorized to appoint conferees with a ratio of 4 to 3.

Finally, I ask unanimous consent that S. 720 be returned to the Calendar.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, reserving the right to object, I was on the Senate floor a few weeks ago with the distinguished chairman of the HELP Committee. At that time there was an attempt to move the bill.

I said at that time this bill could be done. There were ways we could accomplish it. This is an extremely important piece of legislation. Through the Chair to the distinguished majority leader, he knows better than I. He is a

physician. But from what I know of patient safety, this is an extremely important piece of legislation, and we have been able to do it. We are going to be able to go to conference. There has been agreement between the Chair and the ranking member. I think this is an important step forward.

I would say, through the Chair to my friend who is not here, the distinguished chairman of the HELP Committee, I am glad he brought this to the Senate's attention. I am glad we did not agree to what his unanimous consent request was at that time. But we were able to get it done, and I am very happy for that.

I have no objection. This is an important piece of legislation. I now wish the conferees well.

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

The amendment (No. 3568) was agreed to.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

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

The bill (H.R. 663), as amended, was read the third time and passed.

(The bill will be printed in a future edition of the RECORD.)

The Presiding Officer (Mr. ENZI) appointed Mr. GREGG, Mr. FRIST, Mr. ENZI, Mr. ALEXANDER, Mr. KENNEDY, Mr. DODD, and Mr. JEFFORDS conferees on the part of the Senate.

Mr. FRIST. Mr. President, I do want to congratulate Senator GREGG, chairman of the HELP Committee, and ranking member, Senator KENNEDY. This is a piece of legislation that people can trace. Several years ago, the Institute of Medicine did an outstanding report. We rely on the Institute of Medicine again and again to objectively, in a nonpartisan way, look at a whole range of issues, from the financing of health care, health care delivery, preventive health care, acute treatment, chronic treatment. They really respond very much to outside bodies like the Senate and do studies.

One great study they did—people have argued their numbers aren't exactly right, too high, too low—but it was that about 100,000 people die every year from systems' lapses, medical errors. Those are, for the most part, preventable deaths, if you improve the systems. This bill goes right at the heart of improving the systems and does so in a way that relies on individuals who may observe something that didn't work out, sharing that data with their peers in a way that they do not have to fear lawsuits.

Obviously, if there is wrongdoing, lawsuits would be appropriate. But, if it is an error, minor error, or even a more serious error, it can be addressed upfront in a way that you do not have to be afraid somebody is going to come in and crush you from the outside.

I say that because it is a bipartisan bill. It went through the Health, Education, Labor and Pension Committee. I think the fundamental structure of the bill went through the committee unanimously. It shows tremendous leadership.

There were disagreements on a few items that have been worked out, with Senator GREGG's leadership, working with Senator KENNEDY. With that, we have a very good bill, a strong bill that will change systems of health care in a positive way, and clinics and hospitals and physicians offices such that we can eliminate or greatly reduce the number of unnecessary medical errors that occur in large part through systems approaches.

Just an example would be if somebody is on 10 different medicines and somebody prescribes a new medicine. You don't know the interaction of those medicines. You need a system to identify that. That sort of organized, commonsense approach to improve systems is made possible by this bill.

Mr. ENZI. Mr. President, the Senate this evening has taken a major step toward better and safer health care for all Americans.

Tonight, we approved the Patient Safety and Quality Improvement Act. The goal of this legislation is to allow health care providers some freedom from legal fear so they can do what we all strive to do every day—learn from our mistakes.

This bill would create a framework through which hospitals, doctors, and other health care providers can work to improve health care quality in a protected legal environment. It would accomplish this by granting privilege and confidentiality protections to health care providers to allow them to report health care errors and ''near misses'' to patient safety organizations.

This bill would not permit anyone to hide information about a medical mistake. Lawyers would still have access to medical records and other information that would normally be discoverable in a legal proceeding. However, the bill would ensure that the analysis of that information by patient safety organizations would take place on a separate track in a protected legal environment.

Under the bill, patient safety organizations would have the freedom to collect and analyze data on health care errors in confidence, and then report their findings to the health care community. These findings would help health care providers understand how mistakes happen in our health care system, and how to prevent them.

If we can reach an agreement in conference in the House and send this bill to the President, health care providers will be much more likely to share information about honest mistakes, because they will have some assurance that the analysis of their information won't result in a tidy package of information that a personal injury lawyer could use against them in court.

I express my appreciation for the hard work that the members of the Committee on Health, Education, Labor, and Pensions put into this bill, particularly Chairman GREGG, Majority Leader FRIST, the lead sponsor Senator JEFFORDS, and Senators SESSIONS and KENNEDY.

I also thank the staff who worked so diligently over the course of this Congress to craft this legislation, particularly Vince Ventimiglia, Peggy Carlson, David Fisher, Dean Rosen, Jim Hippe, Sean Donohue, Megan Clarke, David Nexon, David Bowen, and of course Stephen Northrup with my office.

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. 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.

UNITED STATES-MOROCCO FREE-TRADE AGREEMENT IMPLEMENTATION ACT

The PRESIDING OFFICER. Under the previous order, the Senate having received H.R. 4842, the companion measure to S. 2677, an act to implement the United States-Morocco Free-Trade Agreement, the House bill is read a third time and passed; the passage of S. 2677 is vitiated, and the bill is returned to the Calendar.

The bill (H.R. 4842) was read the third time and passed.

The PRESIDING OFFICER. The majority leader.

THE DEPARTMENT OF DEFENSE APPROPRIATIONS BILL

Mr. FRIST. Mr. President, a few minutes ago we passed the Department of Defense appropriations bill, with a vote of 96 to 0. I want to take this opportunity to congratulate the chairman of the Appropriations Committee, who is also chairman of the Defense Subcommittee, Senator STEVENS, and his ranking member, Senator INOUYE, on bringing this first appropriations conference report for next year to completion.

This is a critically important bill. It provides nearly $418 billion in resources to our dedicated men and women in the global war on terrorism. The legislation will immediately make available $26.8 billion to the Department of Defense as emergency appropriations to cover the costs associated with operations in Iraq and Afghanistan, upon signature by the President.

As GAO reported this week, these funds are needed, and they are needed quickly, for the operation and maintenance and military personnel through the end of the current fiscal year. Further, critical funding is provided immediately to the Department of State for our diplomatic programs, for our consular programs, and embassy security in Iraq.

There are other programs funded in this important legislation that I want to thank the conferees for addressing. Mr. President, $95 million is provided immediately to USAID and the State Department to address the tragic moral and humanitarian crisis that is occurring in the Darfur region of the Sudan.

I am hopeful Secretary Powell's and U.N. Secretary General Kofi Annan's discussions today in New York will result in the Sudanese Government fulfilling its recent commitment to end the attacks in the Darfur region by disarming the Janjaweed.

I am particularly concerned our new Ambassador—our former colleague in this body, Senator John Danforth—is reported today as saying the situation in Darfur is not getting better but is getting worse. Mr. President, $95 million in humanitarian and refugee assistance provided in this legislation is critical, but security and stability must be secured in the region if this assistance which we are delivering is ever to really reach the people who are in need. As we all know, in the Darfur region, tens of thousands of people have died, and over a million people are directly affected in this very large western region in Sudan.

I wish it were not necessary, but it is good this legislation will also provide $19 million to improve amputee care at the Walter Reed Medical Center for prosthetic limb development and applied research. Many of us in this body have had the opportunity to visit the men and women—the soldiers—who have been so directly impacted at Walter Reed. We thank them for their service, we thank them for their patriotism, and we are gratified that this $19 million will at least address one dimension, and that is the dimension of amputee care at that wonderful, outstanding medical center.

There is over $18.2 billion for the Defense Health Program, an increase of over $2.5 billion over last year's level. I am pleased this legislation fully funds the 3.5-percent military pay raise and increases our service men's and women's basic housing allowance for housing, putting additional money into their pocket.

On the domestic front, it is appropriate this legislation also provides a half billion dollars, $500 million, in emergency assistance to the Departments of Labor and Agriculture to address the growing cost of increasing forest fires this summer that we see in the West, as well as in Alaska.

We should also point out the legislation provides $50 million to Boston and to New York City to help defray some of the costs associated with our upcoming national conventions.

Mr. President, this is critical legislation for our national security. It is somewhat ironic that we voted on this legislation the same day that the 9/11 Commission released its report because the first recommendation of that report was that the U.S. Government must identify and prioritize actual or potential terrorist sanctuaries. For each, it should have a realistic strategy to keep possible terrorists insecure and on the run, using all elements of national power.

This legislation funds our national power. It is appropriate it is the first appropriations bill this year to pass and to be sent to President Bush.

Again, I congratulate Chairman STEVENS, as well as the ranking member, and all of the committee members of the subcommittee and the entire Appropriations Committee for this outstanding piece of legislation.

SENATE ACCOMPLISHMENTS

Mr. FRIST. Mr. President, on a separate topic, I want to take a few moments before going out on recess, looking back over the last several weeks and sharing with my colleagues some of the very positive things we have been able to accomplish, positive issues and bills that will have a direct impact on people throughout America and also, indeed, throughout the world.

We have had a productive year. Among our many legislative accomplishments, the Senate passed the Laci and Conner's law, the Crime Victims Act, the child nutrition reauthorization, and the Internet access tax moratorium. Each of these initiatives expresses our values. Each will help protect the American family.

In this past month, since the last recess, we have been able to build on those successes. I commend my colleagues for their tremendous work, their hard work, each and every day over July.

We had the opportunity today to receive the report from the 9/11 Commission, and we have heard about it on the floor of the Senate today. We heard about it in our briefings today and yesterday. We have heard us all commend the 9/11 Commission for their efforts to produce a genuinely bipartisan document. That is the way it was received. In talking to the Commission members, that is the way each step along the way the 9/11 Commission acted: in a bipartisan manner.

I have not had the opportunity to read the whole report. It is a large book people have had on the floor today. But I have read the summary and been in on the briefings. The only way I can describe it is, it provides a sobering account of the events leading up to September 11. It offers valuable recommendations—one I just referred to a few moments ago—for how America can better protect itself, how we can act to make America safer.

I again thank the Commission members. They have worked hard over the last several months to produce this outstanding document, a document that will be invaluable in the months ahead as we deliberate. There will be a lot of deliberation, and the Democratic leader and I will comment on that a little bit later in a colloquy on how best to strengthen America's defenses.

In the meantime, as we wrap up for the August recess and the conventions, I would like to take a moment to highlight a few of the recent legislative accomplishments. Yesterday I had the honor of attending the Rose Garden signing ceremony for Project Bioshield. It is an issue that was first proposed by the President in his 2003 State of the Union Address to Congress. As with his broader efforts to defend the homeland, President Bush has demonstrated once again his determination to protect the American people, to make America safer, and that is exactly what this bioshield legislation does.

Because of the President's leadership, the Nation's defenses against biological threats, against chemical threats, against radiological threats will be substantially strengthened. Project Bioshield is a gratifying example of, once again, both sides of the aisle working together in the best interest of the American people. I commend the President for his leadership in the initial proposal, Chairman GREGG, Senator KENNEDY, and all of my colleagues who worked together to craft this legislation, including Senator HATCH who was early to see the need for this initiative.

Only 2 months ago our enemies detonated a sarin-laced roadside bomb in Iraq. Fortunately, their plan did not succeed in effectively dispersing the nerve agent. But it underscored the fact that these weapons exist, that we must be vigilant. Right here at home we had the anthrax assault, used as a weapon up and down the east coast not that long ago, resulting in panic, paralysis, and death. We have had anthrax here in the Nation's Capital. We have had ricin here in the Nation's Capital. Project Bioshield allows us to become proactive in developing a whole range of countermeasures.

Earlier today—now about 12 hours ago—in keeping with our commitment to secure the homeland, the President signed another bill, a bill called the Law Enforcement Officers Safety Act of 2000. It is a product of a number of our colleagues. Our distinguished colleague from Colorado, Senator CAMPBELL, has worked on this bill for years and years. It was developed in a bipartisan way, once again. On the House side, Congressman DUKE CUNNINGHAM was a real leader on this particular bill. This bill had been a No. 1 legislative priority of our Nation's law enforcement officers, and I am proud of this bipartisan effort to support law enforcement and public safety. The law allows current and retired police officers to carry a concealed weapon in any of the 50 States.

What that means is that America will not allow the tens of thousands of trained and certified law enforcement officers who are out there serving us and out there protecting us every day across the country to be denied the potential opportunity to be called upon, if need be, with assistance. In a post-9/

11 world, it is imperative that we all use every resource possible to protect ourselves, and that includes America's men and women in blue.

In addition to our efforts to improve security, this month we took important steps globally in terms of our economic standing in the world. Six days ago we passed the Australia free-trade agreement, and earlier this week we passed the Morocco free-trade agreement. I had the opportunity to talk to the King of Morocco today and reiterated to him the plus this trade agreement will be for the United States and workers in the United States, both the Australia and Morocco free-trade bills, but also to reiterate what the President of the United States had told the King of Morocco when he said: Trade is an important part of good foreign policy. It is an important part of making sure Americans can find jobs.

The Australia agreement has a huge impact right here in the United States of America. It is expected to create as many as 40,000 new jobs. We can expect an increase of about $2 billion annually in trade for the United States and Australia by 2010. At $9 billion, our trade surplus with Australia counts as the largest with any nation. More than 99 percent of our exports to Australia will enter duty-free once this agreement goes into effect. In my home State of Tennessee, Australia is a powerful market, a large market for our goods. In fact, Tennessee exports more to Australia than to France.

With regard to Morocco, more than 95 percent of bilateral trade in consumer and industrial products will become duty-free. The Morocco agreement is the best yet of any United States free-trade agreement with a developing country.

When it comes to a developing continent, earlier this month the President signed another very powerful bill in terms of its impact in Africa. The bill was the African Growth and Opportunity Act. I am especially pleased by this legislation. I have taken advantage of the opportunity of traveling to Africa on a regular basis where one could see upfront, firsthand, the direct impact of this Africa Growth and Opportunity Act when it was initially passed—now several years ago—the impact it has had in the stimulation of jobs, creation of work. And for me, most importantly, it creates hope for a continent that otherwise becomes quite discouraged as it is plagued by so many other huge challenges.

The Africa Growth and Opportunity Act, which we have passed and which is now the law of the land, is a win-win for the United States. It is a win for the African continent, and I would say a win-win for the world. The legislation has not only created new investment opportunities for American businesses, but it has helped create over 150,000 African jobs. When President Museveni from Uganda was here, he said: You use the figure of 150,000, our best estimates are that the impact is not creation of 150,000 African jobs, but 300,000 African jobs.

It has helped to pump more than $340 million into the African economies and has forged a place for Africa in the global trade market. I hope other countries will look at the success of this program and reexamine their trade preferences toward Africa. I hope other countries will take this opportunity, looking at the leadership of the United States, to study their own trade relations with the region and do what we have done in this country, and that is improve them.

Domestically, over the last several weeks we have passed a lot of legislation. In one area we had a significant breakthrough in confirming one of President Bush's judicial nominees. I mention this one in particular because the confirmation of Judge Jay Leon Holmes, who was confirmed to the U.S. District Court, ultimately had bipartisan support. But it took about 18 months of hard work, where there was a lot of attack and a lot of obstruction. Ultimately, Judge Holmes was confirmed this month.

Unfortunately, today our Democratic colleagues voted against permitting three circuit court judges from getting an up-or-down vote. Judge Henry Saad, Judge David McKeague, and Judge Richard Griffin all received support from a majority of Senators, but not this new threshold of having to get a supermajority of 60 votes which is needed to break these unprecedented filibusters we have had this session.

This brings to 10 the number of judges filibustered and, I would argue, as was argued earlier on the floor today, that is 10 too many. We would say that any is too many; that each of these judges deserves an up-or-down vote. People can vote how they want, for the judge or against the judge, but at least we should be given the opportunity to vote.

We will also continue to fight for legislation that keeps America's economic recovery rolling along. We tried recently with class action—we are going to come back to class action. I am not sure exactly when that timing will be, but I can tell you there is strong bipartisan support, and I think this body needs to come back as soon as practical and address class action reform.

I was disappointed by the other side's decision to stop this important legislation because both sides—again, this is a bipartisan bill, and I am confident it can pass with more than 60 votes. These class action lawsuits, as we heard now 2 weeks ago on the floor, have grown exponentially. One recent survey found State court class action filings skyrocketed by 1,300 percent in 10 years.

The result of all of this is a glut of claims that ends up clogging the courts, ultimately wasting taxpayers' dollars and inhibiting the innovation and entrepreneurship we all know is so critical to job creation.

Election year politics should not get in the way of strengthening our economy. It is our duty to serve America's best interests and not to be serving special interests.

When we return after the recess, we have a real challenge, and the challenge is to address all of the appropriations bills. I have been in conversation with the Democratic leader, the Democratic leadership, and Chairman STEVENS, who has been in discussion with Senator BYRD, and all about the recognition that the month of September is going to focus, in large part, on these appropriations bills.

We also need to turn our attention to finishing the FSC/ETI bill, the JOBS bill that we need to get to conference. We have actually appointed Senate conferees, and the House will be appointing their conferees. I am not sure if they will appoint them later tonight or when we get back. It is a very important bill.

We have had a lot of discussions over the course of the day on the highway bill, and I think some progress, indeed, has been made on the highway bill. It is going to be challenging to do because we are a long way from any sort of consensus on that bill, but we all know how important it is.

Although it has not been on the floor of the Senate every day, at some point there are discussions on the importance of having a national energy plan. I take this opportunity to mention it because a lot of people have said: This was filibustered; that was blocked; you are not going to be able to come back and address that legislation. Indeed, we have only probably 20 legislative days left in this session, but as long as people keep working in a bipartisan way, we have the potential for more fully addressing our energy challenges.

All of these pieces of legislation fit into growing our economy, continuing our economic recovery, accelerating it, as well as security. The JOBS bill alone, the FSC/ETI or so-called JOBS bill, will protect more than a million high-quality manufacturing jobs in the United States. Our roads, ports, energy supply, and economic vitality are all critical to our security and to our safety. We have to have a strong infrastructure to be safe and secure, to be able to withstand threats from without.

I see my colleague from Kansas who has a very important statement to make that refers, in part, to some of my comments earlier about the Darfur region, I expect, but let me comment on one issue before turning the floor over to him. It is an issue that again centers on an international issue, and that is Cambodia.

Last Sunday, Cambodian Prime Minister Hun Sen delivered a nationally televised speech accusing democratic opposition party leader Sam Rainsy and his fellow parliamentarians of organizing an armed insurgency to overthrow the government. Concerned for their safety, a number of these leaders fled the country.

I was in touch with my son by e-mail because my son Jonathan happened to

be in Cambodia at the time and witnessed these events. These allegations appear designed to intimidate the democratic opposition there. We should all be disturbed by the rhetoric which appears to be designed to subvert democracy by these threats and by this intimidation.

The international community has a great interest in ensuring that Cambodia's fragile progress toward democracy continues. Cambodia has paid too high a price under authoritarian rule in the past. We cannot and will not accept the use of fear as an instrument of the state. Cambodia has made commitments to the international community to respect human rights, preserve the rule of law, and uphold democracy. I call upon the international community to watch these events very carefully.

There is a lot to do when we return in September. I know we are going to have a very busy fall legislative session. I look forward to working with my colleagues, and I look forward to doing the business of the American people and moving America forward.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

DARFUR

Mr. BROWNBACK. I thank the Chair. Mr. President, I appreciate the majority leader identifying the successes and what we need to be working on. I also appreciate the first part of his speech when he talked about the Sudan, which is something I wish to address for my colleagues.

The House of Representatives has just passed 422 to 0—they rarely do things quite in that fashion—a resolution calling what is taking place in Sudan genocide—genocide, the killing of a group of people purposely by a government, by a group.

I do not think we have ever done that before in the middle of a genocide as it is taking place. We have always adopted a resolution afterward, and once the genocide has occurred, we have said: That is terrible; that should not have happened; and, oh, by the way, it was genocide. They have taken a bold step, the right step, the proper step for the first time to say, while we are in the middle of this crisis, let's call it genocide now, put pressure on the international community to act and address it.

I say to my colleagues tonight, we have virtually the identical resolution in front of this body that we are seeking to move through by unanimous consent. I hope they will consider it and let it through. At this point in time in our sessions, people hold up everything: I am not going to let anything get on through here. I plead with my colleagues, people who are watching, who are monitoring the Chamber, if you are considering that on this resolution, please pull it off and please let this one pass on through so both the House and the Senate can speak with clarity and call the situation in western Sudan, this Darfur region, genocide, and stop the killing.

While the world debates, people die in Darfur, and that is what is taking place today. I was there about 3 weeks ago and 30,000 had died already. Over 300 villages had been burned out, and about a million people were in refugee camps in western Sudan and Chad. The people were in horrific condition and in a very fragile state. They were willing to return to their villages if security could return to the region, but an armed Arab militia was strong through the region, called the Janjaweed, which are men on horses and camels in some cases, with guns. They go in and burn out villages, shooting and killing the men, raping the women, and driving people into refugee camps.

These are deplorable conditions which, if they are not eased, if the situation does not improve, our own Agency for International Development projects that at a minimum 300,000 will die. We are at 30,000 now. We project 300,000 will die if everything goes well from this point forward, and it could go up from there. That is where we are right now: 30,000 dead, projecting 300,000 in the next 6 to 9 months, and it could go above that very easily.

We have a chance, we really have a moment, that we can actually get it right before they die. It was just a couple of months 10 years ago that in Rwanda we saw 800,000 people die. We said after that, ''never again.'' Well, now we have 30,000 and we are headed to 300,000. Are we going to look back on this one and say, ''never again,'' or are we going to get in on this one now and say, ''no, let us stop it''?

It is a fairly simple solution, putting pressure on the international community, putting pressure on the African Union, to bring in troops to stabilize this area. It cannot be done by the Government of Khartoum. They have dirty hands. They have armed the Arab militias that are going into the region. It cannot be done by the Arab militias. They are killing the African villagers in this region. They are doing ethnic cleansing and raping the women.

We interviewed a number of different women who had been raped. All of them said that their rapist said to them: We want to create lighter skinned babies. In that region, the paternity determines the ethnicity of the child.

We cannot let this one keep going when we know it is happening and we have a way to stop it. I plead with my colleagues, just look at this. Let this one move on through, then both the House and the Senate will have spoken and called it genocide. We will put pressure on the international community to act, put pressure on Kofi Annan at the U.N., put pressure on the African Union to address this situation before the numbers keep mounting. We can do this.

I will show briefly to my colleagues new pictures Congressman FRANK WOLF and I took, as I say, about 3 weeks ago when we were in the region. This is a typical burned-out village that we saw. We drove by a number of these. These are some of the leaders of the group who are trying to come back to the village. The raids all happened very similarly. Bombers came in, supplied by the Sudanese Government. Helicopters—I will show a picture of one of those in just a little bit—supported by the Sudanese Government would come in in an air attack. Then the Janjaweed, the Arab militias, would come back on camels, horseback, guns blazing, burn the various houses, kill the men, rape the women, pillage, plunder, and steal. As we can see from this picture, this is a sparse and difficult climate in which to live. They drive people out of their villages, away from their wells, and people die.

This next picture is one of the helicopters used in these raids. It has guns mounted on the front. This is old Soviet equipment, yet it works very well in this region when the people they are going against are unarmed altogether. They will go in on these runs. We saw this particular helicopter within 100 yards of a Sudanese Government outpost, within 50 yards of a Janjaweed encampment.

So when the Sudanese Government is saying, Well, it is the Janjaweed that is doing it and we are going to try to disarm them, we are going to control them, they are arming them, this is just them doing something they have done in the south for years, where they arm a militia so they can have some deniability that it is their hands, but in fact it is clearly them who are conducting this.

The next picture I want to show is a woman who has been shot. She is an amputee. We visited with her. We can see where her leg was shot and amputated.

This final picture is chilling. We went into three different refugee camps. Fortunately, children are children everywhere, and they will lighten up. They will be lively. They have smiles on their faces. In one of the camps they were doing an art project to encourage kids to make different things out of clay or actually out of mud. They were doing the soldiers on horses who had attacked them with guns. They made these little mud figures showing what had taken place. We also have drawings that were brought back, drawn by the children, of villages being burned. There is nothing quite like seeing the world through the eyes of a child. It is a very dangerous world and a deadly world these children have seen.

I have a trip report, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TRIP REPORT—SENATOR SAM BROWNBACK AND CONGRESSMAN FRANK WOLF.

DARFUR, WESTERN SUDAN—JUNE 27–29, 2004

It was just 10 years ago—in 1994—when the world stood by and watched as more than 800,000 ethnic Tutsis were systematically murdered in Rwanda by rival extremist Hutus.

When the killing finally ended after 100 days—and the horrific images of what had taken place were broadcast around the globe—world leaders acknowledged it was genocide, apologized for failing to intervene, and vowed ''never again.''

That pledge from the international community is being put to the test today in western Sudan, where an estimated 30,000 black African Muslims have been murdered and more than 1 million have been driven from their tribal lands and forced to live in one of 129 refugee camps scattered across the western provinces of Darfur. More than 160,000 have fled across the border to Chad.

The United Nations Convention on the Prevention and Punishment of the Crime of Genocide describes genocide as acts committed with intent to destroy, in whole or in part, national, ethnic, racial or religious groups, such as: Killing members of the group; causing serious bodily or mental harm to members of the group; deliberately inflicting on the group conditions of life calculated to bring about physical destruction in whole or in part; Imposing measures intended to prevent births within the group, or forcibly transferring children of the group to another group.

Having recently spent 3 days and 2 nights (June 27–29) in Darfur, we believe what is happening there may very well meet this test.

During our trip we visited 5 refugee camps: Abu Shouk; Tawilah; Krinding; Sisi, and Mornay—all sprawling tent cities jam-packed with thousands of displaced families and fast becoming breeding grounds for disease and sickness.

We drove past dozens of pillaged villages and walked through what was left of four that were burned to the ground.

We heard countless stories about rape, murder and plunder.

We even watched the barbarous men who are carrying out these attacks—Arab militiamen called Janjaweed—sitting astride camels and horses just a short distance from where young and old have sought what they had hoped would be a safe harbor.

Janjaweed is roughly translated in Arabic as ''wild men on horses with G–3 guns'' Ruthless, brutal killers, the Janjaweed have instigated a reign of terror on Darfur—a region about the size of Texas—for more than a year. They kill men. They rape women. They abduct children. They torch villages. They dump human corpses and animal carcasses in wells to contaminate the water. Their mandate is essentially doing whatever necessary to force the black African Muslims from their land to never return.

It is clearly the intent of Janjaweed to purge the region of darker-skinned Africans, in particular members of the Fur, Zaghawa, and Massaleit tribes.

JANJAWEED MANDATE

From where does this mandate come? The Government of Sudan disavows supporting the Janjaweed. Some officials in Khartoum even deny the existence of a humanitarian crisis in the region. Yet the facts prove otherwise. We witnessed the destruction. We heard horrific accounts of violence and intimidation. We talked to rape victims. We saw the scars on men who had been shot. We watched mothers cradle their sick and dying babies, hoping against all odds that their children would survive. We saw armed Janjaweed waiting to prey on innocent victims along the perimeter of refugee camps.

To hear the vivid, heartrending descriptions of the attacks it is clear the Janjaweed have the support—and the approval—of the Government of Sudan to operate with impunity. The same stories were repeated at every camp we visited. The raids would happen early in the morning. First comes the low rumble of a Soviet-made Antonov plane—flown by Sudanese pilots—to bomb the village. Next come helicopter gunships—again, flown by Sudanese pilots—to strafe the village with the huge machine guns mounted on each side. Sometimes the helicopters would land and unload supplies for the Janjaweed. They would then be reloaded with booty confiscated from a village. One man told us he saw cows being loaded onto one helicopter. Moments later, the Janjaweed, some clad in military uniforms, would come galloping in on horseback and camels to finish the job by killing, raping, stealing and plundering.

Walking through the burned out villages we could tell the people living there had little or no time to react. They left everything they owned—lanterns, cookware, water jugs, pottery, plows—and ran for their lives. There was not even time to stop and bury their dead.

The Janjaweed made certain that there would be nothing left for the villagers to come home to. Huts were torched. Donkeys, goats and cows were stolen, slaughtered or dumped into wells to poison the water. Grain containers were destroyed. In one village we saw where the Janjaweed even burned the mosque.

Only the lucky ones—mostly women and children—made it out alive.

ETHNIC CLEANSING

What is happening in Darfur is rooted in ethnic cleansing. Religion has nothing to do with what has unfolded over the last year.

No black African is safe in Darfur. Security is non-existent. The Janjaweed are everywhere. Outside the camps. Inside the camps. They walk freely through the marketplace in Geneina, a town in far western Darfur, with guns slung over their shoulders. One shopkeeper, we were told, was shot in the head by a Janjaweed because he wasn't willing to lower the price of a watermelon.

Government of Sudan military and security forces also are omnipresent. At each of the places we visited we were either trailed or escorted by a mixture of military regulars, police forces and government ''minders.'' There have been reports that the government has been folding the Janjaweed into its regular forces as a way to disguise and protect them. At two of the camps we visited, we were told the government had inserted spies to report on what was said or to threaten those who talked. We were told the ''minders'' repeatedly scolded refugees and told them in Arabic to shut up. Yet, even with these threats, refugees in every camp we visited were eager to tell their stories.

It should be understood that the Janjaweed are not ''taking'' the land from the black Muslim farmers they are terrorizing. The Janjaweed, whose historical roots are part of the region's roving nomads who have battled with the African farmers for generations, are employing a government-supported scorched earth policy to drive them out of the region—and perhaps to extinction. It also was clear that only villages inhabited by black Africans were being targeted. Arab villages sitting just next to African ones miles from the nearest towns have been left unscathed.

On our first day in the region, we met with local Government of Sudan officials in the town of El Fasher, a two-hour plane ride west of Khartoum. They blame the crisis in the region on two black African rebel groups—the Sudan Liberation Army (SLA) and the Justice and Equality Movement (JEM)—who started an uprising in February 2003 over what they regarded as unjust treatment by the government in their struggle over land and resources with Arab countrymen. The rebel forces actually held El Fasher for a short period last year. A cease-fire was agreed to in April 2004 between the rebel groups and the Government of Sudan, but the Janjaweed have continued to carry out attacks with the support and approval of Khartoum.

While local government officials in El Fasher were adamant in saying there is no connection between the Government of Sudan and the Janjaweed, whom they called ''armed bandits,'' the militiamen we saw did not look like skilled pilots who could fly planes or helicopters.

We also were told the Janjaweed are well armed and well supplied. If they are traditional nomads, how are they getting modern automatic weapons, and, more importantly, from whom? They also are said to have satellite phones, an astonishing fact considering most of the people in the far western provinces of Darfur have probably never even seen or walked on a paved road.

The impunity under which the Janjaweed operate was most telling as we approached the airport in Geneina on our last day in the region for our flight back to Khartoum. In plain sight was an encampment of Janjaweed within shouting distance of a contingent of Government of Sudan regulars. No more than 200 yards separated the two groups. Sitting on the tarmac were two helicopter gunships and a Soviet-made Antonov plane.

HUMANITARIAN CRISIS

The situation in Darfur is being described as the worst humanitarian crisis in the world today. We agree. But sadly, and with a great sense of urgency, things are only going to worsen. Some say that even under the best of circumstances, as many as 300,000 Darfuris forced from their homes are expected to die from malnutrition and diarrhea or diseases such as malaria and cholera in the coming months. Measles have already spread through Abu Shouk, a large refugee camp outside El Fasher.

According to some predictions, the death toll could reach as high as 1 million by next year. The Darfuri farmers have missed another planting season and will now be dependent on grain and other food stuffs provided by the international community for at least another year. The impending rainy season presents its own set of problems, making roads impassable for food deliveries and the likelihood of disease dramatically increasing with the heavy rains.

The potential for a crisis of catastrophic proportions is very real, especially since none of the villagers we talked to at the refugee camps believed they will be able to go back to their homes anytime soon. Having been brutally terrorized by the Janjaweed and fearing for their lives, they do not believe Government of Sudan officials who say it is safe to return to their villages. We heard stories of some families who went back to their villages only to return to the camps a week later for fear of being attacked again.

The attacks have traumatized thousands of young children. In an effort to cope with what they have endured, programs have been established in the camps to help the young boys and girls deal with their psychological scars. Part of the program encourages them to draw pictures of what they have seen. The crayon drawings are chilling. Huts on fire, red flames shooting through the roof. Planes and helicopters flying overhead shooting bullets. Dead bodies. Depictions, perhaps, of their mother or father.

We also saw a group of children who had made clay figures of men on camels and horseback attacking villages. There is no way to measure the impact of these atrocities on the thousands of children living in these camps. Their lives are forever scarred.

DIFFICULT LIFE IN IDP CAMPS

Abu Shouk was the first of five IDP (Internally Displaced People) camps we visited. More than 40,000 people live in this sprawling tent city, created in April after El Fasher was overrun with homeless families. Methodically laid out with water stations, a health clinic, a supplemental feeding station and crude latrines, it is being hailed as a ''model'' by humanitarian relief workers in the region.

However, aid workers at Abu Shouk are deeply distressed. They observe that malnutrition and child mortality rates at this ''model'' camp have reached alarming levels. They fear what may be happening at the other camps, especially in the more remote areas of Darfur that have not been reached by humanitarian groups.

Life in the camps is difficult. Crude shelters made from straw and sticks and covered with plastic sheeting stretch as far as the eye can see. Families arriving at the camps—almost all after walking for days in the hot sun from their now abandon villages—are given only a tarp, a water jug, cookware and a small amount of grain.

The sanitary conditions are wretched. The sandy conditions make building latrines difficult. At Mornay, the largest of the IDP camps in Darfur with more than 70,000 inhabitants, it was hard not to step in either human or animal feces as we walked. In a few weeks, when the heavy rains begin, excrement will flow across the entire camp. Mortality from diarrhea, which we were told represents one-third of the deaths in the camps, will only increase.

To their credit, all the non-governmental organizations (NGOs) that have been allowed to operate in Darfur have done—and continue to do—a tremendous job under extremely trying circumstances. The Government of Sudan has repeatedly thrown up roadblocks to bringing in aid. It has denied or slowed visa processing for relief workers. It has kept aid vehicles locked up in customs for weeks at a time. It has blocked relief groups from bringing in radios. It has limited access to certain regions of the country. All this has made getting medicine, food and other humanitarian supplies, like plastic sheeting and water jugs, an uphill battle. While the Government of Sudan plays its games, people are dying as needed aid sits on tarmacs.

As we approached the Mornay camp on the last day of our 3-day trip, we were stopped by Government of Sudan soldiers and security officers. They followed us throughout the camp, watching with whom we talked. Amazingly, their presence did not inhibit the refugees from recanting the horrors from which they escaped and, for some—mostly women—continue to endure.

The men said while they feel somewhat secure inside the confines of the camps, they dare not venture outside for fear of being shot or killed by the Janjaweed. They showed us scars on their arms and legs of the gunshot wounds they received while escaping from their villages. They are despondent over the fact that they are unable to provide food for their families because they cannot farm their fields. They expressed utter sadness and outrage about their wives and daughters who venture outside the borders of the camp to collect firewood and straw, knowing the fate that awaits them at the hands of the Janjaweed. Life and death decisions are made every day: send the men out and risk death or send the women out and risk rape.

Rape is clearly another weapon being used by the Janjaweed. Rapes, we were told, happen almost daily to the women who venture outside the confines of the camps in search of firewood and straw. They leave very early in the morning, hoping to evade their tormentors before they awake. With the camps swelling in size and nearby resources dwindling, they often walk several miles. The farther the women go from the camp, the greater the risk of being attacked by the Janjaweed. As we approached Mornay, we saw a number of Janjaweed resting with their camels and horses along the perimeter of the camp, easily within walking distance.

We heard the horrific story of 4 young girls—two of whom were sisters—who had been raped just days before we arrived. They had left the camp to collect straw to feed the family's donkey when they were attacked. They said their attackers told them they were slaves and that their skin was too dark. As they were being raped, they said the Janjaweed told them they were hoping to make more lighter-skinned babies.

One of the 4 women assaulted, too shy to tell her story in front of men, privately told a female journalist traveling with us that if anyone were to find out she had been raped, she would never be able to marry.

We were told that some of the rape victims were being branded on their back and arms by the Janjaweed, permanently labeling the women. We heard the chilling account of the rape of a 9-year-old girl.

We also received a letter during our trip from a group of women who were raped. To protect them from further attacks, we purposely do not mention where they are from or list their names. The translation is heartbreaking:

''Messrs. Members of the U.S. Congress

''Peace and the mercy and the blessings of God be upon you.

''We thank you for your help and for standing by the weak of the world, wherever they are found. We welcome you to the . . . region, which was devastated by the Janjaweed, or what is referred to as the government 'horse- and camel-men,' on Friday . . . 2004, when they caused havoc by killing and burning and committing plunder and rape. This was carried out with the help of the government, which used the . . . region as an airport and supplied the Janjaweed with munitions and supplies. So we, the raped woman of the . . . region, would like to explain to you what has happened and God is our best witness.

''We are 44 raped women. As a result of that savagery, some of us became pregnant, some have aborted, some took out their wombs and some are still receiving medical treatment. Hereunder, we list the names of the raped women and state that we have high hopes in you and the international community to stand by us and not to forsake us to this tyrannical, brutal and racist regime, which wants to eliminate us racially, bearing in mind that 90 percent of our sisters at . . . are widows.

''[Above] are the names of some of the women raped in the . . . region. Some of these individuals are now at . . ., some are at Towilah and some are at Abu Shouk camps. Everything we said is the absolute truth. These girls were raped in front of our fathers and husbands.

''We hope that you and the international community will continue to preserve the balance of the peoples and nations.

''Thank you.

''From: The raped women at . . .''

These rape victims have nowhere to turn. Even if they report the attacks to the police, they know nothing will happen. The police, the military and the Janjaweed all appear to be acting in coordination.

DIRE SITUATION IS MAN–MADE

The situation in Darfur is dire, and from what we could see, it is entirely man-made. These people who had managed to survive even the severest droughts and famines during the course of their long history are now in mortal danger of being wiped out simply because of the darker shade of their skin color.

The first step in resolving this crisis is disarming the Janjaweed. It must be done swiftly and universally. If not, the Janjaweed will just bury their weapons in the sand, wait for the pressure from the international community to lift, then reinitiate their reign of terror.

A system of justice overseen by outside monitors must also be implemented. The heinous, murderous acts carried out by the Janjaweed cannot go unpunished. War crimes and crimes against humanity clearly have been—and continue to be—committed. Those responsible must be brought to justice.

Over the course of 3 days, we saw the worst of man's inhumanity to man, but we also saw the best of what it means to be human: mothers waiting patiently for hours in the hot sun so that they could try to save their babies; NGO aid workers and volunteer doctors feeding and caring for the sick and the dying, and the courage and bravery of men, women and children eager to talk to us so that we would know their story.

The world made a promise in 1994 to never again allow the systematic destruction of a people or race. ''Never again''—words said, too, after the Holocaust. In Darfur, the international community has a chance to stop history from repeating itself. It also has a chance to end this nightmare for those who have found a way to survive. If the international community fails to act, the next cycle of this crisis will begin. The destiny facing the people of Darfur will be death from hunger or disease.

When will the death of innocent men, women and children—who want nothing more in this world than to be left alone to farm their land and provide for their families—be too much for the conscience of the international community to bear?

We sat with the victims. We heard their mind-numbing stories. We saw their tears. Now the world has seen the pictures and heard the stories. We cannot say we did not know when history judges the year 2004 in Darfur.

RECOMMENDATIONS

The Government of Sudan

The Government of Sudan should immediately implement key provisions of the April 8, cease-fire agreement, including: the cessation of attacks against civilians; disarming the Janjaweed, and removing all barriers to the admittance of international aid into Darfur. There should be a strict timetable holding the Government of Sudan accountable for implementing these provisions.

The Government of Sudan should renew a dialogue with the Sudan Liberation Army and the Justice and Equality Movement to discuss the political, economic and social roots of the crisis.

The African Union

Additional cease-fire observers should be deployed and violations of the cease-fire reported immediately. The current number of 270 observers is inadequate to monitor the activity of an area the size of Texas.

The United States

The United States should publicly identify those responsible for the atrocities occurring

in Darfur, including officials and other individuals of the Government of Sudan, as well as Janjaweed militia commanders, and impose targeted sanctions that include travel bans and the freezing of assets.

The president should instruct the U.S. representative to the United Nations to seek an official investigation and hold accountable officials of the Government of Sudan and government-supported militia groups responsible for the atrocities in Darfur.

The United Nations

The United Nations should pass a strong Security Council resolution condemning the Government of Sudan. It should call for: an immediate end to the attacks; the immediate disarming of the Janjaweed; the immediate protection of civilians by beginning a review of the security of refugees in Darfur; the determination of the feasibility of sending in U.N. protection forces; an immediate review of bringing legal action against those responsible for the policies of ethnic cleansing, crimes against humanity and war crimes in Darfur, and the imposition of targeted sanctions that include travel bans and the freezing of assets.

The United Nations should immediately deploy human rights monitors to Darfur.

The protection of civilians and access to humanitarian aid should be a primary concern; the Security Council must be prepared to establish a no fly zone if the cease-fire continues to be violated.

The United Nations together with other organizations should continue to coordinate a relief strategy for getting aid into those regions of Darfur that have yet to receive humanitarian assistance. Alternative routes and means of delivering aid should be considered if the Government of Sudan continues to impede deliveries.

The United Nations should take immediate steps to seek the removal of Sudan from the United Nations Commission on Human Rights.

The United Nations should set a deadline for the Government of Sudan to comply with all obligations under the ceasefire and prepare contingency plans in the event those deadlines are not met.

We would like to thank everyone involved in organizing, coordinating and implementing our trip. Representatives from the State Department, USAID and the NGOs both in Washington and Sudan deserve special thanks.

We would also like to thank Sean Woo, general counsel to Sen. Brownback (R–KS), and Dan Scandling, chief of staff to Rep. Wolf (R–VA), for accompanying us on the trip. They played a critical role in writing this report and took all the photographs. In addition, we would like to thank Janet Shaffron, legislative director, and Samantha Stockman, foreign affairs legislative assistant, to Rep. Wolf, and Brian Hart, communications director, and Josh Carter, legislative aide, of Sen. Brownback, for editing the report. Colin Samples, an intern in Rep. Wolf's office, did the design and layout.

We also want to extend our thanks to Secretary of State Colin Powell and U.N. Secretary General Kofi Annan for visiting the region. Their personal involvement in working to resolve this crisis is critically important.

Mr. BROWNBACK. The hour is late, but I simply ask my colleagues that we pass this by unanimous consent and then both Houses will have spoken. This is a situation of Muslim-on-Muslim violence. If people are worried about different religions, this is not the case. It is ethnic. It is Arab-on-African violence.

Osama bin Laden had been in Sudan for 5 years, 1991 to 1996. This is where he started organizing violent groups. He did it first in Sudan. The government there has been very efficient in carrying forth what Osama had taught them.

Finally, we can make a difference in Sudan and, by extension, all of Africa, but we really need to act now. We are going to be out the whole month of August. By that period of time, thousands more will die. I realize this is a resolution, so it can be said, well, it does not do that much, but it does put pressure on the international community. It will be the first time we spoke ahead of the full genocide taking place where we actually maybe can stop it and save some lives instead of lamenting afterwards that we should have done something. The administration has really done an overall very good job on this issue in pushing and pressing it, but let's not stop there. Let's keep moving and let's try to get something done.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate proceed to executive session for consideration of the following nominations on the Executive Calendar.

Mr. President, I ask the Senate act favorably upon nomination No. 688 and No. 691, all military nominations reported by the Armed Services Committee during today's session.

I further ask unanimous consent that the nominations be confirmed, the motions to reconsider be laid on the table, the President be immediately notified, and the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

Mr. REID. No objection. I wish the next time the distinguished chairman of the committee had a consent request, we would have somebody over here.

Mr. WARNER. I inquired of that and I was told I could proceed. I just saw the Senator momentarily.

Mr. REID. We have no objection, Mr. President.

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

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF ENERGY

Jerald S. Paul, of Florida, to be Principal Deputy Administrator, National Nuclear Security Administration.

DEPARTMENT OF DEFENSE

Tina Westby Jonas, of Virginia, to be Under Secretary of Defense (Comptroller).

IN THE AIR FORCE

The following Air National Guard of the United States officer for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Douglas M. Pierce

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Duncan J. McNabb

IN THE ARMY

The following named officers for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Colonel Yves J. Fontaine

The following named officers for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

To be major general

Brigadier General Don T. Riley

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Jerry M. Rivera

The following named officers for appointment in the Reserve of the Army to the grades indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. Gregory J. Hunt

To be brigadier general

Col. Jose M. Vallejo

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be General

Lt. Gen. Bantz J. Craddock

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be Lieutenant General

Lt. Gen. James L. Campbell

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be Lieutenant General

Maj. Gen. John M. Brown III

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Glenn K. Rieth

Department of Defense

Valerie Lynn Baldwin, of Kansas, to be an Assistant Secretary of the Army.

In the Marine Corps

The following named officer for appointment in the United States Marine Corps Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. Cornell A. Wilson, Jr.

The following named officers for appointment in the United States Marine Corps Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Robert D. Papak
Col. Eugene G. Payne, Jr.

The following named officers for appointment in the United States Marine Corps to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Col. Randolph D. Alles
Col. Joseph F. Dunford, Jr.
Col. Paul E. Lefebvre
Col. Richard P. Mills
Col. Martin Post

The following named officer for appointment in the United States Marine Corps to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. James F. Amos

IN THE NAVY

The following named officers for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral

Rear Adm. (lh) Richard J. Mauldin
Rear Adm. (lh) Anthony L. Winns

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral (lower half)

Capt. Timothy J. McGee

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral

Rear Adm. (lh) Steven L. Enewold

The following named officers for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral

Rear Adm. (lh) Stanley D. Bozin
Rear Adm. (lh) Charles T. Bush
Rear Adm. (lh) Jeffrey B. Cassias
Rear Adm. (lh) William D. Crowder
Rear Adm. (lh) Richard K. Gallagher
Rear Adm. (lh) David A. Gove
Rear Adm. (lh) Timothy L. Heely
Rear Adm. (lh) Gary R. Jones
Rear Adm. (lh) James D. Kelly
Rear Adm. (lh) Thomas J. Kilcline, Jr.
Rear Adm. (lh) Samuel J. Locklear III
Rear Adm. (lh) Joseph Maguire
Rear Adm. (lh) Robert T. Moeller
Rear Adm. (lh) Robert D. Reilly, Jr.
Rear Adm. (lh) Jacob L. Shuford
Rear Adm. (lh) Paul S. Stanley
Rear Adm. (lh) Miles B. Wachendorf
Rear Adm. (lh) Patrick M. Walsh

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be admiral

Vice Adm. Timothy J. Keating

The following named officer for appointment as Vice Chief of Naval Operations, United States Navy, and appointment to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., sections 601 and 5035:

To be admiral

Vice Adm. John B. Nathman

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Vice Adm. Robert F. Willard

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Vice Adm. Albert T. Church III

Air Force nominations beginning Lorena A. * Bailey and ending Jason P. * Zimmerer, which nominations were received by the Senate and appeared in the Congressional Record on March 12, 2004.

Air Force nominations beginning Randall M. Ashmore and ending James O. Wooten, which nominations were received by the Senate and appeared in the Congressional Record on May 10, 2004.

Air Force nomination of Norman L. Williams.

Air Force nomination of Thomas R. Bird.

Air Force nominations beginning Rex A. Hinesley and ending Jeri K. Somers, which nominations were received by the Senate and appeared in the Congressional Record on July 8, 2004.

Air Force nominations beginning Peter W. Bickel and ending William D. Taylor, which nominations were received by the Senate and appeared in the Congressional Record on July 8, 2004.

Air Force nominations beginning Donald A. Ahern and ending Michael A. Wobbema, which nominations were received by the Senate and appeared in the Congressional Record on July 8, 2004.

Army nominations beginning Stephan A. * Alkins and ending Clorinda K. Zawacki, which nominations were received by the Senate and appeared in the Congressional Record on June 16, 2004.

Army nominations beginning Douglas R. Dixon and ending Thorpe C. Whitehead, which nominations were received by the Senate and appeared in the Congressional Record on June 16, 2004.

Army nominations beginning Nancy H. Fielding and ending Tammy L. Miracle, which nominations were received by the Senate and appeared in the Congressional Record on June 17, 2004.

Army nominations beginning Brian R. Copes and ending Dennis P. Simons, which nominations were received by the Senate and appeared in the Congressional Record on June 17, 2004.

Navy nomination of Gerald R. Manley.

Navy nominations beginning Brian S. Adams and ending John M Zuzich, which nominations were received by the Senate and appeared in the Congressional Record on June 24, 2004.

Navy nominations beginning Myles E. Brooks, Jr. and ending James E. Watts, which nominations were received by the Senate and appeared in the Congressional Record on July 8, 2004.

Navy nominations beginning Billy M. Appleton and ending Mil A. Yi, which nominations were received by the Senate and appeared in the Congressional Record on July 8, 2004.

Navy nominations beginning Carla M Albritton and ending Edward L. Zawislak, which nominations were received by the Senate and appeared in the Congressional Record on July 8, 2004.

Navy nominations beginning Michael T Acromite and ending Craig M. Zelig, which nominations were received by the Senate and appeared in the Congressional Record on July 8, 2004.

Navy nominations beginning Timothy A Ackerman and ending Terry D. Webb, which nominations were received by the Senate and appeared in the Congressional Record on July 8, 2004.

Navy nominations beginning Steven E Allen and ending Sharon M. Wright, which nominations were received by the Senate and appeared in the Congressional Record on July 8, 2004.

Navy nominations beginning Kristen N. Atterbury and ending Mary A. Yonk, which nominations were received by the Senate and appeared in the Congressional Record on July 8, 2004.

Navy nominations beginning David A. Berger and ending Erin E. Stone, which nominations were received by the Senate and appeared in the Congressional Record on July 8, 2004.

Navy nominations beginning John J. Adametz and ending Barney S. Williams, which nominations were received by the Senate and appeared in the Congressional Record on July 8, 2004.

Mr. REID. I thank my distinguished colleague.

In connection with these nominations, I would like to acknowledge the assistance I have from my distinguished ranking member, Senator LEVIN, who joined me in moving these and Senator MCCAIN, who worked with me on several of these nominations. I am very pleased the Committee on Armed Services was able to effect these nominations.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

LEGISLATIVE SESSION

MORNING BUSINESS

Mr. WARNER. Mr. President, in order to address the Senate on a procedural matter, I ask unanimous consent that the Senate proceed to a period of morning business for 5 minutes.

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

SMALL BUSINESS ACT AMENDMENT

Mr. WARNER. I see the distinguished Senator from Nevada is on the floor. On behalf of the majority leader, I wish to put this following unanimous consent request before the Senate relative to S. 2724, small business technical corrections. I ask unanimous consent that the Senate proceed to the immediate consideration of S. 2724 which was introduced earlier today by Senators SNOWE, KERRY, and TALENT.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2724) to amend section 33(a) of the Small Business Act (15 U.S.C. 657 c(a)) to

clarify that the National Veterans Business Development Corporation is a private entity.

There being no objection, the Senate proceeded to consider the bill.

Mr. WARNER. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements regarding this matter be printed in the RECORD.

Mr. REID. Reserving the right to object, Mr. President, I appreciate very much the distinguished Senator from Virginia moving this matter. As the Senator knows, the ranking member on this important committee, Senator KERRY, wholeheartedly supports the action of the Senator from Virginia.

Mr. WARNER. I thank the Senator.

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

The bill (S. 2724) was read the third time and passed, as follows:

S. 2724

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

SECTION 1. NATIONAL VETERANS BUSINESS DEVELOPMENT CORPORATION.

Section 33(a) of the Small Business Act (15 U.S.C. 657c(a)) is amended by adding at the end the following: ''Notwithstanding any other provision of law, the Corporation is a private entity and is not an agency, instrumentality, authority, entity, or establishment of the United States Government.''.

9/11 COMMISSION REPORT

Mr. FRIST. Mr. President, Senator DASCHLE and I received the 9/11 Commission report earlier today. It looks as if the Commission did a thorough job and that their writeup is fair and balanced. It is certainly well-documented.

Tom Kean and Lee Hamilton deserve our praise for their bipartisan leadership.

The Commission did not play the blame game. Rather, they focused on how the United States can learn from past mistakes to make all Americans safer in the future.

Mr. DASCHLE. Mr. President, I join with the distinguished majority leader in expressing my gratitude to Commissioner Chairman Thomas Kean and Vice Chairman Hamilton and the rest of the Commissioners as well. They were able to operate above partisan differences and produce a unanimous report in an incredibly charged political environment. The Commission has painstakingly outlined the numerous missed opportunities to prevent the tragic events of September 11 and provided the Bush administration and the Congress with a solid set of recommendations that I believe, if enacted, can help make us more secure.

Mr. FRIST. Mr. President, we do want to assure everyone that while mistakes, failures, and missed opportunities occurred in the past, as their report chronicles, the United States still has a very good system to protect the country.

There are thousands of dedicated Americans in the military, the intelligence community, law enforcement, and so on who endeavor every day to keep us safe. They deserve our appreciation and support.

But we can and must do better. We have to get it right 100 percent of the time.

Mr. DASCHLE. Mr. President, the Commission divided its recommendations into two major categories. The first lays out a new global strategy for dealing with the threats we face today. This section contains 28 recommendations on what our Government should do to enhance our national security.

The second section contains 13 suggestions for how our Government—executive branch as well as Congress—should be reconfigured to increase our prospects for achieving our national security objectives.

Senator FRIST and I intend to work together with our colleagues in a bipartisan manner to examine all of the Commission's proposals. We both agree change is long overdue, and we cannot afford to let another opportunity to make these changes slip by.

Mr. FRIST. Mr. President, the threat of terrorism will be with us for a long time. We need to fix the problems and correct the shortcomings cited by the Commission so that we can make America safer.

That is why Senator DASCHLE and I intend to ask the Government Affairs Committee, in close consultation with other committees with a stake in these changes, to carefully evaluate the Commission's proposals regarding reorganization of the executive branch and determine how best to implement them. It is our hope that the Government Affairs Committee shall begin conducting hearings on these issues as soon as possible.

It is also our expectation that the other committees with an interest in this legislation will conduct their own hearings. It is also our hope that the Government Affairs Committee, working closely with the other interested committees, will carefully evaluate each of the Commission's proposals and factor in their views before coming forward with a legislative package. No committee shall lose its rights to review parts of the legislation under its jurisdiction. It is our hope this package will be assembled and presented to the Senate no later than October 1.

Mr. DASCHLE. Mr. President, Senator FRIST and I have also agreed to set up a working group that examines how best to implement the 9/11 Commission's recommendations that deal with reform of the Senate, such as improving intelligence oversight.

Over the coming days we will meet to discuss how best to organize and focus this group.

Our intent would be for this group to similarly present a plan of action by October 1 on how to implement the recommendations made by the Commission that deal with the Congress.

Mr. FRIST. Mr. President, in closing, the Democratic leader and I agree that the Commission has come forward with important recommendations that deserve urgent consideration by this body. We are hopeful that the process we outlined above will give them the bipartisan attention they deserve and the American people expect.

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. DASCHLE. 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.

SUDAN

Mr. DASCHLE. Mr. President, we are about to take up a number of matters that are in a position to be passed by unanimous consent. One of those includes a concurrent resolution, S. Con. Res. 133, on Sudan. It is a clear statement from the Senate that what is occurring in Sudan is genocide. Many of us have felt the need to express ourselves on this important matter prior to the time we leave for recess.

I thank the distinguished majority leader and a number of colleagues on both sides of the aisle.

It is an important statement to be made. The administration needs to hear it, the international community needs to hear it, and certainly the Sudanese Government, which tolerates if not assists in genocide, needs to hear it.

I note, also, this concurrent resolution would not have been possible without the tireless effort of the Congressional Black Caucus. I especially want to note the efforts of Congressman DON PAYNE, Congressman JOHN CONYERS, and Congresswoman SHEILA JACKSON LEE. Their tireless efforts for human rights ought to be recognized tonight. I congratulate them and I thank them for their work. I am very proud to be associated with that effort and with this resolution tonight.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. 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.

MY HERO 6TH GRADE ESSAY CONTEST

Mr. FRIST. Mr. President, I take a moment to honor Rebecca Sadler, who is this year's winner of my annual 6th Grade Essay Contest. Rebecca is from Brentwood, TN, and attends Woodland Middle School.

This year's topic was ''A Salute to Community Heroes.'' Rebecca chose her dad, Jerry M. Sadler. Mr. Sadler died of cancer on November 11, 1999. While we have a few minutes before closing, I thought I would read a few paragraphs from Rebecca Sadler's salute to her dad. It is entitled ''My Hero.''

Heroes can be just about anyone. Some have earned Nobel prizes. Some have led marches and protests. Some are world leaders and some have been to the moon. Many have recorded hit singles in the music industry. Others have made millions from a simple story. But what really makes a hero? Are heroes born or made? Do heroes look like movie stars or do they look like the guy who waxes the floors at the end of the day? Are they brave enough to take down an evil terrorist? Or are they just brave enough for a roller coaster?

My hero hasn't been to the moon. And he hasn't led a protest. He didn't win a Nobel prize and he wasn't a world leader. My hero was a friend, a husband, a brother, a cousin, a father, a pilot, and one of the bravest people I've ever known. My hero is my dad. He was a commander in the Navy Reserve. He flew packages for FedEx. He had a wife, three kids, four brothers, three sisters, a mother-in-law, sisters-in-law, brothers-in-law, numerous cousins, nieces and nephews, and innumerable friends.

The thing that made my dad a hero was that he was never afraid and if he was, he never showed it. He was incredibly honest. My dad was a friend to everyone. My dad would have given his life for his family and his country. There was nothing that my dad couldn't do. He was so strong. Every morning I would walk into his room and say good morning. He would gather up all his strength and as soon as I walked in he would sit up, smile, and act like nothing was wrong.

Heroes don't have to be superstars and they do not have to beat any world records. They can be a parent, a teacher, a counselor, or even a garbage man. But heroes have to be a couple of things.

They should be loving, honest, brave, loyal, and kind. They should be kind to people who might not be as fortunate, loving to family, and brave no matter what. They should be loyal to friends, family, God, and their country. They must be honest to their friends so you can trust them.

My dad inspires me because he was all of the things that make a hero. He inspires me because he never gave up, even in the face of death.

My dad inspires me to do the very best I can and to be the very best I can be. He inspires me to fly someday. To say, ''Yes, I can'' in the face of failure. He taught me to never give up, no matter what, and he taught me to succeed. He showed me how to be brave. He inspires me to be loyal to our country, God, friends, and family. He taught me to be kind to everyone, even complete strangers, and loving to family. He inspires me to be me. My dad is my hero.

That essay is from Rebecca Sadler, 6th grade essay contest winner. It is a contest I have all over the State on a different subject each year. This year was ''A Salute to Community Heroes.''

Rebecca's dad Jerry M. Sadler, died of cancer on November 11th, 1999.

She concludes:

I was 7 years old and in the second grade. He left behind a wife, three children, four brothers, three sisters, and many others.

SENATE BUSINESS

Mr. FRIST. Mr. President, in a few minutes we will begin some of the wrap-up. We will be in for a little bit longer. We have a lot of business to do and in a few minutes we will start at least the beginning of that.

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.

SENATE INTELLIGENCE COMMITTEE REPORT

Mr. FRIST. Mr. President last week, Kurdish security forces captured 15 militants in Kirkuk. Among them is a man purported to be second in command of Ansar al-Islam, an Iraq-based terrorist group linked with Al Qaeda.

Meanwhile, Iraqi security forces swept through a downtown Baghdad neighborhood and arrested over 500 suspected criminals. The operation, which was conducted without the assistance of U.S. soldiers, was the largest operation of the interior ministry since the fall of Saddam Hussein.

The developments in Kirkuk and Baghdad are positive signs of Iraq's progress. The interim government is taking on the tough responsibility of defending its citizens and confronting terrorists. We know that it will be a long and difficult process. The governor of the Nineveh province was gunned down last week by terrorists. Jordanian militant Abu Musab al-Zarqawi claims credit for the vicious murder. And on Tuesday this week, the interim governor of Basra was assassinated as he was heading to work.

The ongoing violence is frustrating and painful. Still, the Iraqi people remain optimistic. As my colleagues, Senators LIEBERMAN and KYL, pointed out in their excellent editorial in the Washington Post this week, a BBC/Oxford Research International poll finds released this month finds that a majority of Iraqis believe their lives today are quite good or very good, and a majority believes that their lives will be better next year.

Meanwhile, Saddam will soon face his crimes. And Iraq is working to become a free and peaceful country in the heart of the Middle East that doesn't threaten its neighbours or terrorize its citizens.

Which brings me to pre-war Iraq, and the Senate Intelligence Committee report on what we knew and what we did not know.

The Senate Intelligence Committee has issued a detailed report on the intelligence community's estimate of Iraq's WMD. I commend my colleagues for their hard work and commitment. They launched a thorough investigation and produced a unanimous judgment. Indeed, their 12-month inquiry is, and I quote Senator PAT ROBERTS, ''without precedent in the history of the Senate Intelligence Committee.''

Acting together with clear purpose, the committee has produced a report that genuinely addresses an issue of critical importance to our Nation's security.

Their efforts are an example of the best of the Senate working in a bipartisan manner to advance the interests of the American people.

The report is tough and detailed. It reveals disturbing lapses in our intelligence gathering and processing methods, and it points to the clear need for major reforms not media driven or politically expedient measures, but deep and serious changes to how we gather intelligence—the critical information we need to protect ourselves from stealthy, vicious, and determined enemies.

One of the most troubling aspects of the Senate report is that following 1998, our Government had no human intelligence sources inside Iraq collecting against the WMD target. That is unacceptable.

Meanwhile, what information we did collect was not properly shared among intelligence agencies. Again, unacceptable.

It must be acknowledged, however, that from the United Nations to intelligence agencies all around the world, informed people believed that Saddam had WMD and the means to produce and deliver them.

Following Saddam's defeat in Desert Storm in 1991, inspectors found stockpiles of chemical weapons and biological agents. They also found a nuclear program that was believed to be less than 2 years from completion.

Then, for the next decade, Saddam refused to provide a clear accounting of his weapons programs. He defied 16 Security Council resolutions, ultimately defying Resolution 1441 passed in 2002.

So we know that Saddam used chemical weapons in the past, that he obtained dual-use materials, that he had nuclear scientists on his payroll, and that he had billions of dollars of oil money with which to pursue his goals. In addition, we know that he invaded two neighboring countries, lobbed missiles at a third, and declared America to be a mortal enemy.

A new British report further amplifies these facts. Led by Lord Butler, the British investigative team determined that the claim that Saddam attempted to buy uranium from Africa was ''well founded.'' And I quote:

We conclude that, on the basis of the intelligence assessments at the time, covering both Niger and the Democratic Republic of Congo, the statements on Iraqi attempts to buy uranium from Africa in the Government's dossier, and by the Prime Minister in the House of Commons, were well-founded.

By extension, we conclude also that the statement in President Bush's State of the Union Address of 28 January 2003 that: 'The British Government has learned that Saddam Hussein recently sought significant

quantities of uranium from Africa' was well-founded.

The report also rebuts many of the widely circulated claims made by Ambassador Joe Wilson about his role in the mission to Niger; the report he made to Washington upon his return; and later his claims that the administration manipulated intelligence. This report reveals that Ambassador Wilson's repeated attacks on the President's credibility were misleading, at best, and without merit.

Furthermore, both reports find that no political pressure was applied to influence intelligence estimates. President Bush and Prime Minister Blair were, in fact, scrupulous in their presentation of the evidence as it was known.

Saddam Hussein intended to resume his illegal weapons programs, and was taking steps to do so. The Butler report corroborates that, prior to the war, Iraq was ''carrying out illicit research and development, and procurement activities to seek to sustain its indigenous capabilities.''

In other words, Saddam was a threat to our peace, security, and interests. He never abandoned his ultimate goal to acquire WMD. Saddam may have been biding his time, but as the President told the nation, in this case, time was a ticking bomb.

I applaud the efforts of both our Intelligence Committee and our British allies. Their examinations of the intelligence problems and misjudgments prior to the war are crucial to making the reforms necessary to winning the war on terrorism. This war, more than any other, depends on information.

I look forward to the discussion of how we can strengthen our intelligence gathering and analysis. Brave men and women are out in the field, right now, risking their lives to defend America's freedom. They need an intelligence system that backs them up. America needs an intelligence system that works, and works well.

ASBESTOS UPDATE

Mr. FRIST. Mr. President, I would like to report briefly on where things stand on the asbestos negotiations Senator DASCHLE and I have been conducting for the last couple of months.

There is wide agreement that the current asbestos litigation system is disastrous for victims, for jobs, and for the economy.

More than 700,000 individuals have filed claims; approximately 300,000 claims are still pending; more than $70 billion has already been spent trying to resolve these claims; and more than 70 companies have filed for bankruptcy as a result.

And yet we have very little to show for it. We have a system where the sickest victims of asbestos exposure have to wait in line with thousands of unimpaired claimants.

There are many things that we in Congress cannot agree upon. But everyone can agree that this system is a mess and must be fixed.

Senators HATCH and LEAHY ironed out a unique solution to the problem. They created a no-fault trust fund for claimants funded by business and insurance that would pay truly sick claimants fair claims values in a prompt manner.

S. 1125 embodied this idea and was reported out of the Judiciary Committee in July of 2003. That bill provided $108 billion in mandatory funding for claimants.

On April 7, 2004, Senator HATCH and I, along with Senators MILLER, DEWINE, VOINOVICH, CHAMBLISS, HAGEL, and DOMENICI, introduced a substitute bill, S. 2290. S. 2290 increased the funding for claimants to $114 billion.

Unfortunately, on April 22, that bill only received 50 votes on the floor of the Senate. Why? The opponents' primary complaint was that the funding was insufficient.

I did not want to give up on finding a solution to this crisis. Fortunately, neither did the Democrat leader. So we met and decided to ask Judge Becker, a respected Third Circuit Court of Appeals judge who had been working on asbestos issues with Senator SPECTER, to try to mediate the parties' differences. He did so over a 2-week period in May and was able to get Organized Labor to move from $153 billion to $149 billion.

The business and insurance side of the equation moved from the $114 billion into the mid-$120 billion range. But no deal was reached.

In June, the minority leader and I met again and agreed to try to negotiate this matter between us, along with the help of the interested parties.

Soon after those negotiations began, the business side made yet another move, this time offering to fund a $131 billion trust fund. They were told that was still insufficient.

So, at my request, Senator DASCHLE put together a proposal. He proposed a $141 billion trust fund. He also indicated how his side believed the start up of the fund and pending claims should be handled, among other issues.

In response, I encouraged the business and insurance communities to make their best and final proposal on the size of the fund. I told them that the end-game was near and that it was time for them to do the best they could in terms of a proposal.

As a result, they made a huge move and agreed to fund a $140 billion trust fund, with roughly $40 billion funded in the first 5 years.

Now here is the rub. Time is running out. It is now the end of July, and we are set to begin a long recess. We only have 21 days left in this session of Congress to get a bill completed.

So I sat down with Senator DASCHLE earlier this week to try to push negotiations forward. To get a bill, we must begin to tackle the tough issues.

Those tough issues concern funding and pending claims. Because we have reached the bottom line for business and insurance when it comes to funding, it is time to intensify negotiations on the so-called ''start-up'' and ''pendings'' issues.

Business and insurance will not agree to a $140 billion trust fund and, simultaneously, continue to pay massive sums for ongoing litigation. Either a trust fund is the solution to our problems or it is not.

I have asked Senator DASCHLE to let me know whether he believes his side can move in our direction and not permit leakage in the tort system. If so, substantial progress can be made.

Today, I received a letter from Senator DASCHLE and 12 other Democrats expressing their commitment to ''work over the August recess to narrow our differences and secure a compromise that provides necessary relief to victims and businesses.''

I deeply appreciate their steadfast commitment to this issue and look forward to hearing from them about how we can solve the asbestos litigation crisis.

AMERICA IS MOVING FORWARD

Mr. FRIST. Mr. President, over the past few months, my colleagues on the other side of the aisle have come to the Senate floor in a vain effort to convince America that we are worse off than we were 4 years ago.

They offer a pessimistic litany of distorted statistics to discredit the measurable progress America has made in the last 4 years. Just last Friday, the minority leader came to the Senate floor to cast a negative light on America's astonishing rebound from the triple shock of terrorist attacks, corporate scandals, and a recession inherited from the Clinton administration.

It is critical that the American people know the truth.

Far from the other side's woeful depiction, America is moving forward and gaining strength. We have been tested, and we have proven ourselves to be a tough, resilient and resourceful nation.

America remains the economic engine of the world. While our European friends struggle with double digit unemployment, America's unemployment rate is at historic lows and dropping.

Are we better off? Four years ago, President Bush inherited an economy that measured $9.8 trillion. Today, the economy has grown almost $1 trillion more.

Are we better off? Four years ago, President Bush inherited an economy that was the equivalent to roughly $25,000 for every person. Today, that number has grown to nearly $30,000.

Are we better off? Four years ago, President Bush inherited an economy that employed 136.9 million people. Today, the number of people working has grown by nearly 2 million and is on track to create 1.2 million jobs this year.

Contrary to claims made by critics, the quality of jobs being created is excellent. Three quarters of the new jobs

created in May were in industries that, on average, pay a higher hourly rate than the overall average.

Are we better off? Manufacturing jobs have grown this year for the first time since the mid-90's; 64,000 jobs have been added in the manufacturing sector since January, alone, and there are more jobs to come.

More manufacturers have been reporting increased activity and new orders than at any time in the last 20 years. The ISM Manufacturing employment index in April hit its highest level in 15 years.

Are we better off? Four years ago, President Bush inherited an economy that was constructing only 1.5 million new houses per year. Today, homeownership is at an all time high, including minority homeownership. Americans are investing in themselves and their futures.

Are we better off? Productivity is its highest in 50 years. Unemployment is lower now than it was in the 70s, 80s and 90s—lower, in fact, than during the Clinton years.

Are we better off? The answer is, clearly, a resoundings yes.

Because of President Bush's tax cuts of 2001 and 2003, Americans now have more money to invest, save, or spend as they choose. Business owners have more opportunities to realize their entrepreneurial potential.

America is moving forward because President Bush and the Republican-led Congress believe in the ingenuity, creativity, and common sense of the American people.

When it comes to fighting crime, American law enforcement has the bad guys on the run. The statistics are remarkable.

Fire-arm related violent crime is down. Burglary, robbery and theft are all down.

Simple and aggravated assault is down. Violent crimes, including rape, sexual assaults and robberies, are now at their lowest levels since the government began collecting crime data in 1973. Violent crime is falling in all regions of the country, whether measured by race, ethnicity, age or income.

Property crimes continued a more than 20–year decline.

Gun-related crimes have continued to fall.

The fall in the crime rates has coincided with more aggressive prosecutions of criminals. Average sentences for violent criminals are increasing, and violent felons comprise a growing share of the prison population.

Real, positive change is taking place in America's neighborhoods. American's are safer and more secure at home.

When it comes to improving major social programs, a Republican-led Congress has delivered on major new reforms.

Seniors now have, for the first time, prescription drug coverage under Medicare.

The other side of the aisle had eight years to enact Medicare reform. They didn't. Instead, they played politics with seniors' health. And now that we have made historic improvements, opponents to reform are trying to scare seniors from enjoying their new benefits.

The truth is, under Republican leadership, America's seniors are getting vastly improved Medicare services.

Under the bipartisan Medicare Modernization Act signed by President Bush in December, for the first time, all seniors will have access to $400 billion in expanded drug benefits. Low-income seniors and those with high drug costs will get the most help. Millions of seniors will get comprehensive prescription drug coverage with no gaps in coverage, no premium, and no more than a $5 copay.

Even now, only 6 months after the Medicare legislation became law, the Bush administration is providing immediate relief from the high cost of drugs through its prescription drug discount program. Millions of seniors are getting $1,200, just like cash, on top of 10–25 percent off of the cost of their drugs.

Seniors will have expanded access to an array of preventive benefits—including an annual physical examination—that simply were not part of the program before.

Moreover, all Americans will pay less for prescription drugs because we took steps to speed the delivery of lower cost generic drugs to consumers.

We have also given all Americans more affordable coverage through tax-free health savings accounts so they could take more control over their health care needs and hard-earned dollars.

When it comes to education, again, Republican leadership is delivering major reform.

Because of the No Child Left Behind Act, passed by a Republican-led Congress and signed into law by President Bush, millions of disadvantaged children are now getting the focus and attention they need and deserve.

Reading and math scores in America's large urban schools have improved.

Parents of children in struggling schools have powerful new options, and they are using them. If their school is struggling to teach their children the basics, such as math and reading, parent now can send their kids to a better public school or get their children special tutoring.

Under No Child Left Behind, States and local school districts are now being held accountable for ensuring every child learns—regardless of race, parents' income, disability, geography, or English proficiency. As President Bush has said time and again, every child can learn, and every child should be given a fair chance. The No Child Left Behind Act is helping to make sure the promise is becoming a reality.

As a result of the No Child Left Behind Act, the Federal Government today is spending more money on K–12 education than at any other time in the history of the United States. Federal K–12 education funding to states and local schools has increased by a historic $6.9 billion since the hallmark education reform legislation was signed into law.

Title I aid for disadvantaged students, the cornerstone of the No Child Left Behind Act, has increased by over 40 percent since 2001.

In fact, aid for disadvantaged students received a larger combined increase during the first 2 years of President Bush's administration than it received in the previous 7 years combined under President Clinton.

Our economy is stronger, crime is down, education is improving. Americans have good reason to be optimistic about the future.

And when it comes to environment, we are also seeing major progress. Emissions are down and water quality is improving.

All signs are encouraging.

More, however, can be done, starting with strengthening America's energy independence. President Bush has offered a long-range plan to diversify our energy supply and encourage the use of renewable energy sources.

Senate Democrats, however, are committed to a strategy of obstruction. They come to the Senate floor to lament America's energy problems. Meanwhile, they block the very reforms that would lessen America's dependence on foreign oil supplies.

Likewise, the other side of the aisle bemoans rising health premiums while continuing to block medical malpractice reforms that would lower medical costs.

Which brings me to the larger point.

This year, the other side has been engaged in an unprecedented campaign of obstructionism. Their obstructionism is costing billions of dollars that could be growing the economy and hundreds of thousands of jobs that could be employing America's workers.

The campaign to poor-mouth America's progress may be an election year strategy to immobilize the process, but it is also unfairly discredits the efforts of every American working hard, paying taxes, and leading this country back to economic health. The distorted statistics and misleading charts are meant to sow doubt and confusion. They are meant to make Americans question their own success.

It will not work, and it must not work. We are a strong, robust, and prosperous nation. Optimism is the essence of our success. It drives our creativity and emboldens our entrepreneurial spirit. It is what makes us invest in the future and accomplish our highest aims.

I am confident the American people will look at the gains we are making everyday as a nation and as individuals, and that we will recognize our success, take heart, and keep moving forward. It is the American spirit, and it is the American way.

HONORING OUR ARMED FORCES

SERGEANT KYLE BRINLEE

Mr. INHOFE. Mr. President, I stand here today in memory of a courageous young American who gave his life for freedom. He gave his life for the people of Iraq, he gave it for his fellow Americans, and he gave it especially for those he loved. SGT Kyle Brinlee at the age of 21 gave up his life for the sake of others, and for his service and his sacrifice, I am proud to honor him on the Senate floor today.

SGT Kyle A. Brinlee of Pryor, OK, was deployed from Fort Sill and served as a masonry and carpentry specialist with the 120th Combat Engineering Battalion in Iraq. When he went to Iraq in February, he left the familiar comfort of Pryor, OK, for the unknown hostility of the Middle East. He left his family, friends, and neighbors, expecting to be home within 6 months or a year at the most. Only 3 months passed before these same people lined the streets of Pryor as his funeral procession passed.

On May 11, near Alasad, Iraq, an explosive device destroyed the vehicle in which Kyle Brinlee was riding. He died while securing the freedom of millions of Americans, while trying to secure a chance of that freedom for the Iraqi people.

Sergeant Brinlee, the first Oklahoma guardsman to give his life in Iraq, was eulogized in May in front of a crowd of 1,300 people at the Pryor High School auditorium. Kyle was remembered as an outstanding soldier, a morale builder who was always willing to be the first to volunteer, and as someone who all will miss. After his death, the National Guard awarded Kyle the Bronze Star and the Purple Heart. He has also earned my admiration and prayers and those of many other Americans. His choice was that of a true hero: He endangered his own life for the sake of something greater, and that courage to act for the good of all will mark his legacy forever.

Sergeant Brinlee stands as a true example of bravery. He knew of the dangers that awaited him. He knew he might never have another opportunity to see his family, but he also knew his mission. He knew that American freedom does not come from the complaints of the many but from the sacrifices of the few. SGT Kyle Brinlee was man enough to be counted amongst those noble few. Kyle Brinlee was a true American hero.

Mr. President, on each trip I take overseas as one of the members of the Senate Armed Services Committee, the message I get back from the troops in the field is always the same: Why is it that people in America do not understand what we are doing? I think the media has done a lousy job, distorting the true reality of the freedoms that are taking place in Iraq, of all the good things that are happening over there.

I hear from these brave young troops. They know what their mission is. They know America is in its most threatened position today. They know they are risking their lives, yet they are willing to do it. Certainly SGT Kyle Brinlee is one of those, a very good, heroic example.

Mr. President, I yield the floor.

S. 2844, CONTINUITY IN REPRESENTATION ACT OF 2004

Mr. DODD. Mr. President, this evening the Senate is expected to consider H.R. 2844, the Continuity in Representation Act of 2004. While there are significant problems with this bill, I believe it is in the best interest of ensuring the continuity of government that the Senate pass the bill, as received from the House, without amendment, before we begin this extended recess.

The most troubling problem with this bill is that it may have the unintended consequence of disenfranchising overseas military voters who are serving this Nation in combat. So in taking this action tonight, let me suggest that our work will not be done. I strongly encourage my colleagues in the House to review this legislation in light of these concerns and to consider adopting technical corrections to this bill to address its unintentional consequences.

The bill before the Senate today is, at best, a stopgap measure which attempts to provide a way to reconstitute the House of Representatives in the event that in excess of 100 vacancies occur in its membership. Unlike vacancies in the Senate, which under the Seventeenth Amendment can be immediately filled, the House has no way to reconstitute itself short of holding elections. In essence, H.R. 2488 requires the States to hold expedited special elections to fill vacancies which occur under extraordinary circumstances.

The House-passed bill provides that upon the announcement by the Speaker of the House that more than 100 vacancies exist in the membership of the House, the States affected must hold a special election within 45 days of the announcement, unless there is a regularly scheduled general election scheduled within 75 days of the announcement. This overly optimistic time line all but ensures that overseas military voters and overseas voters will not have their ballots counted in such an election.

In an attempt to address the issue of overseas military voters and other overseas voters, the House adopted language which calls on the States, but does not require them, to issue absentee ballots or voting material to overseas military voters within 15 days of the Speaker's announcement. However, the bill then requires such States to accept and process such ballots for up to 45 days from the date that the State transmitted the ballot to the voter. On its face, those deadlines would require that an election be held no sooner than 60 days after an announcement by a Speaker of the House in order to ensure that such absentee military ballots are counted.

However, the situation may be much worse. Because the House bill does not require States to transmit ballots to overseas military voters by any specific date, under certain State laws, such voters can receive absentee ballots up to literally the day before the election. In such a case, a State would be required to accept the overseas military ballot up to 45 days after that date, or 90 days after the Speaker's announcement.

The obvious result of these two provisions is to potentially extend the date of the election beyond the required 45 days after the Speaker's announcement—ranging from 46 days to 90 days. And therein lies the problem: are overseas military ballots that are received by the State from 1 to 90 days after the actual election date still counted, or are they ignored unless the election is close?

The unintended consequence of this bill is to tell our brave men and women in uniform, who are literally putting their lives on the line for this Nation in combat overseas, that while they may be able to cast a vote, there is no guarantee that their vote will be counted. That is simply an unacceptable result.

On the other hand, if the result is to hold an election open until all possible overseas ballots are received, then this bill does not provide for expedited elections at all. In fact, the result may be the inability of our Government to function for as long as 90 days after a catastrophe. That would be contrary to the stated purpose of the bill.

And that is why our work is not done. This bill may be a necessary interim measure, but to ensure that there is no lapse in the authority of the House, and the ability of Congress, to exercise its constitutional responsibilities, may require a constitutional amendment providing for an appointment to fill a vacancy. In the meantime, until an amendment to the Constitution can be adopted and ratified providing for the immediate reconstitution of the House, this measure provides some assurance that our representative form of government will continue.

Numerous organizations have called on the House to adopt a constitutional approach, not the least of which is the Continuity of Government Commission, chaired by our distinguished former colleague, Alan Simpson, and the respected Lloyd Cutler. While I respect the concerns of my House colleagues that we preserve the House as an elected body, the Framers did not intend that such a noble principle become the undoing of the people's representative branch of government.

We must find a rational and workable way to ensure that our Government continues to function despite the intent of terrorists and others who would render the people's House silent. But we must do it in a way that ensures

that all voters, and particularly those military voters who are serving overseas during a time of war, have an equal opportunity to not only cast a vote, but to have that vote counted.

ELECTIONS IN MONGOLIA

Mr. MCCONNELL. Mr. President, I am concerned by reports from Mongolia of alleged election irregularities following a July 17th revote at a certain polling station in the capital city of Ulaan Baatar.

According to observers on the ground, the revote occurred less than 12 hours after it was announced at 8 p.m. on July 16th. While I do not know the nocturnal habits of the Mongolian people, I doubt that voters in Ulaan Baatar—or anywhere else in Mongolia, for that matter—can be fully and adequately informed of the revote in such a short time.

Field reports seem to bear this out. According to the International Republican Institute, turnout at that polling station in the June 27th elections exceeded 70 percent; on the July 17th revote, it totaled some 46 percent. Nearly one-quarter of those who voted in June did not cast a ballot in July.

Further troubling are allegations of a systematic pattern of denying supporters of the Motherland Democracy Coalition, MDC, the right to vote, refusal to permit MDC observers inside the polling station, the use of Mongolian law enforcement officials to prohibit access to the polling station, and vote buying in favor of the ruling Mongolian People's Revolutionary Party, MPRP.

If proven true, these irregularities would mark a major departure from Mongolia's previous election experiences, where voting was generally orderly and according to applicable laws and regulations.

My colleagues might find it interesting that the seat in question was won in the first round of balloting by MDC candidate and businessman Otganbayer by a 222 vote margin. The revote found MPRP Defense Minister Gurragchaa winning the seat by 1,239 votes.

There is no question that reports of irregularities and chicanery must be fully and impartially investigated by the relevant election authorities, and that any and all violators of election laws and regulations be prosecuted and punished to the fullest extent of Mongolian law. It is my hope that this process is more transparent than the counting of ballots at that particular polling station. It is outrageous that MPRP officials prohibited independent election observers to witness the opening of ballot boxes and the counting of ballots—in violation, I understand, of Mongolian law.

Mongolia's leadership would be wise to consider that the country's reputation—and inclusion as an eligible recipient for increased foreign assistance under the Millennium Challenge Corporation—is at stake. Any government that is formed that does not reflect the real will of the Mongolian people will lack credibility and the respect of the international community.

Ulaan Baatar should take note that Washington—and the world—is watching.

TRIBUTE TO SERGEANT MAJOR BEN TAYLOR

Mr. MCCONNELL. Mr. President, I rise today to pay tribute to an outstanding Kentuckian, Ben ''Buster'' Taylor, a retired Special Forces sergeant major and former Letcher County Sheriff. Sergeant Major Taylor is not one to brag about his accomplishments, but he should be honored for his courageous and selfless acts during the two decades he spent serving this Nation in the U.S. military.

In 1950, inspired by the heroism of World War II veterans, Taylor joined the United States Army's 11th Airborne Division at Camp Campbell, KY, which is now known as Fort Campbell. As he worked his way through various divisions, the Army began organizing its Special Forces Branch, the Green Berets. Taylor enthusiastically joined the Green Berets and spent the better part of two decades serving with his comrades in Japan, Korea, Thailand, Taiwan, the Philippines, Burma, China, Laos, and Vietnam.

Taylor's missions exemplified his bravery and altruism. During his tours of duty, he was awarded 24 medals and 18 ribbons, among these four bronze stars. With each honor, a story revealing his heroism is told. He has notebooks full of citations and commendations that tell of the many times he risked his own life to save others. But of all these honors, the one most memorable to Taylor is the role he played in the funeral of President John F. Kennedy. Taylor was selected to represent the Green Berets at President Kennedy's funeral. He walked alongside the casket of the fallen Commander in Chief.

Today I ask my colleagues to join me in honoring and recognizing a true American hero, Sergeant Major Ben Taylor.

TRIBUTE TO DR. BOBBY RUSSELL HIMES

Mr. MCCONNELL. Mr. President, I rise today to pay tribute to a fellow Kentuckian and proud Republican, Dr. Bobby Russell Himes. Earlier this year, Dr. Himes was named Central Kentucky News-Journal's 2004 Man of the Year. The title is one that Dr. Himes has earned.

Dr. Himes has always strived to live life to its very fullest and give 110 percent. After serving 4 years in the U.S. Air Force, he completed his bachelor's degree at Kentucky Wesleyan College. He went on to finish his formal education by earning a masters degree from Appalachian State University and a doctorate from Vanderbilt University. For 40 years, he was a professor of history and political science at Kentucky's Campbellsville University. He was an inspiring educator, mentor, and friend to students and colleagues. While he no longer teaches classes, he continues to support and encourage younger generations.

Beyond his role as an educator, Dr. Himes has been a businessman, a stalwart volunteer for the Republican Party, and an instrumental figure in creating the Central Kentucky Arts Series. Furthermore, he is a devoted husband, father, grandfather, and now a great-grandfather.

Dr. Himes is truly an inspiration. He persevered through a childhood during the Great Depression and a battle with cancer. If there is one thing to learn from Dr. Bobby Russell Himes, it is his philosophy for living. Dr. Himes believes that, ''By setting goals—even if you don't achieve them—you're going to go further just because you set them.''

May we please take this time to honor the man whom so many look up to, Dr. Bobby Russell Himes, Central Kentucky News-Journal's 2004 Man of the Year.

TRIBUTE TO R.J. CORMAN

Mr. MCCONNELL. Mr. President, I pay tribute to a fellow Kentuckian, Mr. R.J. Corman. Mr. Corman is a remarkable man who has overcome life's adversities and achieved great business success.

Mr. Corman got his start in the railroad business working a backhoe for L&N Railroad. Little did he know, but this initial exposure would lead to his lifetime work. He founded and continues to operate the R.J. Corman Railroad Group in his hometown of Nicholasville, Kentucky. His business has grown over the years and now operates in 19 States, has about 630 employees, and will have at least $120 million in sales this year. The goal of the R.J. Corman Railroad Group is to please customers and perform their services better, faster, and more efficient than anyone else.

While Mr. Corman's companies are incredibly successful and expansive, it is his personal successes that I pay tribute to most. Three years ago, Mr. Corman was diagnosed with cancer and given 3 years to live. A man not used to sitting idly by, he successfully completed a stem-cell bone marrow transplant in November 2001 and today his cancer is in complete remission. In fact, Mr. Corman is doing so well that at the age of 48 he ran in the 108th annual Boston Marathon.

Mr. Corman came from humble beginnings, the son of a state highway worker and homemaker. But he hasn't forgotten where he came from or the lessons his grandfather taught him about hard work and honesty. His never give up attitude has led to business success and overcoming serious

illness. Today I ask my colleagues to join me in honoring and recognizing Kentucky's railroad entrepreneur, Mr. R.J. Corman.

TRIBUTE TO OWSLEY BROWN FRAZIER

Mr. MCCONNELL. Mr. President, I pay tribute to an outstanding Kentuckian, fellow Louisvillian and friend, Mr. Owsley Brown Frazier. Owsley recently fulfilled one of his life-long dreams by opening a museum to showcase his collection of historic weaponry—the Frazier Historical Arm Museum. I was honored to join him at the grand opening to get a sneak peak at his impressive collection.

The Frazier Historical Arms Museum is more than guns in cases and maps on walls. Inside this $32 million, 100,000-square-foot museum weapons are displayed based on the stories they tell. The museum is home to Teddy Roosevelt's ''Big Stick,'' a rifle owned by George Washington, a bow and arrow used by Geronimo, and General George Armstrong Custer's Colt Navy revolvers. Not only does the museum house Owsley's collection of American artifacts but also holds collections on loan from the British Royal Armories in the Tower of London. These artifacts are combined with guides dressed in period attire, short films, and interactive computer stations. It is definitely a ''must see'' while in Louisville.

Owsley wanted to give back to his hometown and the museum was his gift. The museum is a testament to his work ethic and his values. It reflects his philanthropic nature that he has contributed $500 million to charities during his lifetime, including tens of millions for his biggest passion—education. He has used his own money, but also millions of dollars of contributions from his family's company to preserve historic buildings, build housing for low-income families and of course, support our local colleges and schools.

His friends describe him as a simple man who loves fishing at his Shelby County farm, breakfast at the Waddy Truck Stop, and would rather watch sports on television than attend cocktail parties. Owsley and I also share a special passion: University of Louisville Athletics. In fact, he once even skipped a family member's wedding because the Cardinals had a game that day.

I ask my colleagues to join me in paying tribute to this incredible man. Owsley has a genuine and sincere love for the city of Louisville, the Commonwealth of Kentucky, and most importantly his fellow man. I can only hope he will inspire us all to share that same benevolent passion and commitment in our lives.

ISRAEL SECURITY FENCE

Mr. REID. Mr. President, they say good fences make good neighbors.

I do not know if that is always true, but I do know that the security fence Israel is building along the West Bank has been good for the security in the region.

Already, the fence has resulted in a 90 percent drop in terrorism coming from the northern West Bank. In 2004, no Israeli nationals were killed or wounded by suicide bombings in areas protected by the fence, while 19 Israeli citizens were killed and 102 wounded by suicide attacks in areas without the fence.

So, it is clear that this fence is saving innocent lives.

Like so many others who know the region and have traveled to Israel and Palestine many times, I wish that a fence was not necessary. In an ideal world, neighbors would not need fences, and Israel and Palestine could have a more open border where goods, services and people move freely.

But that is not the world we live in, and that is not the position in which Israel finds itself. We know that terrorist organizations operating in the West Bank and elsewhere have sworn themselves to one main goal: the destruction of the State of Israel.

These murderers target innocent civilians, women and children in Israeli busses, markets and cafes. Since the start of the Intifada some 4 years ago, almost 1,000 Israelis have been killed. Every man, woman and child in Israel lives with the fear that a terrorist attack could be carried out at any time, on any given day, and in any given location.

When confronted with such threats, free nations look to their military, their law enforcement personnel, and above all else, they look to the rule of law.

A commitment to the rule of law separates free nations from dictatorships. It separates democracies from corrupt and dangerous regimes. It is what binds people together under common values, shared principles and an agreed framework to live in peace.

Israel has a right to live in peace. It has a right, under law, to protect itself and to defend its people from attack. This is not only what the law allows, it is what the people are entitled to. Much of the United Nations Charter, in fact, is based on the inherent right to self-defense.

That is why the recent International Court of Justice, ICJ, advisory opinion on the security fence is so wrong, and why it sets a very dangerous precedent. It is yet another low point for this court and for the UN.

The ICJ declared itself ''not convinced'' that the barrier Israel is building is a security necessity. I suppose such judgments are easy to make when sitting in the opulence of the Hague some 2,000 miles away. Let the judges live along the Israeli border to the West Bank for some time, and then let them call the fence unnecessary.

Beyond the wrongness of the opinion, the court should never have taken the case to begin with.

The ICJ had no business interfering in the security of a sovereign nation. Israel's democratic institutions and its commitment to the rule of law make it more than able to handle issues arising from the construction of the fence without interference from the ICJ.

Israel's supreme court, for example, ruled that a segment of the security fence must be re-routed to reduce the impact on the Palestinian population, even though the judges noted that ''in the short term, this judgment will not make the state's struggle against those rising up against it any easier.''

This is what democratic nations do; they act in accordance to the law. They make outside interference by the ICJ not only unwelcome and unnecessary, but even dangerous.

Although the ICJ opinion is nonbinding, it could lead to the introduction of anti-Israel measures at the UN and strengthen attempts to isolate Israel.

This is why some 40 nations, including the United States, submitted briefs to the ICJ objecting to the court's consideration of the case.

This is why I, along with 78 other Senators, wrote the UN Secretary General, calling upon him to reject the ICJ's interference with Israel's right to self defense.

Unfortunately, the UN's action and the ICJ's opinion is another in a long line of anti-Israel positions they have taken. There have been some 400 anti-Israel Resolutions passed at the UN since 1964, while the terrorist atrocities committed against the Jewish people have never been investigated by the UN.

This is wrong, and it is an assault against Israeli sovereignty and its legal systems.

Israel's allies must continue to speak out against this wrong-headed action by the ICJ. This is why Senate has introduced and I have co-sponsored another bi-partisan resolution condemning the recent ICJ decision on the legality of Israel's security fence and urging no further action by the UN to delay or prevent the fence's construction.

We need to pass that resolution, keep the pressure on the UN, and continue to protect Israel's right to self defense. The law authorizes it, and the people of the region deserve it.

HONORING REV. MARION DANIEL BENNETT SR.

Mr. REID. Mr. President, I rise today to congratulate Reverend Marion Daniel Bennett, Sr., on his recent retirement as pastor of the Zion United Methodist Church. It pleases me to be able to speak today of Rev. Bennett's tremendous contributions to Nevada's spiritual, civic, and political life.

Reverend Bennett's dedicated service and inspired leadership of the Zion United Methodist Church in Las Vegas has spanned over four decades. During his tenure, he oversaw the relocation of the Church to its current West Las Vegas site, and spearheaded the development of a much-needed day care center in the community.

Reverend Bennett's commitment to public service, however, has extended well beyond his West Las Vegas congregation. As president of the Las Vegas Branch of the National Association for the Advancement of Colored People from 1963–1967 and 1971–1973, Rev. Bennett was among the foremost leaders in the struggle for civil rights in Nevada. He has continued to remain active in the Las Vegas NAACP as an executive board member for the past 30 years.

Reverend Bennett also served as a member of the Nevada State Assembly for 10 years. As chairman of the Health and Welfare Committee, he worked hard to ensure that the State's health care and social welfare services kept pace with Nevada's dramatic growth and development. In doing so, Reverend Bennett helped expand the opportunities available to Nevadans and improve the quality of life in the Silver State.

His lifetime of service to his church and community has been recognized by many organizations including the University of Nevada, which conferred upon him its Distinguished Nevadan Award.

I also want all within the sound of my voice to understand the quality of friend Reverend Bennett has been to me. The quality has been the best, for which I will always be grateful.

In short, Reverend Bennett has led a distinguished career and life. Please join me in congratulating him on his recent retirement from the Zion United Methodist Church, and wishing him health and happiness in the future.

IN RECOGNITION OF JOE TRUJILLO

Mr. DOMENICI. Mr. President, I honor a long-time member of my staff, Joe Trujillo. I usually call him Joseph, but my staff and most of those from my home State of New Mexico refer to him as ''Joe T.'' I do not want misunderstanding—he is not retiring, because his work is not done. However, Joseph Trujillo has served as a member of my staff, in one capacity or another, for 25 years.

His always positive outlook is remarkable, and his smile is contagious. His jovial attitude and eagerness to deal with challenges is admirable. His keen understanding of people is tied to his own rich personality, and it is Joe's rich personality that I, and those from my home State, have come to know and love the most.

Joe is a New Mexico native. He grew up in Los Alamos, and graduated from Los Alamos High School in 1964. He was the first New Mexico Hispanic to be awarded the Phi Beta Kappa key at the University of New Mexico.

After graduating from UNM in 1968, he worked on a collaborative project to help Albuquerque's inner city poor. We first met in 1969, while I was chairman of the Albuquerque City Commission. Joe later became a City of Albuquerque employee. In 1976, he began working for Albuquerque mayor, Harry McKinney, as the city's federal grants coordinator. Mayor McKinney dispatched him to work out of my office here in Washington, and after awhile I convinced him to become a member of my staff.

Right after coming to work for me in 1979, he became the member of my staff who dealt with Indian affairs. But he did much more. Over the past 25 years he has been given more responsibilities than I can count. From appropriations and budget, to banking, Indian affairs and economic development, and everything in between, Joseph has done it all. His wealth of experience is beyond compare. For all who know Joe, it has always been clear that his passion is working to help those who are less fortunate.

Joe has done more for Indians than most Senators. Through the years, Joe has been instrumental in bringing tribal leaders to the table to discuss their dilemmas. He arranged several economic summits in the State to help Indians develop their infrastructure and local economies. His hard work and dedication wrought a successful economic development strategy, along with an education and healthcare plan to help Indians in New Mexico and across the Nation.

In 2001, after 22 years in my Washington office, he returned to New Mexico to serve as a member of my State staff where he continues his fine work at the local level on Indian issues and rural development initiatives.

Joe Trujillo is loyal, and one on whom I trust and depend. He has been a member of my staff since June 19, 1979. In that time, we have accomplished much, and I am extremely proud of those accomplishments. Most importantly, he is my good friend. Joseph, for all you have done for me, and for all you have done for the people of New Mexico; you have my utmost respect and deepest gratitude. Thank you, and keep up the good work, amigo.

TIME FOR IRAN TO COME CLEAN

Mr. BIDEN. Mr. President, when historians look back on American foreign policy in the early 21st century, they will ask a few basic questions. One will be whether we used our immense military strength wisely. Another will be whether we took effective action to avert genocide in the world. But the biggest question will be whether we did all we could to avert the use of weapons of mass destruction, and especially a nuclear catastrophe.

The resolution before us addresses one of the most sensitive nuclear nonproliferation issues of our day, that of Iran. Over the last 2 years, public allegations and International Atomic Energy Agency inspections have uncovered nearly two decades of covert nuclear programs that Iran has pursued in violation of its obligations under safeguards agreements with the IAEA. While Iran insists publicly that these programs are all peaceful, all the signs and much of the political rhetoric in Iran point to a nuclear weapons program that has been conducted under the cover of peaceful nuclear activities.

Nearly a year ago, Iran promised to come clean on its nuclear programs and to suspend all its uranium enrichment and reprocessing activities. But Iran has yet to comply fully with its commitment. Instead, it has hidden some of its activities and forced IAEA inspectors to pull teeth in order to get information about its programs; it has delayed inspections and, at times, suspended all cooperation; it has continued production of components for uranium enrichment centrifuges; and it has announced an intent to test its uranium conversion facility in a manner that will produce feed material for uranium enrichment centrifuges. All those actions are violations of Iran's legal and political commitments.

More importantly, those actions suggest that Iran still has something to hide. They relate to nuclear activities that are difficult to explain as peaceful programs. Some of those actions relate to programs involving the same criminal network that aided Libya and provided it with a nuclear weapon design. And they are accompanied by political statements that suggest Iran may well want to develop nuclear weapons. If Iran wants to gain the confidence of the international community, that is certainly not the way to go about it.

I do not believe that Iran poses an imminent threat of testing or deploying nuclear weapons. There is hence no need at this time to threaten or undertake military action, and the resolution before us does not threaten, encourage or authorize such action.

Some journalists interpreted a similar resolution in the House of Representatives as authorizing military action, despite the denials of those who supported that resolution, including its co-author, Representative LANTOS of California. That is because the House resolution used the words ''all appropriate means,'' which sounded too similar to previous resolutions on other issues that did authorize the use of force. To make it absolutely clear that the resolution before us does not do that, the authors of the substitute amendment have deleted the word ''all'' from that phrase. We do not intend this resolution to encourage the use of military force by any country.

Neither can any concurrent resolution authorize the use of force by the United States. Under our Constitution and under the War Powers Resolution, only legislation signed by the President can do that. A concurrent resolution has no legal effect and cannot do so.

What we do intend by this resolution is to encourage all countries to help convince Iran that its national security is best served by giving up the urge to develop a nuclear weapons capability. An Iran with nuclear weapons—or with the ability to produce

such weapons—will not be a more secure Iran. Rather, it will only prompt great concern among its neighbors and risk their developing nuclear weapons as well; and it will estrange itself from all countries that support the Nuclear Non-Proliferation Treaty or that believe in keeping one's international obligations.

If Iran wants to understand what nuclear weapons will bring about, it can look to North Korea, which is reduced to begging and threatening the international community in order to feed its people and to provide even minimal energy resources. Those are the wages of proliferation: not security, but insecurity; not acclaim, but ostracism.

If the nations of the world—and especially the industrialized countries in Europe and elsewhere that have important trade relations with Iran—will band together to deliver this message, I believe that Iran will hear it and heed it. But the message may well have to be delivered with more than words. Countries may have to take forceful diplomatic and economic actions in order to demonstrate to Iran the risks that it runs if it insists upon building a nuclear weapons capability. The IAEA Board of Governors may well have to report Iran's noncompliance to the United Nations Security Council, and the Security Council may have to take action under Articles 39 through 41 of the United Nations Charter to encourage or order Iran to cease its programs that would contribute to building that nuclear weapons capability.

Countries can also remind Iran that concerns which may have prompted its covert nuclear programs are now largely dissipated. The Soviet Union is gone, and Russia does not threaten Iranian sovereignty. Saddam Hussein is now a criminal in the dock, rather than a dictator with imperial ambitions. And the case of Libya demonstrates that the United States will readily adjust its policy toward a country that renounces weapons of mass destruction and international terrorism. Iran's security concerns can be met—indeed, can best be met—without its developing or producing any weapons of mass destruction.

It is time that we have a serious discussion with Europe about harmonizing our policies toward Iran. Europe has pursued a strategy of offering positive incentives for Iran to change its behavior, but no penalties if it does not—effectively the reverse of U.S. policy. By coordinating more closely, the United States and Europe are more likely to affect Iran's actions. We should clearly state that if Iran ends its pursuit of a nuclear weapons program and gets out of the terrorism business, then we would be willing to change our policy of isolating and sanctioning Iran.

I hope that enactment of the resolution before us will help galvanize world attention to the threat of nuclear proliferation in Iran and to the need to convince Iran to change its ways. I hope that it will also encourage Iran to choose the path of non-proliferation and base its future on engagement with the world, rather than increasing, self-imposed isolation.

I want to thank the original sponsors of S. Con. Res. 81, Senators FEINSTEIN and KYL, for their cooperation in developing a substitute text that we can all support. I believe that Representatives HYDE and LANTOS, whose H. Con. Res. 398 provided much guidance to us, will also find this text something that they can accept so as to achieve enactment of this important resolution. And I appreciate the work of their staffs over the past several weeks. My own staff and Chairman LUGAR's staff were also instrumental in bringing this work to what I believe will be a successful conclusion.

We have all been guided not by politics, but by the importance of the matter before us. When the issue is nuclear proliferation, uncountable innocent lives hang in the balance. On such an issue, the world must act as one.

Mrs. MURKOWSKI. Mr. President, I rise today to speak about the fires that are burning in my State of Alaska. To date, there are 117 active fires in Alaska that have burned over 3.8 million acres. That is larger than the entire State of Connecticut, and 11 of these fires started yesterday. This year is the 3rd most active fire season in Alaska since records have been kept, 1955.

Alaskans have been living with these fires since early June. All told there have been 479 of them since the start of fire season.

On Monday July 5, I visited the fire camp of the Boundary Fire, which was threatening residences north of Fairbanks, AK.

It rained while I was visiting the camp. Rain and changes in the winds can bring an abrupt end to fire season. I was hopeful that the change in weather would allow firefighters to put down the Boundary Fire in short order.

Unfortunately, it was not to be. Shortly after I left the fire camp, residents of the Haystack subdivision were told it was safe to return home. Just a few days ago, the Haystack subdivision was evacuated for the second time this summer. This evacuation affects 150 residents and 80 homes.

A total of 34 structures have been lost to the fires now burning in the State. Haze from the fires in the interior of Alaska is being experienced as far south as Juneau—that is a distance of about 800 miles.

The heroes of this fire season are the 2,711 firefighters: many from Alaska Native villages and others from the lower 48 who are working night and day to protect homes, private property, and subsistence resources. I am grateful to the coordinated efforts of the Alaska Fire Service and the State Division of Forestry for their tireless work in combating these fires. This week, the community of Fairbanks is celebrating ''Golden Days''—their annual summer carnival. I don't know if any of the firefighters will be able to break away from their duties to attend the parade on Saturday, but I can promise you that they will be warmly received by the residents of our Golden Heart City.

I want to commend the Federal fire managers for getting our Nation's aerial firefighting resources back in the air. We may have some differences of opinion about how long it took to accomplish this or how many planes are certified to fly, but I am prepared to leave this discussion for a future time.

The total aerial resources in Alaska include one federally certified heavy air tanker, two heavy air tankers under contract to the State of Alaska, three single-engine air tankers, and three CL 215's. These resources are prepositioned around the State to be used, when needed.

Thus far, the brave men and women on our fire lines have been successful in holding the fire away from primary residences—not only in and around Fairbanks, but also in rural communities like Chicken, Circle, Central, Eagle, Evansville, Tanacross, Galena, and Venetie.

The firefighters remind me that the proximity of the fires to people's homes creates a ''teachable moment.'' The operative words are ''be firewise.'' We need to all remember building defensible space around structures not only increases the likelihood that a building will survive a fire. It also increases safety to residents and our firefighters.

I want to reemphasize my strong support for the fuels reduction provisions of the President's Healthy Forest Initiative. This initiative is needed more than ever now. Our Nation's forestry policy has to allow for responsible forest management that includes the ability to remove, when appropriate, wildfire fuel from forests. Deteriorating forest and rangeland health now affects more than 190 million acres nationwide, an area twice the size of California.

In Alaska, the damage caused by the spruce bark beetle, especially along the Kenai Peninsula has been devastating. Over 5 million acres of trees in south central and interior Alaska have been lost to insects over the last 10 years. Expedited fuel reduction treatment on Federal land on which the existence of disease or insect infestation is a critical provision in this new law.

In addition to treating our Federal lands, treating State and private lands is also important. Such lands benefit from the U.S. Forest Service's State and Private Forestry Program. As we know, wildland fires do not discriminate among land ownership patterns. On the Kenai Peninsula alone, State, native corporation, and private lands have beetle kill in addition to Federal lands on the Chugach and Kenai National Wildlife Refuge. There are still over 200,000 acres of untreated hazardous fuels within the Wildland-Urban

Interface, leaving many Alaskan communities at risk.

Another critical program is the Forest Land Enhancement Program (FLEP), which is part of the Farm Bill. This program helps communities and individuals to obtain grants for reforestation and thinning of lands impacted by beetle kill.

In Alaska alone, a total of 478 private landowners, along with 19 native corporations are eligible for FLEP funds for wildfire fuels reduction and timber stand improvements. Without this funding, eligible Alaskan landowners have no opportunity to make needed forest health improvements on their lands. The farm bill in 2002 authorized $100 million from the Commodity Credit Corporation over a 5-year period ending in fiscal year 2007. Only a total of $20 million was used for landowner cost-share and technical assistance in fiscal year 2003 with $50 million transferred from FLEP to cover Forest Service wildfire suppression costs. While supporting wildfire suppression, we must and should utilize funding for those State and private forestry programs that aid communities in fuel reduction work to reduce these catastrophic wildfires we witness each year.

We must work across party lines to get the needed resources, recognizing fiscal responsibility, to all landowners to reduce fuel load. This is a responsibility for all of us in Congress.

SENATOR BOB DOLE AND THE WORLD WAR II MEMORIAL

Mr. LEAHY. Mr. President, on Memorial Day, my wife Marcelle and I were honored to attend the dedication of the gleaming new World War II Memorial. This memorial is not only a testament to the sacrifice of the 16 million courageous men and women who served in that grand struggle, but, in some ways, it speaks to the tireless energy of our friend and former Senate majority leader, Bob Dole.

Senator Dole received a Purple Heart in Italy, yet never let the lingering effects of his very serious wounds stand in the way of his overall effectiveness and ability to lead the Senate. After he left office, he turned his special brand of energy and intelligence towards ensuring the completion of the new memorial. He helped raise awareness of the project across the country and was critical to helping gain congressional approval of the measure.

During the dedication, Senator Dole gave a moving tribute to his comrades-in-arms. These remarks helped give further context and meaning to the pillars, plaques, and fountains that make up this grand memorial.

I will ask to have these remarks included in the RECORD, and I implore all of my colleagues to take a few minutes to read this speech.

Today is a particularly fitting day to read Senator Dole's remarks, as today is his birthday. I want to wish my friend a very happy birthday.

I ask unanimous consent the speech be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REMARKS OF SENATOR BOB DOLE—NATIONAL WWII MEMORIAL DEDICATION, MAY 29, 2004

In the first week of January 1945, a hungry and lonesome second lieutenant from small town Kansas dispatched a message to his folks back home: ''You can send me something to eat whenever you are ready,'' he wrote. ''Send candy, gum, cookies, cheese, grape jelly, popcorn, nuts, peanut clusters, Vicks Vapo Rub, wool socks, wool scarf, fudge, cookies, ice cream, liver and onions, fried chicken, banana cake, milk, fruit cocktail, Swiss steaks, crackers, more candy, Lifesavers, peanuts, the piano, the radio, the living room suite, the record player and Frank Sinatra. I guess you might as well send the whole house if you can get it into a five-pound box. P.S., keep your fingers crossed.''

In authoring that only slightly exaggerated wish list I merely echoed the longings of 16 million Americans whose greatest wish was for an end to the fighting. Sixty years on our ranks have dwindled for the thousands assembled here on the Mall and the millions more watching all across America in living rooms and hospitals and wherever it may be—our men and women overseas and our friends in Great Britain and our allies all around the world. Our final reunion cannot long be delayed.

Yet if we gather in the twilight it is brightened by the knowledge that we have kept faith with our comrades. Sustained by over 600,000 individual contributions, we have raised this memorial to commemorate the service and sacrifice of an entire generation. What we dedicate today is not a memorial to war, rather it's a tribute to the physical and moral courage that makes heroes out of farm and city boys and that inspires Americans in every generation to lay down their lives for people they will never meet, for ideals that make life itself worth living.

This is also a memorial to the American people who in the crucible of war forged a unity that became our ultimate weapon. Just as we pulled together in the course of a common threat 60 years ago, so today's Americans united to build this memorial. Small children held their grandfather's hand while dropping pennies in a collection box. Entire families contributed in memory of loved ones who could win every battle except the battle against time. I think of my brother, Kenny, and my brothers-in-law Larry Nelson and Allen Steel, just three among the millions of ghosts in navy blue and olive drab we honor with this memorial.

Of course, not every warrior wore a uniform. As it happens, today is the 101st birthday of Bob Hope, the GI's favorite entertainer who did more to boost our morale than anyone next to Betty Grable. And I can already hear Bob . . . ''but I was next to Betty Grable.'' And it's hard to believe, but today is also the 87th birthday of John F. Kennedy, a hero of the south Pacific, who, a generation after the surrender documents were signed aboard the USS Missouri, spoke of a new generation of Americans tempered by war that was nevertheless willing ''to pay any price, bear any burden, meet any hardship, oppose any foe, to assure the survival and success of liberty.'' And we shall always honor the memory of our great leader and our American hero, General Eisenhower, who led us to victory all across the world.

As we meet here today, young Americans are risking their lives in liberty's defense. They are the latest link in a chain of sacrifice older than America itself. After all, if we met the test of our times, it was because we drew inspiration from those who had gone before, including the giants of history who are enshrined on this Mall, from Washington, who fathered America with his sword and ennobled it with his character . . . from Jefferson, whose pen gave eloquent voice to our noblest aspirations . . . from Lincoln, who preserved the Union and struck the chains from our countrymen . . . and from Franklin Roosevelt, who presided over a global coalition to rescue humanity from those who had put the soul itself in bondage. Each of these presidents was a soldier of freedom. And in the defining event of the 20th century, their cause became our cause. On distant fields and fathomless oceans, the skies over half the planet and in 10,000 communities on the home front, we did far more than avenge Pearl Harbor. The citizen soldiers who answered liberty's call fought not for territory, but for justice, not for plunder, but to liberate enslaved peoples around the world.

In contending for democracy abroad, we learned painful lessons about our own democracy. For us, the Second World War was in effect a second American revolution. The war invited women into the workforce. It exposed the injustice on African Americans, Hispanics and Japanese Americans and others who demonstrated yet again that war is an equal opportunity employer. What we learned in foreign fields of battle we applied in post-war America. As a result, our democracy, though imperfect, is more nearly perfect than in the days of Washington, Jefferson, Lincoln, and Roosevelt. That's what makes America forever a work in progress—a land that has never become, but is always in the act of becoming. And that's why the armies of democracy have earned a permanent place on this sacred ground.

It is only fitting when this memorial was opened to the public about a month ago the very first visitors were school children. For them, our war is ancient history and those who fought it are slightly ancient themselves. Yet, in the end, they are the ones for whom we built this shrine and to whom we now hand the baton in the unending relay of human possibility.

Certainly the heroes represented by the 4,000 gold stars on the freedom wall need no monument to commemorate their sacrifice. They are known to God and to their fellow soldiers, who will mourn their passing until the day of our own. In their names, we dedicate this place of meditation, and it is in their memory that I ask you to stand, if possible, and join me in a moment of silent tribute to remind us all that at sometime in our life, we have or may be called upon to make a sacrifice for our country to preserve liberty and freedom . . .

. . . God bless America.

U.S.-CENTRAL AMERICA FREE TRADE AGREEMENT

Mr. GRASSLEY. Mr. President, just yesterday the Senate passed the U.S.-Morocco Free-Trade Agreement Implementation Act by a vote of 85 to 13. This followed on the heels of Senate approval of the U.S.-Australia agreement by a vote of 80 to 16. The Australia bill itself was preceded by renewal and extension of the Africa Growth and Opportunity Act, which passed the Senate by unanimous consent on June 24 of this year. Prior to that, the Senate was able to work out its differences and pass the JOBS Act by a vote of 92 to 5. I will note that each of these bills passed in an election

year, a year in which many pundits argued that nothing on trade would get done.

Well we proved them wrong. In fact, this has been one of the most active years on trade in the Senate in recent memory. I say, why stop now? We should continue our efforts to open foreign markets to U.S. exports. That is why I am calling on President Bush to send up the Central American Free Trade Agreement at the earliest opportunity.

The CAFTA is an important part of our continuing efforts to open foreign markets to U.S. goods and services. This market access is critical if we are going to continue to grow our exports to the world. For my home State of Iowa, the CAFTA brings important new market access opportunities for our soybean, corn, pork and beef as well as Iowa's manufacturers and service providers.

Under the current framework, many products from the CAFTA nations get access to our market but we do not get the same access to theirs. The CAFTA will change that. It will level the playing field for U.S. producers so they can compete in this growing market.

The CAFTA also sends a strong message to our Latin American neighbors. It shows our strong desire to reach out and form deeper and lasting bonds with the international community, particularly in Latin America. The agreement will help to lock in economic reform and increase transparency in the region. There is no doubt about it. The CAFTA can serve as a cornerstone of economic growth and democracy for the region which will enhance the standard of living for millions of our southern neighbors.

A free trade agreement with these nations represents a unique opportunity not only for U.S. farmers, ranchers, businesses and workers, but also for promoting development, security and prosperity in this region. It is a good agreement for the United States and for Central America. I will work closely with President Bush and my Senate colleagues to do all I can to lay the groundwork for a successful vote on CAFTA later this year.

Mr. DODD. Mr. President, I rise to speak about the United States-Morocco Free-Trade Agreement, which was passed in the Senate yesterday by a vote of 85 to 31. Nearly a year and a half of negotiations were devoted to crafting this agreement by U.S. and Moroccan officials. I voted in support of the implementing legislation to this agreement, and it is my hope that both of our countries will soon move to adopt the agreement.

Every year, the United States exports roughly $475 million worth of goods to Morocco. While this amount is not high when we compare it with U.S. exports to Australia—approximately $13 billion in 2003—it is significant if we view it in the dual contexts of leveling the playing field for American exporters, and, second, development and economic growth. The United States-Morocco FTA will ease the burden on Americans, who, according to the United States Trade Representative, currently face an average tariff of over 20 percent on products they export to Morocco.

Hopefully, this agreement will also spur domestic economic growth in Morocco and encourage that nation to raise its labor and environmental standards. Like all nations, Morocco seeks to develop and modernize its economy. If distributed equitably amongst a nation's citizens, economic modernization and prosperity are important tools in the fight against extremist ideologies that promote terrorism. I hope that will be the case in Morocco.

Indeed, prospects of a United States-Morocco FTA have already in the last year prompted that nation to reform its labor laws. Now it is important that Morocco take all necessary steps to enforce these laws. The U.S. should also encourage Morocco to pursue further labor and environmental reform and strengthen its domestic enforcement of international standards.

That is not to say that this agreement is perfect. No agreement will be perfect—although I still believe that the Jordan FTA, which passed the Senate just a few years ago by a vote of 100 to 0, should serve as a benchmark and guide for the crafting of free trade agreements. Few bills, especially free trade agreements, pass with such overwhelming support. I believe that support was a testament to the inherent quality of that agreement.

Despite my overall support for the pending agreement, I do have a significant concern here. First, as my colleagues are aware, the United States-Morocco FTA, like the United States-Australia FTA, includes language that would allow prescription drug manufacturers to prevent the reimportation of their products.

For a variety of reasons, we are unlikely to import drugs from Morocco in the near future. So as a practical matter, like the United States-Australia FTA, this provision will not affect drug prices in the U.S. And as the United States-Morocco FTA was negotiated around the same time as the United States-Australia FTA, it is not surprising that this provision appears in both agreements. But, in my view, this provision must not be viewed as a precedent by the Bush administration, and I would discourage its inclusion in any future trade agreements entered into by the U.S. Nor do I believe that it prevents us from adopting laws related to drug importation in the future.

JUST SEVEN LEGISLATIVE DAYS LEFT

Mr. LEVIN. Mr. President, this week is the last week that Congress is in session before the August recess and there is only one additional week to act before the Assault Weapons Ban expires on September 13th. This past Monday, one of our former colleagues, Senator Howard Metzenbaum, wrote an op-ed for the Washington Post. In his article, Senator Metzenbaum highlights the broad support this law has among Americans, as well as the inconsistencies between the stated positions and the actions of President Bush on the reauthorization of this critical law.

As my colleagues know, in addition to banning 19 specific weapons, the existing ban makes it illegal to ''manufacture, transfer, or possess a semi-automatic'' firearm that can accept a detachable magazine and has more than one of several specific military features, such as folding/telescoping stocks, protruding pistol grips, bayonet mounts, threaded muzzles or flash suppressors, barrel shrouds or grenade launchers. These weapons are dangerous and they should not be on America's streets.

In April of this year, the Brady Campaign to Prevent Gun Violence joined hundreds of local elected officials and senior law enforcement officials to urge President Bush to push for reauthorization of this critical piece of gun safety legislation. Since then, the support for this important law has grown exponentially. In addition to former Presidents Ford, Carter, and Clinton, nearly every major law enforcement organization in the country, gun safety organizations, a bipartisan majority of the Senate, and countless local leaders have added their names to the list of supporters. I commend them for their efforts in support of this commonsense gun safety legislation.

In 1994, I voted for the assault weapons ban and in March of this year I joined a bipartisan majority of the Senate in voting to extend the assault weapons ban for 10 years. Unfortunately, despite Senate passage of the amendment, it appears that this important gun safety law will be allowed to expire. The House Republican leadership opposes reauthorizing the law and President Bush, though he has said he supports it, has done little to help keep the law alive.

I ask unanimous consent that the oped from Senator Metzenbaum be printed in the RECORD at the end of my statement. I also ask that the list of organizations in support of this critical piece of gun safety legislation be printed in the RECORD following Senator Metzenbaum's op-ed.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMERICA WANTS THE ASSAULT WEAPONS BAN

(By Howard M. Metzenbaum)

A decade ago I was privileged to lead a fight with Senator Dianne Feinstein (D-Calif.) on what for me has become a deeply personal issue: the federal ban on assault weapons. These killing machines had no place on our streets in 1994 and they have no place now. Yet as the days pass, it is becoming clear that many members of Congress are content to skip through the summer months doing nothing while awaiting this fall's

greatest prize—not the elections, but the sunset of the assault weapons ban.

Ten years after that great victory we are facing the extinction of an important public safety law that was an unusual piece of bipartisan lawmaking. In 1994 I had the support of two men whom I would rarely call my allies, Republican icons Ronald Reagan and Rudy Giuliani. As a result, Congress was able to put public safety ahead of special-interest politics.

What's going on these days, by contrast, is typical political doublespeak. The president speaks publicly in support of the assault weapons ban but refuses to lobby actively for it. The House majority leader, Tom DeLay of Texas, says the president never told him personally that he wants the assault weapons ban renewed, so DeLay isn't going to pass it.

There you have it. The president says he supports the assault weapons ban but refuses to lift a finger for it. And the powerful House majority leader—who does not support the ban—is pretending that all it would take to pass it is a word from the president.

This is a tragic development for many reasons, not the least of which is that the public wants this legislation. A new study, ''Unconventional Wisdom,'' by the Consumer Federation of America and the Educational Fund to Stop Gun Violence, found that a substantial majority of likely voters in 10 states support renewing and strengthening the federal assault weapons ban, as do most gun owners and National Rifle Association supporters. The survey found that:

Voters in Midwestern states supported renewing the assault weapons ban slightly more than those in Southwestern states. Midwestern states (Ohio, Wisconsin, Michigan and Missouri) averaged 72 percent support for renewal. Southwestern states (Arizona and New Mexico) averaged 67 percent. In Florida, 81 percent of likely voters support renewing the ban.

Rural states, traditionally seen as very conservative on gun issues, strongly favored renewing the ban. Sixty-eight percent of voters in South Dakota and West Virginia support renewal.

Majorities of gun owners in all but two states favored renewing the ban. Even in those two states, Missouri and Ohio, only slightly less than 50 percent of gun owners and NRA supporters favored renewing the ban.

In nine of 10 states surveyed, union households supported renewing the ban by at least 60 percent. In Pennsylvania, 80 percent of union households supported renewing the ban and 73 percent supported strengthening it.

At least 60 percent of current and former military members and military families supported renewing the ban in all states surveyed. In Wisconsin, more than three-fourths, 77 percent, of current and former military members and military families support renewing the ban.

In March the Senate passed a renewed ban as an amendment to a gun industry immunity bill, which was the NRA's top legislative priority. President Bush issued a statement of administration policy calling the assault weapons ban amendment ''unacceptable.'' The amendment passed on a bipartisan vote, 52 to 47, but the underlying bill was defeated. It was a stunning loss for the gun lobby. The NRA opposes even a straight renewal of the ban. It maintains that most Americans don't want the ban renewed, let alone strengthened, and that Congress should let the ban expire. Not true.

The gun industry is licking its chops waiting for the ban to expire. In an upcoming report from the Consumer Federation of America, ''Back in Business,'' one assault weapon manufacturer's sales and marketing director told us, ''When the AWB sunsets, which I fully expect it to do, we will be manufacturing pre-ban style weapons and shipping them to the general public through distribution systems and dealers the very next day without doubt. . . . We look forward to Sept. 14th with great enthusiasm.''

After 19 years in the Senate, I understand differences of opinions, ideologies and constituencies. What I cannot understand is why congressional leaders and the administration think that the American public won't notice that the ban expired. We'll notice, and they'll be sorry.

Reauthorizing the assault weapons ban is supported by:

Fraternal Order of Police
International Association of Chiefs of Police
Major City Chiefs
National Association of Police Organizations
National Organization of Black Police Officials
International Brotherhood of Police Officers
Hispanic American Police Command Officers Association
American Probation and Parole Association
National League of Cities
US Conference of Mayors
National Association of Counties
US Conference of Catholic Bishops
National Education Association
American Bar Association
NAACP
Americans for Gun Safety
Brady Campaign to Prevent Gun Violence United with the Million Mom March
Church Women United
Episcopal Church, USA
American Academy of Family Physicians
American Public Health Association
Family Violence Prevention Fund
National Coalition Against Domestic Violence
National Network to End Domestic Violence
National Association of Public Hospitals and Health Systems
National Association of Social Workers
Physicians for a Violence Free Society
American Association of Suicidology
Mothers Against Violence in America
Child Welfare League of America
Alliance for Justice

LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Enhancement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

On August 12, 2002, Stephanie (Wilbur) Thomas, age 19, was driving her friend Ukea (Deon) Davis, age 18, home in southeast Washington, DC. The two young transgendered women were members of Transgender Health Empowerment, an African-American transgender support group. A car drove up beside them, and a gunman fired shots from an automatic weapon. The gunfire killed Ukea Davis and critically wounded Stephanie Thomas. The gunman then got out of the car and fired additional shots into Thomas' car. Though police have not determined if they will file this as a hate crime, the additional shots fired at Thomas after the initial shooting seem to indicate an overkill factor common in many murders of transgendered people in the U.S.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

JUDICIAL NOMINATIONS

Mr. LEAHY. Mr. President, I regret that the President and the Republican leadership in the Senate continue to choose division over cooperation and confrontation over consensus on the Presidents' most controversial judicial nominees. Senators can work together, Republicans and Democrats. The conflict we are experiencing on the Senate floor, which has the collateral consequence of disrupting important and unfinished work of the Senate, is by Republican partisan design. It is bad for the Senate and the country.

Earlier this morning I was at the White House for the signing of the Law Enforcement Officers Safety Act. Senator CAMPBELL and I were the lead sponsors in the Senate on this successful effort, which we know as the ''Steve Young Act'' to honor an outstanding law enforcement officer.

Another example of our bipartisan cooperation is the resolution the Senate passed unanimously last night regarding with the consequences of the Supreme Court's decision in the Blakely case and the need to clarify Federal criminal sentencing law, S. Con. Res. 130. The Senate has now said, consistent with the record we developed at our recent Judiciary Committee hearing, that the Supreme Court should expeditiously clarify the status of the Federal Sentencing Guidelines. The Second Circuit Court of Appeals urged expedited consideration. The Department of Justice is bringing cases to the Supreme Court and should seek expedited consideration to afford the opportunity needed to obtain that necessary guidance.

There are scores of other measures on the Senate Calendar of Business on which we should be acting and could have been acting this week. We still need to enact the Satellite Home Viewer Improvement Act, S. 2013; the Ag Workers bill, S. 1645; the Dream Act, S. 1545; the judicial pay raise, S. 1023, the Anti-Atrocity Act, S. 710; the authorization for mental health courts, S. 2107; and other needed legislation on which there is so much bipartisan agreement.

With all this to do, with the 13 appropriations bills as yet unfinished, without a budget, without serious oversight of significant problems, it is incredible

to me that the Republican Senate leadership is devoting this week to divisive cloture votes on controversial nominations. Why they choose to sow division rather than make progress on matters that could improve the lives of so many Americans across the country is for others to explain.

Criticism of this ''do-nothing'' Congress is becoming universal. Conservative writers who are more prone to promote the Republican agenda than criticize its leadership have even joined in the chorus. Maybe that explains this misguided exercise, maybe it is reaction to all the criticism and an effort to shore up the extreme right-wing of Republican support. I do not know.

I fear more and more that some want the Senate to become a wholly-owned subsidiary of this Presidency and the Federal courts to become an arm of the Republican Party. That is wrong, that is unwise, that is unsound. The American people need to say no and preserve this great democracy.

Rather than doing the people's business, the Senate is being forced into contrived stunts for partisan political purposes. I urge the Republican leadership to use the upcoming recess to learn about the Senate and its role in our Federal Government. Maybe read Master of the Senate, the extraordinary and award winning book by Robert Caro, or the Constitution of the United States.

The American people deserve better. The Senate deserves better. Senator BYRD has spoken to this situation. Senator DASCHLE, Senator REID and all Democratic Senators have demonstrated over and over again our good faith and commitment to moving forward. Let us all, Republicans and Democrats, come back from the upcoming hiatus in our Senate proceedings with a commitment to find the common ground that Senator DASCHLE spoke about so well last month in the interests of the American people.

OUR MIDEAST POLICY

Mr. HOLLINGS. Mr. President, I recently wrote a column on Mideast Policy for the Post and Courier in Charleston, SC. I want to share it with my colleagues and ask unanimous consent the July 9 article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NOW WE KNOW: IT'S OUR MIDEAST POLICY THAT'S CREATING ENEMIES

(By Ernest F. Hollings)

Now we know: (A) That there are no weapons of mass destruction in Iraq. (B) There was no al-Qaida in Iraq on 9/11. (C) From 1993 until we attacked in 2003—for 10 years—there was no terrorism by Saddam against the United States. (D) Saddam was not involved in the 9/11 attack on the United States. (E) Mideast people are generally of the Islam religion and tribal in culture. The Islam religion is strong—those who don't adhere are considered infidels. (F) Mideast countries don't yearn for democracy—Kuwait, liberated from Saddam, didn't opt for democracy. (G) In ''A World Transformed,'' President ''Papa'' Bush warned, ''We should not march into Baghdad . . . turning the whole Arab world against us . . . assigning young soldiers . . . to fight in what would be an unwinnable urban guerrilla war.'' (H) We went into Baghdad anyway. (I) As the CIA author of ''Imperial Hubris'' wrote, ''There is nothing that bin Laden could have hoped for more than the invasion and occupation of Iraq.'' (J) Now we are the infidel. Our invasion has turned Iraq into a shooting gallery and a recruitment center for al-Qaida. (K) The majority of the Iraqi people want us gone. (L) Even with Saddam out, many feel it wasn't worth the lives of 900 killed, 5,000 maimed for life and $200 billion. (M) Now most people of the United States think the invasion of Iraq was a mistake.

1. We also know that: (A) Terrorism did not start on 9/11. Terrorism has been going on in Northern Ireland for 35 years. Terrorism now persists between India and Pakistan and between the Kurds and the Turks. (B) Terrorism is not a war but a weapon. We don't call World War II the Blitzkrieg War or the Battle of the Light Brigade the Cavalry War. (C) Terrorism against the United States is based on our policy in the Mideast. Osama bin Laden hit us because of our presence in Saudi Arabia and policy in Israel/Palestine. (D) Everyone knows that Israel is a U.S. commitment. (E) We have maintained this commitment for 37 years with an evenhanded policy between the Israelis and the Palestinians. (F) But President Bush changed the policy of negotiations, confirming Israeli settlements, and invading Iraq to secure Israel by democratizing the Mideast. (G) U.S. News & World Report and others keep parroting that terrorists hit us ''because of our values'' and hate us ''because of who we are.'' Not so! It is our Mideast policy they oppose.

The way to win the ''war on terrorism'' is to (1) Seek out al-Qaida and the Taliban and eliminate them. (2) Secure Iraq so that democracy can work. (3) Publicly renounce preemptive war. (4) Rather than invasion, use capitalism to spread democracy, which is now working in China. (5) Return to the evenhanded policy of negotiations with Israel and Palestine. (6) Start rebuilding both Israel and Palestine.

Everyone laments our predicament after just one year's occupation of Iraq. Imagine 37 years' occupation of Palestine. Anyone with get up and go has gotten up and gone. Palestine is left with the hopeless and embittered. There is no leadership, hardly anything to lead. But embittered refugees from without lead with terrorism. A Palestinian state must first be built in order to be recognized. It can't be built while homes are bulldozed, settlements extended and walls are constructed. Our hypocrisy is obvious. We hail President Reagan for saying, ''Mr. Gorbachev, tear down this wall,'' but now we say, ''Mr. Sharon, put up this wall.'' There are 1 million Arabs in Israel's population of 6 million. For years the people of Israel and Palestine were learning to live together. The Arab soccer team just won the national championship of Israel. But the young of Israel and Palestine are now learning to kill together rather than to live together. This is creating terrorists big time, long term.

People the world around respect America for its stand for freedom and individual rights. It's time to stop this wag of people ''hating us'' and against us ''because of our values.'' It's not our values or people, but our Mideast policy they oppose. We need to return to evenhandedness and active negotiations in the Mideast. Then we can begin to win the ''war on terrorism'' and regain our moral authority in the world.

ATTEMPTS TO OBTAIN ADMINISTRATION MEMORANDUMS

Mr. LEAHY. Mr. President, as we go out of session for the long recess at the end of this week, I am disappointed to report that Congress seems content to let the issue of foreign prisoner abuse linger without effective congressional oversight.

The House Armed Services Committee made it clear weeks ago that it believed the ongoing military investigations into the abuses were sufficient. Until today, the Senate Armed Services Committee had not held a hearing on the prisoner abuse issue in more than a month. Chairman WARNER called a hearing this morning to hear a report on one of the investigations: an assessment of Army detention operation doctrine and training, completed by the Army Inspector General.

Waiting for the administration to investigate itself is not the answer. There are at least four completed and seven ongoing military reviews into the treatment of prisoners held in detention facilities in Iraq, Afghanistan, and Guantanamo Bay. While these reviews are necessary, they fail to address critical issues: What role did White House officials, the Justice Department and other agencies play in developing the policies that allowed these abuses to occur? The military investigations may uncover what went wrong at the bottom of the chain of command, but it will take aggressive congressional oversight to discover what went wrong at the top of the chain.

We need to get to the bottom of this scandal, but we also need to get to the top of it. Only by doing that can we responsibly put it behind us and repair the damage it threatens to our security, to our credibility and to the safety of our troops.

Numerous attempts in Congress to uncover the truth have failed because Republicans have circled the wagons and refused to support oversight efforts. In the past week, Democratic members of the House introduced resolutions requiring the Secretary of State and the Attorney General to turn over all documents related to the treatment of prisoners in Iraq, Afghanistan and Guantanamo Bay. The resolutions failed on straight party-line votes, first on July 15 in the House International Relations Committee, and yesterday in the House Judiciary Committee.

Democratic members of the Senate Judiciary Committee tried to make progress as long ago as June 17, 2004, but the Committee, on a party-line vote, rejected a subpoena resolution for documents relating to the interrogation and treatment of detainees. Since that date, no action has been taken by the Senate Judiciary Committee, despite the clear need to resolve these issues.

In the June 17 Committee meeting, and in subsequent days on the Senate Floor, several Senators said that we

should give the administration more time to respond to inquiries, even though some of us had been asking for information for more than a year. Questions were submitted to the Attorney General on June 15, following his appearance before the Committee a week earlier. In the June 8 hearing, the Attorney General refused to provide information and essentially demanded that the Committee issue a subpoena for the requested materials.

On June 17, Democratic Judiciary Committee members were urged to withhold a subpoena and to give the Attorney General until the end of the month to respond. At that time, Chairman HATCH said he believed the administration should comply; he said that it was ''the right thing to do.'' He said that if the administration did not respond by the end of June, then ''I may very well vote for a subpoena at that time.'' That same day, Senator DEWINE said, ''I think the administration has to [clarify the policy] and has to release the information that will clarify that.'' Senator SPECTER said, ''I believe that this committee ought to know what the interrogation practices are and I am prepared to pursue them.'' But all in all, the Republicans asked us to give the Department more time, to wait for the Attorney General to answer our questions.

And then, the Attorney General—through an aide—on July 1, again thumbed his nose at his obligations to the Committee of jurisdiction over the Department of Justice. He refused to provide a comprehensive set of answers to questions submitted by the nine Democratic members of this Committee, he refused to provide almost all of the documents that were requested, and, again, he refused even to provide an index of the documents being withheld. Because of the continued stonewalling by the administration, Congress and its committees of jurisdiction over the Department of Justice remain largely in the dark about these pertinent matters.

Other Senate committees have faced similar obstacles, even when there have been bipartisan requests for information. The Pentagon played games with the Senate Armed Services Committee for seven weeks before showing members the reports on treatment of prisoners in Iraq produced by the International Committee of the Red Cross, ICRC. While such reports are generally not released, the ICRC agreed early on that members of Congress should have access to them on a confidential basis. Members of the House and Senate Armed Services Committees were first shown ICRC reports on Iraq last Wednesday, July 14, after having requested them in early June.

Access to these reports was extremely limited, causing some Members of the House Armed Services Committee to complain that the information was stale and that Pentagon briefers were unable to shed light on the abuses. It is puzzling that Members of Congress—and specifically Members of the committees of jurisdiction—should be treated so incidentally.

The ICRC reports did make an important contribution, however. They apparently confirm that U.S. officials should have been alerted to the prisoner abuse at Abu Ghraib prison months before the Pentagon announced an investigation on January 16, 2004, and before General Taguba was assigned to lead this inquiry on January 31, 2004. According to House members, the ICRC reports alleged serious abuses at Abu Ghraib last fall, a time period that coincides with the point at which U.S. military intelligence reportedly took control of certain cellblocks of Abu Ghraib. In addition to the ICRC reports, the New York Times has reported that in November 2003, a small group of interrogators at Abu Ghraib began sharing allegations of prisoner abuse with senior officers. It is hard to comprehend the administration's apparent failure to respond to the ICRC and to internal military reports of abuse for weeks or months in late fall and early winter.

Some individuals who committed abusive acts are being punished, as they must be. But this issue runs much deeper. What of those who gave the orders, set the tone, or looked the other way? What of the White House and Pentagon lawyers who tried to justify the use of torture in their legal arguments? The White House has now disavowed the analysis contained in the August 1, 2002, Office of Legal Counsel memorandum. That memo, which was sent to the White House Counsel, argued that for acts to rise to the level of torture, they must go on for months or even years, or be so severe as to generate the type of pain that would result from organ failure or even death. The White House and the Department of Justice now call that memo ''irrelevant'' and ''unnecessary'' and say that DOJ will spend weeks rewriting its analysis.

A troubling editorial in the July 15 Washington Post charges that several detainees in secret CIA custody have probably been tortured, and that the August 1, 2002, memo was written after those acts occurred in order to justify the acts as legal.

Meanwhile, we continue to hear of more documents. The Department of Justice admitted in the July 1 letter to the Judiciary Committee that it had ''given specific advice concerning specific interrogation practices,'' but would not disclose such advice to members of the Committee, who are duly elected representatives of the people of the United States, as well as members of the committee of oversight for the Department of Justice. USA Today reported on June 28 that the Justice Department issued a memo in August 2002 that ''specifically authorized the CIA to use 'waterboarding,' '' an interrogation technique that is designed to make a prisoner believe he is suffocating. This memo is reportedly classified and has not been released. According to USA Today: ''Initially, the Office of Legal Counsel was assigned the task of approving specific interrogation techniques, but high-ranking Justice Department officials intercepted the CIA request, and the matter was handled by top officials in the Deputy Attorney General's office and Justice's Criminal Division.''

While former administration officials grant press interviews and write opinion articles denying wrongdoing, and the White House and Justice Department hold closed briefings for the media to disavow the reasoning of this previously relied upon memoranda and to characterize what happened, Senators of the United States are denied basic information and access to the facts. I would hope that the significance of such unilateralism and arrogance shown to the Congress and to its oversight committees will register with each and every Member of this body.

These memos, which may have governed official action for nearly two years, are of particular concern because so much of what is happening in detention centers remains hidden. In addition to Abu Ghraib in Iraq, Bagram in Afghanistan, and Guantanamo Bay, several shadowy detention centers are operated by the intelligence agencies or possibly the military, some under total secrecy. A report on secret detentions was released on June 17, 2004, by Human Rights First, a non-profit research and advocacy organization formerly called the Lawyers Committee for Human Rights. This report raises many important questions on the issue of foreign prisons. I will ask unanimous consent that the introduction be printed in the RECORD. The report, Ending Secret Detentions, describes a number of officially undisclosed locations that sources—typically unnamed government sources quoted in the press—have described as detention centers for terrorism suspects. These sources have discussed facilities in Iraq, Afghanistan, Pakistan, Jordan, Diego Garcia, and on U.S. war ships. The ICRC has not been allowed to visit these facilities. It issued a public statement in March expressing its growing concern over ''the fate of an unknown number of people captured . . . and held in undisclosed locations.'' To date, its requests for access to the prisons have been denied.

In Iraq, where the Bush administration claims to be following the Geneva Conventions, Human Rights First states that it is unclear if the ICRC has access to all detention facilities in the country. Even if it did, the Secretary of State admitted in June that he had approved requests to hide certain detainees from the International Red Cross.

And what of the secret detention centers? Have these facilities been managed by officials operating under the legal analysis contained in DOJ memos that argue for a very narrow reading of

the prohibition on torture? Have they been managed by officials acting in accordance with the President's determination that al-Qaeda and Taliban suspects are not protected by the Geneva Conventions? What is the legal status of these individuals? Even in Iraq, where, as I just mentioned, the administration claims to be applying the Geneva Conventions, there is a great deal of ambiguity. The Human Rights First report describes new categories of prisoners in Iraq, including ''security detainees,'' ''high value detainees,'' and a group of prisoners whose status the Coalition Provisional Authority declined to discuss. These are not categories of prisoners defined in the Geneva Conventions, and without full access given the ICRC, no one can verify the circumstances under which they are being held and interrogated.

The administration can provide a significant amount of information about its practices in handling foreign detainees without jeopardizing national security and while still protecting sensitive information. This should include relevant facts about detention centers, and an accounting of the number of detainees, their nationality, and the legal authority under which each is held. I also restate my longstanding request for the documents produced by the White House, the Justice Department, the Pentagon and other agencies that form the legal basis for this Administration's treatment and interrogation of foreign prisoners.

With his words, President Bush says he wants the whole truth, but with his actions he and his administration instead have cynically blocked the doors that lead to the answers. The American people and the American troops who are put at risk by these policies and abuses need and deserve to understand how this happened, and they need to know it will not happen again. For the sake of our national security interests and our credibility, we need to show the world the right way that a democratic society corrects its mistakes. Thwarting adequate oversight and avoiding accountability will not make this problem go away, it will compound it.

I ask unanimous consent the report 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:)

[From Human Rights First, June 2004]

ENDING SECRET DETENTIONS

(By Michael Posner and Deborah Pearlstein)

I. INTRODUCTION

More than 3,000 suspected terrorists have been arrested in many countries. Many others have met a different fate. Put it this way, they're no longer a problem to the United States and our friends and allies. (President George W. Bush, State of the Union Address, February 4, 2003)

In April, the U.S. Supreme Court heard oral arguments in the cases of Jose Padilla and Yaser Hamdi—both U.S. citizens who have been held in military detention facilities for more than two years. One justice wondered aloud how the Court could be sure that government interrogators were not abusing these detainees. You just have to ''trust the executive to make the kind of quintessential military judgments that are involved in things like that,'' said Deputy Solicitor General Paul Clement! Later that evening, CBS's 60 Minutes broadcast the first shocking photographs of U.S. troops torturing Iraqi prisoners at the Abu Ghraib detention center in Iraq.

The photos from Abu Ghraib have made a policy of ''trust us'' obsolete. But they are only the most visible symptoms of a much larger and more disturbing systemic illness. Since the attacks of September 11, the United States has established a network of detention facilities around the world used to detain thousands of individuals captured in the ''war on terrorism.'' Information about this system—particularly the location of U.S. detention facilities, how many are held within them, on what legal basis they are held, and who has access to the prisoners—emerges in a piecemeal way, if at all, and then largely as a result of the work of investigative reporters and other non-governmental sources. The official secrecy surrounding U.S. practices has made conditions ripe for illegality and abuse.

Several of these facilities, including the U.S. military bases at Guantanamo Bay, Cuba, and at Bagram Air Force Base in Afghanistan, are well known. The existence of these facilities—and the fact of unlawful conduct within them—have been widely publicized and well documented. Nonetheless, there is still no or only conflicting information about how many individuals are held there, troubling information about inadequate provision of notice to families about the fact of detainees' capture and condition, and unclear or conflicting statements about detainees' legal status and rights. While the International Committee of the Red Cross (ICRC) has visited these facilities, their visits have been undermined in ways contrary to the letter and spirit of binding law.

In addition, there are detention facilities that multiple sources have reported are maintained by the United States in various officially undisclosed locations, including facilities in Iraq, Afghanistan, Pakistan, Jordan, on the British possession of Diego Garcia, and on U.S. war ships at sea. U.S. Government officials have alluded to detention facilities in undisclosed locations, declining to deny their existence or refusing to comment on reports of their existence.[3] A Department of Defense official told Human Rights First in June 2004 that while Abu Ghraib and Guantanamo's Camp Echo were open to discussion, ''as a matter of policy, we don't comment on other facilities.[4] Similarly, Captain Bruce Frame, a U.S. army spokesman from CENTCOM, the unified military command that covers Africa, the Middle East, and Central Asia, told Human Rights First only that there ''may or may not'' be detention centers in countries other than Iraq and Afghanistan in CENTCOM's area of responsibility.[5]

THE KNOWN UNKNOWNS

What is unknown about this detention system still outweighs what is known about it. But facilities within it share in common key features that—while having unclear benefits in the nation's struggle against terrorism—make inappropriate detention and abuse not only likely, but virtually inevitable.

First, each of these facilities is maintained in either partial or total secrecy. For the past half-century, the United States has considered itself bound by international treaties and U.S. military regulations that prohibit such blanket operating secrecy. Yet in this conflict, the ICRC—which the United States has long respected as a positive force in upholding international humanitarian law—has repeatedly sought and been denied access to these facilities.[6] As the ICRC recently noted in a public statement:

Beyond Bagram and Guantanamo Bay, the ICRC is increasingly concerned about the fate of an unknown number of people captured as part of the so-called global war on terror and held in undisclosed locations. For the ICRC, obtaining information on these detainees and access to them is an important humanitarian priority and a logical continuation of its current detention work in Bagram and Guantanamo Bay.[7]

Indeed, Human Rights First has been unable to identify any official list of U.S. detention facilities abroad employed in the course of the ''war on terrorism.'' There is likewise no public accounting of how many are detained or for what reason they are held. And there has been a disturbing absence of serious congressional oversight of both known and undisclosed detention facilities.[8]

Second, these facilities have thrived in an environment in which the highest levels of U.S. civilian leadership have sought legal opinions aimed at circumventing the application of domestic and international rules governing arrest and detention. Where it would have once seemed crystal clear to military commanders and on-the-ground military custodians alike that the Geneva Conventions governed the arrest and detention of individuals caught up in the conflicts in Iraq and Afghanistan, this Administration has challenged the applicability of those rules. In several recently leaked legal opinions from White House Counsel, and the Departments of Defense and Justice, it has become clear that some in the Administration have given a green light to the wholesale violation of these rules.[9]

As a result, it remains unclear what legal status has been assigned to those being detained at these U.S.-controlled facilities. Are they prisoners of war, civilians who took a direct part in hostilities (who the Administration calls ''unlawful combatants''), or are they suspected of criminal violations under civilian law? The Administration has applied no clear system for defining their status. It also is unclear under many circumstances which U.S. agency is ultimately responsible for their arrest or the conditions of their confinement. And it now seems that U.S. military and intelligence agencies are involved in their interrogation, as well as civilian or foreign government contractors to whom aspects of detention and interrogation has been outsourced. It is likewise unclear to whom a family member or legal representative can appeal to challenge the basis for their continued detention.

Finally, the U.S. government has failed to provide prompt notice to families of those captured that their family member is in custody, much less information about their health or whereabouts. In such cases, the families of individuals removed to such unknown locations have had no opportunity to challenge detentions that may continue for extended periods.[10] For example, Saifullah Paracha, according to information his family received from the ICRC, has been detained at Bagram Air Force Base for more than 11 months. His wife and children remain in the dark, not only of the reason for his detention, but also when they can expect Mr. Paracha to be released or tried.[11] Other individuals captured more than a year ago remain in detention at other undisclosed locations.[12] The lack of information to family members about these detainees violates U.S. legal obligations and sets a negative precedent for treatment that may be directed at U.S. soldiers in the future. It also engenders

great anguish and suffering on the part of the families of detainees—no less than did the practice of ''forcible disappearance'' in past decades—while engendering enormous hostility toward the United States.

IN THE INTEREST OF NATIONAL SECURITY

The Administration has argued that, faced with the unprecedented security threat posed by terrorist groups ''of global reach,'' [13] it has had to resort to preventive detention and interrogation of those suspected to have information about possible terrorist attacks. According to the Defense and Justice Departments, a key purpose of these indefinite detentions is to promote national security by developing detainees as sources of intelligence. And while much of what goes on at these detention facilities is steeped in secrecy, intelligence agents insist that ''[w]e're getting great info almost every day.'' [14]

Whatever the value of intelligence information obtained in these facilities—and there is reason to doubt the reliability of intelligence information gained only in the course of prolonged incommunicado detention[15]—there is no legal or practical justification for refusing to report comprehensively on the number and location of these detainees—or to fail to provide the identities of detainees to the ICRC, detainees' families, their counsel, or to others having a legitimate interest in the information (unless a wish to the contrary has been manifested by the persons concerned).

The United States is of course within its power to ask questions and to cultivate local sources of information. And the United States certainly has the power to detain—in keeping with its authority under the Constitution and applicable international law—those who are actively engaged in hostilities against the United States, or those suspected of committing or conspiring to commit acts against the law. But it does not have the power to establish a secret system of offshore prisons beyond the reach of supervision, accountability, or law.

Finally, even if some valuable information is being obtained, there are standards on the treatment of prisoners that cannot be set aside. The United States was founded on a core set of beliefs that have served the nation very well over two centuries. Among the most basic of these beliefs is that torture and other cruel, inhuman or degrading treatment is wrong; arbitrary detention is an instrument of tyranny; and no use of government power should go unchecked. The refusal to disclose the identity of detainees, prolonged incommunicado detention, the use of secret detention centers, and the exclusion of judicial or ICRC oversight combine to remove fundamental safeguards against torture and ill-treatment and arbitrary detention. Current practices which violate these principles must be stopped immediately.

The abuses at Abu Ghraib underscore the reason why, since the United States' founding, Americans have rejected the idea of a government left to its own devices and acting on good faith in favor of a government based on checks and balances and anchored to the rule of law. As James Madison noted, ''[a] popular Government without popular information, or the means of acquiring it, is but a Prologue to a Farce or Tragedy.'' [16] This nation's history has repeatedly taught the value of public debate and discourse. To cite one example, the United States learned this 30 years ago when a series of congressional investigations uncovered widespread, secret domestic spying by the CIA, NSA, FBI, and the Army—revelations whose impact on the intelligence agencies was, in former CIA Director Stansfield Turner's words, ''devastating.'' [17]

We should be clear—the United States has important and legitimate interests in gathering intelligence information and in keeping some of this information secret. But we are not demanding the public release of any information that would compromise these interests. What we are calling for is an official accounting—to Congress and to the ICRC—of the number, nationality, legal status, and place of detention of all those the United States currently holds. We ask that all of these places of detention be acknowledged and open to inspection by the ICRC, and that the names of all detainees be made available promptly to the ICRC and to others with a legitimate interest in this information. Neither logic nor law supports the continued withholding of the most basic information about the United States' global system of secret detention. Trust is plainly no longer enough.

RETIREMENT OF VICE ADMIRAL GORDON S. HOLDER, UNITED STATES NAVY

Mr. NELSON of Florida. Mr. President, I rise today to recognize a great patriot, sailor and fellow Floridian, VADM Gordon S. Holder. Vice Admiral Holder is retiring after a distinguished 36-year career in the United States Navy.

Gordon Holder entered naval service in 1968 after graduating from Florida State, University in Tallahassee and completion of the Officer Candidate School in Newport RI. Since then he as served with distinction in peace and war in a variety of command and staff positions on shore and at sea.

Vice Admiral Holder's illustrious career includes sea duty on the USS *William C. Lawe* (DD 763) as First Lieutenant and Combat Information Center Officer, USS *Brumby* (DE 1044) as Operations Officer, USS *Boulder* (LST 1190) as Chief Engineer, and USS *Hermitage* (LSD 34) as Executive Officer. His first command at sea was USS *Inflict* (MSO 456), with subsequent commanding officer afloat tours in USS *Whidbey Island* (LSD 41) and USS *Austin* (LPD 4). He has also served staff tours with Commander Seventh Fleet and Commander Naval Forces, U.S. Central Command as Fleet Exercises and Amphibious Warfare Officer, and with Amphibious Group Two as Assistant Chief of Staff for Operations and Plans.

Shore tours include Aide to the Commandant Sixth Naval District and Commander Naval Base Charleston, Company Officer and Special Assistant to the Commandant, U.S. Naval Academy, and Assistant Surface Commander Assignments Officer, Naval Military Personnel Command. In 1980, Vice Admiral Holder graduated with distinction from the Air Command and Staff College at Air University, Montgomery, AL.

Vice Admiral Holder was selected for promotion to flag rank in December 1993 and has served as Commander Naval Surface Group Middle Pacific and Commander Naval Base Pearl Harbor, Commander Naval Doctrine Command, Commander Amphibious Group Two, and Commander, Military Sealift Command.

Vice Admiral Holder assumed his current duties as Director for Logistics on the Joint Staff on September 4, 2001 just one week prior to the fateful attacks on U.S. soil. In this capacity he has worked tirelessly and with great success to plan, organize and direct the massive logistics effort of the nation in support of our Armed Forces in the global war on terrorism, including successful combat operations in Afghanistan and Iraq. At the same time, he has been instrumental in guiding the transformation of military logistics to a true 21st century structure that links industry, supply, transportation, maintenance and management systems capable of supporting our forces around the globe. Vice Admiral Holder has had direct and far-reaching influence on numerous policies, programs and operations that support our soldiers, sailors, airmen and marines, including, most notably the rotation of forces in Operation Iraqi Freedom, the largest movement of American forces since World War II.

I ask my colleagues to join me in thanking Vice Admiral Holder for the leadership he has provided, for the care and concern he has demonstrated for our service members and their families and for his dedicated and honorable service to our Nation and Navy. As he turns to retired life, we wish him, his wife Pat and family Godspeed and all the best in the future.

NATIONAL HEALTH INFORMATION TECHNOLOGY ADOPTION ACT

Mr. BUNNING. Mr. President, I would like to rise today to talk for a few minutes about a bill I am cosponsoring, the National Health Information Technology Adoption Act, S. 2710. This bill, introduced yesterday by Senator GREGG, chairman of the Senate Health, Education, Labor and Pensions Committee, takes an important step forward in bringing our Nation's medical system into the 21st century.

In today's society, it seems that almost everything is computerized and on-line. You can pay your bills on-line, order your groceries on-line, and even file your taxes on-line. However, for the most part, medical records are still on paper and in files. This means these records are uneasily shared between doctors treating the same patient or are not readily available during an emergency.

Earlier this year, the Bush administration made computerizing the Nation's medical record and building a nationwide health network a priority. Yesterday, Health and Human Services Secretary Tommy Thompson released a 10-year plan for doing just that.

S. 2710 is similar to the administration's plan and takes some immediate steps to start fulfilling this goal, including establishing an official office at the Department of Health and Human Services to coordinate health information technology at the national level. The bill also provides assistance

to local communities linking their health care systems, along with providing grants for purchasing health information technology.

Creating a safe, secure and reliable system for medical records won't be easy, but if done properly, it could help health care providers reduce medical errors and provide better care to their patients. We could also see a substantial savings in administrative costs which will help lower health care costs for everyone.

S. 2710 is a good first step, and I am proud to be a co-sponsor. I am hopeful that the members of the Senate Committee on Health, Education, Labor and Pensions can work together to pass this bill soon, and that we can get it to the President's desk by the end of the year.

LABOR-HHS APPROPRIATIONS

Mr. GREGG. Mr. President, the Senate will soon have the opportunity to consider the 2005 Labor-Health and Human Services Appropriations bill recently passed the House. Included in that bill is a provision that would divert $500,000 in funding from the Office of the General Counsel at the Food and Drug Administration—FDA. As chairman of the committee with oversight over the FDA, I believe that such a provision is not only misguided, but based upon a flawed understanding of both the Agency and the facts.

According to the sponsors of this provision, such a punitive measure is warranted because the current Chief Counsel, Dan Troy, is taking the Agency ''in a radical new direction'' by filing amicus curiae briefs in product liability cases. Sponsors of this provision also claim that Mr. Troy's involvement in one such case is suspect because it involved Pfizer, a client of Mr. Troy's when he was with the law firm of Wiley, Rein & Fielding. Such charges are patently without merit, and I would like to take this opportunity to set the record straight.

First, Mr. Troy has not broken any new ground by having the FDA interject in product liability cases on the side of a defendants without the court requesting the Agency's position. I have here a letter addressed to me from five former FDA chief counsels—two of which are Democrats—affirming that Mr. Troy's actions are neither ''radical'' nor ''novel.'' I ask unanimous consent that a copy of that letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JULY 21, 2004.

Re Hinchey Amendment to cut $500,000 from the appropriations for the FDA Office of Chief Counsel

Hon. JUDD GREGG,

Chairman, Health, Education, Labor and Pensions Committee, U.S. Senate, Washington, DC.

DEAR CHAIRMAN GREGG: The undersigned comprise all of the former Chief Counsel to the Food and Drug Administration (in both Republican and Democratic Administrations), except for one who is currently an attorney in the Office of the General Counsel of the Department of Health and Human Services. We are writing to recommend reconsideration of the amendment to the FDA appropriations bill by Representative Hinchey of New York on the floor of the House of Representatives, which would reduce the appropriation for the FDA Office of Chief Counsel by $500,000 and would increase the appropriation for the Division of Drug Marketing, Advertising, and Communications in the FDA Center for Drug Evaluation and Research by a corresponding amount. We support additional funds for the Division of Drug Marketing, but we believe that the reduction of the appropriation for the Office of Chief Counsel and Representative Hinchey's reasons for penalizing that Office cannot be supported.

FDA's Office of Chief Counsel performs critical functions in the administration and enforcement of the Federal Food, Drug, and Cosmetic Act and other laws administered by FDA. The substantial reduction in the funding of that Office, therefore, would materially impair its ability to meet the needs of its client, FDA. Such impairment would be contrary to the public interest.

Representative Hinchey's reasons for penalizing the Office of Chief Counsel and criticizing FDA Chief Counsel Daniel E. Troy are set forth in the House Debate on the FDA appropriations legislation as reported in 150 Cong. Rec. H5598–H5599 (July 13, 2004). Representative Hinchey states that Mr. Troy ''has taken the agency in a radical new direction'' by submitting amicus curiae briefs in cases in which courts have been asked to require labeling for pharmaceutical products that conflicts with FDA decisions about appropriate labeling for those products. Representative Hinchey characterizes this activity as a ''pattern of collusion between the FDA and the drug companies and medical device companies'' in a way that has ''never happened before.''

These characterizations are inaccurate.

In Weinberger v. Bentex Pharmaceuticals, Inc., 412 U.S. 645 (1973), the Supreme Court agreed with the briefs filed by the Department of Justice on behalf of FDA that the agency has primary jurisdiction over new drug issues. In Jones v. Rath Packing Co., 425 U.S. 933 (1977), the FDA took the position in an amicus curiae brief submitted by the Department of Justice that federal food labeling requirements preempt inconsistent state requirements, and the Supreme Court agreed. In subsequent private tort litigation, FDA has taken the position, through amicus curiae briefs filed by the Department of Justice, that FDA decisions regarding drug product labeling and related issues preempt inconsistent state court determinations, and the courts have agreed. E.g., Bernhardt v. Pfizer, Inc., 2000 U.S. Dist. Lexis 16963 (November 16, 2000); Eli Lilly & Co. v. Marshall, 850 S.W. 2d 164 (Texas 1993). All of this was to protect a uniform national system of food and drug law. All of it occurred before Mr. Troy assumed his current position. In none of these cases did any court request FDA's opinion. Thus, there is ample precedent for the actions that Mr. Troy has recently been undertaking. His action is not radical or even novel.

The amicus curiae briefs filed by the Department of Justice at the request of Mr. Troy protect FDA's jurisdiction and the integrity of the federal regulatory process. There is a greater need for FDA intervention today because plaintiffs in courts are intruding more heavily on FDA's primary jurisdiction then ever before. In our judgment, Mr. Troy's actions are in the best interests of the consuming public and FDA. If every state judge and jury could fashion their own labeling requirements for drugs and medical devices, there would be regulatory chaos for these two industries that are so vital to the public health, and FDA's ability to advance the public health by allocating scarce space in product labeling to the most important information would be seriously eroded. By assuring FDA's primary jurisdiction over these matters, Mr. Troy is establishing a sound policy of national decisions that promote the public health and, thus, the public interest.

We therefore recommend that the $500,000 cut from the appropriations for the FDA Office of Chief Counsel be restored.

Sincerely yours,

PETER BARTON HUTT (1972–1975).
RICHARD A. MERRILL (1975–1977).
RICHARD M. COOPER (1977–1979).
NANCY L. BUC (1980–1981).
THOMAS SCARLETT (1981–1989).

Mr. GREGG. Mr. President, second, as stated in the letter from the five former FDA chief counsels, the FDA has been filing amicus briefs for such purposes since long before Mr. Troy's tenure. Mr. Troy is responsible for safeguarding the FDA's ability to carry out the responsibilities Congress has given the Agency, and his interest in those cases has been to preserve the FDA's authority and to safeguard the Agency's primary jurisdiction.

Finally, if Mr. Troy's previous work for a client—in this case Pfizer—automatically precluded him from representing a federal agency in any matter affecting that client, such a policy would not only discourage, but make it extremely difficult for any private sector attorney from taking a job in government. Additionally, I know from personal experience that Mr. Troy has the character and the integrity to recuse himself from a matter when appropriate. On at least one occasion in which my office was required to interact with the FDA, Mr. Troy recused himself from involvement in the matter, citing his interest in complying strictly with FDA rules.

Mr. Troy's actions are neither inappropriate nor unprecedented. Rather, these are examples of Mr. Troy doing his job and enforcing the law. I urge my colleagues to carefully consider these facts before supporting any provision, such as this one, that would undermine the FDA's ability to protect the public health and patient access to safe and effective life-saving therapies.

AVIATION SECURITY

Mr. HOLLINGS. Mr. President, the 9/11 Commission released its report today on the events leading up to 9/11, and the security failures that precipitated this tragedy. The Senate Commerce Committee has spent a great deal of its time and attention on aviation security over the years. I have served in the U.S. Senate for more than 38 years. This institution can be slow to make decisions, but when needed, this body can move quickly and effectively. After 9/11, we acted immediately

to create the Transportation Security Administration in an effort to force real change in our aviation security regime. Fast action to bolster our Nation's aviation security was critical to restore the trust of travelers in an air transportation system that was on the verge of collapse.

Congress has often acted decisively during the deliberation of aviation security issues. For example, following the work of a prior presidential commission, a bipartisan group, led on the Senate side by Senator LAUTENBERG and former Senator D'Amato, investigated the 1998 destruction of Pan Am Flight 103 over Lockerbie, Scotland, and made numerous recommendations. We took up and passed many of them as part of the Aviation Security and Improvement Act, P.L. 101–604. I also was in the Senate as a wave of hijacking to Cuba in the late 1960s and early 1970s led to the wide use of metal detectors at commercial airports.

Unfortunatley, the current threat to security is a more sophisticated one, and one that has forced our government to change the way we deal with security in general. Prior to 9/11, we had a poorly paid screener workforce, with a high turnover rate. Post 9/11, we have a better trained, better paid workforce with a relatively low turnover rate. Some, however, want to turn back the clock. We cannot let that happen.

Even prior to 9/11, there are indicators that FAA was concerned with a number of events around the world regarding hijackings. Following Pan Am 103, we pushed to put bomb detection equipment in airports, but until TWA 800 blew up over Long Island in July of 1996, there was no real effort to fund aviation security.

Today TSA is spending $5.3 billion annually on all transportation security, and it is not enough. We have underfunded capital construction at airports, causing a delay in the installation of Explosive Detection Systems. We have a cap on the number of security screeners that can be hired, causing huge lines at many of our airports because we will not provide the money needed to do the job right. But aviation, comparatively, is in far better shape than maritime and rail—areas that are woefully underfunded. I have made this point to the new head of TSA, Admiral Stone, but it is OMB and the administration that are stonewalling the security funding. Simple as that.

With all we know about the threats, one would think that we would be able to fully fund our security needs, but OMB continues to play the types of games it plays with all agencies. Look at our Homeland Security Appropriations bill—no direction on how funds need to be allocated or which areas need greater attention. We have given the administration a blank check to spend the money on programs it believes will protect us, but it is not enough. If we keep refusing to take the proper actions to improve our transportation security, I am afraid that we will find ourselves once again responding to a national tragedy that could have been stopped with the proper actions and preparation.

I ask unanimous consent to print a New York Times editorial on aviation security in the RECORD, as well as a memorandum detailing hijackings from 1983 to 1991.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, July 11, 2004]

A DANGEROUS RETREAT ON SECURITY

Bashing federal bureaucracies is a favorite sport among Republicans on Capitol Hill, but their fun should not come at the expense of national security. That is what is likely to happen if airport security checkpoints are once again turned over to profit-driven private contractors. Under a little noticed provision of the post-9/11 aviation security law that would undoubtedly shock most travelers, airports may soon have that option.

Air travelers find it reassuring that federal employees now guard the front lines in the war on terror, which makes it all the more surreal that a Sept. 10 mind-set could still persist on Capitol Hill. The Bush administration and House Republican leaders initially opposed the creation of the federal Transportation Security Administration after the 2001 terrorist attacks, arguing that private contractors should continue screening passengers. They gave in to the public demand for a federal takeover, but they made sure to plant the seeds of the effort's rollback. They set an arbitrary cap on the number of federal screeners and set up a pilot program of five airports that would continue being served by private companies, though their screeners have to meet the agency's standards and are paid the same.

Republican leaders are loath to see the federal government grow on their watch, and security industry lobbyists are eager to get a larger slice of the billions being spent to protect air travelers. So both want to see the pilot program expanded. Under the 2001 law, individual airports will be able to apply to opt out of the federal system later this year, and rely on private contractors overseen by the T.S.A.

None of this makes any sense. It has taken a herculean effort to deploy the agency's tens of thousands of officers at more than 400 airports in two years. The agency has vastly improved airport security, without perfecting it, and is still making progress.

It's true that the security provided by private firms at San Francisco and four lesser airports is a far cry from the lax pre–9/11 standard. Studies claim it is no better or worse than the security provided by the T.S.A. But that has been in a period when the federal agency was just getting up to speed, and when companies knew they were essentially on probation.

To privatize security at a time of growing complacency would be a dangerous step back. Air travelers do not want to see airports compromise security for the sake of convenience, or federal standards for the sake of profit margins.

SPECIAL ANALYSIS—CIVIL AVIATION INCIDENTS IN THE UNITED STATES, 1983–1992

This report is an ACI–200 analysis of 36 incidents involving the hijacking or commandeering of aircraft, which occurred in the United States and Puerto Rico between January 1, 1983 and October 1, 1992. The most recent of these incidents took place in February 1991. Twenty-nine of the incidents were hijackings, six were commandeerings, and one was a potential hijacking that was prevented at a security checkpoint. The purpose of this review is to determine what elements, if any, were common to these events. Incidents involving general aviation aircraft are not included in this report.

HIJACKER WEAPONS AND EXPLOSIVES

Persons who hijacked aircraft used a variety of methods, including the use and/or claim of real or fake weapons, explosive devices, or incendiary devices. In some instances, more that one method was used in a single incident.

Real weapons were used during five hijackings. Small knives (blade length of four inches or less), the most frequently employed weapon to hijack aircraft, were used in three incidents. One of these involved three persons using two knives. A handgun, a small pistol of unknown caliber, was used in only one hijacking. This incident involved an escorted prisoner who disarmed his three guards after he obtained a weapon apparently cached in the aircraft's lavatory by persons and means unknown. A plastic flare gun was used in another hijacking.

Flammable liquids (or liquids claimed to be flammable) were used in seven hijacking incidents. Hijackers threatened to ignite liquids in bottles or aerosol hair spray-type cans with cigarette lighters, candles, or matches. Fake explosive devices were displayed in ten incidents and explosive devices were claimed in eight others. Fake weapons, including a starter pistol and a realistic looking toy pistol, were used in three hijackings and weapons were claimed in two others. One hijacker neither used nor claimed a weapon or explosive device. None of the hijacking incidents involved the use of an actual explosive device.

Except for the escorted prisoner who had been searched, all of the individuals who used real weapons to effect a hijacking went through preboard screening procedures at airport security checkpoints. Weapons were usually hidden in carry-on luggage or on the hijacker. The hijacker who used a starter pistol to effect his act passed it through screening in carryon luggage. He also had a pair of scissors and two knives in his carry-on, but these were well within acceptable standards of the time and were not used in the hijacking. Although it does not appear that there were any especially intricate attempts at concealment, a cassette radio was reportedly used to hide a knife in one incident.

A potential hijacking was prevented when two individuals were arrested before the aircraft became airborne. Three individuals who had aroused suspicion prior to boarding their flight were searched at the security checkpoint. One person passed through the checkpoint and went on into the aircraft; however, one of his accomplices was found to have a plastic flask of gasoline strapped to his leg. The first individual was again searched and was found to have a toy pistol as well as a flask of gasoline. Their accomplice was not caught.

COMMANDEERINGS

Real weapons—two knives, two handguns, and a fire ax—were used in five commandeering incidents, and a fake explosive device was used in a sixth. Although access was gained to aircraft in five incidents, a ticketed passenger was involved in only one. None of the aircraft that were commandeered became airborne, and the situations were resolved through negotiations and/or arrests.

Two commandeering incidents involved persons who went through preboard screening. In one incident, an individual had a fishing knife in his carry-on luggage. Although

he had no ticket, he realized from observing the screening procedure that he did not need one co enter the sterile area. Once through the security checkpoint, he ran past a gate attendant during boarding and on to a jetway where he used his knife to force his way into the aircraft. The second incident involved a ticketed passenger who, upon boarding his flight, displayed a device consisting of wires and an electrical switch.

Persons who circumvented security checkpoints were involved in three commandeering incidents. Security procedures were observed by the suspects in two of these. One individual, who after watching screening procedures realized she would not be able to pass her handgun through the checkpoint, determined that she could walk quickly past security personnel via the passenger exit ramp; the other individual waited until deplaning passengers caused an automatic door to open. Both of these persons brandished handguns (.22 and .25 caliber) when challenged, and each was able to access an aircraft. In a third incident, an individual grabbed a knife at a food concession area. He ran past a security checkpoint to the door of the aircraft, which was closed, and was thus prevented from gaining access to the plane.

One commandeering incident also involved a passenger who had been deplaned and was already in the sterile area. He broke through an alarmed door and gained access to the Air Operations Area. He then entered an aircraft being serviced and held several crew members hostage with a fire ax he found on board.

MENTAL DISORDERS

Nine of the 36 incidents (25%) were committed by persons who were diagnosed as either being mentally incompetent to stand trial or suffering from various mental disorders. For example, charges were dismissed against the ticketed passenger who displayed a fake explosive device upon boarding the aircraft because he was determined to be suffering from a mental disorder. In another situation, the individual who held hostages aboard an aircraft with a fire ax was suffering from a mental disorder; he committed his act because he believed ''Mafia hit men'' were about to kill him.

Real weapons were used in three incidents by persons suffering a mental disorder; two had handguns, and one person obtained a fire ax on board in aircraft. Security measures were circumvented on two occasions. One hijacker suffering a mental disorder used a fake weapon, a starter pistol, but also bad a pair of scissors and two knives in his carry-on luggage.

Five of the nine incidents that involved persons suffering mental disorders were hijackings, and four were commandeerings. Claims of explosives or weapons occurred in three incidents. Fake explosive devices were displayed in two incidents; in one of these, the hijacker displayed a fake device but had a two liter soda bottle filled with gasoline, which he apparently had intended to use, in baggage he was made to check.

Specific destinations were given in five of the situations involving persons with mental disorders. In one commandeering incident, the individual wanted to take control of the aircraft and immediately crash it in order to commit suicide.

HIJACKINGS TO CUBA

Cuba was the destination of choice in 22 of the 29 hijackings since January 1983. Fourteen of the first 16 flights hijacked to Cuba, between May 1, 1983, and December 31, 1984, actually landed in Havana. No flights have successfully been hijacked to Cuba since.

Of the 14 hijackings that ended in Cuba, real weapons were used in three. A flare gun was used in one incident, a handgun was used by the escorted prisoner in another, and a knife and aerosol spray can was used in the third incident. Fake explosive devices were displayed in six incidents; two of these were used in combination with a claim of a flammable liquid and/or a fake weapon. Two hijackers also claimed to possess an explosive device. Incendiary devices were claimed in six incidents, sometimes in connection with the use of other devices or claims. In one such incident, the hijacker poured a liquid that smelled like gasoline or kerosene on himself and his seat and then sat holding a lit candle.

Eight of the hijacked flights did not divert to Cuba. A real weapon, a knife, were used in just one of these incidents. Another incident involved the use of a fake weapon (starter pistol) and a claim of explosives. Fake explosive devices were exclusively claimed in one incident and used in three others, once with a claim of a flammable liquid. A weapon was alleged in one incident, and one incident occurred in which neither a device nor a weapon was used or claimed.

Many of the hijackers who sought to go to Cuba had arrived in the United States during the Mariel Boatlift in the early 1980s and wanted to return. Their motivations included homesickness, financial problems, discouragement, and a desire to see family or sick relatives. These individuals usually spoke and understood only Spanish. Several hijackers, however, were non-Cubans who committed their acts for political reasons, that is, to escape the United States and/or find support for the ''revolution.'' Some of the hijackers who wanted to go to Cuba, furthermore, suffered from mental disorders.

Most, if not all, of the hijackers who landed in Cuba were arrested and subsequently tried, convicted, and sentenced to prison. This fact was widely publicized in the United States and may have been a factor in a sharp drop in the number of subsequent hijackings to Cuba (17 between May 1983 and January 1985, and one each year from 1987 through 1991).

OTHER HIJACKINGS

Of the seven hijackings in which Cuba was not given as a destination, two aircraft landed where the hijacker demanded and the others continued on course. The hijackers used fake explosive devices in two incidents, claimed explosives in three, and claimed weapons in two. Real weapons were not used in these incidents.

MULTIPLE HIJACKERS

Only three of the 36 incidents involved more than one person. Two of these were hijackings, neither of which was especially sophisticated, and the third was a potential hijacking that was prevented at the security checkpoint. None of the commandeering incidents involved more than one person.

In one incident, a hijacker produced a bottle of liquid that smelled like gasoline and locked himself in the rear lavatory, while an accomplice went to the forward galley holding a device that was later determined to be fake. The two hijackers were seated one row apart. The second incident occurred when a passenger in the aft galley grabbed a flight attendant and held a knife to her throat. At the same time, two accomplices arose from their seats; one held a knife and the other a can of aerosol spray and a cigarette lighter. The potential hijacking involved the two individuals detected with flasks of gasoline tied to their legs. One person had passed through the security checkpoint and was on board the aircraft when his accomplice was stopped at the checkpoint. The first individual was again searched and was found to have a toy pistol in addition to the flask of gasoline. Both individuals stated that a third person who was with them, and who was not caught, paid them to transport the devices.

One other incident occurred in which a hijacker was supposed to have accomplices. He and three others had planned to commit the hijacking, but, unknown to him, the others did not board the flight after one had been detected with a knife at the security checkpoint. It was only after the hijacker rose from his seat and announced his demand to go to Cuba that he realized he was alone.

OTHER FACTS

Only two of the individuals involved in the 36 incidents were females. One woman successfully hijacked a flight to Cuba using a plastic flare gun, and the other ran past a security checkpoint with a handgun, gained access to an aircraft, and held several hostages before being arrested. This second individual was determined to be suffering from a mental disorder.

Many of the individuals involved in the hijackings had purchased flight tickets paid for in cash. More often than not, these were same-day purchases of one-way, economy class tickets. A few of the hijackers remained in their assigned seats throughout the incident. More than half of the hijackings were initiated by the hijacker either notifying a flight attendant orally or in writing, or by physically accosting a crew member. Several hijackers simply stood up and announced their act, and a few locked themselves in a lavatory. A few also created disturbances, such as pouring liquid on themselves or their surroundings and threatening to ignite it. There is evidence of preplanning in all but one of the incidents. Finally, there are no indications that any hijackers were familiar with the operation of an aircraft.

ANALYSIS

During the past nine years, several elements common, to the 36 hijackings and commandeering incidents in the U.S. are evident: Generally only one person was involved in each incident; one-fourth of all suspects were suffering from some form of mental disorder; international terrorists were not involved in any of the incidents; most incidents were preplanned acts rather than spur of the moment decisions; actual explosive devices were not used; hijackers frequently claimed to possess explosive or incendiary devices; actual weapons were used more frequently during commandeering incidents than in hijacking situations; many of the perpetrators simply wanted to go somewhere for a variety of economic, social, or family reasons, and either could not afford a ticket or had no other means of transport; and there were no deaths to passengers or aircraft crew members.

Many of the incidents occurred either within the sterile area or on board aircraft. Although security procedures at screening checkpoints do not appear to have been at fault in the majority of these cases, some security failures did occur. Actual weapons were taken through screening checkpoints in six incidents. Small knives were used in three hijackings, a plastic flare gun in one incident, and a handgun in another. A small fishing knife was used in a commandeering incident. Fake weapons, a realistic looking toy pistol and a starter pistol, were used in three hijackings.

Several hijackings were committed with common, innocuous-looking items. More than one-third of these incidents were committed by persons carrying hoax explosive devices, for example, a pump toothpaste container attached to a flashlight, a large chalice-like cup, and a cellular telephone. Threats were also made to ignite gasses in aerosol cans or flammable liquids (as claimed) in bottles and flasks in some incidents.

There were, however, some security successes. One hijacking was prevented at a security checkpoint and another did not take

place as planned. The first incident involved the two individuals each of whom had a flask of flammable liquid tied to his leg. In the second incident, the discovery of a knife at a checkpoint resulted in the boarding of only one of four persons who planned to hijack the aircraft to Cuba.

At the same time that these types of incidents were taking place in the United States, a different kind of aircraft hijacking was occurring in other parts of the world. These incidents, some of which involved U.S. registered carriers, were noteworthy because of their complexity, duration, and deadliness. They include the hijackings of Trans World Airways Flight 847 and Kuwaiti Air Flight 422, which involved multiple and often zealous, well-armed, well-trained, and disciplined hijackers. Unlike their contemporary U.S. counterparts, these individuals often demonstrated a willingness to die rather than fail and to kill others if their demands, which were frequently politically-motivated, were not met. In many instances, passengers were killed as a result of the actions of such hijackers.

Why such incidents did not occur in the United States during the past nine years is a matter of conjecture. Many theories have been advanced, including logistical and operational problems for international terrorists, non-interest by U.S. domestic terrorist groups, and difficulties (or perceived difficulties) in accessing targets. It should not be presupposed from this, however, that such hijackings will never occur in the U.S. Politically motivated hijackings by multiple hijackers have, in fact, taken place in the U.S., but not within the past 9 years.

During the past nine years, hijackers in the United States have acted in striking contrast to some of their more noteworthy international counterparts. They usually have not been motivated by the same political forces, such as the freeing of political prisoners or providing publicity for a cause, and they have not exhibited the lame propensity to die and kill others rather than fail.

The fact that handguns were seldom used and actual explosive devices never used in domestic hijackings during the past nine years is interesting, but it should not be assumed that future hijackers will act similarly. It is not known why this occurred; it may be a reflection of either better screening procedures or a perception that it is too difficult to pass a gun on board an aircraft. Since several small knives and other items, such as a pair of scissors and a starter pistol, were successfully passed through screening checkpoints in a carry-on bag, however, the system is not infallible.

Although most U.S. hijackings during the past nine years were committed by persons acting alone, it should not be assumed that future incidents will follow this format. If there are accomplices, however, they will likely identify themselves in the beginning of the incident rather than remain hidden. Based on past experiences, the hijacker(s) may possess ore or more weapons or a flammable liquid, a fact which they likely will make known, or they may claim to possess an explosive device.

Hijackings should be taken seriously unless it is obvious that there is no threat or danger. It is often difficult to determine if a claimed weapon, explosive device, or incendiary device is real. The hijacker(s) should be given the benefit of the doubt until circumstances prove otherwise.

NATIONAL PURPLE HEART RECOGNITION DAY

Mr. DURBIN. Mr. President, I am in support of S. Con. Res. 112 which supports the goals and ideals of National Purple Heart Recognition Day. This award was created by General George Washington, who established the Honorary Badge of Distinction in the figure of a heart in purple cloth or silk on August 7, 1782. Since that time, more than 1,535,000 Americans have received Purple Hearts, and their numbers are growing daily as the war in Iraq continues to take its toll.

Over 5,000 Americans have been wounded in Iraq, many of them suffering horrific injuries. One such American is SP Gabe Garriga, one of my constituents. Specialist Garriga volunteered for the Illinois National Guard right after September 11, when he was just 17 years old, because he felt obligated to go and make a difference.

In the summer of 2003, his unit was deployed to Iraq. On July 14, 2003, Specialist Garriga was rushing to help defend a checkpoint in Baghdad. The checkpoint had been breached by an Iraqi car that sped through without stopping, and U.S. soldiers feared that this was yet another suicide bomber. In the rush to defend the checkpoint, Garriga's Humvee slammed into another Humvee and he was thrown from his gun turret directly into burning fuel canisters.

The wounds this young man suffered were absolutely horrendous. He had second and third degree burns over almost half his body and severe abdominal injuries. Doctors gave him a 1 percent chance for survival, but he beat those daunting odds.

Specialist Garriga deserves everything this Nation can give him in return for his service and sacrifice and that includes a Purple Heart.

This award was reinstated in 1932, a century and a half after General Washington created his Badge of Military Merit. At that time, Army regulations defined the conditions for the award as ''a wound which necessitates treatment by a medical officer and which is received in action with an enemy.''

There is no doubt that Specialist Garriga's wound necessitated medical treatment—27 operations are blunt testimony to that terrible fact. And there is no doubt in my mind that Gabe was involved in action with an enemy when he and his comrades were rushing to defend that breached checkpoint in a time of war. Nonetheless, over a year later, he has still not received a Purple Heart.

Current Army regulations reiterate the conditions spelled out in 1932 and add ''It is not intended that such a strict interpretation of the requirement for the wound or injury to be caused by direct result of hostile action be taken that it would preclude the award being made to deserving personnel.''

Seeking to prevent a suicide bombing against U.S. troops or officials or against innocent Iraqi civilians is the act of a soldier engaged in the fight against terrorism. President Reagan, in fact, explicitly expanded the terms of the award to include those wounded or killed as the result ''of an international terrorist attack.''

So, this year, as the anniversary of the creation of this commendation approaches and as we vote to recognize this day, I also urge the Army to award Specialist Garriga the Purple Heart as a symbol of our recognition of his sacrifice in the war in Iraq. He has earned it.

U.S.-CHINA ECONOMIC AND SECURITY REVIEW COMMISSION REPORT

Mr. SARBANES. Mr. President, I rise to call to the attention of my colleagues the release on June 15 of the 2004 Report to Congress of the United States-China Economic and Security Review Commission.

The Commission was created by Congress on October 30, 2000, as part of the National Defense Authorization Act for 2001. Its principal sponsor in the Senate was Senator BYRD. The charter of the Commission provides that it be composed of 12 Commissioners, 3 of whom are appointed by each of the Congressional leaders in both the House and Senate. The Commission is thus bipartisan, and reflective of the leadership of both the House and the Senate.

The purpose of the Commission, according to its charter, is to ''monitor, investigate and report to Congress on the national security implications of the bilateral trade and economic relationship between the United States and the People's Republic of China.'' The Commission is required by its charter to submit an annual report to Congress, which must include a full analysis, along with conclusions and recommendations for legislative actions, if any, of the national security implications for the United States of trade and current account balances, financial transactions, and technology transfers with the People's Republic of China.

In preparation for its 2004 annual report, the Commission held 11 public hearings, including field hearings in Columbia, SC, and San Diego, CA. Through these hearings the Commission heard the perspectives of members of Congress, current and former senior government officials, representatives of industry, labor and finance, academics, journalists, and citizens. The Commission took testimony from more than 130 witnesses.

The Commission's fact-finding and examination process also included funding statistical analyses of China's role in world trade and investment, and its compliance record with its WTO commitments. Moreover the Commission contracted for the translation of articles from influential publications within China discussing Beijing's economic and security strategies and its perceptions of the United States.

During the course of its deliberations, the Commission developed a broad bipartisan agreement on the issues it was charged by Congress to

examine, and adopted its 2004 report by a unanimous vote.

Among the key findings of the report are that in 2003 the United States ran a global goods trade deficit of $545.5 billion, of which $124 billion was attributable to U.S. trade with China. The U.S. trade deficit with China constituted over 23 percent of the total U.S. goods deficit. Further, with U.S. exports to China of $28 million and imports from China of $152 billion, U.S. trade with China constitutes our most lopsided trading relationship. The report notes that over the past 10 years, the U.S. trade deficit with China has grown at an average rate of 18.5 percent, and if it continues growing at this rate, it will double to $248 billion within 5 years. The report further notes that since 1998, the United States has moved from a global trade surplus in advanced technology products, ATP, of $29.9 billion to a deficit of $27 billion in 2003, of which $21 billion is attributed to our trade with China.

The Commission report unanimously finds that, ''The magnitude of the goods trade deficit threatens the nation's manufacturing sector, a sector that is vital for our national and economic security.'' It further notes that China has a ''coordinated sustainable vision for science and technology development'' and urges our country to develop a ''comprehensive national policy to meet China's challenge to our scientific and technological leadership.''

The report finds that China is systematically intervening in the foreign exchange market to keep its currency undervalued, and that this has contributed to the size of the U.S. trade deficit with China and has hurt U.S. manufacturers. The report further notes that China has policies in place to attract foreign direct investment ($57 billion in 2003) and to develop its national productive capacity in ''pillar industries''. These policies include tariffs, limitations on access to domestic marketing channels, requirements for technology transfer, government selection of partners for joint ventures, preferential loans from state banks, privileged access to land, and direct support for research and development.

In order to begin to help correct our trading relationship with China, the Commission urges that the U.S. immediately seek to have the yuan revalued substantially upward against the dollar and then to be pegged against a trade weighted basket of currencies. After such an immediate revaluation, the Commission recommends that China, as it addresses problems in its banking system, move to a market-based currency. It further recommends that Congress should charge USTR and the Commerce Department to undertake a comprehensive examination of China's industrial policies, described in the report, to determine which may be illegal under provisions of the WTO, and to lay out specific steps the U.S. can take to address these practices through the WTO or other means. It urges the U.S. to make more active use of WTO dispute settlement if we cannot persuade China by negotiation to carry out its WTO commitments.

The report discusses a number of other aspects of United States-China trade and political relations. It makes a number of recommendations to help manage the relationship to minimize security risks and to enhance prospects of moving China toward a more open, democratic and law-based society to the benefit of both countries.

In my view, this 2004 report of the Commission makes a very valuable contribution to our policy deliberations on China. I salute Senator BYRD for his wisdom in calling for the creation of the Commission, and thank all the Commissioners for their contribution to our knowledge of the United States-China economic and political relationship. The Baltimore Sun ran an editorial which strongly praised the report and found that ''the case for 'urgent attention and course corrections' to U.S. policies on China is well made.'' I ask that the Baltimore Sun editorial be inserted in the RECORD after my statement.

I strongly commend the 2004 report of the United States-China Economic and Security Review Commission to my colleagues.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Baltimore Sun, June 17, 2004]

THE CHINA TRADE-OFF

In the past year, some large foreign investors were for the first time allowed to enter China's domestic stock market to buy shares of Chinese firms. This includes shares of part of Norinco, China North Industries Group—a transnational conglomerate that was founded by the People's Liberation Army, that retains strong military ties, that makes everything from baby shoes to missiles, and that has drawn U.S. sanctions for arming Iran.

Given the lack of disclosure in China, foreign investors and technology traders with Norinco and other Chinese firms cannot know if their resources will end up serving China's long-term, well-coordinated strategic plan to compete with American economic, military and political power. That potential danger is the basis for the very strong alarms sounded this week by the U.S-China Economic and Security Review Commission, a bipartisan congressional group monitoring U.S.-China relations.

In its wide-ranging annual report, the commission warns that rapidly increasing trade, investment and technology flows between the two nations are far too lopsided in China's favor—eroding U.S. economic strength, abetting China's military build-up and its development as a high-tech manufacturing platform, and potentially threatening U.S. security interests. Worse, the commission found that the U.S. government often is far too blind to these hazards in arguably its most important long-term relationship.

The report will be criticized by some for demonizing Beijing just as the West is penetrating Chinese markets and succeeding in dramatically drawing China into the community of nations. But in general, the case for ''urgent attention and course corrections'' to U.S. policies on China is well made.

For starters, the commission is urging the United States to use the World Trade Organization to more aggressively press China on its undervalued currency and on state subsidies for export manufacturers, both underlying factors in America's $124 billion trade deficit with China last year. It also recommends comprehensive monitoring of: advanced technology transfers to China via U.S. investments, joint ventures and research and development projects; China's U.S. investments; and bilateral exchange and education programs.

The lengthy commission report paints a picture of China leveraging the short-term financial ambitions of diverse U.S. interests to capture money and technology vital to its highly focused, long-term goal of trumping the United States—and of the U.S. government at best adrift in monitoring and managing its side of this imbalanced and critically important relationship. It's a caution worth the highest attention.

CONTINUING FAILURE TO ADDRESS H–2B VISA CRISIS

Mr. LEAHY. Mr. President, I came to this floor more than 2 months ago to decry the Senate's failure to respond to a crisis, caused by Federal policy, that has disrupted the operations of small and large businesses throughout the United States. This crisis has continued unabated since then, but the requests for help from these businesses have continued to fall on deaf ears.

In March, the Department of Homeland Security announced that for the first time ever, the annual cap for H–2B visas had been met. These visas are used by a wide range of industries throughout the Nation to fill temporary labor needs. In my home State of Vermont, they are used primarily by the tourist industry.

The Department of Defense appropriations conference report, before us today, includes a very narrow solution to this problem, benefiting a single industry that uses H–2B visas. The conference report exempts aliens seeking jobs in the ''fish roe'' industry from counting against the H–2B cap. The provision does nothing to help the broad categories of employers who use H–2B visas.

Across the country, businesses in a wide range of industries have been scrambling this summer, having been forced to discard business plans that relied on the foreign employees who had always before been available to them. For years, these employers had applied in the spring for the employees they needed for the summer, filling positions for which they were unable to find American workers. The cap had never been reached, and they had no reason to believe this year would be different. I know that the March announcement came as a shock to many employers in my State, and dozens of them contacted my office to see what could be done. This setback fell equally hard on employers in other States.

In response to these requests, I joined with a substantial bipartisan coalition in introducing S. 2252, the Save Summer Act of 2004. Senator KENNEDY is the lead sponsor of the bill, which has 18 cosponsors, including 8 Republicans.

Our bill would add 40,000 visas for the current fiscal year, providing relief to those summer-oriented businesses that had never even had the opportunity to apply for visas. Unfortunately, the Republican leadership has refused to move this bipartisan bill. The leadership has refused even to move a bill that Senator HATCH introduced, and which was supported only by Republicans. Instead, a tiny minority of Senators has been given a veto over doing anything to address this problem for the current fiscal year or years to come.

The Senate must act in a comprehensive way to solve this problem. I urge the majority leader to bring H–2B legislation to the floor as soon as possible, so we can assure that the summer of 2005 will not be a replay of the summer of 2004.

WASTEWATER TREATMENT WORKS SECURITY ACT OF 2003

Mr. JEFFORDS. Mr. President, I rise today in opposition to the Wastewater Treatment Works Security Act of 2003.

In the wake of September 11, 2001, I believe that it is imperative that the Nation takes every reasonable action we can to prevent terrorism, create effective response and recovery mechanisms, and find ways to minimize any impacts should an event occur.

The Congress has a key role in facilitating these actions by establishing authorities for Government agencies, establishing the legal framework in which homeland security improvements will occur, and appropriating adequate funding for the homeland security mission. Protecting our Nation's critical infrastructure is a major piece of our homeland security strategy.

The water sector has been identified as an element in our Nation's critical infrastructure since the issuance of Presidential Decision Directive 63 (PDD–63), issued in by President Clinton in May 1998, which was the first major governmental action focused on reducing the vulnerability of our Nation's critical infrastructure.

At that time, and in each document outlining homeland security responsibilities since that time, the Environmental Protection Agency, EPA, was designated as the lead for water infrastructure protection.

The security needs are significant in the water and wastewater sectors. There are over 16,000 publicly owned treatment works in the United States, serving almost 190 million people. These industrial facilities use large quantities of toxic chemicals in their treatment and disinfection processes. They are located near population centers and other critical infrastructure. A chemical accident would pose a serious threat. In addition, collection systems run beneath every city and town in America, creating potential corridors for travel or opportunities for access.

There are also serious public health risks associated with a disruption or service failure at a wastewater treatment plant. Treatment works clean wastewater that comes from our toilets, showers, and sewers and send it back into our rivers, streams, lakes, and oceans. Those same bodies of water are our drinking water sources. Without proper treatment, we would see the public health effects of the same type of water-borne disease outbreaks such as cholera that we saw in Iraq earlier this year due to the failure of wastewater treatment plants.

I believe that the Congress should take the risk to wastewater treatment plants seriously. Unfortunately, S. 1039, the Wastewater Treatment Works Security and Safety Act, provides security for our Nation's wastewater infrastructure in name, only.

First, this bill is a rollback of current law requiring vulnerability assessments and emergency response plans at drinking water utilities. In 2002, the Congress passed H.R. 3448, the Public Health and Bioterrorism Preparedness Response Act of 2002, P.L. 107–188. This act requires community water systems to conduct vulnerability assessments and develop an emergency response plan that incorporates the results of the vulnerability assessment. Vulnerability assessments are to be submitted to EPA. The threats posed by drinking water and wastewater facilities are similar. These plants are often colocated. It makes no sense to adopt weaker standards for one sector of the industry than the other. The Bioterrorism Act ensures that water systems take basic action to first identify and then address security needs.

Second, S. 1039 increases wastewater security in name only. It does not require the most basic security precautions—completion of a vulnerability assessment and the incorporation of the results into a treatment works' emergency response plan. Under the provisions of S. 1039, we do not know if individual publicly owned treatment works will choose to complete a vulnerability assessment because there is no requirement to do so. We do not know if they will incorporate their findings into emergency response plans that are designed to protect communities surrounding those plants because there is no requirement to do so. These most basic actions are not too heavy a burden for the wastewater treatment industry to bear.

S. 1039 also does not require, and may actually preclude, the submission of vulnerability assessments that are completed to the Federal Government—a serious obstacle in the Department of Homeland Security's ability to perform its mission. Providing the results of a facility's vulnerability assessment and its emergency response plan to the Federal Government is a vital step both to ensure that vulnerability assessments are completed in critical infrastructure sectors and to ensure that the Federal Government has all of the information it requires to secure the Nation against a potential terrorist attack.

The President's National Strategy for Homeland Security, issued in 2002, states, ''A complete and thorough assessment of America's vulnerabilities will not only enable decisive near-term action, but guide the rational long-term investment of effort and resources.'' Not only does DHS plan to use vulnerability assessments to evaluate threat information and provide warnings, but also to allocate resources. I agree that one of the most efficient ways to spend limited resources is to dentify where we are vulnerable and where we are threatened, then target resources to the cross-section of those two areas.

Under S. 1039 as reported, it is unclear where DHS will get the information they require to complete a national vulnerability assessment and make resource allocation decisions that will increase the level of security in our Nation. What is clear is that DHS is likely to receive only partial information, if any, from a subset of wastewater plants that voluntarily choose to complete a vulnerability assessment and that voluntarily choose to share the information they collect. Without the best, most up to date, accurate information available, DHS will be unable to fully perform its mission.

In addition, elected officials in Congress have a constitutional oversight role over Federal agencies and the laws they implement. Under S. 1039, Congress will not be accountable to the public for the purpose or implementation of this law—Congress will not be able to request or access information from the Federal agencies because the agencies will not have such information.

At the beginning of this Congress, I introduced the Wastewater Treatment Works Security and Safety Act, S. 779. This legislation mirrors existing law for drinking water systems. It requires all wastewater utilities to conduct vulnerability assessments and to develop or modify emergency response plans to incorporate the results of the vulnerability assessments. It requires that these documents be presented to the EPA for review, and it includes significant security measures designed to protect this information from unauthorized disclosure. It authorizes $185 million for assistance in completing vulnerability assessments, for immediate security improvements, and for assistance to small treatment works. It authorizes $15 million for research to identify threats, detection methods, and response actions. This bill will clearly enhance the security of our Nation by taking real actions to improve the security of wastewater treatment works.

The Federal Government has a responsibility to protect the American people. If S. 1039 becomes law, the Federal Government will not know if publicly owned treatment works will voluntarily conduct a vulnerability assessment, if they will voluntarily implement the security needs identified,

or if they will incorporate the results into their emergency response plans, and there will be no way of finding out. The Department of Homeland Security's mission to increase the security of the country will be hindered. I believe that S. 1039 fails to take responsible, basic steps to protect our wastewater infrastructure security from terrorist attack, putting Americans at risk.

I urge my colleagues to oppose this legislation and support my alternative bill, S. 779.

MODIFIED VERSION OF S. 849

Mr. MCCAIN. Mr. President, today I am introducing a modified version of S. 849, the Northern Arizona National Forest Land Exchange Act, which I cosponsored last year with Senator KYL. Since introducing that bill, I have met with hundreds of Arizonans and learned first-hand of the significant water issues raised by this proposed exchange of about 50,000 acres of private and Federal land in Northern Arizona. I am introducing this modified version of the legislation with the sincere hope of achieving a compromise agreement that can be enacted prior to adjournment.

Let me be clear. I am not offering amendments to this bill to slow its progress, but rather I want to take this opportunity to address one of the most crucial challenges facing Arizona: sound management of its precious water resources. The persistent drought that is draining our reservoirs makes all of us aware of the limits of our water supplies. I strongly believe that the State of Arizona is at a crucial point where decisions regarding growth and water use must be made with the assurance of long-term availability of water supplies without draining our ground and surface waters dry. I am afraid we are currently on a collision course with the reality of our finite and dwindling water supplies and the future economic and environmental welfare of the State.

In the context of this proposed exchange, it would be irresponsible of the Federal Government to transfer public lands into private hands in an area where water problems currently exist without an understanding of the potential water supply impacts. I have spent considerable time and effort in trying to develop a reasoned, compromise proposal that balances the various Arizona interests and achieves a fair and equitable exchange in the public interest. Therefore, it is my hope that the release of this amended bill with a new title addressing the associated water issues will be carefully considered by all interested parties.

My objective is to encourage the formation of a partnership between Federal, State, and local stakeholders in order to facilitate sound, science-based water resource planning and management in the Verde River Basin. In my view, the development of such a collaborative decision-making body, modeled on the Upper San Pedro Partnership, would be a vital step in assuring the wise use of the finite water resources within the Verde River Basin.

An earlier draft proposal of the partnership title to this bill was widely circulated in Northern Arizona and generated productive discussion and comment. This valuable input is reflected in the measure I am offering today. It encourages the creation of a multi-stakeholder partnership and clarifies the Federal role in providing scientific, technical, and financial assistance to State and local water resource planning and management efforts. With this important support, I expect that State and local interests that share ground and surface water resources will come together to advance protection and wise use of finite water supplies.

I became fully aware of the crucial need for this Federal assistance through public meetings I held last December in Flagstaff and Camp Verde. More than 600 people gathered in Camp Verde to express their strongly held views of the proposed land exchange. The primary concern voiced was whether or not adequate water supplies are available in the area to provide for future development given that residents are already experiencing water supply problems. The U.S. Geological Survey presented information about its ongoing studies and what is not known about the hydrologic systems or water use impacts within the Verde Basin. The fact is that we simply do not have sufficient information to determine the quantity of water supply available over the long-term without adverse effects.

I believe that it would be irresponsible of the Federal Government to transfer lands into private hands in an area where water problems already exist without an understanding of the potential impacts. That is why I am interested in expediting essential water studies in the Verde Basin to provide a scientific basis for sound decision-making by the partnership. In the short-term, I envision that the first task of the partnership would be to make a recommendation, based on a water budget analysis for the Verde Valley, regarding available water supply for future use on the Federal parcel in Camp Verde. Long-term water resource planning and management efforts within the region could also be developed through the partnership and informed by the ongoing water studies and analyses.

I would like to briefly explain some of the provisions in this modified bill.

First, under Title I of the bill, it would allow the cities of Flagstaff, Williams, and Camp Verde, as well as several local camps, the option to purchase lands directly from the Forest Service if they are unable to reach an agreement to purchase such lands from the Yavapai Ranch. These communities and camps are very interested in exploring the economic opportunities that would be afforded through the acquisition of certain lands currently held by the Federal Government. The bill also would eliminate the 820-acre Federal parcel in Clarkdale from exchange, at the request of that community.

Next, the bill establishes a new Title II, which is designed to establish a framework to begin addressing the very serious water resource and management issues in Northern Arizona. The purpose of this title is to authorize assistance for a collaborative and science-based water resource planning and management partnership for the Verde River Basin, consisting of members that represent Federal, State, and local agencies, along with economic, environmental, and community water interests. The bill language makes it clear that this is not a Federal intrusion into State and local jurisdiction and responsibility for water management and control.

Under Title II, Federal assistance would be authorized upon the formation of a Verde River Basin Partnership. The measure would authorize the Secretary of Agriculture to assist the Arizona Department of Water Resources and the Yavapai Water Advisory Council by participating in the formation of the partnership. While the partnership would not be a Federal entity, it would be eligible for Federal assistance through the Secretary of Agriculture and the Secretary of the Interior.

The amended bill directs the partnership to develop a plan for conducting water resource studies within the Verde River Basin. The plan would include; a list of specific studies and analyses that are needed to support the planning and management objectives of the partnership, identify any ongoing or completed water resource or riparian studies that are relevant to water resource planning and management for the Verde River Basin, provide study timeliness and cost estimates, and designate as a study priority the compilation of a water budget analysis for the Verde Valley.

To assist the partnership, the bill directs the U.S. Geological Survey, in cooperation with ADWR, to prepare and submit a report to the Partnership that provides a water budget analysis of the portion of the Verde River Basin within the Verde Valley. The partnership would then use the information, along with any other relevant information, and submit a preliminary report with its findings and recommendations regarding long-term available water supply within the Verde Valley to the Secretary, the Governor of Arizona, and representatives of the Verde Valley communities. Following this preliminary report, the partnership is expected to continue its work and submit a comprehensive report to the Secretary and the Governor of Arizona within 4 years. The comprehensive report would include the results of any water resource assessments conducted

under this in the Verde River Basin. It also would identify: any areas in the Verde River Basin that are determined to have groundwater deficits or other current or potential water supply problems; long-term water supply management options for communities and water resources within the basin; and water resource analyses and monitoring needed to support the implementation of management options.

Finally, the bill directs the Secretary of Interior and the Secretary of Agriculture to enter into a memorandum of understanding authorizing the U.S. Geological Survey to access Forest Service land, including stream gauges, weather stations, wells, or other points of data collection on the Forest Service land, to carry out necessary water studies.

I want to do my part in moving the proposed land exchange forward, and it must be done in a manner that is fair to the current residents of Arizona and the Federal taxpayers. In order to do so, it simply must address the affected area's water supply. I remain hopeful that all the interested parties who strongly support the proposed exchange will carefully consider the proposal that I am introducing today.

DEPARTMENT OF JUSTICE APPROPRIATIONS

Mr. LEAHY. Mr. President, I am pleased to introduce with Senator HATCH the Department of Justice Appropriations Authorization Act, Fiscal Years 2005 through 2007. I thank Senator HATCH, the chairman of the Judiciary Committee, for his hard work and support of this legislation.

In the 107th Congress, the Senate and the House of Representatives properly authorized spending for the entire Department of Justice, (DOJ or the Department,) for the first time since 1979. Congress extended that authorization in 1980 and 1981. Until 2002 Congress had not passed nor had the President signed an authorization bill for the Department. In fact, there were a number of years where Congress failed to consider any Department authorization bill. This 23-year failure to properly reauthorize the Department forced the appropriations committees in both houses to reauthorize and appropriate money.

We ceded the authorization power to the appropriators for too long, but in the 107th Congress Senator HATCH and I joined forces with House Judiciary Chairman SENSENBRENNER and ranking member CONYERS to create and pass bipartisan legislation that reaffirmed the authorizing authority and responsibility of the House and Senate Judiciary Committees—the 21st Century Department of Justice Appropriations Authorization Act, Public Law 107–273. A new era of oversight began with that new charter for the Justice Department, with the Senate and House Judiciary Committees taking active new roles in setting the priorities and monitoring the operations of the Department of Justice, the FBI and other law enforcement agencies, and that bill helped our oversight duties in many ways. And, as we have learned in the past 3 years, the fight against terrorism makes constructive oversight more important than ever before.

Already this Congress, House Judiciary Committee Chairman SENSENBRENNER and ranking member CONYERS have authored and shepherded through the House of Representatives a new Department of Justice Appropriations Authorization Act for fiscal years 2004 through 2006, H.R. 3036. I commend both Chairman SENSENBRENNER and ranking member CONYERS for working in a bipartisan manner to pass that legislation in the House of Representatives.

The Department of Justice Appropriations Authorization Act, fiscal years 2005 through 2007 is a comprehensive authorization of the Department based on H.R. 3036 as passed by the House of Representatives on March 30, 2004. Our bipartisan legislation authorizes appropriations for the Department for fiscal years 2005 through 2007, provide permanent enabling authorities which will allow the Department to efficiently carry out its mission, clarify and harmonize existing statutory authority, and repeal obsolete statutory authorities. The bill also establishes certain reporting requirements and other mechanisms intended to better enable the Congress and the Department to oversee the operations of the Department. Finally, our bill incorporates numerous other pieces of legislation—on such issues as preventing and recovering missing children, cigarette trafficking, intellectual property, going after terrorists who commit violent acts against American citizens overseas, among others—currently pending before Congress that enjoy strong bipartisan support.

I will now highlight a number of the provisions that make up this authorization bill.

Title I of our bill authorizes appropriations for the Department of Justice for each of fiscal years 2005 through 2007. With minor exceptions, these authorizations generally reflect the President's budget request.

Title II makes numerous improvements and upgrades to the Department's grant programs that assist law enforcement and criminal justice agencies; build community capacity to prevent, reduce and control crime; assist victims of crime; and prevent crime.

We decided to combine the current Byrne formula grant, Byrne discretionary grant and Local Law Enforcement Block Grant, LLEBG, programs into one Edward Byrne Memorial Justice Assistance Grant Program with an authorization of $1.075 billion and a list of 35 uses—a combination of the traditional Byrne and LLEBG grants regulations—for which these grants may be used.

I am a longtime supporter of the Edward Byrne Memorial State and Local Law Enforcement Assistance Program and the LLEBG, both of which have been continuously targeted for elimination by the Bush administration. LLEBG, which received $225 million this year, provide local governments with the means to underwrite projects that reduce crime and improve public safety, and allow communities to craft their own responses to local crime and drug problems. The Edward Byrne Memorial State and Local Law Enforcement Assistance Program, which Congress funded at $659,117,000 in FY 2004, makes grants to States to improve the functioning of the criminal justice system, with emphasis on violent crimes and serious offenders, and to enforce State and local drug laws. As a senator from a rural State that relies on LLEBG and Byrne grants to combat crime, I have been concerned with the President's proposals for funding and program eliminations of these well-established grant programs. Our legislation makes it clear that the same authorized funding levels and uses will be available under the new consolidated grant program as under the previous two grant programs.

I am pleased that Title II also extends the authorization of appropriations for the Regional Information Sharing System, RISS, at $100 million for each of fiscal years 2005 through 2007. RISS serves as an invaluable tool to Federal, State, and local law enforcement agencies by providing much-needed criminal intelligence and investigative support services. It has built a reputation as one of the most effective and efficient means developed to combat multi-jurisdictional criminal activity, such as narcotics trafficking and gang activity. Without RISS, most law enforcement officers would not have access to newly developed crime-fighting technologies and would be hindered in their intelligence-gathering efforts.

By providing State and local law enforcement agencies with rapid access to its secure, state-of-the-art, nationwide information sharing system, RISS gives law enforcement officers the resources they need to identify and apprehend potential terrorists before they strike. With this in mind, I authored Title VII of the USA PATRIOT Act, Public Law 107–56, to increase information sharing for critical infrastructure protection. The law expanded RISS to facilitate information sharing among Federal, State, and local law enforcement agencies to investigate and prosecute terrorist conspiracies and activities, and increased authorized funding to $100 million.

Proper funding provides RISS with the means to maintain six regionally-based information sharing centers that allow for information and intelligence services to be disseminated nationwide addressing major, multijurisdictional crimes. In addition, as the September 11 terrorist attacks and calls for increased vigilance against future attacks demonstrated, RISS requires additional support to intensify antiterrorism measures.

Each RISS center has up to 1,600 member agencies, the vast majority of which are at the municipal and county levels. Over 400 State agencies and over 850 Federal agencies, however, are also members. The Drug Enforcement Administration, Federal Bureau of Investigation, U.S. Attorneys' Offices, Internal Revenue Service, Secret Service, Customs, and the Bureau of Alcohol, Tobacco, Firearms and Explosives are among the Federal agencies that participate in the RISS Program.

Unfortunately, the Consolidated Appropriations law for FY 2004 did not provide full funding for RISS, instead including $30 million for the program. For the coming fiscal year, the President has proposed $45 million. We must ensure that RISS can continue current services, meet increased membership support needs for terrorism investigations and prosecutions, increase intelligence analysis capabilities and add staff to support the increasing numbers of RISS members.

This title also contains a reauthorization of the Crime Free Rural States program that we created in the DOJ Authorization bill in the last Congress. This program authorizes $10 million annually for rural States to address specific crime problems plaguing their areas. In Vermont, for example, this funding could be used to battle heroin abuse and its consequences.

This authorization bill contains a number of provisions of great interest to victim service organizations and those who administer Federal grants for victim assistance and compensation. In particular, I am pleased that we have responded to repeated requests from the field to increase the amount that State assistance and compensation programs may retain for administrative purposes. I have been proposing such an increase for many years, without success.

Under current law, not more than 5 percent of victim assistance and compensation grants may be used for the administration of the State program receiving the grant. The House bill effectively decreases this already-low apportionment by combining administrative costs with training costs—currently 1 percent under guidelines promulgated by the Office for Victims of Crime, OVC. By contrast, we propose raising the amount that can be used for both worthwhile purposes to 7.5 percent of the grants. While this is still less than 10 percent retention permitted, for example, by the Violence Against Women Act, it will help States to accommodate the addition of training purposes in their costs.

Our bill will also amend the Victims of Crime Act, VOCA, to clarify the provisions establishing the Antiterrorism Emergency Reserve in various ways. The original H.R. 3036 permits replenishments of the emergency reserve based upon amounts obligated rather than amounts actually expended in any given fiscal year. Our bill includes two additional clarifications that I proposed. First, it makes explicit that the emergency reserve may be replenished only once each fiscal year, and may not be continually replenished as amounts are obligated or expended. Allowing continual replenishments could result in the obligations or expenditures exceeding the $50 million emergency reserve maximum. Second, we have ensured that all emergency reserve funds—whether carried over, used to replenish the reserve, obligated or expended—fall above the cap on spending from the Crime Victim Fund as set by appropriations legislation.

Section 242 of the House-passed bill authorized the Assistant Attorney General for the Office for Justice Programs, OJP, to impose special conditions and determine priorities for formula grants. It was unclear to me why the authority to determine formula grant priorities was necessary and what its real impact would be on local victim services. Could it be read to authorize OJP to infringe on the discretion of each State to meet its own needs, as for example by mandating that State VOCA programs give priority to public agencies over nonprofit community organizations, or fund faith-based programs before secular programs? Priorities are already set out by Congress in the authorizing statutes, as is the requirement that programs coordinate public and private victim services in their communities, and the Justice Department should not be allowed to override those congressional directives. Moreover, VOCA already has extensive reporting requirements that enable the Department to monitor how States are distributing these funds. We have therefore deleted the authority to determine formula grant priorities, while retaining the special conditions provision.

Subtitle D of Title II deals with approaches to prevent crime. I am especially pleased that we included provisions that will specifically aid in preventing rural crime because rural States and communities face a number of unique law enforcement challenges. We added these provisions from Senator DASCHLE's Rural Safety Act, S. 1907, of which I am proud to be an original cosponsor. I commend our Democratic leader for his commitment to providing real and meaningful investments to address the unique set of challenges facing rural law enforcement agencies.

Rural law enforcement officers patrol larger areas, operate under tighter budgets and with smaller staffs than their urban and suburban counterparts. This legislation creates programs specifically designed to meet the many complex needs of rural law enforcement agencies and officers. Methamphetamine production and use, for example, is a growing concern for Vermonters. Because the ingredients and the equipment used to produce methamphetamines are so inexpensive and readily available, the drug can be manufactured or ''cooked'' in homemade labs. This has become one of the major problems facing law enforcement agencies nationwide. Last month, the Vermont State Police busted the first known methamphetamine lab in the state. We must help our law enforcement agencies as they struggle to keep up with its troubling growth.

To help law enforcement combat the spread of methamphetamine and other challenges, we authorize in this bill $20 million in grants for FY 2005 to provide for the cleanup of methamphetamine laboratories and related hazardous waste in units of local government and tribal governments located outside a Standard Metropolitan Statistical Area; and the improvement of contract-related response time for cleanup of methamphetamine laboratories and related hazardous waste in units of local established methamphetamine prevention and treatment pilot programs in rural areas, and provide additional financial support to local law enforcement.

We also establish a rural 9–1–1 service program to provide access to, and improve a communications infrastructure that will ensure a reliable and seamless communication between, law enforcement, fire, and emergency medical service providers in units of local government and tribal governments located outside a Standard Metropolitan Statistical Area and in States. Grants—authorized at $25 million for fiscal year 2005—under this program will be used to establish or improve 9–1–1 service in rural communities. Priority in making grants under this program will be given to communities that do not have 9–1–1 service.

I am pleased that our bill includes the Campbell-Leahy-Hatch Bulletproof Vest Partnership Grant Act of 2003, a bill to reauthorize an existing matching grant program to help State, tribal, and local jurisdictions purchase armor vests for use by law enforcement officers. This bill was passed by the Senate by unanimous consent a year ago this month and it awaits consideration by the House of Representatives.

This measure marks the third time that I have had the privilege of teaming with my friend and colleague Senator CAMPBELL to work on this legislation. We authored the Bulletproof Vest Grant Partnership Act of 1998 in response to the tragic Carl Drega shootout in 1997 on the Vermont-New Hampshire border, in which two State troopers who did not have bulletproof vests were killed. The Federal officers who responded to the scenes of the shooting spree were equipped with life-saving body armor, but the State and local law enforcement officers lacked protective vests because of the cost.

Two years later, we successfully passed the Bulletproof Vest Partnership Grant Act of 2000, and I hope we will go 3-for-3 this time around. Senator CAMPBELL brings to our effort invaluable experience in this area and during his time in the Senate he has been a leader in the area of law enforcement. As a former deputy sheriff,

he knows the dangers law enforcement officers face when out on patrol. I am pleased that we have been joined in this effort by 12 other Senate cosponsors.

Our bipartisan legislation will save the lives of law enforcement officers across the country by providing more help to State and local law enforcement agencies to purchase body armor. Since its inception in 1999, this highly successful Department of Justice program has provided law enforcement officers in 16,000 jurisdictions nationwide with nearly 350,000 new bulletproof vests. In Vermont, 148 municipalities have been fortunate to receive to receive funding for the purchase of almost 1200 vests. Without the Federal funding given by this program, I daresay that there would be close to that number of police officers without vests in Vermont today.

The Bulletproof Vest Partnership Grant Act of 2003 will further the success of the Bulletproof Vest Partnership Grant Program by reauthorizing the program through fiscal year 2007. Our legislation would continue the Federal-State partnership by authorizing up to $50 million per year for matching grants to State and local law enforcement agencies and Indian tribes at the Department of Justice to buy body armor.

We know that body armor saves lives, but the cost has put these vests out of the reach of many of the officers who need them. This program makes it more affordable for police departments of all sizes. Few things mean more to me than when I meet Vermont police officers and they tell me that the protective vests they wear were made possible because of this program. This is the least we should do for the officers on the front lines who put themselves in danger for us every day. I want to make sure that every police officer who needs a bulletproof vest gets one.

We also included in this authorization bill the Prevent All Cigarette Trafficking, PACT, Act, as passed by the Senate by unanimous consent on December 9, 2003, but which has yet to be taken up and passed by the House. I commend Senators HATCH and KOHL for their leadership on this measure and thank them for working with me, among others, to craft the compromise language that we include in this bill to crack down on the growing problem of cigarette smuggling, both interstate and international, as well as to address the connection between cigarette smuggling activities and terrorist funding. I am proud to join Senator HATCH, Senator KOHL and 10 others as a cosponsor of the standalone bill.

I also thank the National Association of Attorneys General and the Campaign for Tobacco-Free Kids for working with us and contributing to this language. I want to say a special thanks to Vermont Attorney General Bill Sorrell, who also serves as the current Chair of the NAAG Tobacco Committee, for his valuable input on the problems with cigarette smuggling that States are facing and his support for this compromise measure. I also want to thank the Vermont Grocers Association, the Vermont Retail Association, the Vermont Association of Chiefs of Police, and the National Conference of State Legislatures for their support for this measure.

The movement of cigarettes from low-tax areas to high-tax areas in order to avoid the payment of taxes when the cigarettes are resold has become a public health problem in recent years. As State after State chooses to raise its tobacco excise taxes as a means of reducing tobacco use and as a source of revenue, many smokers have sought cheaper means by which to purchase cigarettes. Smokers can often purchase cigarettes and tobacco from remote sellers, Internet or mail order at substantial discounts due to avoidance of state taxes. These sellers, however, are evading their tax obligations because they neither collect nor pay the proper State and local excise taxes for cigarette and other tobacco product sales.

We have the ability to dramatically reduce smuggling without imposing undue burdens on manufacturers or law abiding citizens. By reducing smuggling, we will also increase government revenues by minimizing tax avoidance. My friend General Sorrell has told me that this has become a rapidly growing problem in Vermont as more and more tobacco product manufacturers fail to collect and pay cigarette taxes. Criminals are getting away with smuggling and not paying tobacco taxes because of weak punishments, products that are often poorly labeled, the lack of tax stamps and the inability of the current distribution system to track sales from State to State. These lapses point to a need for uniform rules governing group sales to individuals.

The PACT Act will give States the authority to collect millions of dollars in lost State tax revenue resulting from online and other remote sales of cigarette and smokeless tobacco. It also ensures that every tobacco retailer, whether a brick-and-mortar or remote retailer of tobacco products, play by the same rules by equalizing the tax burdens.

Moreover, the PACT Act gives States the authority necessary to enforce the Jenkins Act, a law passed in 1949, which requires cigarette vendors to report interstate sales of cigarettes. This legislation enhances States' abilities to collect all excise taxes and verify the deposit of all required escrow payments for cigarette and smokeless tobacco sales in interstate commerce, including internet sales. In addition, it provides Federal and State law enforcement with additional resources to enforce state tobacco excise tax laws.

Finally, at the request of the National Association of Attorneys General and many State Attorneys General, we have added a new section to provide the States with authority to enforce the Imported Cigarette Compliance Act to crack down on international tobacco smuggling. This additional authority should further reduce tax evasion and eliminate a lucrative funding source for terrorist organizations.

We must not turn a blind eye to the problem of illegal tobacco smuggling. Those who smuggle cigarettes are criminals and we must close the loopholes that allow cigarette smuggling to continue.

The United States has from its inception recognized the importance of intellectual property laws in fostering innovation, and vested in Congress the responsibility of crafting laws that ensure that those who produce inventions are able to reap economic rewards for their efforts. I am pleased that we can today include, as part of the Department of Justice Authorization Act, the Cooperative Research and Technology Enhancement Act of 2004, the CREATE Act, legislation that I cosponsored along with Senator HATCH, Senator KOHL, Senator FEINGOLD, Senator SCHUMER, Senator GRASSLEY, Senator JOHNSON, and Senator COCHRAN. This bill will provide a needed remedy to one aspect of our Nation's patent laws. On June 25, 2004, the CREATE Act passed the Senate by unanimous consent.

When Congress passed the Bayh-Dole Act in 1980, the law encouraged private entities and not-for-profits such as universities to form collaborative partnerships in order to spur innovation. Prior to the enactment of this law, universities were issued fewer than 250 patents each year. That this number has in recent years surpassed two thousand is owed in large measure to the Bayh-Dole Act. The innovation this law encouraged has contributed billions of dollars annually to the United States economy and has produced hundreds of thousands of jobs.

However, one component of the Bayh-Dole Act, when read literally, runs contrary to the intent of that legislation. In 1999, the United States Court of Appeal for the Federal Circuit ruled, in Oddzon Products, Inc. v. Just Toys, Inc., that non-public information may in certain cases be considered ''prior art''—a standard which generally prevents an inventor from obtaining a patent. Thus some collaborative teams that the Bayh-Dole Act was intended to encourage have been unable to obtain patents for their efforts. The result is a disincentive to form this type of partnership, which could have a negative impact on the U.S. economy and hamper the development of new creations.

However, the Federal circuit in its ruling invited Congress to better conform the language of the Bayh-Dole Act to the intent of the legislation. The CREATE Act does exactly that by ensuring that nonpublic information is not considered prior art when the information is used in a collaborative partnership under the Bayh-Dole Act. The bill also includes strict evidentiary burdens to ensure that the

legislation is tailored narrowly in order to solely fulfill the intent of the Bayh-Dole Act.

I am pleased that the PIRATE Act, which I cosponsored with Senator HATCH, will be included as part of this bipartisan bill. Like the overall bill, the PIRATE Act is a consensus bill that will give the Justice Department new and needed tools—in this case, these tools are specific to the fight against piracy. This bill was unanimously passed by the Senate on June 25, 2004. By including this measure in the Department of Justice Authorization Bill, we hope to muster more forces to combat the growing problem of digital piracy.

For too long, Federal prosecutors have been hindered in their pursuit of pirates, by the fact that they were limited to bringing criminal charges with high burdens of proof. In the world of copyright, a criminal charge is unusually difficult to prove because the defendant must have known that his conduct was illegal and he must have willfully engaged in the conduct anyway. For this reason prosecutors can rarely justify bringing criminal charges, and copyright owners have been left alone to fend for themselves, defending their rights only where they can afford to do so. In a world in which a computer and an Internet connection are all the tools you need to engage in massive piracy, this is an intolerable predicament.

The PIRATE Act will give the Attorney General civil enforcement authority for copyright infringement. It also calls on the Justice Department to initiate training and pilot programs to ensure that Federal prosecutors across the country are aware of the many difficult technical and strategic problems posed by enforcing copyright law in the digital age.

This new authority does not supplant either the criminal provisions of the Copyright Act, or the remedies available to the copyright owner in a private suit. Rather, it allows the Government to bring its resources to bear on this immense problem and to ensure that more creative works are made available online, that those works are more affordable, and that the people who work to bring them to us are paid for their efforts.

I am pleased that the Koby Mandell Act of 2003 was included in this legislation. I am a proud cosponsor of the stand-alone bill. The act would establish an office within the Department of Justice with a mandate to ensure equal treatment of all victims of terrorist acts committed overseas. Its primary role would be to guarantee that vigorous efforts are made to pursue, prosecute, and punish each and every terrorist who harms Americans overseas, no matter where attacks occur. It would also take steps to inform victims of important developments in international cases, such as status reports on efforts to capture terrorists and monitoring the incarceration of those terrorists who are imprisoned overseas. This is important legislation that would send a strong message of resolve that we are committed to finding and punishing every terrorist who harms Americans overseas.

I am pleased that we have included part of S. 1286, the Seniors Safety Act, which I introduced last year. This bill would create an enhanced sentencing penalty for those who commit crimes against the elderly, create new civil and criminal penalties for pension fraud, and create a centralized service to log complaints of telemarketing fraud.

We would also provide the Attorney General with a new and substantial tool to prevent telemarketing fraud—the power to block or terminate service to telephone facilities that are being used to defraud innocent people. The Justice Department could use this authority to disrupt telemarketing fraud schemes directed from foreign sources by cutting off the swindlers' telephone service. Even if the criminals acquire a new telephone number, temporary interruptions will prevent some seniors from being victimized.

We have agreed to incorporate the Federal Prosecutors' Retirement Benefit Equity Act of 2004, which was originally introduced as a stand-alone bill with my good friends Senator HATCH, Senator MIKULSKI and Senator DURBIN. This bill would correct an inequity that exists under current law, whereby Federal prosecutors receive substantially less favorable retirement benefits than other nearly all other people involved in the Federal criminal justice system. The bill would increase the retirement benefits given to Assistant United States Attorneys by including them as ''law enforcement officers,'' LEOs, under the Federal Employees' Retirement System and the Civil Service Retirement System. The bill would also allow the Attorney General to designate other attorneys employed by the Department of Justice who act primarily as criminal prosecutors as LEOs for purposes of receiving these retirement benefits.

The primary reason for granting enhanced retirement benefits to LEOs is the often dangerous work of law enforcement. Currently, Assistant United States Attorneys, AUSAs, and other Federal prosecutors are not eligible for these enhanced benefits, which are enjoyed by the vast majority of other employees in the criminal justice system. This exclusion is unjustified. The relevant provisions of the United States Code dealing with retirement benefits define an LEO as an employee whose duties are, ''primarily the investigation, apprehension, or detention'' of individuals suspected or convicted of violating Federal law. See 5 U.S.C. §§ 8331(20) & 8401(17). AUSAs and other Federal prosecutors participate in planning investigations, interviewing witnesses both inside and outside of the office setting, debriefing defendants, obtaining warrants, negotiating plea agreements and representing the government at trials and sentencings, all of which fall within the definition of the duties performed by law enforcement officers. Indeed, once a defendant is brought into the criminal justice system, the person with whom they have the most face-to-face contact, and often in an extremely confrontational environment, is the Federal prosecutor.

Although prosecutors do not personally execute arrests, searches and other physically dangerous activities, LEO status is accorded to many criminal justice employees who do not perform such tasks, such as pretrial services officers and probation officers and accountants, cooks and secretaries of the Bureau of Prisons. Moreover, because they are often the most conspicuous representatives of the government in the criminal justice system, Federal prosecutors are natural targets for threats of reprisals by vengeful criminals. Indeed, there are numerous incidents in which assaults and serious death threats have been made against Federal prosecutors, sometimes resulting in significant disruption of their personal and family lives.

I am pleased that S. 710, the Leahy-Hatch Anti-Atrocity Alien Deportation Act, was included in this legislation. This measure would expand the grounds for removing alien human rights violators from the United States, or for denying them entry in the first place. We have heard many accounts of abusers who have taken advantage of America's freedoms after committing horrifying violations of their fellow citizens in their native lands. We need to stop that from happening again.

This bill passed the Judiciary Committee last November but has been subject to an anonymous hold on the floor. A similar version of it passed the Senate by unanimous consent in the 106th Congress. It is long past time to make it law.

I would note that on May 12, a Rwandan man wanted on international charges of genocide and crimes against humanity was arrested at his suburban Chicago home by agents from the Bureau of Immigration and Customs Enforcement, ICE. Before I and others began to raise the issue of the war criminals among us, it was my impression that the former INS paid little attention to rooting out these thugs. I am pleased that the issue has taken on greater importance at ICE and urge the Senate to pass this bill so that we can expand the grounds of inadmissibility and removability for human rights violators.

I am pleased that the DREAM Act has been included in this bill. I am a cosponsor of the bill, which Senators HATCH and DURBIN introduced last year and was passed last fall by the Judiciary Committee. It would benefit undocumented alien children who were brought to the United States by their parents as young children, by restoring States' ability to offer them in-State

tuition and offering them a path to legal residency. It has been distressing that a bill with committee approval and 48 sponsors has been unable to get a vote on the floor of the Senate, and I hope that including the DREAM Act in this legislation will give it added momentum.

I am proud that we include Schumer-Specter legislation to honor the sacrifice of the September 11, 2001 terrorist victims by creating congressional medals that would be awarded to their families and loved ones by the President. I am proud to have joined my friends as a cosponsor of this legislation, as have 18 other Senators.

The tragedy of September 11, 2001 demanded unprecedented sacrifices of everyday American civilians and rescue workers 3,000 of whom lost their lives in the attacks. In recognition of their heroic actions on that day, the bipartisan Fallen Heroes of 9/11 Act would create a medal to be awarded posthumously to the victims of the September 11 terrorist attacks. The medal would be designed by the Department of Treasury and awarded to representatives of the deceased by the President. The production of the medals would be paid for by the sale of duplicate medals to the public. Those of us who lost loved ones almost 3 years ago can never have them back, but a medal of honor could recognizes the sacrifices and heroic efforts of our fallen citizens.

I am pleased that our Department of Justice authorization bill includes legislation that Senator HATCH and I introduced together to reauthorize and expand the Department of Justice grant program for Boys & Girls Clubs. The original version of this legislation, S. 2363, currently enjoys 44 cosponsors and passed the Senate by unanimous consent last month. It was considered and reported out of the House Judiciary Committee by voice vote earlier this month but still awaits floor consideration.

Children are the future of our country, and we have a responsibility to make sure they are safe and secure. I know firsthand how well Boys & Girls Clubs work and what topnotch organizations they are. When I was a prosecutor in Vermont, I was convinced of the great need for Boys & Girls Clubs because we rarely encountered children from these kinds of programs. In fact, after I became a U.S. Senator, a police chief was such a big fan that he asked me to help fund a Boys & Girls Club in his district rather than helping him get a couple more police officers.

In Vermont, Boys & Girls Clubs have succeeded in preventing crime and supporting our children. The first club was established in Burlington 62 years ago. Now we have 22 club sites operating throughout the State: seven clubs in Brattleboro, one in Springfield, two clubs in Burlington, one in Winooski, two clubs in Montpelier, five clubs in Randolph, one club in Rutland, two clubs in Vergennes and one in Bristol. There are 10 additional project sites that will be on board and serving kids by the end of 2005: one in Bennington, two in Burlington, one in Duxbury, one in St. Johnsbury, one in Hardwick, three in Randolph and one in Ludlow. These clubs will serve well over 10,000 kids statewide.

As a senior member of the Senate Appropriations Committee, I have pushed for more Federal funding for Boys & Girls Clubs. Since 1998, Congress has increased Federal support for Boys & Girls Clubs from $20 million to $80 million in this year. Due in large part to this increase in funding, there now exist 3,300 Boys & Girls Clubs in all 50 States serving more than 3.6 million young people. Because of these successes, I was both surprised and disappointed to see that the President requested a reduction of $20 million for FY 2005. That request will leave thousands of children and their Clubs behind and we cannot allow such a thing to happen.

In the 21st Century Department of Justice Appropriations Authorization Act, which Senator HATCH and I worked together to pass in the 107th Congress, we included a provision to reauthorize Justice Department grants to establish new Boys & Girls Clubs nationwide. By authorizing $80 million in DOJ grants for each of the fiscal years through 2005, we sought to establish 1,200 additional Boys & Girls Clubs nationwide. This was to bring the number of Boys & Girls Clubs to 4,000, serving no less than 5 million young people. The bill we introduce today will build upon this: We authorize Justice Department grants at $80 million for fiscal year 2006, $85 million for fiscal year 2007, $90 million for fiscal year 2008, $95 million for fiscal year 2009 and $100 million for fiscal year 2010 to Boys & Girls Clubs to help establish 1,500 additional Boys & Girls Clubs across the Nation with the goal of having 5,000 Boys & Girls Clubs in operation by December 31, 2010.

If we had a Boys & Girls Club in every community, prosecutors in our country would have a lot less work to do because of the values that are being instilled in children from the Boys & Girls Clubs of America. Each time I visit a club in Vermont, I am approached by parents, educators, teachers, grandparents and law enforcement officers who tell me ''Keep doing this! These clubs give our children the chance to grow up free of drugs, gangs and crime.''

You cannot argue that these are just Democratic or Republican ideas, or conservative or liberal ideas. They are simply good sense ideas. We need safe havens where our youth—the future of our country can learn and grow up free from the influences of drugs, gangs and crime. That is why Boys & Girls Clubs are so important to our children.

We also incorporated language similar to the Leahy-Grassley-Lincoln Missing Child Cold Case Review Act of 2004, S. 2435, which will allow an inspector general to authorize his or her staff to provide assistance on and conduct reviews of the inactive case files, or ''cold cases,'' involving children stored at the National Center for Missing & Exploited Children, NCMEC, and to develop recommendations for further investigations. The only alteration we made to the original bill was to include language to also allow the Inspector General of the Government Printing Office to authorize his or her staff to work on cold cases.

Speed is everything in homicide investigations. As a former prosecutor in Vermont, I know firsthand that speed is of the essence when trying to solve a homicide. This focus on speed, however, has led the law enforcement community to generally believe that any case not solved within the first 72 hours or lacking significant leads and witness participation has little likelihood of being solved, regardless of the expertise and resources deployed. With time, such unsolved cases become ''cold,'' and these are among the most difficult and frustrating cases detectives face because they are, in effect, cases that other investigators, for whatever reason, failed to solve.

Our Nation's law enforcement agencies, regardless of size, are not immune to rising crime rates, staff shortages and budget restrictions. Such obstacles have strained the investigative and administrative resources of all agencies. More crime often means that fewer cases are vigorously pursued, fewer opportunities arise for followup and individual caseloads increase for already overworked detectives.

All the obstacles that hamper homicide investigations in their early phases contribute to cold cases. The National Center for Missing & Exploited Children our Nation's top resource center for child protection presently retains a backlog of cold cases involving children that law enforcement departments nationwide have stopped investigating primarily due to all these obstacles. NCMEC serves as a clearinghouse for all cold cases in which a child has not been found and/or the suspect has not been identified.

This provision will allow an inspector general to provide staff support to NCMEC for the purpose of conducting reviews of inactive case files to develop recommendations for further investigation and similar activities. The inspector general community has one of the most diverse and talented criminal investigative cadres in the Federal Government. A vast majority of these special agents have come from traditional law enforcement agencies, and are highly-trained and extremely capable of dealing with complex, criminal cases.

Under current law, an inspector general's duties are limited to activities related to the programs and operations of an agency. This measure would allow an inspector general to permit criminal investigators under his or her supervision to review cold case files, so long as doing so would not interfere

with normal duties. An inspector general would not conduct actual investigations, and any inspector general would only commit staff when the office's mission-related workloads permitted. At no time would these activities be allowed to conflict with or delay the stated missions of an inspector general.

From time to time a criminal investigator employed by an inspector general may be between investigations or otherwise available for brief periods of time. This act would also allow those resources to be provided to the National Center for Missing & Exploited Children. Commitment of resources would be at a minimum and would not materially affect the budget of any office.

We have before us the type of bipartisan legislation that should be moved easily through the Senate and House. It is supported by the Department of Justice Office of the Inspector General. I applaud the ongoing work of the National Center for Missing & Exploited Children and hope that we can soon provide NCMEC with the resources it requires to solve cold cases involving missing children.

This authorization bill includes a provision that would help colleges and universities in Vermont and across the nation. It would allow foreigners who are pursuing ''distance learning'' opportunities at American schools to enter the country for up to 30 days to fulfill academic requirements. Under current law, these students do not fall under any visa category, and many are being denied entry and are thus unable to complete their educations. This is a loophole that harms both those students and the institutions that serve them.

In recent months, serious questions have been raised in the media and in several congressional hearings about deficiencies within the translation program at the FBI. Nearly, 2 years ago I began asking questions in Judiciary Committee hearings about the FBI's translation program. Most of these remain unanswered. As a result, members of our committee are no closer to determining the scope of the issue, including the pervasiveness and seriousness of FBI shortcomings in this area, or what the FBI intends to do to rectify personnel shortages, security issues, translation inaccuracies and other problems that have plagued the translator program for years.

Section 205 of the USA PATRIOT Act included an important reporting requirement by the Attorney General to the Senate and House Judiciary Committees about (1) the number of translators employed by the FBI, (2) legal and practical impediments to using translators employed by other Federal, State, or local agencies, on a full, part-time, or shared basis, and (3) the needs of the FBI for specific translation services in certain languages, and recommendations for meeting those needs. To date, the Attorney General has not made the report required by Section 205 most likely because there is no date certain written in the law by which the report must be made. This provision fills that gap by requiring the report ''not later than 30 days after the date of enactment and annually thereafter .with respect to the preceding 12 month period.'' It also expands the reporting requirement to include translators ''contracted'' by the government in addition to those ''employed.''

I have worked my entire professional life to protect children from those who would prey on them. Preventing child exploitation through the use of the Internet is one concrete and important way to help this important cause. In this regard, under the Protection of Children from Sexual Predators Act of 1998, Public Law No. 105–314, remote computing and electronic communication service providers are mandated to report all instances of child pornography to the National Center for Missing and Exploited Children. I respect and applaud the work of NCMEC and its tireless efforts in this important national priority.

In March 1998, Congress mandated that NCMEC initiate the CyberTipline for citizens to report online sexual crimes against children. In December 1999, Congress passed Public Law No. 106–113 to modify 42 U.S.C. §13032(b)(1) to set forth a ''duty to report'' by ISPs. According to NCMEC, many U.S. electronic communications service providers are not complying with the requirement that they register and use the CyberTipline to report child porn found on their services because supporting regulations required to be promulgated by the Department of Justice on matters such as the contents of the report were never done so.

In this authorization bill we propose language that amends the ''duty to report'' language by providing specific guidance on what information is required to be included in the ISP reports. The information required includes the content and images of the apparent violation, the Internet Protocol Address, the date and time associated with the violation, and specific contact information for the sender.

America's film heritage is an important part of the American experience, an inheritance from previous generations that helps tell us who we are and who we were as a society. They offer insight into our history, our dreams, and our aspirations. Yet sadly, this part of American heritage is literally disintegrating faster than can be saved. Today, I am delighted that with the help of Senator HATCH, the National Film Preservation Act can be included in our Department of Justice reauthorization bill.

I introduced the National Film Preservation Act last November, a bill that will reauthorize and extend the National Film Preservation Act of 1996. We first acted in 1988 in order to recognize the educational, cultural, and historical importance of our film heritage, and its inherently fragile nature. In doing so, Congress created the National Film Preservation Board and the National Film Preservation Foundation both of which operate under the auspices of the Library of Congress in order to help save America's film heritage.

The National Film Preservation Act will allow the Library of Congress to continue its important work in preserving America's fading treasures, as well as providing grants that will help libraries, museums, and archives preserve films and make those works available for study and research. These continued efforts are more critical today than ever before. While a wide range of works have been saved, with every passing day we lose the opportunity to save more. Fewer than 20 percent of the features of the 1920s exist in complete form and less than 10 percent of the features of the 1910s have survived into the new millennium.

The films saved by the National Film Preservation Board are precisely those types of works that would be unlikely to survive without public support. At-risk documentaries, silent-era films, avant-garde works, ethnic films, newsreels, and home movies frequently provide more insight into the American experience than the Hollywood sound features kept and preserved by major studios. What is more, in many cases only one copy of these ''orphaned'' works exists. As the Librarian of Congress, Dr. James H. Billington, has noted, ''Our film heritage is America's living past.''

I would like to thank Senator HATCH again for working with me to include the ''National Film Preservation Act'' in the bill we are introducing today.

The House-passed bill included an important reporting requirement authored by Rep. ADAM SCHIFF and adopted by the House Judiciary Committee. Specifically, this provision required the Department of Justice to submit an annual report to Congress specifying the number of U.S. persons or residents detained on suspicion of terrorism, and describing Department standards for recommending or determining that a person should be tried as a criminal defendant or designated as an enemy combatant. A Washington Post editorial dated April 3, 2004, praised this provision, while noting that ''If more members of the House took their duty to legislate in this critical area seriously, Congress would craft a bill that actually imposed standards rather than simply inquired what they were.'' I agree, and regret that was unable to persuade Chairman HATCH to retain this modest oversight tool.

I am disappointed that we will not be including the privacy officer provision referred to us by the House. It is critical that the Department have a designated leader who is consistently mindful of the impact of the Department's activities on privacy rights. While there has been some history of a

privacy official at the Department, these positions have been nonstatutory, and thus there has been no guarantee of consistent vigor and accountability on these issues. Given that the Department's mission increasingly involves gathering and assessing personal information, we simply can't afford to have a lapse in accountability on privacy. Moreover, this is not an untested idea. Congress created a privacy officer for the Department of Homeland Security, and it has been recognized as a successful example of how this role can be helpful in assessing and addressing privacy concerns. We need to follow this lead, and the privacy officer provision would have been a good opportunity to do so.

I look forward to working with Senator HATCH, Congressman SENSENBRENNER and Congressman CONYERS to continue the important business of reauthorizing the Department of Justice. Clearly, regular reauthorization of the Department should be part and parcel of the committees' traditional role in overseeing the Department's activities. Swift passage into law of the Department of Justice Appropriations Authorization Act, Fiscal Years 2005 through 2007 will be a significant step toward enhancing our oversight role.

DREAM ACT

Mr. DURBIN. Mr. President, I have come to the floor today to speak about the DREAM Act, an immigration reform bill that the Senate should act on as soon as possible.

Immigration reform is an urgent priority for our nation. There are some who want to ignore this issue, especially because it is an election year. Immigration reform is too important to set aside for political reasons.

Our immigration system is broken. It harms our national security and our economy. It also treats hard-working immigrants, especially immigrant children, unfairly.

In recent months, there has been a lot of discussion about President Bush's immigration proposal. I have some serious concerns about the substance of the proposal, but the President did a good thing by coming forward with it. He reopened the national debate about immigration.

Since the President made his proposal in January, nothing has happened. The proposal has not even been introduced as a bill. Clearly, Congress will not act on it this year.

But we cannot wait to act on immigration reform. The problem is too urgent. Congress should back up the President's words with action. We should pass the DREAM Act this year.

The DREAM Act is the only immigration reform proposal reported to the Senate floor in the 108th Congress. It is a narrowly-tailored, bipartisan bill that would provide immigration relief to a select group of students who are long term U.S. residents, have good moral character and are pursuing a college education or have enlisted in the military.

I introduced the DREAM Act with the senior Senator from Utah, ORRIN HATCH, and I thank him for his leadership on this issue. We are an unlikely political couple, and it speaks volumes about the urgent need for immigration reform that we have come together in support of the DREAM Act.

The DREAM Act has broad public support. According to a recent poll of likely voters, 59 percent support the bill, while only 25 percent oppose it.

The DREAM Act has 48 cosponsors and was reported favorably by the Judiciary Committee on an overwhelming 16–3 vote. If brought to a vote, there is every reason to believe it would pass by a wide margin.

The DREAM Act was reported to the floor last October, over eight months ago. The Senate's leadership should bring the DREAM Act to a vote as soon as possible.

Why is the DREAM Act so important? Because of the extraordinary young people it would help. Let me tell you about two of them, whom I have had the pleasure of meeting.

Diana was born in Mexico, but raised in Chicago, in my State of Illinois. Her parents brought her to this country at the age of 6. Her father works construction for $25,000 per year; her mother is a manager in a fast food restaurant who earns $15,000 per year.

Last year, Diana graduated from high school in the top 5 percent of her class with a GPA of 4.4 on a 4.0 scale. She is studying to be an architect and she has won first place in a number of architecture contests. Diana is very active in her church and last year she won the national New Leadership Award from the U.S. Catholic Conference of Bishops.

Diana was accepted to Northwestern University, a prestigious institution, but due to her immigration status, was unable to attend. Last fall, Diana became the first member of her family to attend college when she enrolled in the architecture school at an Illinois state college.

Tereza was also raised in Illinois; her Korean parents brought her to the U.S. when she was two. Her mother, the family's sole breadwinner, earns $20,000 per year working 12-hour days at a drycleaner.

Tereza began playing piano when she was eight. She became a musical prodigy, winning the Chicago Symphony Orchestra Youth Auditions, which enabled her to perform with the Orchestra.

I first learned about Tereza when her family called to ask for my help. Tereza first discovered that she was undocumented when she was preparing to apply to colleges. The top music schools in the country had recruited Tereza, but when they learned about her immigration status, most would not permit her to apply. I called the INS to ask for their help and they told me that Tereza should go back to Korea.

Tereza now attends one of the top music schools in the country.

One of her music teachers told me:

> I worry that our country, the richest and most blessed in the world, will not permit this very large talent to be developed. We are not such a rich land that we can afford to throw away the talents of our residents.

Due to support from their communities, Diana and Tereza are among the lucky ones who have been able to attend college. However, their futures are uncertain—they could be deported at any time.

Diana and Tereza are not alone—thousands of other young people are prevented from pursuing their dreams by our immigration laws.

They are honor-roll students, star athletes, talented artists, homecoming queens, and aspiring teachers and doctors. Their parents brought them to the United States when they were young children. They have lived in this country for most of their lives. It is the only home they know. They have followed the rules and worked hard in school. Unfortunately, they are undocumented, so their options are greatly limited and they could be deported at any time.

The DREAM Act would help these students. It would permit them to become permanent residents if they are long-term U.S. residents, have good moral character, and attend college or enlist in the military for at least 2 years.

The DREAM Act is not an amnesty. It is narrowly tailored to assist only a select group of young people who earn legal status. It is unfair to punish these students for the mistakes of their parents.

The DREAM Act would also repeal a provision of federal law that prevents states from granting in-state tuition rates to undocumented students. It would not create any new tuition breaks. It would not force states to offer in-state tuition to anyone. It would simply return to states the authority to determine their own tuition policies.

This is not just the right thing to do, it is good for America. The DREAM Act would allow students with great potential and ambitions to contribute more fully to our society.

Diana and Tereza are just like millions of immigrants who have come to this country over the course of our history.

I am the proud son of an immigrant. Over 90 years ago my grandmother carried my mother, then a 2-year-old infant, down a gangplank and off the ship that brought them here from Lithuania.

As this poor family made its way through the streets, I am sure someone commented, ''Not more of these people.'' This resistance to new Americans has always been with us.

We need to view immigrants for whom they really are: men and women with the courage to leave behind everything they knew to build a new and

better life for themselves and their children.

Immigrants have made us the greatest country in the world. The best and brightest have come here from all over the world, creating a rich diversity that continually renews and drives our society to new heights.

As we mourn the passing of President Ronald Reagan, all Americans should recall his vision of our Nation as a shining city upon a hill. Here is what President Reagan said about the shining city and immigration:

> If there have to be city walls, the walls have doors and the doors are open to anyone with the will and the heart to get here. . . . The city is a beacon a magnet for all who must have freedom, for all pilgrims from all the lost places who are hurtling through the darkness, toward home.

Like me, President Reagan was the son of an immigrant. We had very different political philosophies, but President Reagan understood the importance of immigrants to our great country.

I recently received a letter, in support of the DREAM Act, from a group of Americans who lost loved ones in the September 11 terrorist attacks. They wrote:

> We will all be safer if we unite against the terrorists and if our immigration system can be made more rational and reflective of our values as a nation.

These brave Americans, who have suffered so much, understand that, as we fight the war on terrorism, we must stand by the ideals that made our country great. We shouldn't deport extraordinary young people like Diana and Tereza. They make America a stronger country. We should extend a welcoming hand to them by passing the DREAM Act this year.

These young people cannot wait any longer—many of them will have been deported by the time the next session of Congress begins.

For example, four honor-roll students from Wilson High School in Arizona are currently in deportation proceedings. They have lived in the United States since they were toddlers. Under current law they have no options, but the immigration judge who is considering their case granted a continuance to give Congress time to pass the DREAM Act.

The Senate should vote on the DREAM Act. I ask the Senate's leadership to schedule a vote on this important bill as soon as possible.

RURAL COMMUNITY ARSENIC RELIEF ACT

Mr. CRAIG. Mr. President, I rise to address an issue that is just now emerging in rural America, but one that is important and has the potential to devastate, economically, small cities and towns across the inter-mountain West—like in my State, of Idaho.

The new Environmental Protection Agency drinking water standard of 10 parts per billion for arsenic is something the current Administration inherited from the prior Administration and is now trying to implement. I would remind my colleagues, however, that the new lowered arsenic standard was not universally supported in Congress when it was proposed.

There were Senators—not many, but I was certainly one of them—that knew that the cost of complying with the new arsenic standard was going to cripple economically—was going to break the back financially—of rural communities and small towns across the western United States.

I fought this new standard on the floor of the Senate. I knew the costs were crippling and the health benefit was bogus. I also knew that the science to support the lower standard is being exposed as based on examples and sample populations that were very, very flawed. The science is now revealing that extrapolating from those sample communities to the whole of the United States was a very, very flawed basis for the drinking water standard.

I fought this new standard, but I did not succeed.

There are communities now in Idaho that will not be able to come into compliance with this new standard by the time it takes effect. Some of these Idaho communities have estimated that it would take double or triple their entire city budget, just to try to come into compliance—and that would mean that no other city services could be paid for.

That kind of situation is clearly ridiculous, and I will fight as long and as hard as I can to find solutions to this problem.

For example, this past March I discussed this issue with EPA Administrator Mike Leavitt. Mike Leavitt is a Westerner—his folks in Utah are having some of the same problems.

I discussed that with him and I think he will try to be reasonable. I will keep discussing it with him. The problem is that EPA bureaucrats—who are so good at being bureaucrats—think they know Idaho better than Idahoans do. Some of our Idaho communities have requested of EPA Region 10 that EPA exercise some flexibility with this standard. This is flexibility that EPA has already incorporated into its final agency rule on the arsenic standard.

Unfortunately, EPA bureaucrats are doing what they are good at. They are saying no to flexibility and hey, by the way, Castleford, Idaho or New Plymouth, Idaho—this won't disadvantage you economically as much as you say. That is what EPA says to the communities of Idaho. We know better than you.

Seeing that EPA cannot be reasonable, I have worked with my colleagues Senator NELSON of Nebraska and Senator DOMENICI of New Mexico. Both of their States have similar problems. The product of our collaboration is the bill we are introducing today.

With this bill, we are trying to force States—and in Idaho's case, the EPA since Idaho is what they call a ''non-primacy state''—to approve requests from communities to delay their compliance with the new arsenic standard.

The bill is straightforward, it is vital, and it is needed. It will save some of these communities from bankruptcy or from discontinuing essential community services. Many other states—other than Idaho, Nebraska, and New Mexico—face this same crisis. I implore my colleagues to learn about what their small communities are facing, and to join with us in enacting this essential regulatory relief.

ADDITIONAL STATEMENTS

HONORING KATIE PENN AND HILLARY RAINEY

● Mr. BUNNING. Mr. President, I pay tribute and congratulate Katie Penn and Hillary Rainey both of Winchester, KY, on being selected to participate in the America's Promise Ambassadors Network. They will be representing their community and Kentucky as young leaders and problem-solvers.

America's Promise was founded in 1997 to make children and youth a national priority. Their mission is to mobilize people from every sector of American life to build the character and competence of youth by fulfilling the following promises: providing caring adults, safe places with structured activities after school, a healthy start, marketable skills through education, and opportunities to serve.

As ambassadors for the America's Promise program, Katie and Hillary will organize a project for National Youth Service Day in April 2005 in their community. In addition, they will dedicate 2 to 3 hours every month volunteering in their community, and will have the opportunity to earn the President's Volunteer Service Award for their activities. They will also be participating in monthly training sessions to build their leadership skills.

Young people are part of the solution to problems we face in this country, and we need to utilize their assets. I join my fellow Kentuckians to congratulate Katie Penn and Hillary Rainey being named ambassadors for this program and thank them for their dedication to community service.●

TRIBUTE TO MINNESOTA RADIO STATION, KTCZ–FM

● Mr. DAYTON. Mr. President, I rise today to recognize an outstanding Minnesota radio station, KTCZ-FM, which recently won a National Association of Broadcasters Crystal Radio Award. The Award honors KTCZ-FM for its continuous commitments and exceptional dedication to community service throughout its listening region.

KTCZ-FM, which is known locally as ''Cities 97,'' deserves this honor for its many charitable contributions. Last

year, the station donated over $2.7 million in airtime, which enabled nonprofit service organizations to raise almost $5 million for their important work. The station also aired over $1 million worth of public service announcements and provided almost 80 hours of public affairs broadcasts.

Their tremendous community support previously earned KTCZ-FM the Camp Heartland Heart of Hope Award, the Make-A-Wish Recognition Award, the University Pediatrics Foundation Corporate Friend Award, and a Proclamation by the Governor of Minnesota.

KTCZ-FM's employees share the station's dedication to helping others. Last year, they donated over 2,500 hours of their own time to help worthy causes.

On behalf of the thousands of Minnesotans who have been helped by Cities 97's generosity, I thank the station, its management, and its employees for their extraordinary contributions. I congratulate them for winning a 2004 Crystal Radio Award. I trust that their giving back to their community will continue to lead the way for many more years.●

TRIBUTE TO JUDITH LICHTMAN

● Mr. DODD. Mr. President, I rise to pay tribute to Judith L. Lichtman, who stepped down recently after serving for 30 years as president of the National Partnership for Women and Families.

I have been privileged to work with Judy Lichtman for the past quarter century on numerous issues of importance to American women and families. Judy took the lead in efforts to combat gender-based discrimination in the workplace, to protect a woman's right to choose, to provide each and every American with affordable health care, and to in so many other ways help working families across our Nation.

Judy began her career at the National Partnership for Women and Families in 1974, when it was known as the Women's Legal Defense Fund. At the time, she was its executive director and only paid staff member. Under her leadership, the National Partnership has become an organization that has been at the forefront of many major legislative initiatives concerning women and families for the past three decades.

Judy was particularly instrumental in the successful effort to pass the Family and Medical Leave Act, legislation I was privileged to author in the Senate. Judy recognized decades ago that each and every day, men and especially women in America are forced to make difficult choices between advancing their careers and caring for their families. The FMLA hasn't eliminated these difficult choices entirely. But by providing working men and women with up to twelve weeks of unpaid leave to care for a sick loved one or a newborn child, it has been an enormous help to women and men as they strive to balance the competing demands of work and family.

In this legislative body, and around our country, we often hear rhetoric about ''family values.'' Judy understands that if ''family values'' as a term means anything, it must be accompanied by policies that actually value families by providing them with access to affordable health care, by helping parents care for their children, by giving working mothers opportunities for equal jobs with equal pay, and by fighting practices that discriminate against parents in the workplace.

Judy understands that the American family's priorities are America's priorities. The family is the fundamental building block of our society. And when we make the American family stronger, we make America stronger.

Judy has won praise from wide circles for her tireless efforts. President Clinton called her ''a remarkable national treasure,'' and I echo those words today. The occasion of Judy's retirement is indeed a bittersweet one. But I have no doubt that she will continue to lend her expertise and passion to the National Partnership as she continues on in the role of senior advisor.

I don't know anyone who is a more passionate, tenacious, and intelligent advocate for women and families than Judy Lichtman. She is a model for generations to come, and I have truly enjoyed the time I have spent working together with her over the years.

I thank Judy for her many, many years of dedicated work, and I wish her luck as she moves on to this new stage in her life and her career.●

IN MEMORY OF FERN HOLLAND

● Mrs. CLINTON. Mr. President, I rise today in honor of the memory of a special woman, Fern Holland, who left the comfort of her work as a lawyer in private practice to serve the poor, the oppressed, and the marginalized. She volunteered for the Peace Corps in Namibia, Africa, and worked with the American Refugee Committee to set up legal clinics in Guinea. Finally, she worked for the U.S. Agency for International Development and the Coalition Provisional Authority as a human rights lawyer organizing women's groups and human rights groups in south central Iraq. Fern is someone who deserves to be remembered both for what she did in life and what she gave in life in service to our country.

On March 9, 2004, she was brutally gunned down south of Baghdad, near the city of Hilla. Her friend and colleague, Salwa Oumashi, was also killed. Fern worked tirelessly to set up women's centers in south central Iraq. She was working for our Government to provide safe places for Iraqi women to discuss and pursue active roles in their communities. During her time in Iraq, she wanted to give women in places like Hilla and Karbala a voice because she feared they might be forgotten otherwise.

Iraqi women are struggling every day to participate in the rebuilding of their country, but they confront many obstacles, not least of which include the daily challenges to their own personal security. Today, the centers Fern helped to establish are playing a crucial role in the women's movement in Iraq. Fern knew the danger that she faced, but she wanted to volunteer her services to further democracy and freedom and to help Iraqi women come out from behind the walls of oppression in order to take their rightful place in a new Iraq.

Fern was in constant e-mail contact with many of us on Capitol Hill. She wrote about the dreams of the Iraqi women she met and what needed to be done to make those dreams come true. Of Fern her Iraqi colleagues wrote: ''Fern lost her life, but won our love and this is unique in life. We must follow Fern in the same way and show to the murderers that we will walk on in her spirit.''

Fern Holland held two core beliefs: that all people deserve basic human rights, and that one person really can make a difference in the lives of others—and she did.●

RECOGNIZING GREGORY B. ANDREWS

● Mr. ALLEN. Mr. President, I am pleased today to recognize Mr. Gregory B. Andrews for his community service and leadership. Gregory recently graduated cum laude from Longwood University with a business administration degree, concentrating in marketing.

During his time at Longwood University, Gregory actively volunteered to serve the student body. He was president of the Independent Innovation Marketers Association and served on the student advisory board.

Following graduation, Gregory was commissioned a 2nd Lieutenant in the U.S. Army. He is currently serving on active duty at Fort Lee, VA in the Quartermaster School, where he is enrolled in the officer basic course. With the completion of this course, he will join the 3rd Infantry Division at Fort Stewart, GA.

Gregory B. Andrews has proven himself a true leader. I thank him for his dedicated service to our country and wish him well in his future service.●

REMEMBERING ZANE SHOWKER

● Mr. ALLEN. Mr. President, today I would like to reflect on the wonderful life of a fine Virginian and American, Mr. Zane Durwood Showker, who passed away on June 23, 2004 in Rockingham County.

Born on January 30, 1926, in Craigsville, VA, Zane Showker truly made the most of his time here on Earth. Throughout his life, he was an outstanding businessman, perhaps best exemplified by his founding the successful Harrisonburg Fruit and Produce, which would later become

Sysco Food Services of Virginia. His entrepreneurial skills were only outshone by his philanthropic skills as Mr. Showker kindly used his great success in business to give back to his community through his various charitable projects.

More than anything, Zane Showker was an exceptionally kind and generous gentleman who cared greatly for the Shenandoah Valley. As Governor, I was proud to appoint Zane to the JMU Board of Visitors, where he served with distinction. His work at JMU and throughout the Valley had a truly positive effect on the lives of countless Virginians. Like so many others, I will always have fond memories of his warm personality and hospitality at his wonderful home, Breezy Hill.

Today, my thoughts and prayers go out to the Showker family during this difficult time.●

RECOGNIZING RAYMON THACKER

● Mr. ALLEN. Mr. President, I am pleased today to recognize Mr. Raymon Thacker for his community service and leadership. Mr. Thacker is in his 70th consecutive year of service as a member of the Scottsville Volunteer Fire Department. Mr. Thacker is a founding member of the Department, and has selflessly given much of his time and hard work to see to it that the Department continues to run smoothly and effectively.

The Scottsville Volunteer Fire Department serves about 15,000 residents within southern Albemarle, Fluvanna, Buckingham, and Nelson Counties. Mr. Thacker has worked tirelessly to make sure everyone in the area remains safe and secure.

The Scottsville region surely appreciates the talents and efforts that Mr. Raymon Thacker has displayed as a member of the Scottsville Volunteer Fire Department. I congratulate him on his community service and wish him well in the future.●

TRIBUTE TO MR. JOHN HICKS

● Mr. SHELBY. Mr. President, I rise today to pay tribute to Mr. John Hicks, a veteran administrator of the University of Alabama System who, after a quarter-century of service, will retire on August 31, 2004. John has made tremendous contributions to the institution through his dedication to educational excellence, and I am pleased to congratulate him today.

John has served as a member of the University of Alabama management team since 1979, most recently as executive assistant to the chancellor and secretary of the board of trustees of the University of Alabama. Recognized nationally for his accomplishments in higher education administration, John has made countless contributions to the university.

John has been an integral part of the university's efforts to recruit senior leadership, resulting in the selection of 10 campus presidents and four chancellors. Additionally, John's responsibilities at the university include oversight of the activities and meetings of the board of trustees as well as leadership in strategic planning and crisis management issues.

As ambassador of the University of Alabama system in the U.S. and abroad, John has represented the Board and its entities in activities of the Association of Governing Boards of American Colleges and Universities, the American Council on Education, the College and University Personnel Association, the Japan-America Society of Alabama, and the National Association of State Universities and Land Grant Colleges. In addition to his responsibilities with the university system, John still finds time to actively participate in the community by serving on the Alabama Shakespeare Festival Theatre Authority and boards of the Alabama School of Math and Science, the Kentuck Festival, and A Women's Place, a shelter for women and children in Tuscaloosa, AL. He is a member of the 2004 class of Leadership Alabama and Christ Episcopal Church.

John received a Bachelor of Science degree in industrial economics/administration and finance from Purdue University and a Master of Arts from the Eastern Michigan University. John and his wife Kirsten Boyd Hicks are the parents of three grown children and have two grandchildren.

John has served the University of Alabama community with dedication and a sincere commitment to make the university a better place. The university will, indeed, miss him, but I am certain he will maintain his presence and leadership within the Tuscaloosa community. Today, I want to congratulate John on the occasion of his retirement and wish him and his family the very best.●

JESSICA LONG

● Ms. MIKULSKI. Mr. President, in a few weeks we are going to be cheering on our champion athletes at the Olympics in Athens, Greece. I rise today to tell America the unique and inspiring story of a 12-year-old Marylander and record-breaking swimmer named Jessica Long.

Jessica was born in Russia and adopted with her brother Joshua as an infant. Though Jessica has faced health difficulties and worn prosthetic legs since she was a little girl, she has always been on the move. She began swimming seriously several years ago, pushing off the wall of the pool with her knees, and using her upper body for the majority of her swimming strength. She has since set 11 National and 2 Pan American records for disabled swimmers. Jessica is now going to compete in the 50-, 100-, and 400-meter freestyle events at the Paralympics Games in Athens.

Jessica also finds time to just have fun and be a kid. She has been a cheerleader, plays with Barbies and music boxes, and has dreams of being a model or designer. I am confident that Jessica will accomplish her goals, whatever they may be.

Jessica Long is a testament to triumph over adversity. She is strong in both body and spirit. I ask my colleagues to join me in saluting her spirit and wishing her the best of luck at the Athens Paralympics.●

COMMEMORATING VALMONT IRRIGATION'S 50TH ANNIVERSARY

● Mr. NELSON of Nebraska. Mr. President, I am pleased and proud to congratulate a leading Nebraska company that this year is celebrating its 50th anniversary as the world's preeminent mechanized irrigation manufacturer. Valmont Industries' development of the center pivot technology has revolutionized agricultural production, not just in the United States, but around the world. At the same time, this technology uses far less water than other traditional means of irrigation such as flood and drip, and preserves water quality by reducing nonpoint source pollution because it lessens the use of pesticides and fertilizers. Valmont's products allow us to grow significantly more crops and produce greater crop revenue, all while protecting our vital natural resources.

I am sure my colleagues are familiar with the center pivot. When you fly across the country and see huge circles in the middle of farmland, those are created by the center pivots manufactured in my home town of McCook and Valley, where they were first developed. In fact, the brand name is popularly known as Valley pivots.

You can also see Valley center pivots and linear and corner machines at work in over 100 countries. All told, the company maintains irrigation manufacturing and distribution facilities in five states and six countries on six continents.

I worked with Valmont officials during my tenure as Governor, and I continue to work with Mogens Bay, chairman and chief executive officer for Valmont; Bob Meaney, senior vice president; and Tom Spears, president of the Irrigation Division; as well as the company's Washington representatives at Bob Lawrence & Associates. In addition, I am also quite familiar with other Valmont products, since it is also the world's foremost manufacturer of engineered poles for electrical transmission, lighting, traffic signs and signals, and wireless communications.

Today, a half century after Bob Daugherty improved and marketed the first center pivot, Valmont has produced an estimated 145,000 center pivots, linear, and corner machines, which successfully irrigate more than 14 million crop acres, and can effectively promote the growth of virtually any crop.

I congratulate Valmont and its dedicated workers for their half century of innovation and initiative as well as for

their success in helping to feed the world while protecting our environment. These are truly remarkable legacies.●

TRIBUTE TO THOMAS H. WARDLEIGH

● Ms. MURKOWSKI. Mr. President, I pay tribute to Mr. Thomas H. Wardleigh, Alaskan aviation legend, who left us for new horizons on July 7, 2004, following a long battle with cancer.

A World War II Navy veteran, Tom moved to Alaska in 1951 and continued his aviation career as a mechanic with the U.S. Fish and Wildlife Service, keeping its fleet of Grumman aircraft in operation for decades. He completed his federal service at the Federal Aviation Administration. He then devoted the rest of his life to promoting safety enhancements for Alaskan aviation. In 1984 he became chairman of the Alaskan Aviation Safety Foundation and produced more than 1,000 weekly episodes of a TV show called ''Hangar Flying'' which was broadcast all over Alaska. Because of the value of the instruction, the national organization, Aircraft Owner and Pilots Association, recently gave a grant to the University of Alaska Archives to transfer all of the programs to DVD so that future aviators will be able to learn from his timeless wisdom.

Tom Wardleigh logged over 33,000 flight hours in numerous types of aircraft. He was in great demand as an advanced flight instructor, and was one of the few multiengine sea plane instructors. Many, many Alaskan pilots were Tom's students over the years.

Although he was a tenacious fighter, Wardleigh was soft spoken, friendly, and always a gentleman, perhaps some reasons he was such a successful advocate for aviation safety enhancement, whether in education or technology. He was most recently instrumental in the development of the FAA Capstone Project which has been credited as a significant factor in lowering the accident rate in rural Alaska. While his work was primarily in Alaska, Tom participated in forums and projects all over the United States as well as in other countries whose aviation leaders often came to Alaska to personally seek Tom's advice on developing their safety programs.

The list of commendations Tom had received over the years is long, and includes AOPA's Laurence P. Sharples' national award in 1994 for his lifetime of service. Last year, FAA Administrator Marion Blakey personally recognized Tom with one of the agency's most significant honors in U.S. civil aviation, the Distinguished Service Award—this in addition to having previously bestowed on him the Charles Taylor Master Mechanic and the Wright Brothers' Master Pilot Awards.

While Tom Wardleigh may have taken his last flight, pilots and passengers alike will fondly remember this special aviator as they turn onto Wardleigh Drive at the Anchorage Ted Stevens International Airport.●

NEW JERSEY STATE SOCIETY BIDS FAREWELL TO JOHN AND HELEN PANNULLO

● Mr. CORZINE. Mr. President, I am pleased to take this opportunity to acknowledge the outstanding contributions of John and Helen Pannullo in strengthening the New Jersey State Society. This valuable organization has played a major role in the professional and social lives of so many present and former New Jersey residents who live and work in the National Capital area. Unfortunately, their colleagues and many friends must bid them a fond farewell as they finally retire and move from this area.

John is a former association executive who has represented a number of associations in New Jersey and Washington, DC. Helen is retiring after 31 years of Federal Government service during which she held a variety of management positions in the information technology field and served on the board of Executive Women in Government.

In 1997 John assumed the Presidency of the New Jersey State Society, and Helen became its secretary. Under their expert leadership, the NJSS had a period of unprecedented growth and activity. They created an annual membership directory and quarterly newsletter. They also initiated the participation of the NJSS in 10 to 12 high-profile events each year, including New Jersey Day at the National Cathedral, the Battle of the Beltway to raise funds for the Cystic Fibrosis Foundation, and the National Book Fest on the Mall. One of the highlights of this period was the 2001 New Jersey inaugural gala attended by more than one thousand NJSS members and their guests.

During their tenure the income of the society has increased ten fold, and the membership has gone from fewer than 100 to nearly 900.

I am sincerely grateful for John and Helen's dedication to the New Jersey State Society and their noteworthy accomplishments on behalf of the citizens, businesses, labor organizations and educational institutions in our State. While we will miss them, I wish them every success and much happiness in this new chapter of their very successful and productive lives.●

TRIBUTE TO THE TOWN OF CHATOM, ALABAMA

● Mr. SESSIONS. Mr. President, I take this opportunity to recognize the town of Chatom in my home state of Alabama. On October 4, 2004, the Town of Chatom will celebrate its 100th birthday. Named the county seat of Washington County in 1907, the town later became the home of the county's first high school. Washington County Hospital and Nursing Home, where an uncle of mine was ably cared for, was founded there in 1952. In 1956, Chatom citizens founded the beautiful Washington County Public Library. Chatom became a regional leader in aviation when Roy Wilcox Airport was established there in 1963. In 1995, the town extended its appeal to additional tourists and golf enthusiasts by opening an eighteen hole golf course. Reflecting the hospitable environment of the town, residents established the Chatom Community Center in 2000. Lake Ellis opened that same year, providing increased avenues for fellowship and leisure to both residents and visitors. Currently, the Town of Chatom encompasses a population of 1,205.

I firmly believe that it is out of the small towns and rural communities of America that there arises the rich values that shape our State and Nation. People know and care for one another. They go to church. They encourage the children of the community. They stand up for truth, justice and common sense. That is the way they were raised and that raising forms the basis for a fierce sense of independence, a respect for the ownership of property, and a love of democracy, where people from the heart of America rule. They love and respect America, they understand the exceptional character of our country, obey her laws, and send their sons and daughters to defend her just national interests. Without the people of Chatom and millions like them, we would cease to bear the stamp, ''American''.

Chatom has been a commercial and educational center for southwest Alabama for many years. In fact, I recently found a diploma of another uncle, Harry A. Powe, Jr., who came down from Black Creek outside Silas to graduate from Chatom High School in the 1920s.

The rich history and character of Chatom are proof of the leadership potential of Americans intent upon the pursuit of the American dream and the promotion of American ideals. Since its founding on October 4, 1904, the Town of Chatom has been a leader of Washington County, due not only to its expanding educational and economical opportunities but also to the hard work and good hearts of its people. As Chatom prepares to celebrate its centennial, we should pause to look forward to the future achievements of its citizens. I congratulate and commend Chatom for its accomplishments and continued growth. I thank the residents of Chatom for their examples of American ideals and southern hospitality.●

HONORING THE ACCOMPLISHMENTS OF JEREMY TODD BOWLING

● Mr. BUNNING. Mr. President, I pay tribute and congratulate Jeremy Todd Bowling of Manchester, KY on being awarded the Kentucky Farm Bureau

Insurance Agents Association Scholarship from the Kentucky Farm Bureau Education Foundation. This academic scholarship will provide Jeremy with $2,000 toward his education.

Jeremy has proven to be a very able and competent student by winning this prestigious award. He will represent the graduates of Clay County High School very well when he enrolls at the University of Kentucky in the autumn. There he plans to study biology.

The citizens of Clay County should be proud to have a young man like Jeremy Todd Bowling in their community. His example of dedication and hard work should be an inspiration to the entire Commonwealth.

He has my most sincere admiration for this work and I look forward to his continued service to Kentucky.●

COLONEL ROBERT MORGAN

● Mrs. DOLE. Mr. President, I would like to reflect for a moment and explain why we should take a moment to honor Colonel Robert Morgan, a man of distinguished valor. Not only was he part of our Greatest Generation, he was a true hero, aptly defined as one who inspires through manners and actions, who leads through personal example and accomplishments requiring bravery, skill, and determination. As commander of the famed ''Memphis Belle'' during World War II, and at a time when German anti-aircraft fire brought down 8 in 10 bombers, Colonel Morgan repeatedly risked everything for his country. In this extremely dangerous environment he piloted the first heavy bomber to complete 25 combat missions in the European Theater, an unprecedented achievement and the magic number to be sent home.

Colonel Morgan's exceptional courage did not end in the European Theater. He continued his valiant service to his country in the Pacific Theater and again made history when his B–29 named ''Dauntless Dotty'' was chosen to lead the first B–29 raid on Tokyo. A native of Asheville, NC, Colonel Morgan represented the American Spirit—courage in the face of seemingly insurmountable odds.●

HONORING THE ACCOMPLISHMENTS OF JESSE DUKE WELTE

● Mr. BUNNING. Mr. President, I pay tribute and congratulate Jesse Duke Welte of Maysville, KY on being awarded the Kentucky Farm Bureau Mutual Insurance Company Scholarship from the Kentucky Farm Bureau Education Foundation. This academic scholarship will provide Jesse with $2,000 toward his education.

Jesse has proven to be a very able and competent student by winning this prestigious award. He will represent the graduates of Maysville St. Patrick High School very well when he enrolls at the University of Louisville in the autumn. There he plans to study political science.

The citizens of Maysville should be proud to have a young man like Jesse Duke Welte in their community. His example of dedication and hard work should be an inspiration to the entire Commonwealth.

He has my most sincere admiration for this work and I look forward to his continued service to Kentucky.●

HONORING THE RETIREMENT OF PAUL STABILE

● Mr. JOHNSON. Mr. President, I publicly congratulate Paul Stabile on a very successful career helping individuals with disabilities obtain jobs. He is retiring from the Black Hills Workshop on September 13, 2004.

Over the years, Paul has been extraordinarily committed to exploring new roles for people with disabilities in the workforce throughout the United States. Paul began his career with the Black Hills Workshop in 1973 when philosophies about the people with disabilities were making dramatic changes. The de-institutionalization of people with disabilities in South Dakota was reflective of what was happening all over the United States. Paul's friends recall that Paul welcomed dozens of men and women to Black Hills Workshop and the Rapid City community who had spent their entire lives living in an institution in Redfield. Paul offered them support in living, working and assuming a quality of life that people with disabilities had never before known.

In 1996, a separate corporation, Black Hills Services, was formed to provide services to the Department of Defense and employment opportunities at Ellsworth Air Force Base. Paul was selected to lead the new corporation.

Paul's association with the U.S. Air Force has provided thousands of job opportunities to people with disabilities and provided the Air Force with much-needed support. Paul's partnership with the Air Force has been a shining example to Human Service Agencies around the country for people with disabilities.

During Paul's tenure, Black Hills Services, and the people with disabilities that it serves, has been recognized with some of the highest honors that can be bestowed by the Air Force. These awards include Best Large Commissary in the United States, Best Large Merchandise Department-Commissary, R.T. Riney Award, Best Food Services and the prestigious Hennessy Award for Best Air Force Dining Facility Worldwide.

Paul also served on the Rapid City Mayor's Committee on Employment of People with Disabilities. Paul's leadership has gone beyond South Dakota. From 1996 to 2003, Paul was a member of the NISH Board of Directors where he served as treasurer and secretary. NISH is the nonprofit organization that assists work centers in obtaining and maintaining contracts with the Federal Government. In March 2004, in recognition of Paul's years of service on behalf of NISH, the Javits-Wagner-O'Day, JWOD, Program and people with disabilities, the NISH Board of Directors granted him the status of emeritus Board member.

Paul was recently honored with the prestigious Milton ''Milt'' Cohen Leadership Award, which recognizes an individual from a Community Rehabilitation Program, CRP, working within the JWOD Program. The honoree must have demonstrated national leadership qualities leading to enhanced employment opportunities for people with severe disabilities. Milton Cohen was a respected national leader in the field of vocational rehabilitation.

I've appreciated Paul's insight, advice and counsel on issues of importance to people with disabilities in South Dakota. His undying commitment and dedication have helped open countless doors of opportunities to people with disabilities. Paul's efforts have helped tear down barriers—barriers set for those set in attitudes. I wish nothing but the best for him and his family. It is with great honor that I share his impressive accomplishments with my colleagues.●

RECOGNIZING HAWAII PARTICIPANTS IN 2004 ECONOMICS CHALLENGE

● Mr. AKAKA. Mr. President, today I congratulate the team of students from Iolani School of Honolulu, HI, for logging a national accomplishment in the National Economics Challenge recently held in New York City. The team traveled over 5,000 miles to represent not only Hawaii, but the western region in the competition, at which they achieved a second-place finish in their category, the David Ricardo division, which is for students enrolled in single-semester economics courses.

The National Economics Challenge is sponsored by the National Council on Economic Education, NCEE, and the Goldman Sachs Foundation, which created the Challenge in 2000 to promote student interest in economics, reinforce classroom instruction, advance academics, and reward scholarship. Preliminary rounds began in April with more than 3,600 students on over 700 teams participating in 33 State and 4 regional competitions. I commend the Hawaii Council on Economic Education for sponsoring the State-level competition in my State and, on a constant basis, training teachers and working to improve economic and financial literacy in Hawaii's schools. Student teams in the final round at the national level faced difficult questions on complex economic concepts and theories involving microeconomics, macroeconomics, international economics, and current events. The final round of the competition was held before a crowd of hundreds at the New York High School of Economics and Finance

in Manhattan. The Iolani team competed and placed second in their division, for which I congratulate them wholeheartedly.

As a former teacher and principal, I am aware of the many hours of work that these students dedicated to develop the necessary knowledge to participate in this national competition. They have surmounted many challenges at the State, regional and national levels, and have emerged with not only a placing finish to show for it, but also the experiences and memories of all they have learned along the way. Economic and financial education are crucial components needed to build our future leaders, and I applaud all students who participate in this competition for their hard work.

I am pleased to enter the names of the Iolani team members for the RECORD: Stephani Le, Kimberlee Collins, Kyle Sombrero, and Brando Inouye. I also take this opportunity to recognize their coach Richie Kibota for his contributions in helping the Iolani team prepare for the national competition. Of particular interest are their classmates and peers who rose to the same challenges, whose names I would also like to enter into the RECORD. This includes another Iolani School team who competed and placed at both State and regional levels in the Adam Smith division for advanced placement, international baccalaureate, and honors students, with team members Jeffrey Lawi, Brad Kawitaki, Ronald Kwok, Keone Nakoa, and Krystal Ching, and coach Dick Rankin. Also included are other Hawaii State participants: a third team from Iolani School and other teams from Kamehameha Schools, Maryknoll School, Kaimuki High School, and Nanakuli High and Intermediate School.

Again, I congratulate the students and the faculty of Iolani School, and I join the people of Hawaii in expressing my pride in their impressive achievements. It is these types of efforts that are supported by the Excellence in Economic Education Act, and these kinds of efforts that will ensure that our students and future leaders have the tools they need to make wise economic and financial decisions.

SALUTE TO HARRY AND DAVID

• Mr. SMITH. Mr. President, 70 years ago—in the fall of 1934—Harry Holmes from Medford, OR traveled to New York City armed with nothing more than a dream and 15 boxes of Royal Rivera pears, which had been grown on the orchard in the beautiful Rogue Valley owned by Harry and his brother David. Their goal—in the midst of an economic depression—was to convince New York business executives that a box of their pears was a perfect Christmas gift.

A week of meetings, however, yielded no success, and the pears were beginning to ripen. In an attempt to prolong the pears, Harry kept the window of his hotel room wide open, transforming his room into a make-shift refrigerator.

With just 2 days left in his trip, Harry was introduced to G. Lynn Sumner, an advertising man. Sumner met with Harry that afternoon, and before business was discussed, Harry had Sumner tuck a towel into his shirt collar and taste one of the pears.

''I took a bite out of my pear and found that Harry had taken a wise precaution,'' said Sumner. ''The juice burst . . . and poured down over me. . . . At the same time, I sensed the full flavor of the most luscious pear I had ever tasted.''

Sumner was so impressed he immediately agreed to help Harry promote his product. That night he drafted a letter to be sent with each box of pears, asking the recipient just to taste a pear and imagining what a wonderful Christmas gift a box of them would make.

The next morning, each of the 15 boxes of pears, along with a copy of the letter, were sent to America's most prominent business leaders. Before Harry left New York to return to Oregon, he had 500 orders in hand.

Seven decades later, Harry and David is the Nation's largest and most well-known direct marketer of gourmet food and fruit gifts. It ships more than 7.5 million gifts per year, including 4 million during the Christmas holiday season. Harry and David's parent company, Bear Creek Corporation, is also a leading employer in Southern Oregon, providing 3,000 full-time and part-time jobs year around, and 11,000 jobs during the holiday season.

I am proud to congratulate the good folks at Harry and David for 70 years of providing millions and millions of families around the world with delicious food and countless Christmas memories.

I am also reminded of the words of Thomas Jefferson, who said, ''Cultivators of the earth are the most valuable citizens. They are the most vigorous, the most independent, the most virtuous, and they are tied to their country and wedded to its liberty and interests by the most lasting bands.''

In saluting Harry and David, I do more than salute a business. I also salute the ''cultivators of the earth''—the farmers and orchardists who do the work necessary to make the land blossom with an abundance of treasures. I am confident that their hard work and the hard work of all those at Harry and David will help to ensure that the best days of this company are yet to come.•

IN RECOGNITION OF THE HATCH CHILE FESTIVAL AND NEW MEXICO CHILE GROWERS

• Mr. DOMENICI. Mr. President, I recognize the Hatch Chile Festival and to recognize my home State of New Mexico as the largest chile growing State in the Nation. Soon it will be September. For those from the Land of Enchantment, that means the recently harvested green chile is ready for roasting.

The chile pepper is thought to have originated in South America. During the 1500s, Spanish explorers and colonists introduced new crops, including chile, to the Southwest.

Although producers have been plagued by continuing drought conditions, agriculture continues to be a major contributor to our State's economy. Chile is one of New Mexico's most valuable commodities in terms of revenue, and is the State's most important agricultural crop both culturally and historically. New Mexico produced over 85,000 tons of chile in 2003, and planted acreage was estimated at 15,800 acres. Additionally, the value of the crop was estimated at around $41 million in 2003.

The Hatch Chile Festival is an annual event which dates back 33 years. The festival celebrates the chile and its cultural influence on New Mexico and its people. The festival is held on Labor Day weekend and draws hundreds of participants to the small town of Hatch, located just west of the banks of the Rio Grande.

Chile harvest usually begins in late July or early August and continues through the red chile harvest or up through the first frost. After harvest, the chile arrives from the farms in almost every container imaginable from bushel baskets and burlap bags, to wooden crates and cardboard boxes—all filled with freshly picked green chile waiting to be roasted.

The roasting process brings out its robust flavor and is most commonly done using a cylindrical tumbler. During harvest season, these gas-powered chile roasters can be seen going almost nonstop—outside grocery stores, in backyards, and of course, at the Chile Festival in Hatch.

The festival spreads across the entire town, making room for visitors to take in the sights and smells of the Chile festival and all its activities. The smell of roasting green chile is subtle, but unmistakable. The flavor of roasted green chile, like that of any food, is hard to describe to someone who has never experienced it.

Chile, and its history, is as much a part of our New Mexico culture and heritage as hot dogs, hamburgers, and apple pie is to our national heritage. So much so, that we even have an official State question, ''Red or Green?''

In the past, the Hatch Chile Festival was a small town event which attracted mostly native New Mexicans or people familiar with the town of Hatch. However, in 2003 the Festival was featured on cable television's Food Network, resulting in a significant jump in attendance.

Regardless of its new found fame, the festival has not lost its small town charm, and I expect it never will. The festival brings great recognition to Hatch valley locals, and much pride to native New Mexicans and visitors

alike. For that, and for all the accomplishments of chile producers and festival organizers, I am proud, and I salute them all here in this RECORD. Keep up the good work, and may you continue to represent Hatch and the State of New Mexico with distinction.●

RECOGNIZING GENE N. JOHNSON

● Mr. ALLEN. Mr. President, I am pleased to recognize Mr. Gene N. Johnson for his community service and leadership. Mr. Johnson is in his 40th consecutive year of service as a member of the Scottsville Volunteer Fire Department. During his time at the department, Mr. Johnson actively took on the role of department president from 1986–1997, and also served as a HAZMAT responder.

The Scottsville Volunteer Fire Department serves about 15,000 residents within southern Albemarle, Fluvanna, Buckingham and Nelson Counties. Mr. Johnson has worked selflessly to make sure everyone in the area remains safe and secure.

The Scottsville region surely appreciates the talents and efforts that Mr. Gene Johnson has displayed as a member of the Scottsville Volunteer Fire Department. I congratulate him on his community service and wish him well in the future.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

ENROLLED BILLS SIGNED

At 9:32 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bills and joint resolution:

S. 741. An act to amend the Federal Food, Drug, and Cosmetic Act with regard to new animal drugs, and for other purposes.

S. 2264. An act to require a report on the conflict in Uganda, and for other purposes.

S.J. Res. 38. Joint resolution providing for the appointment of Eli Broad as a citizen regent of the Board of Regents of the Smithsonian Institution.

H.R. 1303. An act to amend the E-Government Act of 2002 with respect to rulemaking authority of the Judicial Conference.

H.R. 4363. An act to facilitate self-help housing ownership opportunities.

H.R. 4759. An act to implement the United States-Australia Free Trade Agreement.

The enrolled bills were signed subsequently by the President pro tempore (Mr. STEVENS).

At 2:51 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. 3884. An act to designate the Federal building and United States courthouse located at 615 East Houston Street in San Antonio, Texas, as the ''Hipolito F. Garcia Federal Building and United States Courthouse''.

H.R. 4011. An act to promote human rights and freedom in the Democratic People's Republic of Korea, and for other purposes.

H.R. 4294. An act to designate the annex to the E. Barrett Prettyman Federal Building and United States Courthouse located at 333 Constitution Avenue Northwest in the District of Columbia as the ''William B. Bryant Annex''.

H.R. 4608. An act to name the Department of Veterans Affairs outpatient clinic located in Peoria, Illinois, as the ''Bob Michel Department of Veterans Affairs Outpatient Clinic''.

H.R. 4660. An act 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.

H.R. 4766. An act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2005, and for other purposes.

H.R. 4840. An act to amend the Internal Revenue Code of 1986 to simplify the taxation of businesses.

H.R. 4841. An act to amend the Internal Revenue Code of 1986 to simplify certain tax rules for individuals.

H.R. 4879. An act to increase the military housing private investment cap.

At 8:25 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. 4842. An act to implement the United States-Morocco Free Trade Agreement.

At 9:09 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House agree to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4613) making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes.

ENROLLED BILLS SIGNED

At 9:45 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 1572. An act to designate the United States Courthouse located at 100 North Palafox Street in Pensacola, Florida, as the ''Winston E. Arnow United States Courthouse''.

H.R. 1914. An act to provide for the issuance of a coin to commemorate the 400th anniversary of the Jamestown settlement.

H.R. 2768. An act to require the Secretary of the Treasury to mint coins in commemoration of Chief Justice John Marshall.

H.R. 3277. An act to require the Secretary of the Treasury to mint coins in commemoration of the 230th Anniversary of the United States Marine Corps, and to support construction of the Marine Corps Heritage Center.

H.R. 4380. An act to designate the facility of the United States Postal Service located at 4737 Mile Stretch Drive in Holiday, Florida, as the ''Sergeant First Class Paul Ray Smith Post Office Building''.

At 10:02 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 479. Concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

At 11:06 p.m., a message from the House of Representatives, delivered by Ms. Chiappardi, 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. 4916. 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 of the 21st Century.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1587. To promote freedom and democracy in Vietnam; to the Committee on Foreign Relations.

H.R. 4600. An act 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.

H.R. 4766. An act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2005, and for other purposes; to the Committee on Appropriations.

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

S. 2704. A bill to amend title XIX and XXI of the Social Security Act to provide States with the option to cover certain legal immigrants under the medicaid and State children's health insurance programs.

S. 2714. A bill to amend part D of title XVIII of the Social Security Act, as added by the Medicare Prescription Drug, Improvement and Modernization Act of 2003, to provide for negotiation of fair prices for Medicare prescription drugs.

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–8673. A communication from the Administrator, Agricultural Marketing Service, Food and Vegetable Programs, transmitting, pursuant to law, the report of a rule entitled ''Onions Grown in Certain Designated Counties in Idaho, and Malheur County, Oregon; Increased Assessment Rate'' (FV04–958-2 FR) received on July 21, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8674. A communication from the Director, Faith-Based and Community Initiatives, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Equal Opportunity for Religions Organizations'' (RIN0503–AA27) received on July 21, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8675. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Bitertanol, Chlorpropham, Cloprop, Combustion Product Gas, Cyanazine, et al.; Tolerance Actions'' (FRL#7358–6) received on July 21, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8676. A communication from the Chairman, Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the Board's semiannual Monetary Policy Report to the Congress; to the Committee on Banking, Housing, and Urban Affairs .

EC–8677. A communication from the Assistant to the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled ''Risk-Based Capital Guidelines; Capital Adequacy Guidelines; Capital Maintenance; Consolidation of Assets-Backed Commercial Paper Programs and Other Related Issues (Regulations H and Y)'' (Doc. No. R–1162) received on July 21, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–8678. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Redesignation of the Hazelwood SO2 Nonattainment and the Monongahela River Valley Unclassifiable Areas to Attainment and Approval of the Maintenance Plan'' (FRL#7781–3) received on July 21, 2004; to the Committee on Environment and Public Works.

EC–8679. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; District of Columbia, Maryland, Virginia; Technical Amendment'' (FRL#7790–5) received on July 21, 2004; to the Committee on Environment and Public Works.

EC–8680. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Maintenance Plan Revisions; Ohio'' (FRL#7789–2) received on July 21, 2004; to the Committee on Environment and Public Works.

EC–8681. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Maryland: Final Authorization of State Hazardous Waste Management Program Revisions'' (FRL#7791–3) received on July 21, 2004; to the Committee on Environment and Public Works.

EC–8682. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''National Emission Standards for Hazardous Air Pollutants for Asbestos'' (FRL#7789–5) received on July 21, 2004; to the Committee on Environment and Public Works.

EC–8683. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the California State Implementation Plan, Monterey Bay Unified and Santa Barbara County Air Pollution Control Districts'' (FRL#7783–9) received on July 21, 2004; to the Committee on Environment and Public Works.

EC–8684. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the California State Implementation Plan, South Coast Air Quality Management District'' (FRL#7781–9) received on July 21, 2004; to the Committee on Environment and Public Works.

EC–8685. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the California State Implementation Plan, South Coast Air Quality Management District'' (FRL#7784–3) received on July 21, 2004; to the Committee on Environment and Public Works.

EC–8686. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Transportation Conformity Rule Amendments for the New 8-Hour Ozone and PN2.5 National Ambient Air Quality Standards and Miscellaneous Revisions for Existing Areas; Transportation Conformity Rule Amendments: Response to Court Decision and Additional Rule Changes Correction to the Preamble'' (FRL#7789–6) received on July 21, 2004; to the Committee on Environment and Public Works.

EC–8687. A communication from the Chairman, United States International Trade Commission, transmitting, pursuant to law, a report entitled ''The Year in Trade 2003''; to the Committee on Finance.

EC–8688. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled ''Amendment to the International Traffic in Arms Regulations: United States Munitions List and Part 123'' (RIN1400–ZA) received on June 24, 2004; to the Committee on Foreign Relations.

EC–8689. A communication from the Deputy Assistant Attorney General, Office of Legal Policy, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''National Instant Criminal Background Check System Regulation'' (RIN1110–AA07) received on July 22, 2004; to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–492. A joint resolution adopted by the General Assembly of the Commonwealth of Virginia relative to the State Waste Empowerment and Enforcement Provision Act of 2003; to the Committee on Environment and Public Works.

HOUSE JOINT RESOLUTION NO. 247

WHEREAS, recent reports issued by he Department of Environmental Quality reveal that Virginia is currently the second largest importer of municipal solid waste from other states, second only to Pennsylvania, and is currently importing approximately 5.5 million tons annually of municipal solid waste from other states; and

WHEREAS, the amount of municipal solid waste being imported into Virginia is expected to increase in the coming years due to the closure of the Fresh Kills Landfill in New York and increased volumes from other states; and

WHEREAS, the importation of significant amounts of municipal solid waste from other states is prematurely exhausting Virginia's limited landfill capacity; and

WHEREAS, the negative impact of truck, rail, and barge traffic and litter, odors, and noise associated with waste imports occurs at the location of final disposal and along waste transportation routes, and current landfill technology has the potential to fail, leading to long-term cleanup and other associated costs; and

WHEREAS, under current federal law, Virginia cannot regulate the amount of solid waste brought into the Commonwealth each year; and

WHEREAS, the importation of significant amounts of municipal solid waste from other states is inconsistent with Virginia's efforts to promote the Commonwealth as a national and international destination for tourism and high-tech economic development; and

WHEREAS, the Commerce Clause of the United States Constitution and its interpretation and application by the United States Supreme Court and other federal courts regarding interstate solid waste transportation has left Virginia and other states with limited alternatives to regulate, limit, or prohibit the importation of municipal solid waste; and

WHEREAS, the General Assembly of Virginia believes that state and local governments should be given more authority to control the importation of municipal solid waste into their jurisdictions; and

WHEREAS, although state laws governing the importation of municipal solid waste have been ruled to violate the Commerce Clause of the United States Constitution, the enactment of the State Waste Empowerment and Enforcement Provision Act of 2003 would protect states from constitutional challenges to common sense regulation of trash haulers, and empower states to require inspectors at landfills, incinerators, and transfer stations that accept out-of-state municipal solid waste; and

WHEREAS, it is the consensus of the General Assembly of Virginia that state and local governments should be given more authority to limit, reduce, and control the importation of solid waste into their jurisdictions through several provisions, including percentage caps, calendar year freezes, the regulation and restriction of certain modes of transportation, the requirement of state inspectors at facilities handling out-of-state waste, and the assessment of fees for the receipt or disposal of out-of-state municipal solid waste that are different than fees assessed for the receipt or disposal of municipal solid waste generated within the Commonwealth: Now, therefore, be it

Resolved by the House of Delegates, the Senate concurring, That the Congress of the United States be urged to enact the State Waste Empowerment and Enforcement Provision Act of 2003 (HR 1123). The Congress is

urged to authorize local and state governments to regulate the importation of municipal solid waste into their respective jurisdictions; and, be it

Resolved further, That the Clerk of the House of Delegates transmit copies of this resolution to the Speaker of the United States House of Representatives, the President of the United States Senate, and the members of the Virginia Congressional Delegation so that they may be apprised of the sense of the General Assembly of Virginia in this matter.

POM–493. A joint resolution adopted by the Legislature of the State of California relative to gasoline; to the Committee on Environment and Public Works.

SENATE JOINT RESOLUTION NO. 28

Whereas, the federal Clean Air Act Amendments of 1990 (P.L. 101–549) mandate the use of reformulated gasoline containing 2 percent, by weight, oxygen in areas designated as nonattainment areas due to high ambient ozone levels in summer months and high ambient carbon monoxide levels in winter months; and

Whereas, the federal oxygenate mandate requires the use of oxygenate in gasoline in approximately 70 percent of the California retail gasoline market; and

Whereas, California has historically led the nation in enacting air quality improvement measures that provide substantial health, economic, and social benefits for the state's citizens; and

Whereas, the State Air Resources Board's Cleaner Burning Gasoline Program has resulted in reducing emissions equivalent to removing 3.5 million cars from California's roads; and

Whereas, the California Cleaner Burning Gasoline Program provides greater flexibility than the federal program to produce gasoline that meets stringent emission reduction mandates; and

Whereas, methyl tertiary-butyl ether (MTBE) has been used in California as the primary oxygenate additive to gasoline because its relatively low vapor pressure (RVP) simplifies the production of low-RVP summer gasolines, and because of its compatibility with the blending and distribution system for gasoline, its ability to be transported by pipeline, and its high octane rating; and

Whereas, the Environmental Protection Agency's Blue Ribbon Panel on Oxygenates in Gasoline recommended that the 2-percent oxygenate requirement be removed and that MTBE be reduced substantially; and

Whereas, pursuant to Chapter 816 of the Statutes of 1997, the University of California prepared a report that assessed the health and environmental effects of MTBE and submitted that report to the Legislature and the Governor in November 1998; and

Whereas, the University of California report found that there are significant risks and costs associated with water contamination due to the use of MTBE because it is highly soluble in water and will transfer readily to groundwater from leaking underground storage tank systems and other components of the gasoline distribution system; and

Whereas, the County of Santa Clara, the City of Santa Monica, the Lake Tahoe region, and the Sacramento area, as well as other municipalities in other areas of the state, have all been forced to shut down public drinking water wells due to MTBE contamination; and

Whereas, the University of California report found that over 60 percent of the reservoirs tested in California have detectable levels of MTBE; and

Whereas, the University of California report found that there is no significant additional air quality benefit to the use of oxygenates such as MTBE in reformulated gasoline, relative to the alternative nonoxygenated formulations identified by the California Cleaner Burning Gasoline Program; and

Whereas, United States Senators Diane Feinstein and James Inhofe previously introduced legislation, S. 947, to grant the governor of a state the power to waive the 2-percent oxygenate content requirement for reformulated or clean burning gasoline as long as the fuel meets all other requirements for reformulated gasoline other than those regarding oxygen content; and

Whereas, California has previously sought a waiver from the United States Environmental Protection Agency of the oxygen content requirement; and

Whereas, the United States Environmental Protection Agency denied California's request for a waiver on the grounds that there was not sufficient evidence that the waiver would help California to reduce harmful levels of air pollutants; and

Whereas, California has sought and received waivers from other provisions of the federal Clean Air Act, including Section 209(b)(1) of that act, and has demonstrated no loss of air quality benefits after those waivers have been issued: Now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the United States Environmental Protection Agency to reconsider granting an administrative waiver of the federal Clean Air Act's oxygenated gasoline requirement to the State of California, to the extent permitted by the federal Clean Air Act, given the state's independent requirements for clean gasoline that meet both state and national ambient air quality standards; and be it further

Resolved, That the Legislature of the State of California respectfully memorializes the Congress of the United States to enact legislation, if an administrative waiver of the federal Clean Air Act is not granted by the United States Environmental Protection Agency, similar to, or including, the Feinste-Inhofe legislation, that would authorize California to waive the oxygen content requirement for reformulated gasoline only if the fuel meets other requirements in the federal Clean Air Act for reformulated gasoline; and be it further

Resolved, That the Legislature of the State of California respectfully memorializes the President of the United States to sign that legislation if it is enacted by the Congress of the United States; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, the Secretary of the United States Environmental Protection Agency, the Speaker of the House of Representatives, the Majority Leader of the Senate, and to each Senator and Representative from California in the Congress of the United States.

POM–494. A resolution adopted by the House of Representatives of the Legislature of the State of Michigan relative to rip currents in the Great Lakes; to the Committee on Environment and Public Works.

HOUSE RESOLUTION NO. 271

Whereas, the Great Lakes are known for their beauty, power, and importance to life in this region. Less well known and understood are the dangers of rip currents, which threaten public safety and can cause deaths of swimmers at beaches along the Great Lakes. While rip currents seem to be better known at the ocean, they are no less serious to bathers along Michigan's shores; and

Whereas, rip currents, which are sometimes mistakenly, referred to as rip tides or undertows, are caused by sandbars offshore that break apart. The current that results can be very strong, taking even an Olympic-caliber swimmer swiftly away from the shore. The ''rip'' in the sandbar can be the result of high winds or large waves, and it can occur with absolutely no warning. Rip currents can last a few minutes, several hours, or even days. While there often is discoloration to the water that is swept away from the shore by the rip current, this is not always easy to see. Although there is an effective strategy a swimmer can use to return to shore safely, this knowledge must be in place before such an incident occurs to prevent a tragedy; and

Whereas, there is clearly a need for greater public awareness among beach visitors to the Great Lakes and more comprehensive research into rip currents. Research could help determine better responses and quicker notification for swimmers as a rip current situation develops. With the number of people swimming in the Great Lakes each summer, this research could save many lives: Now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States to provide increased funding to support research and education on rip currents in the Great Lakes; 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–495. A concurrent resolution adopted by the Senate of the Legislature of the State of Hawaii relative to prescription drugs to the Committee on Finance.

SENATE CONCURRENT RESOLUTION NO. 56

Whereas, the Medicare Drug Benefit law recently enacted by Congress and signed into law by the President prohibits the government from negotiating prescription drug prices with the manufacturers; and

Whereas, the pharmaceutical companies have been negotiating with other governments such as Canada and Mexico, offering citizens of those countries substantial discounts on prescription drugs, while still generating profits from the discounted prices; and

Whereas, news articles have documented that many Americans travel to Canada to purchase their prescription drugs; and

Whereas, there is a growing momentum to allow individuals, as well as state and local governments, to lower health care costs by purchasing prescription drugs from Canada; and

Whereas, allowing the American government to negotiate prescription drug prices would reduce their costs, as since our purchasing power covers approximately 270 million Americans, which is the largest economy in the world, our government can negotiate lower prices than Canada and other countries and pass on the savings to our citizens; and

Whereas, all Americans will be the beneficiaries of discounted prescription drugs, especially those who need prescription drugs for serious health conditions, all group prescription drug programs provided by employers and union agreements, and the state and federal programs that provide prescription drugs to veterans, Medicaid recipients, and others who qualify for government supported programs; and

Whereas, substantial savings can be used for other healthcare needs or expenses and reducing co-payments; and

Whereas, every other developed country has the power to negotiate the costs of prescription drugs: Now, therefore, be it

Resolved by the Senate of the Twenty-Second Legislature of the State of Hawaii, Regular Session of 2004, the House of Representatives concurring, That the President and Congress are urged to repeal the restriction on government to negotiate reductions in prescription drug prices with manufacturers; and be it further

Resolved, That certified copies of this Concurrent Resolution be transmitted to the President of the United States, the Speaker of the House of Representatives of the United States, the President of the Senate of the United States, and the members of Hawaii's Congressional delegation.

POM–496. A resolution adopted by the Senate of the Legislature of the State of Louisiana relative to the Central American Free Trade Agreement; to the Committee on Finance.

SENATE RESOLUTION NO. 115

Whereas, U.S. Trade Representative Robert Zoellick signed a Free Trade Agreement on May 28, 2004, with the Central American countries of El Salvador, Nicaragua, Guatemala, Honduras and Costa Rica; and

Whereas, the Central American Free Trade Agreement (CAFTA) must now be approved by the national assemblies in each of the participating countries, with the approved legislation expected to come before the U.S. Congress in late June or early July for a vote; and

Whereas, approval of such an agreement will be an economic disaster for farmers and workers in Louisiana in particular and throughout the rest of the nation in general; and

Whereas, the Louisiana sugar industry will suffer immediate and irreversible damage as jobs are lost and Louisiana sugar farmers go out of business; and

Whereas, it is now estimated that twenty-seven thousand jobs will be lost across Southern Louisiana, throwing the state's economy into chaos, if the CAFTA legislation is approved by the U.S. Congress; and

Whereas, Louisiana's economy will lose approximately nine hundred eighty-seven million dollars annually and over four billion, five hundred thousand dollars over the next five years if CAFTA becomes law; and

Whereas, CAFTA is modeled after NAFTA, the North American Free Trade Agreement, which has caused many U.S. textile manufacturers such as Fruit of the Loom to desert American workers and relocate in foreign countries where labor and life is extremely cheap; and

Whereas, Louisiana communities are reeling from the effects of NAFTA with Crowley losing more than one hundred jobs at Garment Manufacturing, and St. Martinville, Abbeville, Port Barre, and Vidalia, losing nearly eight thousand Fruit of the Loom jobs; and

Whereas, negotiations between Southwest Louisiana rice farmers and Cuba to buy Louisiana rice will be impeded or made impossible if the U.S. Congress passes the CAFTA legislation: Therefore, be it

Resolved, That the Senate of the Legislature of Louisiana does hereby memorialize the U.S. Congress to reject the legislation before it to create the Central American Free Trade Agreement which would have devastating consequences on the economy and the workers of Louisiana; be it further

Resolved, That a copy of this Resolution be transmitted to the president of the United States, the secretary of the United States Senate, the clerk of the United States House of Representatives, each member of the Louisiana delegation to the United States Congress, and the presiding officer of each house of each state legislature in the United States.

POM–497. A resolution adopted by the Senate of the General Assembly of the Commonwealth of Virginia relative to oral anti-cancer drugs; to the Committee on Finance.

SENATE RESOLUTION NO. 21

Whereas, cancer is a leading cause of morbidity and mortality in the Commonwealth and throughout the nation; and

Whereas, cancer is disproportionately a disease of the elderly, with more than half of all cancer diagnoses occurring in persons age 65 or older, persons who are often dependent on the federal Medicare program for provision of cancer care; and

Whereas, treatment with anti-cancer drugs is the cornerstone of modem cancer care, and elderly cancer patients must have access to potentially life-extending drug therapy; and

Whereas, the Medicare program's coverage of anti-cancer drugs is limited to injectable drugs or oral drugs that have an injectable version; and

Whereas, the nation's investment in biomedical research has begun to bear fruit with a compelling array of new oral anticancer drugs that are less toxic, more effective, and more cost-effective than existing therapies, but, because these drugs do not have an injectable equivalent, they are not covered by Medicare; and

Whereas, the lack of coverage for these important new products leaves many Medicare beneficiaries confronting the choice of either substantial out-of-pocket personal cost or selection of more toxic and less effective treatments that are covered by Medicare; and

Whereas, Medicare's failure to cover oral anti-cancer drugs leaves at risk many beneficiaries suffering from blood-related cancers such as leukemia, lymphoma, and myeloma, as well as cancers of the breast, lung, and prostate; and

Whereas, certain members of the Congress of the United States have recognized the necessity of Medicare coverage for all oral anti-cancer drugs and have introduced legislation in the 107th Congress to achieve that result (H.R. 1624 and S. 913); Now, therefore, be it

Resolved by the Senate, That the Congress of the United States be hereby urged to adopt, legislation that requires the Medicare program to cover all oral anti-cancer drugs; and, be it

Resolved Further, That the, Clerk of the Senate transmit copies of this resolution to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, the Secretary of Health and Human Services, the Administrator of the Centers for Medicare and Medicaid Services, and the members of the Congressional delegation of Virginia so that they may be apprised of the sense of the Senate of Virginia.

POM–498. A resolution adopted by the Senate of the Legislature of the State of Illinois relative to Lithuania; to the Committee on Foreign Relations.

SENATE RESOLUTION NO. 447

Whereas, the Members of the Senate of the State of Illinois recognize and honor the 751st year of Lithuania's statehood, and the 86th year of Lithuania's independence as a democracy which was established on February 16, 1918, in Lithuania's historic capital, Vilnius; and

Whereas, Lithuania has made significant progress in developing a stable democracy and free market economy during the 14 years since i t overthrew, through a peaceful democratic movement, an illegal foreign occupation by the former Soviet Union; and

Whereas, the United States never recognized the forced incorporation and illegal annexation of Lithuania by the former Soviet Union in June, 1940, and continued to maintain diplomatic relations with the legal representatives of independent Lithuania; and

Whereas, Lithuania has received invitations and is expected to join the North Atlantic Treaty Organization (NATO), a defensive alliance of Western democracies, in May of 2004, as well as the European Union, a common market of Western democracies; and

Whereas, Lithuanian military units are serving together with American troops in Afghanistan and Iraq as allies in the war on global terrorism; and in Bosnia and Kosovo in peacekeeping missions; and

Whereas, the government and parliament of the Russian Federation have consistently opposed Lithuania's re-integration with Western democracies and encumbered Lithuanian-Russian relations by refusing to ratify border treaties, demanding visa-free travel through Lithuania's territory for both civilian and military traffic, undermining Lithuania's full participation in NATO by opposing the basing of NATO troops and equipment on Lithuania's territory, for a very considerable time denying Lithuania's Mazeikiu Nafta oil refinery a reliable supply of crude oil, and imposing double tariffs on Lithuanian imports; and

Whereas, The partially-privatized Russian oil company, LUKoil, and the Russian government refuse to open their oil drilling site in the Baltic Sea 22 km off the coast of Lithuania, known as ''D–6'', to international inspection, and refuse to cooperate with the Lithuanian government in developing an effective plan to minimize the effects of the United States military personnel as part of a broader NATO commitment; we urge Russia to adopt a more cooperative policy towards Lithuania and its ally, the United States: Therefore, be it

Resolved, by the Senate of the Ninety-Third General Assembly of the State of Illinois, That we urge the government of the Russian Federation and the Russian oil company LUKoil to open up its drilling site in the Baltic Sea, known as D–6, off the coast of Lithuania for inspection by international organizations and Lithuanian authorities, and to develop a comprehensive plan with Lithuania and other concerned states to deal with any environmental pollution caused by the oil drilling and production at the site; and be it further

Resolved, That we urge government officials, the judiciary, and the media in Lithuania to address the current political crisis surrounding the office of the President in Lithuania in a forthright and transparent manner that will serve to strengthen democratic institutions and the rule of law in Lithuania; and be it further

Resolved, That suitable copies of this resolution be presented to President George W. Bush, each member of the Illinois congressional delegation, the embassies of Lithuania and the Russian Federation, and to the national office of the Lithuanian-American Community, Inc.

POM–499. A concurrent resolution adopted by the General Assembly of the State of Ohio relative to Taiwan's participation in the World Health Organization; to the Committee on Foreign Relations.

SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 24

Whereas, Taiwan and the United States enjoy one of the most important economic

and strategic international relationships where together, Taiwan and the United States promote a shared faith in and respect for freedom, democracy, and market principles; and

Whereas, for the past half-century, Taiwan and the United States have worked hand-in-hand to preserve peace and stability within the Pacific Rim and to help improve the lives of their citizens and people around the world; and .

Whereas, trade between Taiwan and the United States has increased steadily in the past 40 years, with the United States being Taiwan's second-largest source of imports and Taiwan being the eighth-largest exporter to the United States; and

Whereas, Taiwan is the tenth-largest United States export market, buying more United States merchandise than Brazil, Belgium, Australia, or Italy and ranks as one of the top three destinations for United States peaches, plums, celery, apples, cherries, broccoli, corn, feed grains, and bovine hides; and

Whereas, the economic and trade partnership between Taiwan and the United States is reflected not only in a large volume of two-way trade, but also in the high level of United States investment in Taiwan and increasingly in Taiwan's investment in the United States; and

Whereas, the United States Centers for Disease Control and Prevention and its Taiwan counterpart have enjoyed close collaboration on a wide range of public health issues; and

Whereas, in recent years, the Republic of China has expressed a willingness to assist, financially and technically, international aid and health activities supported by the World Health Organization; and

Whereas, Taiwan's participation in the World Health Organization could bring many benefits to the state of health in Taiwan and also regionally and globally; and

Whereas, the World Health Organization Constitution states that the enjoyment of the highest attainable standard of health is one of the fundamental rights of every human being without distinction of race, religion, political belief, and economic or social condition; and

Whereas, Falun Gong is an ancient Chinese mind and body practice followed by as many as 100 million people in the People's Republic of China and is a peaceful, spiritual discipline that people use to improve their health and to bring about positive changes in their lives; and

Whereas, in July, 1999, then-President of the People's Republic of China Jiang Zemin, who was fearful of anything other than the Communist Party of China touching the hearts and minds of the Chinese people, banned the practice of Falun Gong. Since then, the Chinese government has conducted a propaganda campaign against Falun Gong and has persecuted, imprisoned, and tortured its practitioners; and

Whereas, Dr. Charles Lee, a Falun Gong practitioner and United States citizen, was arrested on his arrival in the People's Republic of China on January 22, 2003, while attempting to visit his family and has been imprisoned ever since; and

Whereas, Christians and members of other religious groups have also been persecuted in the People's Republic of China: Now therefore be it

Resolved, That the General Assembly of the State of Ohio supports Taiwan's participation in the World Health Organization; and be it further

Resolved, That we, the members of the 125th General Assembly of the State of Ohio, strongly deplore the persecution of Falun Gong practitioners, Christians, and members of other religious groups in the People's Republic of China and the imprisonment of Dr. Charles Lee, implore the government of the People's Republic of China to immediately release Dr. Lee and restore to Falun Gong practitioners, Christians, and members of other religious groups full freedom of religious and spiritual expression, and memorialize the President of the United States and the Secretary of the United States Department of State to take all necessary diplomatic actions to secure the release of Dr. Lee and encourage the restoration of religious freedom for Falun Gong practitioners, Christians, and members of other religious groups in the People's Republic of China; and be it further

Resolved, That the Clerk of the Senate transmit duly authenticated copies of this resolution to the President of the United States, to the members of the Ohio Congressional delegation, to the Speaker and the Clerk of the United States House of Representatives for distribution to the members of the United States House of Representatives, to the President Pro Tempore and the Secretary of the United States Senate for distribution to the members of the United States Senate, to the United States Secretary of State, to the Ambassador of the United States to the People's Republic of China, to the Ambassador of the People's Republic of China to the United States, to the Taipei Economic and Cultural Office in Chicago, Illinois, to the World Health Organization, and to the news media of Ohio.

POM–500. A joint resolution adopted by the Sixth Olbiil Era Kelulau (Palau National Congress) of the Republic of Palau relative to Ambassador Fred Monroe Zeder II; to the Committee on Foreign Relations.

POM–501. A concurrent resolution adopted by the House of Representatives of the General Assembly of the State of Delaware relative to trade relations with Taiwan; to the Committee on Foreign Relations.

HOUSE CONCURRENT RESOLUTION NO. 46

Whereas, the United States and the Republic of China on Taiwan, commonly known as Taiwan, maintain an important trade relationship; and

Whereas, despite the fact that Taiwan only recently became a member of the World Trade Organization and that it has no formal trade agreement with the United States, Taiwan is the fourteenth largest trading nation in the world, the United States' eighth largest trading partner, and as a center for international trade it is vital to the economic prosperity of this State and of the United States; and

Whereas, American businesses and workers have benefited greatly from this dynamic trade relationship, most recently in the computer and electronics sector; and

Whereas, as a center for international trade Taiwan is a gateway to other Pacific Rim markets for United States exports, helping to preserve peace and stability within the entire region; and

Whereas, United States agricultural producers have been particularly under represented in the list of United States exports to the region, despite the importance of the market for growers of corn, wheat, and soybeans; and

Whereas, Taiwan has clearly emerged as one of the United States' most important allies in Asia and throughout the world; and

Whereas, the State of Delaware and Taiwan have established a sister-state relationship symbolizing the close friendship between the people of Delaware and the people of Taiwan; and

Whereas, this State seeks to encourage and expand mutually beneficial commercial relationships with Taiwan; and

Whereas, Taiwan's 23,000,000 people are not represented in the United Nations; and

Whereas, Taiwan has in recent years repeatedly expressed its strong desire to participate in the United Nations and has much to contribute to the work and funding of the United Nations; and

Whereas, Taiwan's participation in the United Nations will help maintain peace and stability in Asia and the Pacific; and

Whereas, the United States should promote the values of freedom, democracy, and a commitment to open markets and the free exchange of both goods and ideas at home and abroad; and

Whereas, Taiwan shares these values with the United States and has struggled throughout the past 50 years to create what is today an open, thriving, and modern democracy that routinely holds free and fair elections and has dramatically improved its record on human rights; and

Whereas, Taiwan has forged an open, market-based economy and a thriving democracy based on free elections and the freedom of dissent; and

Whereas, it is in the interest of the United States to encourage the development of both these institutions; and

Whereas, the United States must continue to support the growth of democracy and ongoing market opening in Taiwan if this relationship is to evolve and reflect the changing nature of the global system in the 21st Century; and

Whereas, the United States needs to support partner countries that are lowering trade barriers; and

Whereas, a free trade agreement would not only help Taiwan's economy dramatically expand its already growing entrepreneurial class, but it would also serve an important political function; and

Whereas, in the interest of supporting, preserving, and protecting the democratic fabric of the government of Taiwan, it has been made clear that the United States supports the withdrawal of missiles deployed as a threat against Taiwan by the People's Republic of China; and

Whereas, the United States has an obligation to its allies and to its own citizens to encourage economic growth, market opening, and the destruction of trade barriers as a means of raising living standards across the board; and

Whereas, a free trade agreement with Taiwan would be a positive step toward accomplishing all of these goals;

Whereas, direct and unobstructed participation in international health cooperation forums and programs is crucial for all parts of the world, especially with today's greater potential for cross-border spread of various infectious diseases; and

Whereas, Taiwan's achievements in the field of health are substantial, including one of the highest life expectancy levels in Asia, maternal and infant mortality rates comparable to those of western countries, the eradication of the infectious diseases of cholera, smallpox, and the plague, and being the first Asian nation to eradicate polio and the first country in the world to provide children with free hepatitis B vaccinations; and

Whereas, the United States Centers for Disease Control and Prevention and its Taiwanese counterpart have enjoyed close collaboration on a wide range of public health issues; and

Whereas, in recent years Taiwan has expressed a willingness to financially and technically assist the international aid and health activities supported by the World Health Organization; and

Whereas, Taiwan's population of 23 million people is larger than that of 75% of the World Health Organization member states; and

Whereas, the United States, in the 1994 Taiwan Policy Review, declared its intention to support Taiwan's participation in appropriate international organizations; and

Whereas, Taiwan's participation in the activities of the World Health Organization could bring many benefits to the state of health not only in Taiwan but also regionally and globally: Now therefore be it

Resolved by the House of Representatives of the 142nd General Assembly of the State of Delaware, the Senate thereof concurring therein, That the Congress and the President of the United States are respectfully requested and urged to strengthen trade relations with the Republic of China on Taiwan (Taiwan) and to support the participation of Taiwan in the United Nations; and be it further

Resolved, That the General Assembly strongly urges the pursuit of a policy that includes an initiative directed at the World Trade Organization to give Taiwan appropriate and meaningful participation in the activities of the World Trade Organization in a manner that is consistent with the organization's requirements; and be it further

Resolved, That the Congress and the President of the United States are respectfully requested and urged to support a free trade agreement between the United States and Taiwan; and be it further

Resolved, That suitably prepared and authenticated copies of this Resolution be sent to: The President of the United States, The United States Secretary of State, The Secretary of Health, Education, and Welfare, The Speaker of the United States House of Representatives, The President of the United States Senate, The Government of Taiwan, The Representative of the Taipei Economic and Cultural Office in Washington, D. C., The World Trade Organization, The United States Trade Representative, The Secretary-General of the United Nations, and The members of Delaware's Congressional delegation.

POM–502. A resolution adopted by the House of Representatives of the General Assembly of the Commonwealth of Pennsylvania relative to Amyotrophic Lateral Sclerosis Awareness Month in Pennsylvania; to the Committee on Health, Education, Labor, and Pensions.

HOUSE RESOLUTION NO. 718

Whereas, Amyotrophic Lateral Sclerosis (ALS) is better known as Lou Gehrig's disease; and

Whereas, ALS is a fatal neurodegenerative disease characterized by degeneration of cell bodies of the lower motor neurons in the gray matter of the anterior horns of the spinal cord; and

Whereas, the initial symptom of ALS is weakness of the skeletal muscles, especially those of the extremities; and

Whereas, as ALS progresses, the patient experiences difficulty in swallowing, talking and breathing; and

Whereas, ALS eventually causes muscles to atrophy, and the patient becomes a functional quadriplegic; and

Whereas, ALS does not affect a patient's mental capacity, so a patient remains alert and aware of the loss of motor functions and the inevitable outcome of continued deterioration and death; and

Whereas, ALS occurs in adulthood, most commonly between the ages of 40 and 70, with the peak age about 55, and affects men two to three times more often than women; and

Whereas, more than 5,000 new ALS patients are diagnosed annually; and

Whereas, on average, patients diagnosed with ALS survive two to five years from the time of diagnosis; and

Whereas, ALS has no known cause, prevention or cure; and

Whereas, ''Amyotrophic Lateral Sclerosis (ALS) Awareness Month'' will increase public awareness of ALS patients' circumstances, acknowledge the terrible impact this disease has on patients and families and recognize the research for treatment and cure. of ALS; Therefore be it

Resolved, That the House of Representatives of the Commonwealth of Pennsylvania recognize the month of may 2004 as ''Amyotrophic Lateral Sclerosis (ALS) Awareness Month'' in Pennsylvania; and be it further

Resolved, That the House of Representatives urge the President and Congress of the United States to enact legislation to provide additional funding for ALS research; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, to the Vice President of the United States, to the Speaker of the House of Representatives, to the members of Congress from Pennsylvania and to the United States Secretary of Health and Human Services.

POM–503. A concurrent resolution adopted by the House of Representatives of the Legislature of the State of Louisiana relative to the approval process necessary for foreign teachers to teach in the state's French immersion program; to the Committee on Health, Education, Labor, and Pensions.

HOUSE CONCURRENT RESOLUTION NO. 23

Whereas, the French immersion program is the state's best hope for preserving the historic linguistic and cultural origins represented by the French language in Louisiana; and

Whereas, the French immersion program can improve critical and creative thinking skills, encourage independent and self-disciplined learning, enhance skills in listening and concentration, boost self-esteem, create a lifelong ability to communicate with French speakers around the globe, and increase opportunity for future employment, and beyond the acquisition of a second language, French immersion achieves the goals of cultural appreciation, respect, and mutual understanding; and

Whereas, the recruitment of teachers in the French immersion program is becoming increasingly challenging, and the number of existing teachers is dwindling at an alarming rate as well; and

Whereas, the looming teacher shortage is a constant concern for the French immersion program, and the recruitment and retainment of an adequate number of qualified French teachers is the key to the continuation of the French immersion program in Louisiana; and

Whereas, the number of foreign teachers available to teach in the French immersion program in Louisiana is being diminished by immigration regulations and complications; and

Whereas, it is urgent that congress devote immediate attention to expediting the approval process required for foreign teachers to gain whatever eligibility is necessary so that the French immersion program will be suitably staffed to meet the needs of the student population and ultimately because the program must have such teachers if it is to survive; and

Whereas, French immersion reflects Louisiana's heritage and benefits every student who takes part in the program, and no child who desires participation should be denied the satisfaction and pride derived from becoming bilingual in the French language due to the emerging shortage of foreign French teachers: Therefore, be it

Resolved, That the Legislature of Louisiana does hereby memorialize the United States Congress to take appropriate action to expedite the approval process necessary for foreign teachers to teach in the state's French immersion program; be it further

Resolved, That a suitable copy of this Resolution be transmitted to the speaker of the United States House of Representatives, the president of the United States Senate, and to each member of Louisiana's congressional delegation.

POM–504. A concurrent resolution adopted by the House of Representatives of the Legislature of the State of Louisiana relative to the No Child Left Behind Act of 2001; to the Committee on Health, Education, Labor, and Pensions.

HOUSE CONCURRENT RESOLUTION NO. 20

Whereas, the No Child Left Behind Act of 2001 (NCLB) requires all schools in the nation to meet high academic standards; and

Whereas, the state of Louisiana has worked diligently to meet the requirements of NCLB, creating a school accountability program that has been ranked the best in the nation; and

Whereas, the state's school accountability program is being implemented by city, parish, and other local school systems at considerable cost; and

Whereas, the burden of meeting new standards is falling on teachers and school employees; and

Whereas, city, parish, and other local school systems and their faculty and staff need and deserve adequate resources to accomplish the goals of NCLB; and

Whereas, the proposed federal budget for Fiscal Year 2005 shortchanges the promised funding for NCLB's Title I program by approximately six billion seven hundred million four hundred thousand dollars less than initially promised by NCLB; and

Whereas, it is unreasonable to expect the state of Louisiana and city, parish, and other local school systems to meet federally imposed standards without federal appropriation of adequate funds to meet such standards: Therefore, be it

Resolved, That the Legislature of Louisiana does hereby memorialize the United States Congress to support an amendment to the proposed federal budget for Fiscal Year 2005 to fully fund the No Child Left Behind Act of 2001; be it further

Resolved, That suitable copies of this Resolution be transmitted to the speaker of the United States House of Representatives, the president of the United States Senate, and each member of Louisiana's congressional delegation.

POM–505. A resolution adopted by the City of Parma Heights of the State of Ohio relative to the Breast Cancer Patient Protection Act of 2003; to the Committee on Health, Education, Labor, and Pensions.

POM—506. A resolution adopted by the House of Representatives of the General Assembly of the Commonwealth of Pennsylvania relative to funding for the Division of Diabetes Translation (DDT); to the Committee on Health, Education, Labor, and Pensions.

HOUSE RESOLUTION NO. 764

Whereas, there are 18.2 million people or 6.30 of the population living with diabetes; and

Whereas, each year 13 million people are diagnosed with diabetes, while 5.2 million cases go undiagnosed; and

Whereas, each year there are 1.3 million newly diagnosed cases of diabetes among people 20 years of age and older; and

Whereas, diabetes is the sixth leading cause of death in the United States, contributing to 213,062 deaths; and

Whereas, approximately one in every 400 to 500 children and adolescents has type 1 diabetes; and

Whereas, twelve percent of adults with diabetes take both insulin and oral medications, 19% take insulin only, 53% take oral medications only, and 156 do not take insulin or oral medications; and

Whereas, in the United States diabetes costs an estimated $132 billion or one out of every ten health care dollars; and

Whereas, DDT, a component of the National Center for Chronic Disease Prevention and Health Promotion of the Centers for Disease Control and Prevention and the United States Department of Health and Human Services, implements transitional programs which have shown to be effective; and

Whereas, DDT takes information from clinical trials and incorporates the findings into clinical and public health practices; and

Whereas, according to the DDT mission, more needs to be done to eliminate the preventable burden of diabetes through leadership, research, programs and policies that translate science into practice; and

Whereas, for fiscal year 2004, the funding for the DDT is $66.9 million: Therefore be it

Resolved, That the House of Representatives of the Commonwealth of Pennsylvania memorialize the Congress to increase funding for the DDT to help in the fight against a deadly disease which affects 6.30 of the population; and be it further

Resolved, That copies of this resolution be transmitted to the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

POM–507. A resolution adopted by the House of Representatives of the Legislature of the State of Michigan relative to the federal drug approval process for the consideration of medical uses for marijuana; to the Committee on Health, Education, Labor, and Pensions.

HOUSE RESOLUTION NO. 226

Whereas, the Michigan Legislature supports the goal of safe and drug-free communities; and

Whereas, substantial scientific evidence shows that smoked marijuana is harmful and offers no medical benefit to suffering patients; and

Whereas, the Michigan Legislature strongly denounces any attempt to exploit the suffering of sick people by deceptive media campaigns; and

Whereas, medical policy should be set for the state of Michigan by Michigan lawmakers working in conjunction with federal and state officials and not by judges, celebrity spokespeople, or public relations efforts; and

Whereas, the National Cancer Institute has found that inhaling marijuana smoke for any purpose is a health hazard, because it contains over 400 potential carcinogens and delivers up to five times the amount of tar and carbon monoxide to the body as cigarette tobacco; and

Whereas, studies by the National Institute of Allergy and Infectious Diseases reveal that HIV-positive marijuana smokers progress to full-blown AIDS twice as quickly as nonsmokers and have an increased incidence of bacterial pneumonia; and

Whereas, there are safe and effective medicines, including chemical derivatives of the beneficial components of marijuana, that can help control and lessen symptoms of persistent nausea; vomiting, wasting syndrome, or loss of appetite from AIDS, chemotherapy, or radiation treatment, as well as medications available, for multiple sclerosis, glaucoma, and other medical conditions; and

Whereas, statistics on drug use document that when teen perception of risk decreases, due to mixed messages sent by adults, teen use of marijuana increases; and

Whereas, marijuana is a gateway drug, as illustrated by the National Center on Addiction and Substance Abuse at Columbia University, which found that teenagers who smoke marijuana are 85 times more likely to use cocaine than those who do not; and

Whereas, the following medical organizations are opposed to making smoked marijuana available for medical use: American Medical Association; National Multiple Sclerosis Association; National Caner Institute; National Institute for Allergy and Infections Diseases; American Cancer Society; National Eye Institute; National Institute on Dental Research; National Institute for Neurological Disorders and Stroke: Now, therefore, be it

Resolved by the House of Representatives, That we express our opposition to any efforts to circumvent the federal drug approval process for the consideration of medical uses for marijuana; and be it further

Resolved, That we encourage the scientific community to continue its efforts to discover and test safe and effective medicines for people who are seriously ill, including potential medicines containing synthesized components marijuana, including Marinol and Sativex; 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–508. A resolution adopted by the House of Delegates of the General Assembly of the Commonwealth of Virginia relative to a Constitutional Amendment to prohibit federal courts from ordering or instructing any state or local unit of government to levy or increase taxes; to the Committee on the Judiciary.

HOUSE RESOLUTION NO. 4

Whereas, on April, 18, 1990, by a narrow vote of 5 to 4, the Supreme Court of the United States, in the case of Missouri v. Jenkins (495 U.S. 33), chose to ignore Article I, Section 8, of the Constitution of the United States, which reserves exclusively to the legislative branch of government the authority to tax the citizenry; and

Whereas, this ruling has set a disastrous example of allowing federal judges to order or instruct a state, or a political subdivision thereof, or an official of a state or political subdivision, to levy or increase taxes—overturning more than 200 years of judicial nonintrusion into the political thicket of prescribing the level of taxation to be foisted upon Americans; and

Whereas, in blistering dissenting remarks, Associate Justice Anthony Kennedy joined by Chief Justice William Rehnquist and Associate Justices Sandra Day O'Connor and Antonin Scalia pointed out that the Missouri v. Jenkins decision transgresses the basic principles which define the role of judges by endorsing ''. . . an expansion of power in the Federal Judiciary beyond all precedent. Today's casual embrace of taxation imposed by the unelected, life-tenured Federal Judiciary disregards fundamental precepts for the democratic control of public institutions''; and

Whereas, Thomas Jefferson, that great native son of Virginia, forewarned of the threat that out-of-control federal courts would pose when he proclaimed, in an 1820 letter to Thomas Ritchie, that ''A judiciary independent . . . of the will of the nation is a solecism . . .,'' and in colorful language he went on to describe the judicial branch as ''. . . a subtle corps of sappers and miners constantly working underground to undermine the foundations of our confederated fabric. They are construing our constitution from a co-ordination of a general and special government to a general and supreme one alone. This will lay all things at their feet . . .,'' and in an 1821 letter to Judge Spencer Roane, Jefferson pointedly asserted that ''The great object of my fear is the Federal Judiciary. That body, like gravity, ever acting with noiseless foot and unalarming advance, gaining ground step by step and holding what it gains, is engulfing insidiously the special governments into the jaws of that which feeds them''; and

Whereas, in The Federalist No. 78, Alexander Hamilton cautioned that ''The courts must declare the sense of the law; and if they should be disposed to exercise will instead of judgment, the consequence would equally be the substitution of their pleasure to that of the legislative body''; and

Whereas, the prevailing line of reasoning among those of us in the ''Old Dominion'' on the subject of taxation—without representation—finds situs as early as December 18, 1764, when what was then called Virginia's House of Burgesses remonstrated to the British House of Commons that ''. . . it is essential to . . . liberty that . . . imposing taxes on the people ought not to be made without the consent of representatives chosen by themselves; who, at the same time that they are acquainted with the circumstances of their constituents, sustain a proportion of the burden laid on them''; and

Whereas, in his 1748 epic work, The Spirit of the Laws, the renowned political analyst Charles de Secondat Baron de Montesquieu prophesied that ''. . . there is no liberty, if the power of judging be not separated from the legislative and executive powers. Were it joined with the legislative, the life and liberty of the subject would be exposed to arbitrary control; for the judge would be then the legislator''; and

Whereas, James Madison, that noble Virginian—and later fourth President of the United States—opined in The Federalist No. 47 that ''. . . the preservation of liberty requires that the three great departments of powers [executive, judicial and legislative] should be separate and distinct''; and

Whereas, lawmakers in the 24 states of Alabama, Alaska, Arizona, Colorado, Delaware, Illinois, Kansas, Louisiana, Massachusetts, Michigan, Missouri, Nevada, New Hampshire, New York, North Dakota, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, West Virginia and Wyoming, as well as in the two United States territories. of Guam and the Commonwealth of the Northern Mariana Islands, have petitioned the Congress of the United States to propose for ratification an amendment to the Constitution of the United States to reverse the calamitous and ill-conceived 1990 holding in Missouri v. Jenkins; and

Whereas, Alexander Hamilton, in The Federalist No. 85, predicted that there indeed would be times when Americans would come to ''. . . rely on the disposition of the state legislatures to erect barriers against the encroachments of the national authority'': Now, therefore, be it

Resolved by the House of Delegates, That the Congress of the United States be urged to propose for ratification an amendment to, the Constitution of the United States to prohibit federal courts from ordering or instructing any state or local unit of government to levy or increase taxes, the amendment to read as follows:

''Amendment XXVIII

''Section 1. Neither the Supreme Court nor any inferior court of the United States—nor

the court of any state, or political subdivision thereof, in its application of this Constitution or in its application of any law enacted by the Congress—shall have the power to instruct or order a state or political subdivision, or an official of such state or political subdivision, to levy or increase taxes.

''Section 2. For purposes of this Amendment, the word 'state' shall be understood to additionally include the District constituting the Seat of government of the United States, as well as any commonwealth, territory, or possession of the United States.''; and, be it

Resolved further, That the Clerk of the House of Delegates transmit copies of this resolution to the Speaker of the United States House of Representatives, the President of the United States Senate, and the members of the Virginia Congressional Delegation so that they may be apprised of the sense of the House of Delegates of Virginia in this matter.

POM–509. A concurrent resolution adopted by the Senate of the Legislature of the State of Louisiana relative to public expressions of religious faith within the state of Louisiana; to the Committee on the Judiciary.

SENATE CONCURRENT RESOLUTION NO. 29

Whereas, the Declaration of Independence declared that governments are instituted to secure certain unalienable rights, including life, liberty, and the pursuit of happiness, with which all human beings are endowed by their Creator and to which they are entitled by the laws of nature and of nature's God; and

Whereas, the Tenth Amendment to the United States Constitution clearly recognizes that a state retains all rights not specifically delegated by the constitution to the federal government of the United States of America; and

Whereas, Article III, Section 2, of the United States Constitution grants the Congress the authority to except certain matters from the jurisdiction of the federal courts inferior to the United States Supreme Court; and

Whereas, over the last several decades, the federal courts have claimed legal jurisdiction in matters pertaining to religion within an individual state; and

Whereas, disputes and doubts have arisen with respect to public displays of the Ten Commandments and to other public expressions of religious faith; and

Whereas, legislation has been introduced in Congress to except subject matter jurisdiction from the federal courts in certain matters pertaining to the power to make a public expression of religious faith. Therefore, be it

Resolved, That the Legislature of Louisiana memorializes the Congress of the United States to continue to preserve Louisiana's sovereignty related to public expressions of religious faith within the state of Louisiana; be it further

Resolved, That the Legislature of Louisiana memorialize the Congress of the United States to pass legislation declaring that the power: (i) to display the Ten Commandments, (ii) to recite the Pledge of Allegiance, and (iii) to recite the national motto on or within property owned or administered by the several states or political subdivisions thereof be among the powers reserved to the states respectively; that the words to the Pledge of Allegiance are ''I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with Liberty and Justice for all.''; that the words to the national motto are ''In God We Trust''; and that the subject matter of these declarations be exceptions to the subject matter jurisdiction of federal courts inferior to the United States Supreme Court; be it further

Resolved, That a copy of this Resolution shall be transmitted to the secretary of the United States Senate, the clerk of the United States House of Representatives, and to each member of the Louisiana delegation of the United States Congress.

POM–510. A joint resolution adopted by the General Assembly of the Commonwealth of Virginia relative to a constitutional amendment regarding marriage; to the Committee on the Judiciary.

Whereas, marriage is a unique cornerstone of the family, which is the foundation of human society; and

Whereas, only marriage between one man and one woman has been permitted or recognized historically throughout the United States; and

Whereas, history has shown marriage between a man and a woman to be the best context for the reproduction of the human race and for raising children to be responsible adults; and

Whereas, marriage provides lower risk of infant mortality, better physical health for the children and has numerous health benefits for the father and mother; and

Whereas, religious and civil laws have granted marriage special recognition, benefits, responsibilities and legal protections since at least the beginning of recorded history; and

Whereas, the Commonwealth accords marriage more responsibilities and legal protections than other partnerships of unrelated individuals; and

Whereas, the Full Faith and Credit Clause in the United States Constitution provides that states must recognize the laws and judicial acts of every other state in the Union; and

Whereas, in 1996 Congress enacted the Defense of Marriage Act to exempt states from being required to afford full faith and credit to laws recognizing marriages between persons of the same sex; and

Whereas, in light of the Full Faith and Credit Clause of the United States Constitution, there is significant risk that the federal courts may hold the 1996 federal Defense of Marriage Act unconstitutional; and

Whereas, 37 states, including the Commonwealth, have enacted laws, commonly known as Defense of Marriage Acts, that ban same-sex marriages; and

Whereas, the unique legal status of marriage in the Commonwealth is in danger from constitutional challenges to these state marriage laws and the federal Defense of Marriage Act, which may succeed in light of the recent decisions on equal protection from the United States Supreme Court; and

Whereas, challenges to state laws have been successfully brought in Hawaii, Alaska, Vermont, and most recently in Massachusetts on the grounds.that the legislature does not have the right to deny the benefits of marriage to same-sex couples and the state must guarantee the same protections and benefits to same-sex couples as it does to opposite-sex couples absent a constitutional amendment; and

Whereas, the Vermont legislature chose to preserve marriage as the ''legally recognized union of one man and one woman,'' but at the same time enacted a dual system of ''civil unions'' for same-sex couples that goes beyond existing ''domestic partnership'' and ''reciprocal beneficiaries'' laws that exist in California and Hawaii and in many localities in the United States today; and

Whereas, the Massachusetts ruling, by declaring that civil marriage means ''the voluntary union of two persons as spouses to the exclusions of all others,'' represents the most far-reaching decision in its erosion of the states' right to define marriage; and

Whereas, the Massachusetts court has given the Massachusetts legislature 180 days to comply with the court's ruling, which is not sufficient time for the state to adopt a constitutional amendment to overturn the decision; and

Whereas, in light of the Massachusetts decision, many states are scrambling to determine what actions are needed to protect their state's Defense of Marriage Act from future court challenges; and

Whereas, H. J. Res. 56, 108th Cong. and S.J. Res. 26, 108th Cong. proposed an amendment to the Constitution of the United States to declare that ''marriage in the United States shall consist only of the union of a man and a woman''; and

Whereas, a federal constitutional amendment is the only way to protect the institution of marriage and resolve the controversy created by these recent decisions by returning the issue to its proper forum in the state legislatures: Now, therefore, be it

Resolved by the House of Delegates, the Senate concurring, That the Congress of the United States be urged to propose a constitutional amendment to protect the fundamental institution of marriage as a union between a man and a woman; and, be it

Resolved further, That the Congress of the United States be urged to initiate an amendment . . .

POM–511. A concurrent memorial adopted by the Senate of the Legislature of the State of Arizona relative to a constitutional amendment regarding rights to victims of crime; to the Committee on the Judiciary.

SENATE CONCURRENT MEMORIAL NO. 1003

Whereas, criminal defendants are afforded numerous federal rights and procedural protections; and

Whereas, victims of crime are not afforded any, federal rights or protections; and

Whereas, the people of this state believe in the individual rights and liberties of all persons and have amended the Constitution of Arizona to provide crime victims with rights and yet it is clear that without federal constitutional rights, crime victims' rights are less meaningful and enforceable.

Wherefore your memorialist, the Senate of the State of Arizona, the House of Representatives concurring, prays:

1. That the Congress of the United States propose to the people an amendment to the Constitution of the United States that provides rights to crime victims and that embodies the following principles:

(a) The right to be informed of and not excluded from any public proceedings relating to the crime.

(b) The right to be heard regarding any release from custody.

(c) The right to consideration for the safety of the victim, the victim's interest in avoiding unreasonable delay and the victim's interest in restitution.

(d) The right to be heard regarding any negotiated plea or sentence.

(e) The right to receive notice of release or escape.

2. That any amendment to the Constitution of the United States to establish rights for crime victims grant standing to victims of crime to assert all rights established by the Constitution.

3. That any amendment to the Constitution of the United States to establish rights for crime victims should clearly state that the powers of the states to provide victims' rights in criminal proceedings, including the right to define and enforce such rights, shall not be restricted or diminished by the Congress or the federal courts of the United States.

4. That the Secretary of State of the State of Arizona transmit copies of this Memorial to the President of the United States Senate, the Speaker of the United States House of Representatives and each Member of Congress from the State of Arizona.

POM–512. A concurrent resolution adopted by the House of Representatives of the Legislature of the State of Hawaii relative to veterans' benefits for Filipino veterans; to the Committee on Veterans' Affairs.

HOUSE CONCURRENT RESOLUTION NO. 250

Whereas, on February 11, 2003, Representative Neil Abercrombie, along with other members, introduced H.R. 677 in the United States House of Representatives, which bill was referred to the House Committee on Veterans' Affairs; and

Whereas, the short title of this bill is ''Filipino Veterans Equity Act of 2003''; and

Whereas, H.R. 677 would deem certain service in the organized military forces of the Government of the Commonwealth of the Philippines and the Philippine Scouts to have been active service for purposes of benefits under programs administered by the Secretary of Veterans Affairs for qualified Filipino veterans; and

Whereas, H.R. 677, in recognition of the courage and loyalty of the Filipino troops who fought along side our armed forces in the Philippines during World War II, would make health benefits available to more of these. qualified Filipino veterans: 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 President of the United States and the United States Congress are urged to support the passage of H.R. 677; and be it

Further Resolved, That certified copies of this Concurrent Resolution be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the members of Hawaii's congressional delegation, and the President of the Filipino-American Veterans, Hawaii Chapter.

POM–513. A concurrent resolution adopted by the Legislature of the State of Hawaii relative to improving benefits for Filipino veterans of World War II; to the Committee on Veterans' Affairs.

SENATE CONCURRENT RESOLUTION NO. 203

Whereas, on December 8, 1941, thousands of Filipino men and women responded to President Roosevelt's call for help to preserve peace and democracy in the Philippines; and

Whereas, during the dark days of World War II, nearly 100,000 soldiers of the Philippine Commonwealth Army provided a ray of hope in the Pacific as they fought alongside United States and Allied forces for four long years to defend and reclaim the Philippine Islands from Japanese aggression; and

Whereas, thousands more Filipinos joined U.S. Armed Forces immediately after the war and served in occupational duty throughout the Pacific Theater; and

Whereas, valiant Filipino soldiers fought, died, and suffered in some of the bloodiest battles of World War II, defending beleaguered Bataan and Corregidor, and thousands of Filipino prisoners of war endured the infamous Bataan Death March and years of captivity; and

Whereas, their many guerrilla actions slowed the Japanese takeover of the Western Pacific region and allowed U.S. forces the time to build and prepare for the allied counterattack on Japan; and

Whereas, Filipino troops fought side-by-side with U.S. forces to secure their island nation as the strategic base from which the final effort to defeat Japan was launched; and

Whereas, President William J. Clinton proclaimed October 20, 1996, as a day honoring the Filipino Veterans of World War II, recalling the courage, sacrifice, and loyalty of Filipino veterans of World War II in defense of democracy and liberty; and

Whereas, for decades after their heroic service under the command of their leaders and General Douglas MacArthur, these men and women of Filipino-American national heritage were denied the benefits and privileges provided to their American compatriots who fought side-by-side with them; and

Whereas, the Rescission Act of 1946 withdrew the U.S. veteran's status of Filipino World War II soldiers, thereby denying them the benefits and compensation received by their American counterparts and soldiers of more than sixty-six other U.S. allied countries, who were similarly inducted into the U.S. military; and

Whereas, the Rescission Act discriminated against Filipinos, making them the only national group singled out for denial of full U.S. veterans status and benefits; and

Whereas, the passage of S. 68, now pending in the United States Senate, would extend full and equitable benefits, particularly health benefits, to Filipino veterans, considering their advanced age and poor health; and

Whereas, S. 68 proposes to amend Title 38 of the United States Code, to improve benefits for Filipino veterans of World War II and for the surviving spouses of those veterans; and

Whereas, S. 68 would increase the rate of payment of compensation benefits to certain Filipino veterans, designated in Title 38 United States Code section 107(b) and referred to as New Philippine Scouts, who reside in the United States and are United States citizens or lawful permanent resident aliens; and

Whereas, S. 68 would further increase the rate of payment of dependency and indemnity compensation of surviving spouses of certain Filipino veterans; and

Whereas, S. 68 would further make eligible for full disability pensions certain Filipino veterans who reside in the United States and are United States citizens or lawful permanent resident aliens; and

Whereas, S. 68 would further mandate the Secretary of Veterans Affairs to provide hospital and nursing home care and medical services for service-connected disabilities for any Filipino World War II veteran who resides in the United States and is a United States citizen or lawful permanent resident alien; and

Whereas, S. 68 would further require the Secretary of Veterans Affairs to furnish care and services to all Filipino World War II veterans for service-connected disabilities and nonservice-connected disabilities residing in the Republic of the Philippines on an outpatient basis at the Manila VA Outpatient Clinic: Now, therefore, be it

Resolved by the Senate of the Twenty-Second Legislature of the State of Hawaii, Regular Session of 2004, the House of Representatives concurring, That the United States Congress is respectfully urged to support the passage of S. 68 to improve benefits for certain Filipino veterans of World War II; and be it further

Resolved, That certified copies of this Concurrent Resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, the members of the Hawaii Congressional delegation, and the Secretary of Veterans Affairs.

POM–514. A concurrent resolution adopted by the Legislature of the State of Hawaii relative to President George W. Bush's plans to reduce veterans' benefits; to the Committee on Veterans' Affairs.

SENATE CONCURRENT RESOLUTION NO. 126

Whereas, members of the armed forces faithfully and diligently serve the people of the United States and have fought and died in numerous wars and conflicts around the globe to protect the inalienable rights of life, liberty, and the pursuit of happiness for all Americans; and

Whereas, numerous individuals devoted the prime of their lives to defend the United States, often putting careers on hold, delaying their college education, and leaving families behind, without hesitation, asking for nothing but respect in return; and

Whereas, these heroic individuals faced adversity which most citizens will never be able to comprehend, often giving their lives for their fellow citizens; and

Whereas, a large number of veterans have been severely injured and disabled in the performance of their duties, often resulting in financial hardship; and

Whereas, citing a tight budget and overwhelming demand for services after opening their medical facilities to all veterans in 1998, the Veterans Affairs Department (VA) began efforts to halt enrolling new veterans into its health care system; and

Whereas, a memo from the VA in July 2002, stated that marketing veterans health care services at health fairs, open houses, and veterans meetings was inappropriate and banned newspaper ads and mailings encouraging veterans to enroll in the veterans health plan; and

Whereas, this memo was sent out at a time when approximately 300,000 veterans had been waiting for more than six months for an appointment at a VA medical facility, some waiting as long as two years for services; and

Whereas, Rep. Ted Strickland (D–OH) filed a lawsuit against the VA stating that the VA has a congressional mandate that requires the VA to perform outreach services and that the VA's failure to publicize information about health care benefits and veterans' services for veterans and their families is a violation of this mandate; and

Whereas, although Congress is currently considering a bill to allocate funding to the VA in the sum of $28.6 billion for the current fiscal year, this funding level is still not enough to help alleviate many of the medical plights facing our brave American service men and women; and

Whereas, a number of veterans groups have criticized the President's budget submission for fiscal year 2005 as containing, ''few legislative recommendations to improve, expand, or add new benefits for veterans,'' and that ''along with gross funding deficiencies in practically every VA account, VA construction is to be dramatically and most detrimentally shortchanged as well''; and

Whereas, these groups have also criticized the Bush administration's shortcomings in proposals with respect to the provision of benefits to veterans such as:

(1) Developing a mechanism that greatly reduces government obligations to compensate disabled veterans for service-incurred disabilities such as alcoholism and drug abuse;

(2) Asking Congress to enact legislation to deny compensation to a group of disabled veterans who suffer greatly from their service-connected disabilities because these disabilities were obtained during periods of non-combat such as during meal periods;

(3) Proposing legislation to limit veterans to a one-time home loan guaranty;

(4) Recommending a cost-of-living adjustment (COLA) for compensation based on a projected 1.3 percent increase in COLA and

continuing the practice of rounding down COLA to the nearest whole dollar which, when done for many years in succession, will have a compounding effect in substantially eroding the value of the already modest rates of compensation; and

(5) Continuing to place restrictions on receiving both military retirement and veterans affairs disability benefits for certain veterans; and

Whereas, this lack of support for those individuals who sacrificed so much for the freedoms the citizens of the United States all enjoy today is shameful and should be looked at as a disgrace by all citizens: Now, therefore, be it

Resolved by the Senate of the Twenty-second Legislature of the State of Hawaii, Regular Session of 2004, the House of Representatives concurring, That this body expresses its utmost disappointment in the lack of support the current administration has shown toward veterans of our armed forces; and be it further

Resolved, That Congress is urged to increase funding for the continuation and expansion of veterans benefits and services; and be it further

Resolved, That certified copies of this Concurrent Resolution be transmitted to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, and Hawaii's Congressional Delegation.

POM–515. A resolution adopted by the House of Representatives of the General Assembly of the Commonwealth of Pennsylvania relative to the realignment of veterans' services; to the Committee on Veterans' Affairs.

HOUSE RESOLUTION NO. 682

Whereas, there are ten VA medical centers and 29 community-based outpatient clinics located in the Commonwealth of Pennsylvania; and

Whereas, nationwide the VA patient load has risen approximately 21% since 2001 to more than 6 million; and

Whereas, The Capital Asset Realignment for Enhanced Services (CARES) Commission is considering the closure or partial reduction of services at VA medical centers in Altoona, Butler, Erie and Pittsburgh; and

Whereas, many veterans service organizations oppose these proposed closures or reductions in service and consequent adverse effects on the quality and efficiency of health care for veterans throughout the Commonwealth of Pennsylvania: Therefore be it

Resolved, That the House of Representatives of the Commonwealth of Pennsylvania strongly urge the Department of Veterans Affairs to further evaluate the negative effects of the proposed realignment of veterans services and to consider alternative measures for the provision and enhancement of quality health care for veterans in the Commonwealth of Pennsylvania; and be it further

Resolved, That a copy of this resolution be sent to the President of the United States, to the Department of Veterans Affairs, to the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Ms. COLLINS, from the Committee on Governmental Affairs, without amendment:

H.R. 3340. A bill 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, and for other purposes.

H.R. 4012. To amend the District of Columbia College Access Act of 1999 to reauthorize for five additional years the public school and private school tuition assistance programs established under the Act.

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

H.R. 4327. A bill 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''.

H.R. 4427. A bill to designate the facility of the United States Postal Service located at 73 South Euclid Avenue in Montauk, New York, as the ''Perry B. Duryea, Jr. Post Office''.

S. 2501. A bill to designate the facility of the United States Postal Service located at 73 South Euclid Avenue in Montauk, New York, as the ''Perry B. Duryea, Jr. Post Office''.

S. 2640. A bill to designate the facility of the United States Postal Service located at 1050 North Hills Boulevard in Reno, Nevada, as the ''Guardians of Freedom Memorial Post Office Building'' and to authorize the installation of a plaque at such site, and for other purposes.

S. 2673. A bill to designate the facility of the United States Postal Service located at 1001 Williams Street, Ignacio, Colorado, as the ''Leonard C. Burch Post Office Building''.

S. 2682. A bill to designate the facility of the United States Postal Service located at 222 West 8th Street, Durango, Colorado, as the ''Ben Nighthorse Campbell Post Office Building''.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. WARNER for the Committee on Armed Services.

Marine Corps nomination of Brig. Gen. Cornell A. Wilson, Jr.

Army nomination of Colonel Yves J. Fontaine.

Army nomination of Brigadier General Don T. Riley.

Army nomination of Col. Jerry M. Rivera.

Navy nominations beginning Rear Adm. (lh) Richard J. Mauldin and ending Rear Adm. (lh) Anthony L. Winns, which nominations were received by the Senate and appeared in the Congressional Record on October 16, 2003.

Navy nomination of Capt. Timothy J. McGee.

Army nominations beginning Brig. Gen. Gregory J. Hunt and ending Col. Jose M. Vallejo, which nominations were received by the Senate and appeared in the Congressional Record on November 20, 2003.

Navy nomination of Gerald R. Manley.

Air Force nomination of Col. Douglas M. Pierce.

Air Force nominations beginning Lorena A. *Bailey and ending Jason P. *Zimmerer, which nominations were received by the Senate and appeared in the Congressional Record on March 12, 2004.

Marine Corps nominations beginning Col. Robert D. Papak and ending Col. Eugene G. Payne, Jr., which nominations were received by the Senate and appeared in the Congressional Record on April 29, 2004.

Marine Corps nominations beginning Col. Randolph D. Alles and ending Col. Martin Post, which nominations were received by the Senate and appeared in the Congressional Record on May 6, 2004.

Air Force nominations beginning Randall M. Ashmore and ending James O. Wooten, which were received by the Senate and appeared in the Congressional Record on May 10, 2004.

Navy nomination of Rear Adm. (lh) Steven L. Enewold.

Navy nominations beginning Rear Adm. (lh) Stanely D. Bozin and ending Rear Adm. (lh) Patrick M. Walsh, which nominations were received by the Senate and appeared in the Congressional Record on May 13, 2004.

Marine Corps nomination of Maj. Gen. James F. Amos.

Navy nomination of Vice Adm. Timothy J. Keating.

Navy nomination of Vice Adm. John B. Nathman.

Army nominations beginning Stephan A. *Alkins and ending Clorinda K. Zawacki, which nominations were received by the Senate and appeared in the Congressional Record on June 16, 2004.

Army nominations beginning Douglas R. Dixon and ending Thorpe C. Whitehead, which nominations were received by the Senate and appeared in the Congressional Record on June 16, 2004.

Air Force nomination of Lt. Gen. Duncan J. McNabb.

Army nomination of Lt. Gen. Bantz J. Craddock.

Army nominations beginning Nancy H. Fielding and ending Tammy L. Miracle, which nominations were received by the Senate and appeared in the Congressional Record on June 17, 2004.

Army nominations beginning Brian R. Copes and ending Dennis P. Simons, which nominations were received by the Senate and appeared in the Congressional Record on June 17, 2004.

Navy nominations beginning Brian S. Adams and ending John M. Zuzich, which nominations were received by the Senate and appeared in the Congressional Record on June 24, 2004.

Valerie Lynn Baldwin, of Kansas, to be an Assistant Secretary of the Army.

Army nomination of Lt. Gen. James L. Campbell.

Army nomination of Maj. Gen. John M. Brown III.

Navy nomination of Vice Adm. Robert F. Willard.

Navy nomination of Vice Adm. Albert T. Church III.

Air Force nomination of Norman L. Williams.

Air Force nomination of Thomas R. Bird.

Air Force nominations beginning Rex A. Hinesley and ending Jeri K. Somers, which nominations were received by the Senate and appeared in the Congressional Record on July 8, 2004.

Air Force nominations beginning Peter W. Bickel and ending William D. Taylor, which nominations were received by the Senate and appeared in the Congressional Record on July 8, 2004.

Air Force nominations beginning Donald A. Ahern and ending Michael A. Wobbema, which nominations were received by the Senate and appeared in the Congressional Record on July 8, 2004.

Navy nominations beginning Myles E. Brooks, Jr. and ending James E. Watts, which nominations were received by the Senate and appeared in the Congressional Record on July 8, 2004.

Navy nominations beginning Billy M. Appleton and ending Mil A. Yi, which nominations were received by the Senate and appeared in the Congressional Record on July 8, 2004.

Navy nominations beginning Carla M. Albritton and ending Edward L. Zawislak, which nominations were received by the Senate and appeared in the Congressional Record on July 8, 2004.

Navy nominations beginning Michael T. Acromite and ending Craig M. Zelig, which nominations were received by the Senate and appeared in the Congressional Record on July 8, 2004.

Navy nominations beginning Timothy A. Ackerman and ending Terry D. Webb, which nominations were received by the Senate and appeared in the Congressional Record on July 8, 2004.

Navy nominations beginning Steven E. Allen and ending Sharon M. Wright, which nominations were received by the Senate and appeared in the Congressional Record on July 8, 2004.

Navy nominations beginning Kristen N. Atterbury and ending Mary A. Yonk, which nominations were received by the Senate and appeared in the Congressional Record on July 8, 2004.

Navy nominations beginning David A. Berger and ending Erin E. Stone, which nominations were received by the Senate and appeared in the Congressional Record on July 8, 2004.

Navy nominations beginning John J. Adametz and ending Barney S. Williams, which nominations were received by the Senate and appeared in the Congressional Record on July 8, 2004.

Army nomination of Col. Glenn K. Rieth.

By Mr. MCCAIN for the Committee on Commerce, Science, and Transportation.

*David M. Stone, of Virginia, to be an Assistant Secretary of Homeland Security.

*Benjamin H. Wu, of Maryland, to be Assistant Secretary of Commerce for Technology Policy.

*Brett T. Palmer, of New York, to be an Assistant Secretary of Commerce.

*Albert A. Frink, Jr., of California, to be an Assistant Secretary of Commerce.

*Scott Kevin Walker, of Wisconsin, to be a Member of the Advisory Board of the Saint Lawrence Seaway Development Corporation.

*Enrique J. Sosa, of Florida, to be a Member of the Reform Board (Amtrak) for a term of five years.

Coast Guard nominations beginning Rear Adm. (lh) Dale G. Gabel and ending Rear Adm. (lh) Stephen W. Rochon, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on June 16, 2004.

*Captain Samuel P. DeBow, Jr., NOAA for appointment to the grade of Rear Admiral (O–8), while serving in a position of importance and responsibility as Director, NOAA Corps and Director, Office of Marine and Aviation Operations, National Oceanic and Atmospheric Administration, under the provisions of Title 33, United States Code, Section 3028(d)(1).

*Captain Richard R. Behn, NOAA for appointment to the grade of Rear Admiral (O–7), while serving in a position of importance and responsibility as Director, Marine and Aviation Operations Centers, National Oceanic and Atmospheric Administration, under the provisions of Title 33, United States Code, Section 3028(d)(1).

Mr. MCCAIN. Mr. President, for the Committee on Commerce, Science, and Transportation I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

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

Coast Guard nomination of Craig S. Toomey.

Coast Guard nomination of Laurie J. Mosier.

National Oceanic and Atmospheric Administration nominations beginning John C. Clary III and ending Andrew P. Seaman, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on May 18, 2004.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

DISCHARGED NOMINATION

The Senate Committee on Foreign Relations was discharged from further consideration of the following nomination and the nomination was confirmed:

John Ripin Miller, of Washington, to be Director of the Office to Monitor and Combat Trafficking, with the rank of Ambassador at Large.

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. REID (for himself and Mr. ENSIGN):

S. 2716. A bill to provide for the acquisition of land for administrative and visitor facilities for Death Valley National Park, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. NELSON of Nebraska (for himself, Mr. CRAIG, and Mr. DOMENICI):

S. 2717. A bill to amend the Safe Drinking Water Act to exempt nonprofit small public water systems from certain drinking water standards relating to naturally occurring contaminants; to the Committee on Environment and Public Works.

By Mr. DEWINE (for himself and Mr. DODD):

S. 2718. A bill to provide for programs and activities with respect to the prevention of underage drinking; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ENZI:

S. 2719. A bill to amend the Occupational Safety and Health Act of 1970 to further improve the safety and health of working environments, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LUGAR (for himself, Mr. ALEXANDER, Mr. BROWNBACK, Mr. HAGEL, and Mr. LEAHY):

S. 2720. A bill to provide assistance for the crisis in Sudan, and for other purposes; to the Committee on Foreign Relations.

By Mr. ALEXANDER (for himself and Mr. KENNEDY):

S. 2721. A bill to amend the National Assessment of Educational Progress Authorization Act to require State academic assessments of student achievement in United States history, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DURBIN (for himself and Mr. SPECTER):

S. 2722. A bill to maintain and expand the steel import licensing and monitoring program; to the Committee on Finance.

By Mr. WYDEN:

S. 2723. A bill to designate certain land in the State of Oregon as wilderness, and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. SNOWE (for herself, Mr. KERRY, and Mr. TALENT):

S. 2724. A bill to amend section 33(a) of the Small Business Act (15 U.S.C. 657c(a)) to clarify that the National Veterans Business Development Corporation is a private entity; considered and passed.

By Mrs. BOXER (for herself, Ms. MIKULSKI, Mr. LAUTENBERG, and Mr. CORZINE):

S. 2725. A bill to amend the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 to eliminate the coverage gap, to eliminate HMO subsidies, to repeal health savings accounts, and for other purposes; to the Committee on Finance.

By Mrs. BOXER:

S. 2726. A bill to amend title 49 of the United States Code to provide flight attendant security training, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. DODD (for himself, Mr. COCHRAN, Mr. DURBIN, and Mr. FEINGOLD):

S. 2727. A bill to amend part A of title VI of the Higher Education Act of 1965 regarding international and foreign language studies; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SCHUMER:

S. 2728. A bill to create a penalty for automobile insurance fraud, and for other purposes; to the Committee on the Judiciary.

By Mr. DODD (for himself, Mr. LAUTENBERG, and Ms. STABENOW):

S. 2729. A bill to encourage students to pursue graduate education and to assist students in affording graduate education; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DURBIN:

S. 2730. A bill to amend title V, XVIII, and XIX of the Social Security Act to promote cessation of tobacco use under the medicare program, the medicaid program, and the maternal and child health services block grant program; to the Committee on Finance.

By Mr. LAUTENBERG (for himself, Mr. BIDEN, Mr. KENNEDY, Mr. LEVIN, Mr. CORZINE, Mrs. FEINSTEIN, Mr. FEINGOLD, Mr. KOHL, Mr. DURBIN, and Mr. SCHUMER):

S. 2731. A bill to amend title 18, United States Code, to prohibit certain interstate conduct relating to exotic animals; to the Committee on the Judiciary.

By Mr. REID:

S. 2732. A bill to provide grants for use by rural local educational agencies in purchasing new school buses; to the Committee on Environment and Public Works.

By Mr. BROWNBACK:

S. 2733. A bill to promote freedom, fairness, and economic opportunity by establishing a National Enterprise Zone system to promote prosperity in economically depressed areas; to the Committee on Finance.

By Mr. CAMPBELL:

S. 2734. A bill to implement the recommendations of the Inspector General of the Department of the Interior regarding Indian Tribal detention facilities; to the Committee on Indian Affairs.

By Mr. MILLER (for himself and Mr. CHAMBLISS):

S. 2735. A bill to require a study and report regarding the designation of a new interstate route from Augusta, Georgia to Natchez,

Mississippi; to the Committee on Environment and Public Works.

By Mr. MILLER (for himself and Mr. CHAMBLISS):

S. 2736. A bill to require a study and report regarding the designations and construction of a new interstate route from Savannah, Georgia to Knoxville, Tennessee; to the Committee on Environment and Public Works.

By Mr. BINGAMAN:

S. 2737. A bill to facilitate the development of science parks, and for other purposes; to the Committee on Finance.

By Mr. LEAHY (for himself and Mr. JEFFORDS):

S. 2738. A bill to establish a Commission to commemorate the 400th anniversary of the arrival of Samuel de Champlain in the Champlain Valley, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BINGAMAN:

S. 2739. A bill to improve the training and retention of health professionals under titles VII and VIII of the Public Health Service Act, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DASCHLE (for himself and Ms. COLLINS):

S. 2740. A bill to improve dental services in underserved areas by amending the Public Health Service Act, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DASCHLE:

S. 2741. A bill to amend the Public Health Service Act to reauthorize and extend the Fetal Alcohol Syndrome prevention and services program, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HATCH (for himself and Mr. LEAHY):

S. 2742. A bill to extend certain authority of the Supreme Court Police, modify the venue of prosecutions relating to the Supreme Court building and grounds, and authorize the acceptance of gifts to the United States Supreme Court; to the Committee on the Judiciary.

By Mr. FITZGERALD (for himself, Ms. CANTWELL, Mr. HOLLINGS, Mrs. FEINSTEIN, and Mr. SESSIONS):

S. 2743. A bill to amend title 38, United States Code, to provide that only licensed medical doctors, licensed doctors of osteopathy, and certain licensed dentists may perform eye surgery at Department of Veterans Affairs facilities or under contract with the Department; to the Committee on Veterans' Affairs.

By Mr. SUNUNU (for himself, Mr. REID, Mrs. DOLE, and Mr. HARKIN):

S. 2744. A bill to authorize the minting and issuance of a Presidential $1 coin series; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. CAMPBELL:

S. 2745. A bill to amend the Colorado Canyons National Conservation Area and Black Ridge Canyons Wilderness Act of 2000 to rename the Colorado Canyons National Conservation Area as the McInnis Canyons National Conservation Area; to the Committee on Energy and Natural Resources.

By Mr. ALLARD:

S. 2746. A bill to provide for the termination of the current contract for the operation of Los Alamos National Laboratory, New Mexico, and for other purposes; to the Committee on Armed Services .

By Mr. LIEBERMAN:

S. 2747. A bill to establish a Commission on the Future of the United States Economy to make recommendations on public policy and the reorganization of the Federal Government to promote efficiency and economy of operation, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mrs. CLINTON:

S. 2748. A bill to prohibit the giving or acceptance of payment for the placement of a child, or obtaining consent to adoption; to the Committee on the Judiciary.

By Mr. SARBANES:

S. 2749. A bill to establish a grant program to provide comprehensive eye examinations to children, and for other purposes ; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SMITH (for himself and Mr. WYDEN):

S. 2750. A bill to authorize the Secretary of the Interior to assist in the planning, design, and construction of the Tumalo Irrigation District Water Conservation Project in Deschutes County, Oregon; to the Committee on Energy and Natural Resources.

By Mr. SANTORUM (for himself and Mr. CORZINE):

S. 2751. A bill to encourage savings, promote financial literacy, and expand opportunities for young adults by establishing KIDS Accounts; to the Committee on Finance.

By Mr. HATCH:

S. 2752. A bill to reform Federal budget procedures, to impose spending safeguards, to combat waste, fraud, and abuse, to account for accurate Government agency costs, and for other purposes; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one Committee reports, the other Committee have thirty days to report or be discharged.

By Mr. SMITH:

S. 2753. A bill to authorize the Secretary of Housing and Urban Development to insure zero-downpayment mortgages; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. DASCHLE (for himself, Mr. REED, Mrs. MURRAY, Mr. JOHNSON, Ms. MIKULSKI, Ms. CANTWELL, Ms. STABENOW, and Mr. LEAHY):

S. 2754. A bill to amend the Social Security Act to protect social security cost-of-living adjustments (COLA); to the Committee on Finance.

By Mr. DODD:

S. 2755. A bill to amend the Consumer Credit Protection Act to ban abusive credit practices, enhance consumer disclosures, protect underage consumers, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. ALLARD (for himself and Mr. HAGEL):

S. 2756. A bill to extend a certain high priority corridor in the States of Colorado, Nebraska, South Dakota, and Wyoming; to the Committee on Environment and Public Works.

By Mr. FITZGERALD:

S. 2757. A bill to provide for certain financial reporting requirements to apply to the judicial branch of the Federal Government, and for other purposes; to the Committee on the Judiciary.

By Mr. FITZGERALD:

S. 2758. A bill to provide for certain financial reporting requirements to apply to the legislative branch of the Federal Government, and for other purposes; to the Committee on Rules and Administration.

By Mr. ROCKEFELLER (for himself, Mr. CHAFEE, Mr. KENNEDY, and Ms. SNOWE):

S. 2759. A bill to amend title XXI of the Social Security Act to modify the rules relating to the availability and method of redistribution of unexpended SCHIP allotments, and for other purposes; to the Committee on Finance.

By Mr. KYL (for himself, Mr. HATCH, Mr. CRAIG, Mr. CORNYN, and Mr. SESSIONS):

S. 2760. A bill to limit and expedite Federal collateral review of convictions for killing a public safety officer; to the Committee on the Judiciary.

By Mr. GRASSLEY (for himself, Mr. BAUCUS, Mr. SMITH, Mr. CONRAD, and Mr. DASCHLE):

S. 2761. A bill to amend the Internal Revenue Code of 1986 to provide tax relief for farmers, ranchers, and fishermen, and for other purposes; to the Committee on Finance.

By Mr. GRASSLEY (for himself and Mr. COLEMAN):

S. 2762. A bill to encourage the use of indigenous feedstock from the Caribbean Basin region with respect to ethyl alcohol for fuel use; to the Committee on Finance.

By Mrs. CLINTON (for herself, Mr. GREGG, and Mr. REID):

S. 2763. A bill to amend the Atomic Energy Act of 1954 to clarify the treatment of accelerator-produced and other radioactive material as byproduct material; to the Committee on Environment and Public Works.

By Mr. DODD (for himself, Mr. BENNETT, Mr. SCHUMER, Mr. HAGEL, Mr. REED, Mr. BUNNING, Mr. CARPER, Mr. CRAPO, Mr. REID, Mrs. DOLE, Mr. NELSON of Nebraska, and Mr. CHAFEE):

S. 2764. A bill to extend the applicability of the Terrorism Risk Insurance Act of 2002; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. SNOWE (for herself, Mr. VOINOVICH, and Mrs. DOLE):

S. 2765. A bill to amend the Exchange Rates and International Economic Policy Coordination Act of 1988 to clarify the conditions under which the Secretary should enter into negotiations to correct currency manipulations by other countries; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. SPECTER:

S. 2766. A bill to amend part D of title XVIII of the Social Security Act to authorize the Secretary of Health and Human Services to negotiate for lower prices for medicare prescription drugs and to eliminate the gap in coverage of medicare prescription drug benefits, to reduce medical errors and increase the use of medical technology, to increase services in primary and preventive care by non-physician providers, and for other purposes; to the Committee on Finance.

By Mr. SPECTER:

S. 2767. A bill to provide an economic stimulus; to the Committee on Finance.

By Ms. MURKOWSKI:

S. 2768. A bill to provide competitive status to certain Federal employees in the State of Alaska; to the Committee on Energy and Natural Resources.

By Mr. DASCHLE (for himself, Mr. LUGAR, Mr. HAGEL, and Mr. NELSON of Nebraska):

S. 2769. A bill to provide that imported ethanol shall not count toward satisfaction of any renewable fuel standard that may be enacted; to the Committee on Environment and Public Works.

By Mr. DASCHLE:

S. 2770. A bill to establish a National Commission on American Indian Trust Holdings; to the Committee on Indian Affairs.

By Mr. FRIST (for himself and Mr. KENNEDY):

S. 2771. A bill to amend the Public Health Service Act to improve the quality of care for cancer, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. INHOFE:

S. 2772. A bill to promote the development of the emerging commercial human space

flight industry, to extend the liability indemnification regime for the commercial space transportation industry, to authorize appropriations for the Office of the Associate Administrator for Commercial Space Transportation, and for other purposes; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. FRIST (for himself and Mr. DASCHLE):

S. Res. 415. A resolution to authorize the production of records by the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs; considered and agreed to.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. Res. 416. A resolution congratulating the California State University, Fullerton baseball team on winning the 2004 College World Series; considered and agreed to.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. Res. 417. A resolution congratulating the University of California at Los Angeles women's softball team on winning the 2004 National Collegiate Athletic Association Championship; considered and agreed to.

By Mr. SESSIONS (for himself, Mr. REID, Mr. ALLEN, Mr. BAYH, Mr. BROWNBACK, Mr. BUNNING, Mr. BURNS, Mr. CAMPBELL, Mr. CORZINE, Mr. CRAPO, Mr. DAYTON, Mr. DODD, Mr. FEINGOLD, Mr. GRASSLEY, Mr. INOUYE, Mr. JOHNSON, Mr. KOHL, Mr. LAUTENBERG, Mr. LIEBERMAN, Mr. MILLER, Mr. NELSON of Florida, Mr. SARBANES, Mr. SHELBY, and Mr. WYDEN):

S. Res. 418. A resolution designating September 2004 as ''National Prostate Cancer Awareness Month''; considered and agreed to.

By Mr. CORNYN:

S. Res. 419. A resolution expressing the sense of the Senate with respect to the continuity of Government and the smooth transition of executive power; to the Committee on Rules and Administration.

By Mr. SCHUMER (for himself and Ms. COLLINS):

S. Con. Res. 131. A concurrent resolution calling on the Government of Saudi Arabia to cease supporting religious ideologies that promote hatred, intolerance, violence, and other abuses of internationally recognized human rights and urging the Government of the United States to promote religious freedom in Saudi Arabia; to the Committee on Foreign Relations.

By Mr. LAUTENBERG (for himself, Mr. CORZINE, Mr. SCHUMER, and Mrs. CLINTON):

S. Con. Res. 132. A concurrent resolution affirming the support of Congress for preserving the image of Alexander Hamilton on the face of $10 Federal reserve notes because of his standing as one of the United States' most influential founding fathers; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BROWNBACK (for himself, Mr. CORZINE, Mr. KOHL, Ms. LANDRIEU, Mr. JOHNSON, Mr. LEVIN, Mr. DURBIN, Mr. FEINGOLD, Mr. LAUTENBERG, Ms. MIKULSKI, Mrs. DOLE, Mrs. BOXER, Mr. LIEBERMAN, Mr. ENZI, Mr. LEAHY, Mr. BYRD, Mr. FITZGERALD, and Mr. SMITH):

S. Con. Res. 133. A concurrent resolution declaring genocide in Darfur, Sudan; considered and agreed to.

By Mr. FITZGERALD (for himself, Mr. LIEBERMAN, and Mr. SARBANES):

S. Con. Res. 134. A concurrent resolution expressing the sense of the Congress that the Parthenon Marbles should be returned to Greece; to the Committee on Foreign Relations.

By Mr. FRIST (for himself and Mr. DASCHLE):

S. Con. Res. 135. A concurrent resolution authorizing the printing of a commemorative document in memory of the late President of the United States, Ronald Wilson Reagan; considered and agreed to.

ADDITIONAL COSPONSORS

S. 540

At the request of Mr. INHOFE, the names of the Senator from Rhode Island (Mr. CHAFEE), the Senator from Montana (Mr. BAUCUS) and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of S. 540, a bill to authorize the presentation of gold medals on behalf of Congress to Native Americans who served as Code Talkers during foreign conflicts in which the United States was involved during the 20th Century in recognition of the service of those Native Americans to the United States.

S. 560

At the request of Mr. CRAIG, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 560, a bill to impose tariff-rate quotas on certain casein and milk protein concentrates.

S. 977

At the request of Mr. FITZGERALD, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 977, a bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to require that group and individual health insurance coverage and group health plans provide coverage from treatment of a minor child's congenital or developmental deformity or disorder due to trauma, infection, tumor, or disease.

S. 1142

At the request of Mr. BINGAMAN, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 1142, a bill to provide disadvantaged children with access to dental services.

S. 1414

At the request of Mr. HATCH, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 1414, a bill to restore second amendment rights in the District of Columbia.

S. 1428

At the request of Mr. MCCONNELL, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1428, a bill to prohibit civil liability actions from being brought or continued against food manufacturers, marketers, distributors, advertisers, sellers, and trade associations for damages or injunctive relief for claims of injury resulting from a person's weight gain, obesity, or any health condition related to weight gain or obesity.

S. 1735

At the request of Mrs. FEINSTEIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1735, a bill to increase and enhance law enforcement resources committed to investigation and prosecution of violent gangs, to deter and punish violent gang crime, to protect law abiding citizens and communities from violent criminals, to revise and enhance criminal penalties for violent crimes, to reform and facilitate prosecution of juvenile gang members who commit violent crimes, to expand and improve gang prevention programs, and for other purposes.

S. 1890

At the request of Mr. ENZI, the names of the Senator from Utah (Mr. HATCH) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 1890, a bill to require the mandatory expensing of stock options granted to executive officers, and for other purposes.

S. 2138

At the request of Mr. GRAHAM of South Carolina, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 2138, a bill to protect the rights of American consumers to diagnose, service, and repair motor vehicles purchased in the United States, and for other purposes.

S. 2174

At the request of Mr. BUNNING, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 2174, a bill to amend title XIX of the Social Security Act to include podiatrists as physicians for purposes of covering physicians services under the medicaid program.

S. 2268

At the request of Mr. BUNNING, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 2268, a bill to provide for recruiting, training, and deputizing persons for the Federal flight deck officer program.

S. 2271

At the request of Mr. DURBIN, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 2271, a bill to establish national standards for discharges from cruise vessels into the waters of the United States, and for other purposes.

S. 2275

At the request of Mr. BAUCUS, his name was added as a cosponsor of S. 2275, a bill to amend the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) to provide for homeland security assistance for high-risk nonprofit organizations, and for other purposes.

S. 2299

At the request of Mr. DURBIN, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 2299, a bill to strengthen the national security by encouraging and assisting in the expansion and improvement of educational programs to

meet critical needs at the elementary, secondary, and higher education levels.

S. 2327

At the request of Mrs. CLINTON, her name was added as a cosponsor of S. 2327, a bill to amend title 38, United States Code, to clarify that per diem payments by the Department of Veterans Affairs for the care of veterans in State homes shall not be used to offset or reduce other payments made to assist veterans.

S. 2353

At the request of Mr. CRAIG, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 2353, a bill to reauthorize and amend the National Geologic Mapping Act of 1992.

S. 2422

At the request of Mr. SMITH, the names of the Senator from Rhode Island (Mr. CHAFEE) and the Senator from Pennsylvania (Mr. SANTORUM) were added as cosponsors of S. 2422, a bill to amend the Internal Revenue Code of 1986 to allow certain modifications to be made to qualified mortgages held by a REMIC or a grantor trust.

S. 2425

At the request of Mr. BYRD, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 2425, a bill to amend the Tariff Act of 1930 to allow for improved administration of new shipper administrative reviews.

S. 2436

At the request of Mr. INOUYE, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 2436, a bill to reauthorize the Native American Programs Act of 1974.

S. 2468

At the request of Ms. COLLINS, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 2468, a bill to reform the postal laws of the United States.

S. 2500

At the request of Mr. LUGAR, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 2500, a bill to amend the Foreign Assistance Act of 1961 to provide assistance for orphans and other vulnerable children in developing countries, and for other purposes.

S. 2526

At the request of Mr. BOND, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 2526, a bill to reauthorize the Children's Hospitals Graduate Medical Education Program.

S. 2566

At the request of Mr. BINGAMAN, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of 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.

S. 2657

At the request of Ms. COLLINS, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 2657, a bill to amend part III of title 5, United States Code, to provide for the establishment of programs under which supplemental dental and vision benefits are made available to Federal employees, retirees, and their dependents, to expand the contracting authority of the Office of Personnel Management, and for other purposes.

S. 2659

At the request of Ms. COLLINS, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 2659, a bill to extend the temporary increase in payments under the medicare program for home health services furnished in a rural area.

S. 2671

At the request of Mr. ROCKEFELLER, the names of the Senator from California (Mrs. BOXER) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 2671, a bill to extend temporary State fiscal relief, and for other purposes.

S. 2679

At the request of Mr. KYL, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 2679, a bill to strengthen anti-terrorism investigative tools, promote information sharing, punish terrorist offenses, and for other purposes.

S. 2687

At the request of Mr. HARKIN, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 2687, a bill to provide coverage under the Railway Labor Act to employees of certain air and surface transportation entities.

S. 2692

At the request of Mr. JEFFORDS, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 2692, a bill to authorize the Secretary of the Department of Housing and Urban Development to make grants to States for affordable housing for low-income persons, and for other purposes.

S. 2701

At the request of Mr. LIEBERMAN, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 2701, a bill to provide incentives for the sharing of homeland security information, promote the development of an information sharing network, provide grants and other support to achieve communications interoperability, and establish an Office of Information Sharing, and for other purposes.

S. 2702

At the request of Mr. CHAMBLISS, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 2702, a bill to amend the Federal Election Campaign Act of 1971 to repeal the requirement that persons making disbursements for electioneering communications file reports on such disbursements with the Federal Election Commission and the prohibition against the making of disbursements for electioneering communications by corporations and labor organizations, and for other purposes.

S. 2705

At the request of Mr. DEWINE, the names of the Senator from Pennsylvania (Mr. SPECTER) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 2705, a bill to provide assistance to Sudan, and for other purposes.

At the request of Mr. BIDEN, the names of the Senator from Connecticut (Mr. DODD) and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of S. 2705, supra.

S. 2710

At the request of Mr. GREGG, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 2710, a bill to amend the Public Health Service Act to improve the quality and efficiency of health care delivery through improvements in health care information technology, and for other purposes.

S. CON. RES. 8

At the request of Ms. COLLINS, the names of the Senator from California (Mrs. FEINSTEIN) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. Con. Res. 8, a concurrent resolution designating the second week in May each year as ''National Visiting Nurse Association Week''.

S. CON. RES. 106

At the request of Mr. CAMPBELL, the names of the Senator from Mississippi (Mr. LOTT) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. Con. Res. 106, a concurrent resolution urging the Government of Ukraine to ensure a democratic, transparent, and fair election process for the presidential election on October 31, 2004.

S. CON. RES. 113

At the request of Mr. SMITH, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. Con. Res. 113, a concurrent resolution recognizing the importance of early diagnosis, proper treatment, and enhanced public awareness of Tourette Syndrome and supporting the goals and ideals of National Tourette Syndrome Awareness Month.

S. CON. RES. 119

At the request of Mr. CAMPBELL, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. Con. Res. 119, a concurrent resolution recognizing that prevention of suicide is a compelling national priority.

S. CON. RES. 124

At the request of Mr. BROWNBACK, the names of the Senator from Maine (Ms. COLLINS) and the Senator from Indiana (Mr. LUGAR) were added as cosponsors of S. Con. Res. 124, a concurrent resolution declaring genocide in Darfur, Sudan.

At the request of Mr. BAUCUS, his name was added as a cosponsor of S. Con. Res. 124, supra.

At the request of Mrs. CLINTON, her name was added as a cosponsor of S. Con. Res. 124, supra.

At the request of Mr. CORZINE, the names of the Senator from Vermont (Mr. JEFFORDS), the Senator from Florida (Mr. GRAHAM) and the Senator from Florida (Mr. NELSON) were added as cosponsors of S. Con. Res. 124, supra.

S. CON. RES. 126

At the request of Mr. COLEMAN, the names of the Senator from Oregon (Mr. SMITH) and the Senator from Delaware (Mr. BIDEN) were added as cosponsors of S. Con. Res. 126, a concurrent resolution condemning the attack on the AMIA Jewish Community Center in Buenos Aires, Argentina, in July 1994, and expressing the concern of the United States regarding the continuing, decade-long delay in the resolution of this case.

S. CON. RES. 127

At the request of Mr. SCHUMER, the names of the Senator from Maine (Ms. SNOWE), the Senator from Illinois (Mr. DURBIN), the Senator from Vermont (Mr. JEFFORDS) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. Con. Res. 127, a concurrent resolution expressing the sense of Congress that the President should designate September 11 as a national day of voluntary service, charity, and compassion.

S. CON. RES. 128

At the request of Mr. CHAMBLISS, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. Con. Res. 128, a concurrent resolution expressing the sense of Congress regarding the importance of life insurance, and recognizing and supporting National Life Insurance Awareness Month.

S. CON. RES. 130

At the request of Mr. FRIST, his name and the names of the Senator from Iowa (Mr. GRASSLEY), the Senator from Alabama (Mr. SESSIONS) and the Senator from Texas (Mr. CORNYN) were added as cosponsors of S. Con. Res. 130, a concurrent resolution expressing the sense of Congress that the Supreme Court of the United States should act expeditiously to resolve the confusion and inconsistency in the Federal criminal justice system caused by its decision in Blakely v. Washington, and for other purposes.

At the request of Mr. HATCH, the names of the Senator from South Carolina (Mr. GRAHAM) and the Senator from Georgia (Mr. CHAMBLISS) were added as cosponsors of S. Con. Res. 130, supra.

S. RES. 271

At the request of Mr. CORZINE, the names of the Senator from Indiana (Mr. BAYH) and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of S. Res. 271, a resolution urging the President of the United States diplomatic corps to dissuade member states of the United Nations from supporting resolutions that unfairly castigate Israel and to promote within the United Nations General Assembly more balanced and constructive approaches to resolving conflict in the Middle East.

At the request of Mr. COLEMAN, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. Res. 271, supra.

S. RES. 398

At the request of Mr. LUGAR, the names of the Senator from California (Mrs. FEINSTEIN) and the Senator from Ohio (Mr. DEWINE) were added as cosponsors of S. Res. 398, a resolution expressing the sense of the Senate on promoting initiatives to develop an HIV vaccine.

S. RES. 408

At the request of Mr. SCHUMER, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. Res. 408, a resolution supporting the construction by Israel of a security fence to prevent Palestinian terrorist attacks, condemning the decision of the International Court of Justice on the legality of the security fence, and urging no further action by the United Nations to delay or prevent the construction of the security fence.

At the request of Mr. SMITH, the names of the Senator from Mississippi (Mr. LOTT), the Senator from Indiana (Mr. BAYH), the Senator from Nevada (Mr. ENSIGN), the Senator from Ohio (Mr. VOINOVICH), the Senator from Maine (Ms. SNOWE) and the Senator from Arizona (Mr. KYL) were added as cosponsors of S. Res. 408, supra.

At the request of Mr. REID, his name was added as a cosponsor of S. Res. 408, supra.

S. RES. 409

At the request of Mr. BAYH, the names of the Senator from Idaho (Mr. CRAIG) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. Res. 409, a resolution encouraging increased involvement in service activities to assist senior citizens.

AMENDMENT NO. 3568

At the request of Mr. GREGG, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of amendment No. 3568 proposed to H.R. 4226, a bill 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''.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. REID (for himself and Mr. ENSIGN):

S. 2716. A bill to provide for the acquisition of land for administrative and visitor facilities for Death Valley National Park, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. REID. Mr. President, I rise today to introduce the Death Valley National Park Administrative and Visitor Facilities Act of 2004.

This is a simple common sense bill. It allows the Death Valley National Park to accept a donation of about 15 acres of land and buildings near Beatty, NV.

This small parcel of land and the buildings on it will be used by the park as a maintenance and administrative station. These facilities are needed to consolidate and improve maintenance operations and other administrative functions of the park.

The station would be donated by the Barrick Gold Corporation to the Park Service at no cost and is superior to the Park Service's current facilities in the area. This is an easy way for us to improve maintenance and administrative functions at Death Valley National park at absolutely no cost to the government. This legislation has long been advocated by Nye County and would benefit the nearby community of Beatty, NV.

The current owners have already completed a Phase One Environmental Assessment that concluded there were no ''hazardous substances'' or ''pollutant or contaminants'' associated with the land parcels or the structures. We should take advantage of this opportunity to improve park operations while we can.

I urge my colleagues to support this legislation as an easy, efficient way to improve one of America's great national parks.

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. 2716

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 ''Death Valley National Park Administrative and Visitor Facilities Act of 2004''.

SEC. 2. DEFINITIONS.

In this Act:

(1) PARK.—The term ''Park'' means the Death Valley National Park.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 3. DEATH VALLEY NATIONAL PARK ADMINISTRATIVE AND VISITOR FACILITIES.

(a) IN GENERAL.—Subject to subsection (c), the Secretary may acquire by donation all right, title, and interest in and to the parcel of land (including improvements to the land) described in subsection (b) for inclusion in the Park.

(b) DESCRIPTION OF LAND.—The land referred to in subsection (a) is the parcel of land in Nye County, Nevada—

(1) consisting of not more than 15 acres;

(2) comprising a portion of Tract 37 located north of the center line of Nevada State Highway 374; and

(3) located in the E½NW¼, NW¼NE¼ sec. 22, T. 12 S., R. 46 E., Mount Diablo Base and Meridian.

(c) CONDITIONS.—Before accepting a donation of land under subsection (a), the Secretary shall obtain a phase I environmental assessment prepared by an independent party that—

(1) evaluates the condition of the land (including any structures on the land); and

(2) determines that the land or structure, or a portion of the land or structure, is not contaminated with—

(A) hazardous substances, pollutants, or contaminants, as defined in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601); or

(B) any petroleum substance, fraction, or derivative.

(d) BOUNDARY REVISION.—On acquisition of the land under subsection (a), the Secretary shall revise the boundary of the Park to reflect the acquisition.

(e) ADMINISTRATION.—Any land acquired under subsection (a) shall be administered by the Secretary as part of the Park.

(f) USE OF LAND.—The parcel of land acquired under subsection (a) shall be used by the Secretary for the development, operation, and maintenance of administrative and visitor facilities for the Park.

By Mr. DEWINE (for himself and Mr. DODD):

S. 2718. A bill to provide for programs and activities with respect to the prevention of underage drinking; to the Committee on Health, Education, Labor, and Pensions.

Mr. DEWINE. Mr. President, I rise today, along with my good friend and colleague Senator DODD, to introduce the Sober Truth on Preventing Underage Drinking Act—also known as the STOP Underage Drinking Act. I thank Senator DODD for his commitment to this issue, as well as our colleagues on the House side—Representatives ROYBAL-ALLARD, WOLF, OSBORNE, DELAURO, and WAMP for working so diligently with us over the past few months on this bill. It is a good bill—a carefully crafted, bipartisan, bicameral piece of legislation.

As we discussed at the HELP Subcommittee hearing I chaired in September on underage drinking, it is well known that underage drinking is a significant problem for youth in this country. We've known that for a very long time.

We know that underage drinking often contributes to the four leading causes of deaths among 15 to 20 year olds—that 69 percent of youths who died in alcohol-related traffic fatalities in the year 2000 involved young drinking drivers—that in 1999, nearly 40 percent of people under the age of 21 who were victims of drownings, burns, and falls tested positive for alcohol.

We've known that alcohol has been reported to be involved in 36 percent of homicides, 12 percent of male suicides, and 8 percent of female suicides involving people under 21.

How did we get here, how did our Nation reach this point—a point where today, 12 percent of eighth graders—13 and 14 year olds—binge drink? Add to that, the 22 percent of tenth graders—15 and 16 year olds—who binge drink. The National Institute of Drug Abuse also reported that 95 percent of 12th graders perceive alcohol as readily available to them. Tragically, most children and young adults that drink underage obtain the alcohol from their parents or another adult.

These statistics are frightening. Too many American kids are drinking regularly, and they are drinking in quantities that can be of great, long-term harm to themselves. Again I ask—how did we get here? As a Nation, we clearly haven't done enough to address this problem. We haven't done enough to acknowledge how prevalent and widespread teenage drinking is in this country. We haven't done enough to let parents know that they, too, are a part of this problem and can be a part of the solution.

We talk about drugs and the dangers of drug use, as we should, but the reality is that we, as a society, have become complacent about the problem of underage drinking. This has to change. The culture has to change.

The Sober Truth on Preventing Underage Drinking Act, or STOP Underage Drinking Act, has four major areas of Policy development: First, there is a Federal coordination and reporting provision. This title would create an Interagency Coordinating Committee to coordinate the efforts and expertise of various Federal agencies to combat underage drinking. It would be chaired by the Secretary of Health and Human Services and would include other agencies and departments, such as the Department of Education, the Office of Juvenile Justice and Delinquency Prevention, and the Federal Trade Commission. This title also would mandate an annual report to Congress from the Interagency Committee on their efforts to combat underage drinking, as well as an annual report card on State efforts to combat the problem. Two million dollars, annually, would be appropriated under this section.

Second, the bill contains an authorization for the a national media campaign against underage drinking. This title would provide $1 million annually to authorize a national media campaign for which the Ad Council received $800,000 last year to begin implementation. It would continue funding for fiscal years 2005 and 2006.

Third, the bill would support new intervention programs to prevent underage drinking. This section of the bill would provide $5 million for enhancement grants to the Drug Free Communities program to be directed at the problem of underage drinking. This title also would create a new program which would provide competitive grants to States, non-profit entities, and institutions of higher education to create State-wide coalitions to prevent underage drinking. This program would be funded at $5 million.

Finally, our bill contains a section devoted to research. This title would provide $6 million for increased Federal research and data collection on underage drinking, including reporting on the types and brands of alcohol that kids use and the short-term and long-term impacts of underage drinking upon adolescent brain development.

Again, I thank Senator DODD for working with me on this issue here in the Senate, and I look forward to continuing to work with my colleagues in the House and Senate to pass this very important bill.

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. 2718

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 ''Sober Truth on Preventing Underage Drinking Act'', or the ''STOP Underage Drinking Act''.

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

Sec. 1. Short title; table of contents
Sec. 2. Findings
Sec. 3. Definitions
TITLE I—SENSE OF CONGRESS
Sec. 101. Sense of Congress
TITLE II—INTERAGENCY COORDINATING COMMITTEE; ANNUAL REPORT CARD
Sec. 201. Establishment of interagency coordinating committee to prevent underage drinking
Sec. 202. Annual report card
Sec. 203. Authorization of appropriations
TITLE III—NATIONAL MEDIA CAMPAIGN
Sec. 301. National media campaign to prevent underage drinking
TITLE IV—INTERVENTIONS
Sec. 401. Community-based coalition enhancement grants to prevent underage drinking
Sec. 402. Grants directed at reducing higher-education alcohol abuse
TITLE V—ADDITIONAL RESEARCH
Sec. 501. Additional research on underage drinking
Sec. 502. Authorization of appropriations

SEC. 2. FINDINGS.

The Congress finds as follows:

(1) Drinking alcohol under the age of 21 is illegal in each of the 50 States and the District of Columbia. Enforcement of current laws and regulations in States and communities, such as minimum age drinking laws, zero tolerance laws, and laws and regulations which restrict availability of alcohol, must supplement other efforts to reduce underage drinking.

(2) Data collected annually by the Department of Health and Human Services shows that alcohol is the most heavily used drug by children in the United States, and that—

(A) more youths consume alcoholic beverages than use tobacco products or illegal drugs;

(B) by the end of the eighth grade, 45.6 percent of children have engaged in alcohol use, and by the end of high school, 76.6 percent have done so; and

(C) the annual societal cost of underage drinking is estimated at $53 to $58 billion.

(3) Data collected by the Department of Health and Human Services and the Department of Transportation indicate that alcohol use by youth has many negative consequences, such as immediate risk from acute impairment; traffic fatalities; violence; suicide; and unprotected sex.

(4) Research confirms that the harm caused by underage drinking lasts beyond the underage years. Compared to persons who wait until age 21 or older to start drinking, those who start to drink before age 14 are, as adults, four times more likely to become alcohol dependent; seven times more likely to be in a motor vehicle crash because of drinking; and more likely to suffer mental and physical damage from alcohol abuse.

(5) Alcohol abuse creates long-term risk developmentally and is associated with negative physical impacts on the brain.

(6) Research indicates that adults greatly underestimate the extent of alcohol use by youths, its negative consequences, and its use by their own children. The IOM report concluded that underage drinking cannot be successfully addressed by focusing on youth alone. Ultimately, adults are responsible for young people obtaining alcohol by selling, providing, or otherwise making it available to them. Parents are the most important channel of influence on their children's underage drinking, according to the IOM report, which also recommends a national adult-oriented media campaign.

(7) Research shows that public service health messages, in combination with community-based efforts, can reduce health-damaging behavior. The Department of Health and Human Services and the Ad Council have undertaken a public health campaign targeted at parents to combat underage alcohol consumption. The Ad Council estimates that, for a typical public health campaign, it receives an average of $28 million per year in free media through its 28,000 media outlets nationwide.

(8) A significant percentage of the total alcohol consumption in the United States each year is by underage youth. The Substance Abuse and Mental Health Services Administration reports that the percentage is over 11 percent.

(9) Youth are exposed to a significant amount of alcohol advertising through a variety of media. Some studies indicate that youth awareness of alcohol advertising correlates to their drinking behavior and beliefs.

(10) According to the Center on Alcohol Marketing and Youth, in 2002, the alcoholic beverage industry spent $990.2 million on product advertising on television, and $10 million on television advertising designed to promote the responsible use of alcohol. For every one television ad discouraging underage alcohol use, there were 609 product ads.

(11) Alcohol use occurs in 76 percent of movies rated G or PG and 97 percent of movies rated PG-13. The Federal Trade Commission has recommended restricting paid alcohol beverage promotional placements to films rated R or NC-17.

(12) Youth spend 9 to 11 hours per week listening to music, and 17 percent of all lyrics contain alcohol references; 30 percent of those songs include brand-name mentions.

(13) Studies show that adolescents watch 20 to 27 hours of television each week, and 71 percent of prime-time television episodes depict alcohol use and 77 percent contain some reference to alcohol.

(14) College and university presidents have cited alcohol abuse as the number one health problem on college and university campuses.

(15) According to the National Institute on Alcohol Abuse and Alcoholism, two of five college students are binge drinkers; 1,400 college students die each year from alcohol-related injuries, a majority of which involve motor vehicle crashes; more than 70,000 students are victims of alcohol-related sexual assault; and 500,000 students are injured under the influence of alcohol each year.

(16) According to the Center on Alcohol Marketing and Youth, in 2002, alcohol producers spent a total of $58 million to place 6,251 commercials in college sports programs, and spent $27.7 million advertising during the NCAA men's basketball tournament, which had as many alcohol ads (939) as the Super Bowl, World Series, College Bowl Games and the National Football League's Monday Night Football broadcasts combined (925).

(17) The IOM report recommended that colleges and universities ban alcohol advertising and promotion on campus in order to demonstrate their commitment to discouraging alcohol use among underage students.

(18) According to the Government Accountability Office (''GAO''), the Federal Government spends $1.8 billion annually to combat youth drug use and $71 million to prevent underage alcohol use.

(19) The GAO concluded that there is a lack of reporting about how these funds are specifically expended, inadequate collaboration among the agencies, and no central coordinating group or office to oversee how the funds are expended or to determine the effectiveness of these efforts.

(20) There are at least three major, annual, government funded national surveys in the United States that include underage drinking data: the National Household Survey on Drug Use and Health, Monitoring the Future, and the Youth Risk Behavior Survey. These surveys do not use common indicators to allow for direct comparison of youth alcohol consumption patterns. Analyses of recent years' data do, however, show similar results.

(21) Research shows that school-based and community-based interventions can reduce underage drinking and associated problems, and that positive outcomes can be achieved by combining environmental and institutional change with theory-based health education—a comprehensive, community-based approach.

(22) Studies show that a minority of youth who need treatment for their alcohol problems receive such services. Further, insufficient information exists to properly assist clinicians and other providers in their youth treatment efforts.

SEC. 3. DEFINITIONS.

For purposes of this Act:

(1) The term ''binge drinking'' means a pattern of drinking alcohol that brings blood alcohol concentration (BAC) to 0.08 gm percent or above. For the typical adult, this pattern corresponds to consuming 5 or more drinks (male), or 4 or more drinks (female), in about 2 hours.

(2) The term ''heavy drinking'' means five or more drinks on the same occasion in the past 30 days.

(3) The term ''frequent heavy drinking'' means five or more drinks on at least five occasions in the last 30 days.

(4) The term ''alcoholic beverage industry'' means the brewers, vintners, distillers, importers, distributors, and retail outlets that sell and serve beer, wine, and distilled spirits.

(5) The term ''school-based prevention'' means programs, which are institutionalized, and run by staff members or school-designated persons or organizations in every grade of school, kindergarten through 12th grade.

(6) The term ''youth'' means persons under the age of 21.

(7) The term ''IOM report'' means the report released in September 2003 by the National Research Council, Institute of Medicine, and entitled ''Reducing Underage Drinking: A Collective Responsibility''.

TITLE I—SENSE OF CONGRESS

SEC. 101. SENSE OF CONGRESS.

It is the sense of the Congress that:

(1) A multi-faceted effort is needed to more successfully address the problem of underage drinking in the United States. A coordinated approach to prevention, intervention, treatment, and research is key to making progress. This Act recognizes the need for a focused national effort, and addresses particulars of the Federal portion of that effort.

(2) States and communities, including colleges and universities, are encouraged to adopt comprehensive prevention approaches, including—

(A) evidence-based screening, programs and curricula;

(B) brief intervention strategies;

(C) consistent policy enforcement; and

(D) environmental changes that limit underage access to alcohol.

(3) Public health and consumer groups have played an important role in drawing the Nation's attention to the health crisis of underage drinking. Working at the Federal, State, and community levels, and motivated by grass-roots support, they have initiated effective prevention programs that have made significant progress in the battle against underage drinking.

(4) The alcohol beverage industry has developed and paid for national education and awareness messages on illegal underage drinking directed to parents as well as consumers generally. According to the industry, it has also supported the training of more than 1.6 million retail employees, community-based prevention programs, point of sale education, and enforcement programs. All of these efforts are aimed at further reducing illegal underage drinking and preventing sales of alcohol to persons under the age of 21. All sectors of the alcohol beverage industry have also voluntarily committed to placing advertisements in broadcast and magazines where at least 70 percent of the audiences are expected to be 21 years of age or older. The industry should continue to monitor and tailor its advertising practices to further limit underage exposure, including the use of independent third party review. The industry should continue and expand evidence-based efforts to prevent underage drinking.

(5) Public health and consumer groups, in collaboration with the alcohol beverage industry, should explore opportunities to reduce underage drinking.

(6) The entertainment industries have a powerful impact on youth, and they should use rating systems and marketing codes to reduce the likelihood that underage audiences will be exposed to movies, recordings, or television programs with unsuitable alcohol content, even if adults are expected to predominate in the viewing or listening audiences.

(7) Objective scientific evidence and data should be generated and made available to the general public and policy makers at the local, state, and national levels to help them make informed decisions, implement judicious policies, and monitor progress in preventing childhood/adolescent alcohol use.

(8) The National Collegiate Athletic Association, its member colleges and universities, and athletic conferences should affirm a commitment to a policy of discouraging alcohol use among underage students and other young fans by ending all alcohol advertising during radio and television broadcasts of collegiate sporting events.

TITLE II—INTERAGENCY COORDINATING COMMITTEE; ANNUAL REPORT CARD

SEC. 201. ESTABLISHMENT OF INTERAGENCY COORDINATING COMMITTEE TO PREVENT UNDERAGE DRINKING.

(a) IN GENERAL.—The Secretary of Health and Human Services, in collaboration with the Federal officials specified in subsection

(b), shall establish an interagency coordinating committee focusing on underage drinking (referred to in this section as the ''Committee'').

(b) OTHER AGENCIES.—The officials referred to in subsection (a) are the Secretary of Education, the Attorney General, the Secretary of Transportation, the Secretary of the Treasury, the Secretary of Defense, the Surgeon General, the Director of the Centers for Disease Control and Prevention, the Director of the National Institute on Alcohol Abuse and Alcoholism, the Administrator of the Substance Abuse and Mental Health Services Administration, the Director of the National Institute on Drug Abuse, the Assistant Secretary for Children and Families, the Director of the Office of National Drug Control Policy, the Administrator of the National Highway Traffic Safety Administration, the Administrator of the Office of Juvenile Justice and Delinquency Prevention, the Chairman of the Federal Trade Commission, and such other Federal officials as the Secretary of Health and Human Services determines to be appropriate.

(c) CHAIR.—The Secretary of Health and Human Services shall serve as the chair of the Committee.

(d) DUTIES.—The Committee shall guide policy and program development across the Federal Government with respect to underage drinking.

(e) CONSULTATIONS.—The Committee shall actively seek the input of and shall consult with all appropriate and interested parties, including public health research and interest groups, foundations, and alcohol beverage industry trade associations and companies.

(f) ANNUAL REPORT.—

(1) IN GENERAL.—The Secretary of Health and Human Services, on behalf of the Committee, shall annually submit to the Congress a report that summarizes—

(A) all programs and policies of Federal agencies designed to prevent underage drinking;

(B) the extent of progress in reducing underage drinking nationally;

(C) data that the Secretary shall collect with respect to the information specified in paragraph (2); and

(D) such other information regarding underage drinking as the Secretary determines to be appropriate.

(2) CERTAIN INFORMATION.—The report under paragraph (1) shall include information on the following:

(A) Patterns and consequences of underage drinking.

(B) Measures of the availability of alcohol to underage populations and the exposure of this population to messages regarding alcohol in advertising and the entertainment media.

(C) Surveillance data, including information on the onset and prevalence of underage drinking.

(D) Any additional findings resulting from research conducted or supported under section 501.

(E) Evidence-based best practices to both prevent underage drinking and provide treatment services to those youth who need them.

SEC. 202. ANNUAL REPORT CARD.

(a) IN GENERAL.—The Secretary of Health and Human Services (referred to in this section as the ''Secretary'') shall, with input and collaboration from other appropriate Federal agencies, States, Indian tribes, territories, and public health, consumer, and alcohol beverage industry groups, annually issue a ''report card'' to accurately rate the performance of each state in enacting, enforcing, and creating laws, regulations, and programs to prevent or reduce underage drinking. The report card shall include ratings on outcome measures for categories related to the prevalence of underage drinking in each State.

(b) OUTCOME MEASURES.—

(1) IN GENERAL.—The Secretary shall develop, in consultation with the Committee established in section 201, a set of outcome measures to be used in preparing the report card.

(2) CATEGORIES.—In developing the outcome measures, the Secretary shall develop measures for categories related to the following:

(A) The degree of strictness of the minimum drinking age laws and dram shop liability statutes in each State.

(B) The number of compliance checks within alcohol retail outlets conducted measured against the number of total alcohol retail outlets in each State, and the results of such checks.

(C) Whether or not the State mandates or otherwise provides training on the proper selling and serving of alcohol for all sellers and servers of alcohol as a condition of employment.

(D) Whether or not the State has policies and regulations with regard to Internet sales and home delivery of alcoholic beverages.

(E) The number of adults in the State targeted by State programs to deter adults from purchasing alcohol for minors.

(F) The number of youths, parents, and caregivers who are targeted by State programs designed to deter underage drinking.

(G) Whether or not the State has enacted graduated drivers licenses and the extent of those provisions.

(H) The amount that the State invests, per youth capita, on the prevention of underage drinking, further broken down by the amount spent on—

(i) compliance check programs in retail outlets, including providing technology to prevent and detect the use of false identification by minors to make alcohol purchases;

(ii) checkpoints;

(iii) community-based, school-based, and higher-education-based programs to prevent underage drinking;

(iv) underage drinking prevention programs that target youth within the juvenile justice and child welfare systems; and

(v) other State efforts or programs as deemed appropriate.

SEC. 203. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this title $2,000,000 for fiscal year 2005, and such sums as may be necessary for each of the fiscal years 2006 through 2009.

TITLE III—NATIONAL MEDIA CAMPAIGN

SEC. 301. NATIONAL MEDIA CAMPAIGN TO PREVENT UNDERAGE DRINKING.

(a) SCOPE OF THE CAMPAIGN.—The Secretary of Health and Human Services shall continue to fund and oversee the production, broadcasting, and evaluation of the Ad Council's national adult-oriented media public service campaign.

(b) REPORT.—The Secretary of Health and Human Services shall provide a report to the Congress annually detailing the production, broadcasting, and evaluation of the campaign referred to in subsection (a), and to detail in the report the effectiveness of the campaign in reducing underage drinking, the need for and likely effectiveness of an expanded adult-oriented media campaign, and the feasibility and the likely effectiveness of a national youth-focused media campaign to combat underage drinking.

(c) CONSULTATION REQUIREMENT.—In carrying out the media campaign, the Secretary of Health and Human Services shall direct the Ad Council to consult with interested parties including both the alcohol beverage industry and public health and consumer groups. The progress of this consultative process is to be covered in the report under subsection (b).

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $1,000,000 for each of the fiscal years 2005 and 2006, and such sums as may be necessary for each subsequent fiscal year.

TITLE IV—INTERVENTIONS

SEC. 401. COMMUNITY-BASED COALITION ENHANCEMENT GRANTS TO PREVENT UNDERAGE DRINKING.

(a) AUTHORIZATION OF PROGRAM.—The Director of the Office of National Drug Control Policy shall award ''enhancement grants'' to eligible entities to design, test, evaluate and disseminate strategies to maximize the effectiveness of community-wide approaches to preventing and reducing underage drinking.

(b) PURPOSES.—The purposes of this section are, in conjunction with the Drug-Free Communities Act of 1997 (21 U.S.C. 1521 et seq.), to—

(1) reduce alcohol use among youth in communities throughout the United States;

(2) strengthen collaboration among communities, the Federal Government, and State, local, and tribal governments;

(3) enhance intergovernmental cooperation and coordination on the issue of alcohol use among youth;

(4) serve as a catalyst for increased citizen participation and greater collaboration among all sectors and organizations of a community that first demonstrates a long-term commitment to reducing alcohol use among youth;

(5) disseminate to communities timely information regarding state-of-the-art practices and initiatives that have proven to be effective in reducing alcohol use among youth; and

(6) enhance, not supplant, local community initiatives for reducing alcohol use among youth.

(c) APPLICATION.—An eligible entity desiring an enhancement grant under this section shall submit an application to the Director at such time, and in such manner, and accompanied by such information as the Director may require. Each application shall include—

(1) a complete description of the entity's current underage alcohol use prevention initiatives and how the grant will appropriately enhance the focus on underage drinking issues; or

(2) a complete description of the entity's current initiatives, and how it will use this grant to enhance those initiatives by adding a focus on underage drinking prevention.

(d) USES OF FUNDS.—Each eligible entity that receives a grant under this section shall use the grant funds to carry out the activities described in such entity's application submitted pursuant to subsection (c). Grants under this section shall not exceed $50,000 per year, and may be awarded for each year the entity is funded as per subsection (f).

(e) SUPPLEMENT NOT SUPPLANT.—Grant funds provided under this section shall be used to supplement, not supplant, Federal and non-Federal funds available for carrying out the activities described in this section.

(f) DEFINITIONS.—For purposes of this section, the term ''eligible entity'' means an organization that is currently eligible to receive grant funds under the Drug-Free Communities Act of 1997 (21 U.S.C. 1521 et seq.).

(g) ADMINISTRATIVE EXPENSES.—Not more than 6 percent of a grant under this section may be expended for administrative expenses.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to

carry out this section $5,000,000 for fiscal year 2005, and such sums as may be necessary for each of the fiscal years 2006 through 2009.

SEC. 402. GRANTS DIRECTED AT REDUCING HIGHER-EDUCATION ALCOHOL ABUSE.

(a) AUTHORIZATION OF PROGRAM.—The Secretary shall award grants to eligible entities to enable the entities to reduce the rate of underage alcohol use and binge drinking among students at institutions of higher education.

(b) APPLICATIONS.—An eligible entity that desires to receive a grant under this Act shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. Each application shall include—

(1) a description of how the eligible entity will work to enhance an existing, or where none exists to build a, statewide coalition;

(2) a description of how the eligible entity will target underage students in the State;

(3) a description of how the eligible entity intends to ensure that the statewide coalition is actually implementing the purpose of this Act and moving toward indicators described in section (d);

(4) a list of the members of the statewide coalition or interested parties involved in the work of the eligible entity;

(5) a description of how the eligible entity intends to work with State agencies on substance abuse prevention and education;

(6) the anticipated impact of funds provided under this Act in reducing the rates of underage alcohol use;

(7) outreach strategies, including ways in which the eligible entity proposes to—

(A) reach out to students;

(B) promote the purpose of this Act;

(C) address the range of needs of the students and the surrounding communities; and

(D) address community norms for underage students regarding alcohol use; and

(8) such additional information as required by the Secretary.

(c) USES OF FUNDS.—Each eligible entity that receives a grant under this section shall use the grant funds to carry out the activities described in such entity's application submitted pursuant to subsection (b).

(d) ACCOUNTABILITY.—On the date on which the Secretary first publishes a notice in the Federal Register soliciting applications for grants under this section, the Secretary shall include in the notice achievement indicators for the program authorized under this section. The achievement indicators shall be designed—

(1) to measure the impact that the statewide coalitions assisted under this Act are having on the institutions of higher education and the surrounding communities, including changes in the number of alcohol incidents of any kind (including violations, physical assaults, sexual assaults, reports of intimidation, disruptions of school functions, disruptions of student studies, mental health referrals, illnesses, or deaths);

(2) to measure the quality and accessibility of the programs or information offered by the statewide coalitions; and

(3) to provide such other measures of program impact as the Secretary determines appropriate.

(e) SUPPLEMENT NOT SUPPLANT.—Grant funds provided under this Act shall be used to supplement, and not supplant, Federal and non-Federal funds available for carrying out the activities described in this section.

(f) DEFINITIONS.—For purposes of this section:

(1) ELIGIBLE ENTITY.—The term ''eligible entity'' means a State, institution of higher education, or nonprofit entity.

(2) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' has the meaning given the term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(3) SECRETARY.—The term ''Secretary'' means the Secretary of Education.

(4) STATE.—The term ''State'' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

(5) STATEWIDE COALITION.—The term ''statewide coalition'' means a coalition that—

(A) includes—

(i) institutions of higher education within a State; and

(ii) a nonprofit group, a community underage drinking prevention coalition, or another substance abuse prevention group within a State; and

(B) works toward lowering the alcohol abuse rate by targeting underage students at institutions of higher education throughout the State and in the surrounding communities.

(6) SURROUNDING COMMUNITY.—The term ''surrounding community'' means the community—

(A) that surrounds an institution of higher education participating in a statewide coalition;

(B) where the students from the institution of higher education take part in the community; and

(C) where students from the institution of higher education live in off-campus housing.

(g) ADMINISTRATIVE EXPENSES.—Not more than 5 percent of a grant under this section may be expended for administrative expenses.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $5,000,000 for fiscal year 2005, and such sums as may be necessary for each of the fiscal years 2006 through 2009.

TITLE V—ADDITIONAL RESEARCH

SEC. 501. ADDITIONAL RESEARCH ON UNDERAGE DRINKING.

(a) IN GENERAL.—The Secretary of Health and Human Services shall collect data on, and conduct or support research on, underage drinking with respect to the following:

(1) The short and long-range impact of alcohol use and abuse upon adolescent brain development and other organ systems.

(2) Comprehensive community-based programs or strategies and statewide systems to prevent underage drinking, across the underage years from early childhood to young adulthood, including programs funded and implemented by government entities, public health interest groups and foundations, and alcohol beverage companies and trade associations.

(3) Improved knowledge of the scope of the underage drinking problem and progress in preventing and treating underage drinking.

(4) Annually obtain more precise information than is currently collected on the type and quantity of alcoholic beverages consumed by underage drinkers, as well as information on brand preferences of these drinkers and their exposure to alcohol advertising.

(b) CERTAIN MATTERS.—The Secretary of Health and Human Services shall carry out activities toward the following objectives with respect to underage drinking:

(1) Testing every unnatural death of persons ages 12 to 20 in the United States for alcohol involvement, including suicides, homicides, and unintentional injuries such as falls, drownings, burns, poisonings, and motor vehicle crash deaths.

(2) Obtaining new epidemiological data within the National Epidemiological Study on Alcoholism and Related Conditions and other national or targeted surveys that identify alcohol use and attitudes about alcohol use during pre- and early adolescence, including second-hand effects of adolescent alcohol use such as date rapes, violence, risky sexual behavior, and prenatal alcohol exposure.

(3) Developing or identifying successful clinical treatments for youth with alcohol problems.

SEC. 502. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out section 501 $6,000,000 for fiscal year 2005, and such sums as may be necessary for each of the fiscal years 2006 through 2009.

Mr. DODD. Mr. President, I rise today with my colleague, Senator MIKE DEWINE, to introduce legislation designed to prevent our nation's children and youth from succumbing to the dangers associated with underage alcohol use. The legislation that we introduce today, the STOP (Sober Truth On Preventing) Underage Drinking Act, will greatly strengthen our Nation's ability to combat the too often deadly consequences associated with underage drinking.

An initial examination of the problems presented by underage drinking is truly alarming. Alcohol is the most commonly used drug among America's youth. More young people drink alcohol than smoke tobacco or use marijuana combined. In 2002, 20 percent of eighth graders had drunk alcohol in the previous 30 days. Forty-nine percent of high school seniors are drinkers, and 29 percent report having had five or more drinks in a row, or binged in the past 2 weeks.

Tragically, we know that this year underage drinking will directly lead to more than 3,500 deaths, more than two million injuries, 1,200 babies born with fetal alcohol syndrome and more than 50,000 youths treated for alcohol dependence. We also know that the social costs associated with underage drinking total close to $53 billion annually, including $19 billion from automobile accidents and $29 billion from associated violent crime.

And while no one can argue with the tragic loss of life and significant financial costs associated with underage drinking, too few of us think of the equally devastating loss of potential that occurs when our children begin to drink. Research indicates that children who begin drinking do so at only 12 years of age. We also know that children that begin drinking at such an early age develop a predisposition for alcohol dependence later in life. Such early experimentation can have devastating consequences and derail a child's potential just as she or he is starting out on the path to adulthood. The consumption of alcohol by our children can literally rob them of their future.

The truly alarming and devastating effects of underage alcohol use are what initially led Senator DEWINE and I to begin work to address this important issue. Over the last few months we have worked extensively with Representatives ROYBAL-ALLARD, WOLF, DELAURO, OSBOURNE and WAMP to craft the broad legislative initiative that we introduce today.

The STOP Underage Drinking Act creates the framework for a multifaceted, comprehensive national campaign to prevent underage drinking. Specifically, the legislation includes four major areas of policy development. First, the STOP Underage Drinking Act authorizes $2 million to establish an Interagency Coordinating Committee to coordinate all Federal agency efforts and expertise designed to prevent underage drinking. Chaired by the Secretary of Health and Human Services, this committee will be required to report to the Congress on an annual basis the extent to which Federal efforts are addressing the urgent need to curb underage drinking.

I am particularly pleased that one of the many items in this annual report to Congress will provide for the public health monitoring of the amount of alcohol advertising reaching our children. I have become increasingly concerned about the degree to which alcohol advertisements appear to target our Nation's children. It is my hope that the monitoring called for by this legislation will expose any unethical advertising practices that reach children. We must do all that we can to ensure that our children are not exposed to harmful and deceptive alcohol promotions.

In addition to the Federal coordination of Federal underage drinking prevention efforts, the STOP Underage Drinking Act additionally authorizes $1 million to fund an adult-oriented National Media Campaign against Underage Drinking. Research indicates that most children who drink obtain the alcohol from their parents or from other adults. The National Media Campaign against underage drinking will specifically seek to educate those who provide our children with alcohol about the dangers inherent in underage alcohol use. This media campaign will build upon the valuable underage drinking prevention efforts begun last year by the Ad Council, whose campaigns average an estimated $28 million in donated media from media outlets nationwide.

The legislation additionally authorizes $10 million to provide States, not-for-profit groups and institutions of higher education the ability to create statewide coalitions to prevent underage drinking and alcohol abuse by college and university students. This section will also provide alcohol-specific enhancement grants through the Drug Free Communities Program.

Lastly, the STOP Underage Drinking Act authorizes $6 million to expand research to assess the health effects of underage drinking on adolescent development, including its effect on the brain. This effort will additionally increase Federal data collection on underage drinking, including reporting on the types and brands of alcohol that kids consume.

I want to convey my belief that this legislation truly offers a historical, first step toward addressing the national tragedy represented by underage drinking. I pledge to work strenuously toward passing the STOP Underage Drinking Act and building on its strong foundation and I ask for the support of my colleagues for this critically important initiative.

By Mr. ENZI:

S. 2719. A bill to amend the Occupational Safety and Health Act of 1970 to further improve the safety and health of working environments, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. ENZI. Mr. President, I rise to introduce the Safety Advancement for Employees (SAFE) Act of 2004. Every worker in America deserves to return home safely at the end of the day. However, more than 5,500 workers die while at work annually. This means that, on any given day, 15 workers will not return home to their families. The fact that these accidents are occurring is not because employers don't care about workplace safety. On the contrary, the Occupational Safety and Health Administration, or OSHA, estimated that 95 percent of employers are striving to create a safer workplace. The vast majority of employers want to comply with safety laws. Therefore, any effort to significantly improve workplace safety by focusing solely on the small percentage of bad actors who willfully break the law is doomed to failure.

We don't need political rhetoric, we need workable solutions. As Chairman of the Subcommittee on Employment, Safety and Training, I felt responsible for finding a solution that will succeed in protecting more workers from harm. I feel a responsibility to every worker and every worker's family to do all I can to prevent workplace accidents and deaths. The SAFE Act will provide the systematic safety improvements that American workers and their families deserve. This legislation helps the vast majority of good faith employers who want to achieve compliance with safety laws. They just need help doing so—more help than OSHA can currently give them. The SAFE Act also allows OSHA to effectively target the few bad actors who willfully place their employees at risk. It also includes provisions to improve hazard communication and reduce injuries and illnesses caused by the presence of hazardous chemicals in the workplace.

The SAFE Act of 2004 will increase the maximum jail sentence for a willful safety violation that results in a worker's death from 6 months, which is a misdemeanor, to 18 months, which is a felony. It would be naive to believe that increasing the criminal penalty by itself will significantly improve workplace safety. Increasing the maximum jail sentence for bad actors will do nothing to help improve the workplace safety records of the 95 percent of employers who want to do the right thing.

I want to prevent the accident in the first place, not just penalize the employer for an injury or death that could have been avoided. By then, it's too late for the victim and their family. We need a system that encourages the good faith employers to find out how to achieve safety voluntarily and without fear of retribution. We need a system that harnesses the resources of safety experts so employers can achieve compliance with safety laws. And, we need a system that can target and punish the few bad employers. This is the system promoted by the Safety Advancement for Employees, or SAFE, Act. The SAFE Act will save workers' lives.

The SAFE Act is a workable solution that will effectively add thousands of highly-trained safety and health professionals to the job of inspecting workplaces around the country. Why is enlisting third party safety experts so critical to the effort of getting employers to comply with safety laws? Because OSHA, the government agency responsible for regulating safety laws, can't do it alone. OSHA should be providing helpful assistance to the overwhelming number of employers who are pursuing safer workplaces. Simultaneously, OSHA should be targeting those employers who are willfully disregarding safety laws, inspecting them, penalizing them, and following up to make sure that bad practices are stopped before accidents occur.

It has been estimated that it would take OSHA over 167 years to inspect every work site in the country. Therefore, OSHA cannot effectively help those good faith employers or deter bad employers from breaking the law. This is why the SAFE Act is so important. It will allow highly-trained safety and health professionals to reach work sites all over the country, where OSHA hasn't even been able to make a dent, encouraging employers to get into compliance voluntarily.

These highly-trained consultants will work with employers to get them into compliance with safety laws. If the employer gets into compliance, the employer can receive a certificate of compliance which will exempt him from civil penalties only for one year. However, at all times and under all circumstances, OSHA remains free to inspect these work sites.

The third-party consultation program is particularly important for small businesses. Employers have to read through and implement over a thousand pages of highly technical safety regulations. Too often, employers are left on their own to try to understand and comply with all these regulations. It is hard enough for large employers who have an in-house staff of safety experts. For the small employer—whose safety ''expert'' is also the human resources manager, accountant, and systems administrator—the task is nearly impossible. We're talking about employers who want to do the right thing, who want to comply with the law and protect their workers. They just need help doing so—help that OSHA is not currently equipped to provide.

In a report published in March, 2004, the General Accounting Office cited the use of third party consultants among a list of recommendations by researchers, safety and health practitioners, and specialists, to achieve voluntary OSHA compliance. According to the GAO report: ''Using Consultants could leverage existing OSHA resources by helping workplaces that might never otherwise see an OSHA inspector, especially small employers, and possibly also by enabling employers to address additional safety and health issues that might not be covered under an OSHA inspection for compliance standards.''

We need to leverage the resources of OSHA and the private sector to improve occupational safety around the country—in large and small workplaces alike.

Nowhere is the safety and health challenge more daunting for small businesses than it is in the area of hazard communication. Hazardous chemicals pervade the 21st Century workplace. An estimated 650,000 hazardous chemical products are used in over 3 million workplaces across the country. Everyday, more than 30 million American workers will be exposed to hazardous chemicals on the job. Whether or not they return home safely at the end of the day depends on their awareness of these hazards and appropriate precautionary measures. Communication is the key to protecting the safety and health of these 30 million workers. However, the protection is only as effective as the communication.

Twenty years ago, OSHA adopted the Hazard Communication Standard. Material Safety Data Sheets are the cornerstone of hazard communication. The chemical manufacturer or importer evaluates the chemical and provides employers with information about its hazards and protective measures on the Material Safety Data Sheet, which employers must then provide to workers.

OSHA's rule provides a generic framework for hazard communication. With over 650,000 chemicals in use, and tens of thousands of chemical manufacturers, the clarity, format, and accuracy of Material Safety Data Sheets varies widely. If the Material Safety Data Sheet is stuffed in some thick binder gathering dust, the worker doesn't have time to shuffle through the pages of complex, technical jargon it includes. Workers shouldn't need a Ph.D. in biochemistry to know how to protect themselves against hazardous chemicals.

Twenty years after the Hazard Communication standard was published, it's time for review. It's time to heed the call of workers and employers alike for more clarity, consistency, accuracy, and guidance. Over the years, I've had the great fortune to work with Ron Hayes on improving the safety and health of American workers. Ron wrote me a letter. I ask unanimous consent that the letter be printed in the RECORD. He writes that: ''Other standards cover many issues for the workers, but the Material Safety Data Sheet, paperwork is used millions of times each workday, and the accuracy of these sheets [is] of paramount importance for the complete protection of our most important resource, our great American workers.''

To improve the protection of our great American workers from hazardous chemicals, the new SAFE Act requires OSHA to develop and post on its website model material safety data sheets for those highly hazardous chemicals listed on the Process Safety Management Standard. These models will be particularly helpful to small businesses that don't have the expertise to develop or decipher their own.

In the twenty years since the Hazard Communication Standard was adopted, the American workplace has changed dramatically. Electronic or internet-based systems not envisioned twenty years ago can significantly improve hazard communication. The new SAFE Act recognizes the promise of technology to improve hazard communication. The legislation creates grants to develop, implement, or evaluate strategies to improve hazard communication through the use of better technology.

In the past twenty years, our workforce has become increasingly diverse. Effective hazard communication should reflect the fact that numerous languages may be spoken at a single worksite. Our economy has also become increasingly global. The chemical industry is one of the United States' largest exporting sectors. The manner in which other countries regulate hazardous chemicals impacts an American manufacturer's ability to compete in the global marketplace.

In 2002, the United Nations adopted the Globally Harmonized System for Classification and Labeling of Chemicals. The Globally Harmonized System is designed to improve the quality of hazard communication by establishing standardized requirements for hazard evaluation, safety data sheets, and labels. The Globally Harmonized System has the potential to address significant concerns with current hazard communication. Whether the United States adopts it cannot be decided by OSHA alone. Other agencies involved in regulating hazardous chemicals must be involved. Key stakeholders in hazard communication—chemical manufacturers, employers, workers, and safety and health experts—must also be involved. For this reason, the new SAFE Act establishes a commission of relevant Federal agencies and stakeholders to study and make recommendations to Congress about the adoption of the Globally Harmonized System.

The SAFE Act sets us firmly on the path towards achieving the goal of the Occupational Safety and Health Act to ''assure so far as possible every working man and woman in the nation safe and healthful working conditions.'' Enforcement alone cannot ensure the safety and health of America's workforce. Government and the private sector can—and must—work together to create a culture where safety and health is the number one priority.

I first introduced the SAFE Act in 1997. Today, the call for meaningful OSHA reform through cooperative and proactive efforts is even louder. The more time that passes without taking such action, the more injuries and deaths will occur that could otherwise be avoided. As I introduce the new SAFE Act today, I hope that we can again begin meaningful discussions about what is involved in achieving safer workplaces. I also hope that we can actually pass the SAFE Act and achieve greater safety and health for our most important resource—our great American worker.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill and letter were ordered to be printed in the RECORD, as follows:

S. 2719

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

SECTION 1. SHORT TITLE; REFERENCE.

(a) SHORT TITLE.—This Act may be cited as the ''Safety Advancement for Employees Act of 2004'' or the ''SAFE Act''.

(b) REFERENCE.—Whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.).

SEC. 2. PURPOSE.

Section 2(b) of the Act (29 U.S.C. 651(b)) is amended—

(1) in paragraph (13), by striking the period and inserting ''; and''; and

(2) by adding at the end the following:

''(14) by increasing the joint cooperation of employers, employees, and the Secretary of Labor in the effort to ensure safe and healthful working conditions for employees.''.

SEC. 3. THIRD PARTY CONSULTATION SERVICES PROGRAM.

(a) PROGRAM.—The Act (29 U.S.C. 651 et seq.) is amended by inserting after section 8 the following:

''SEC. 8A. THIRD PARTY CONSULTATION SERVICES PROGRAM.

''(a) PURPOSE.—It is the purpose of this section to encourage employers to conduct voluntary safety and health audits using the expertise of qualified safety and health consultants and to proactively seek individualized solutions to workplace safety and health concerns.

''(b) ESTABLISHMENT OF PROGRAM.—

''(1) IN GENERAL.—Not later than 18 months after the date of enactment of this section, the Secretary, in consultation with the advisory committee established under section 7(d), shall establish and implement, by regulation, a program that qualifies individuals to provide consultation services to employers to assist employers in the identification and correction of safety and health hazards in the workplaces of employers.

''(2) ELIGIBILITY.—The following individuals shall be eligible to be qualified under the program under paragraph (1) as certified safety and health consultants:

''(A) An individual who is licensed by a State authority as a physician, industrial

hygienist, professional engineer, safety engineer, safety professional, or registered nurse.

''(B) An individual who has been employed as an inspector for a State plan State or as a Federal occupational safety and health inspector for not less than a 5-year period.

''(C) An individual who is qualified in an occupational health or safety field by an organization whose program has been accredited by a nationally recognized private accreditation organization or by the Secretary.

''(D) An individual who has not less than 10 years expertise in workplace safety and health.

''(E) Other individuals determined to be qualified by the Secretary.

''(3) GEOGRAPHICAL SCOPE OF CONSULTATION SERVICES.—A consultant qualified under the program under paragraph (1) may provide consultation services in any State.

''(4) LIMITATION BASED ON EXPERTISE.—A consultant qualified under the program under paragraph (1) may only provide consultation services to an employer with respect to a worksite if the work performed at that worksite coincides with the particular expertise of the individual.

''(c) SAFETY AND HEALTH REGISTRY.—The Secretary shall develop and maintain a registry that includes all consultants that are qualified under the program under subsection (b)(1) to provide the consultation services described in subsection (b) and shall publish and make such registry readily available to the general public.

''(d) DISCIPLINARY ACTIONS.—The Secretary may revoke the status of a consultant qualified under subsection (b), or the participation of an employer under subsection (b) in the third party consultation program, if the Secretary determines that the consultant or employer—

''(1) has failed to meet the requirements of the program; or

''(2) has committed malfeasance, gross negligence, collusion or fraud in connection with any consultation services provided by the qualified consultant.

''(e) PROGRAM REQUIREMENTS.—

''(1) FULL SERVICE CONSULTATION.—The consultation services described in subsection (b), and provided by a consultant qualified under the program under subsection (b)(1), shall include an evaluation of the workplace of an employer to determine if the employer is in compliance with the requirements of this Act, including any regulations promulgated pursuant to this Act. Employers electing to participate in such program shall contract with a consultant qualified under subsection (b)(2) to perform a full service visit and consultation covering the employer's establishment, including a complete safety and health program review. Following the guidance as specified in this section, the consultant shall discuss with the employer the elements of an effective program.

''(2) CONSULTATION REPORT.—

''(A) IN GENERAL.—After a consultant conducts a comprehensive survey of an employer under a program under this section, the consultant shall prepare and submit to the employer a written report that includes an action plan identifying any violations of this Act, and any appropriate corrective measures to address the violations that are identified using an effective safety and health program.

''(B) ELEMENTS.—A consultation report shall contain each of the following elements.

''(i) ACTION PLAN.—

''(I) IN GENERAL.—An action plan under subparagraph (A) shall be developed in consultation with the employer as part of the initial comprehensive survey. The consultant and the employer shall jointly use the onsite time in the initial visit to the employer's place of business to agree on the terms of the action plan and the time frames for achieving specific items.

''(II) REQUIREMENTS.—The action plan shall outline the specific steps that must be accomplished by the employer prior to receiving a certificate of compliance. The action plan shall address in detail—

''(aa) the employer's correction of all identified safety and health hazards, with applicable time frames;

''(bb) the steps necessary for the employer to implement an effective safety and health program, with applicable time frames; and

''(cc) a statement of the employer's commitment to work with the consultation project to achieve a certificate of compliance.

''(ii) SAFETY AND HEALTH PROGRAM.—An employer electing to participate in a program under this section shall establish a safety and health program to manage workplace safety and health to reduce injuries, illnesses and fatalities that complies with paragraph (3). Such safety and health program shall be appropriate to the conditions of the workplace involved.

''(3) REQUIREMENTS FOR SAFETY AND HEALTH PROGRAM.—

''(A) WRITTEN PROGRAM.—An employer electing to participate shall maintain a written safety and health program that contains policies, procedures, and practices to recognize and protect their employees from occupational safety and health hazards. Such procedures shall include provisions for the identification, evaluation and prevention or control of workplace hazards.

''(B) MAJOR ELEMENTS.—A safety and health program shall include the following elements, and may include other elements as necessary to the specific worksite involved and as determined appropriate by the qualified consultant and employer:

''(i) EMPLOYER COMMITMENT AND EMPLOYEE INVOLVEMENT.—

''(I) IN GENERAL.—The existence of both management leadership and employee participation must be demonstrated in accordance with subclauses (II) and (III).

''(II) MANAGEMENT LEADERSHIP.—To make a demonstration of management leadership under this subclause, the employer shall—

''(aa) set a clear worksite safety and health policy that employees can fully understand;

''(bb) set and communicate clear goals and objectives with the involvement of employees;

''(cc) provide essential safety and health leadership in tangible and recognizable ways;

''(dd) set positive safety and health examples; and

''(ee) perform comprehensive reviews of safety and health programs for quality assurance using a process which promotes continuous correction.

''(III) EMPLOYEE PARTICIPATION.—With respect to employee participation, the employer shall demonstrate a commitment to working to develop a comprehensive, written and operational safety and health program that involves employees in significant ways that affect safety and health. In making such a demonstration, the employer shall—

''(aa) provide for employee participation in actively identifying and resolving safety and health issues in tangible ways that employees can clearly understand;

''(bb) assign safety and health responsibilities in such a way that employees can understand clearly what is expected of them;

''(cc) provide employees with the necessary authority and resources to meet their safety and health responsibilities; and

''(dd) provide that safety and health performance for managers, supervisors and employees be measured in tangible ways.

''(ii) WORKPLACE ANALYSIS.—The employer, in consultation with the consultant, shall systematically identify and assess hazards in the following ways:

''(I) Conduct corrective action and regular expert surveys to update hazard inventories.

''(II) Have competent personnel review every planned or new facility, process material, or equipment.

''(III) Train all employees and supervisors, conduct routine joint inspections, and correct items identified.

''(IV) Establish a way for employees to report hazards and provide prompt responses to such reports.

''(V) Investigate worksite accidents and near accidents.

''(VI) Provide employees with the necessary information regarding incident trends, causes and means of prevention.

''(iii) HAZARD PREVENTION.—The employer, in consultation with the consultant, shall—

''(I) engage in timely hazard control, working to ensure that hazard controls are fully in place and communicated to employees, with emphasis on engineering controls and enforcing safe work procedures;

''(II) maintain equipment using operators who are trained to recognize maintenance needs and perform or direct timely maintenance;

''(III) provide training on emergency planning and preparation, working to ensure that all personnel know immediately how to respond as a result of effective planning, training, and drills;

''(IV) equip facilities for emergencies with all systems and equipment in place and regularly tested so that all employees know how to communicate during emergencies and how to use equipment; and

''(V) provide for emergency medical situations using employees who are fully trained in emergency medicine.

''(iv) SAFETY AND HEALTH TRAINING.—The employer, in consultation with the consultant, shall—

''(I) involve employees in hazard assessment, development and delivery of training;

''(II) actively involve supervisors in worksite analysis by empowering them to ensure physical protections, reinforce training, enforce discipline, and explain work procedures; and

''(III) provide training in safety and health management to managers.

''(4) REINSPECTION.—At a time agreed to by the employer and the consultant, the consultant may reinspect the workplace of the employer to verify that the required elements in the consultation report have been satisfied. If such requirements have been satisfied, the employer shall be provided with a certificate of compliance for that workplace by the qualified consultant.

''(f) EXEMPTION FROM CIVIL PENALTIES FOR COMPLIANCE.—

''(1) IN GENERAL.—If an employer enters into a contract with an individual qualified under the program under this section, to provide consultation services described in subsection (b), and receives a certificate of compliance under subsection (e)(4), the employer shall be exempt from the assessment of any civil penalty under section 17 for a period of 1 year after the date on which the employer receives such certificate.

''(2) EXCEPTIONS.—An employer shall not be exempt under paragraph (1)—

''(A) if the employer has not made a good faith effort to remain in compliance as required under the certificate of compliance; or

''(B) to the extent that there has been a fundamental change in the hazards of the workplace.

''(g) RIGHT TO INSPECT.—Nothing in this section shall be construed to affect the

rights of the Secretary to inspect and investigate worksites covered by a certificate of compliance.

''(h) RENEWAL REQUIREMENTS.—An employer that is granted a certificate of compliance under this section may receive a 1 year renewal of the certificate if the following elements are satisfied:

''(1) A qualified consultant shall conduct a complete onsite safety and health survey to ensure that the safety and health program has been effectively maintained or improved, workplace hazards are under control, and elements of the safety and health program are operating effectively.

''(2) The consultant, in an onsite visit by the consultant, has determined that the program requirements have been complied with and the health and safety program has been operating effectively.

''(i) NON-FIXED WORKSITES.—With respect to employer worksites that do not have a fixed location, a certificate of compliance shall only apply to that worksite which satisfies the criteria under this section and such certificate shall not be portable to any other worksite. This section shall not apply to service establishments that utilize essentially the same work equipment at each nonfixed worksite.''.

SEC. 4. ESTABLISHMENT OF SPECIAL ADVISORY COMMITTEE.

Section 7 of the Act (29 U.S.C. 656) is amended by adding at the end the following:

''(d)(1) Not later than 6 months after the date of enactment of this subsection, the Secretary shall establish an advisory committee (pursuant to the Federal Advisory Committee Act (5 U.S.C. App.)) to carry out the duties described in paragraph (3).

''(2) The advisory committee shall be composed of—

''(A) 3 members who are employees;

''(B) 3 members who are employers;

''(C) 2 members who are members of the general public; and

''(D) 1 member who is a State official from a State plan State.

Each member of the advisory committee shall have expertise in workplace safety and health as demonstrated by the educational background of the member.

''(3) The advisory committee shall advise and make recommendations to the Secretary with respect to the establishment and implementation of a consultation services program under section 8A.''.

SEC. 5. CONTINUING EDUCATION AND PROFESSIONAL CERTIFICATION FOR CERTAIN OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION PERSONNEL.

Section 8 of the Act (29 U.S.C. 657) is amended by adding at the end the following:

''(i) Any Federal employee responsible for enforcing this Act shall, not later than 2 years after the date of enactment of this subsection or 2 years after the initial employment of the employee involved, meet the eligibility requirements prescribed under subsection (b)(2) of section 8A.

''(j) The Secretary shall ensure that any Federal employee responsible for enforcing this Act who carries out inspections or investigations under this section, receive professional education and training at least every 5 years as prescribed by the Secretary.''.

SEC. 6. EXPANDED INSPECTION METHODS.

(a) PURPOSE.—It is the purpose of this section to empower the Secretary of Labor to achieve increased employer compliance by using, at the Secretary's discretion, more efficient and effective means for conducting inspections.

(b) GENERAL.—Section 8(f) of the Act (29 U.S.C. 657(f) is amended—

(1) by adding at the end the following:

''(3) The Secretary or an authorized representative of the Secretary may, as a method of investigating an alleged violation or danger under this subsection, attempt, if feasible, to contact an employer by telephone, facsimile, or other appropriate methods to determine whether—

''(A) the employer has taken corrective actions with respect to the alleged violation or danger; or

''(B) there are reasonable grounds to believe that a hazard exists.

''(4) The Secretary is not required to conduct an inspection under this subsection if the Secretary determines that a request for an inspection was made for reasons other than the safety and health of the employees of an employer or that the employees of an employer are not at risk.''.

SEC. 7. WORKSITE-SPECIFIC COMPLIANCE METHODS.

Section 9 of the Act (29 U.S.C. 658) is amended by adding at the end the following:

''(d) A citation issued under subsection (a) to an employer who violates section 5, any standard, rule, or order promulgated pursuant to section 6, or any other regulation promulgated under this Act shall be vacated if such employer demonstrates that the employees of such employer were protected by alternative methods that are equally or more protective of the safety and health of the employees than the methods required by such standard, rule, order, or regulation in the factual circumstances underlying the citation.

''(e) Subsection (d) shall not be construed to eliminate or modify other defenses that may exist to any citation.''.

SEC. 8. TECHNICAL ASSISTANCE PROGRAM.

(a) IN GENERAL.—Section 21(c) of the Act (29 U.S.C. 670(c)) is amended—

(1) by striking ''(c) The'' and inserting ''(c)(1) The'';

(2) by striking ''(1) provide'' and inserting ''(A) provide'';

(3) by striking ''(2) consult'' and inserting ''(B) consult''; and

(4) by adding at the end the following:

''(2)(A) The Secretary shall, through the authority granted under section 7(c) and paragraph (1), enter into cooperative agreements with States for the provision of consultation services by such States to employers concerning the provision of safe and healthful working conditions.

''(B)(i) Except as provided in clause (ii), the Secretary shall reimburse a State that enters into a cooperative agreement under subparagraph (A) in an amount that equals 90 percent of the costs incurred by the State for the provision of consultation services under such agreement.

''(ii) A State shall be reimbursed by the Secretary for 90 percent of the costs incurred by the State for the provision of—

''(I) training approved by the Secretary for State personnel operating under a cooperative agreement; and

''(II) specified out-of-State travel expenses incurred by such personnel.

''(iii) A reimbursement paid to a State under this subparagraph shall be limited to costs incurred by such State for the provision of consultation services under this paragraph and the costs described in clause (ii).''.

(b) PILOT PROGRAM.—Section 21 of the Act (29 U.S.C. 670) is amended by adding at the end the following:

''(e)(1) Not later than 90 days after the date of enactment of this subsection, the Secretary shall establish and carry out a pilot program in 3 States to provide expedited consultation services, with respect to the provision of safe and healthful working conditions, to employers that are small businesses (as the term is defined by the Administrator of the Small Business Administration). The Secretary shall carry out the program for a period of not to exceed 2 years.

''(2) The Secretary shall provide consultation services under paragraph (1) not later than 4 weeks after the date on which the Secretary receives a request from an employer.

''(3) The Secretary may impose a nominal fee to an employer requesting consultation services under paragraph (1). The fee shall be in an amount determined by the Secretary. Employers paying a fee shall receive priority consultation services by the Secretary.

''(4) In lieu of issuing a citation under section 9 to an employer for a violation found by the Secretary during a consultation under paragraph (1), the Secretary shall permit the employer to carry out corrective measures to correct the conditions causing the violation. The Secretary shall conduct not more than 2 visits to the workplace of the employer to determine if the employer has carried out the corrective measures. The Secretary shall issue a citation as prescribed under section 5 if, after such visits, the employer has failed to carry out the corrective measures.

''(5) Not later than 90 days after the termination of the program under paragraph (1), the Secretary shall prepare and submit a report to the appropriate committees of Congress that contains an evaluation of the implementation of the pilot program.''.

SEC. 9. VOLUNTARY PROTECTION PROGRAMS.

(a) COOPERATIVE AGREEMENTS.—The Secretary of Labor shall establish cooperative agreements with employers to encourage the establishment of comprehensive safety and health management systems that include—

(1) requirements for systematic assessment of hazards;

(2) comprehensive hazard prevention, mitigation, and control programs;

(3) active and meaningful management and employee participation in the voluntary program described in subsection (b); and

(4) employee safety and health training.

(b) VOLUNTARY PROTECTION PROGRAM.—

(1) IN GENERAL.—The Secretary of Labor shall establish and carry out a voluntary protection program (consistent with subsection (a)) to encourage excellence and recognize the achievement of excellence in both the technical and managerial protection of employees from occupational hazards.

(2) PROGRAM REQUIREMENT.—The voluntary protection program shall include the following:

(A) APPLICATION.—Employers who volunteer under the program shall be required to submit an application to the Secretary of Labor demonstrating that the worksite with respect to which the application is made meets such requirements as the Secretary of Labor may require for participation in the program.

(B) ONSITE EVALUATIONS.—There shall be onsite evaluations by representatives of the Secretary of Labor to ensure a high level of protection of employees. The onsite visits shall not result in enforcement of citations under the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.).

(C) INFORMATION.—Employers who are approved by the Secretary of Labor for participation in the program shall assure the Secretary of Labor that information about the safety and health program of the employers shall be made readily available to the Secretary of Labor to share with employees.

(D) REEVALUATIONS.—Periodic reevaluations by the Secretary of Labor of the employers shall be required for continued participation in the program.

(3) EXEMPTIONS.—A site with respect to which a program has been approved shall,

during participation in the program be exempt from inspections or investigations and certain paperwork requirements to be determined by the Secretary of Labor, except that this paragraph shall not apply to inspections or investigations arising from employee complaints, fatalities, catastrophes, or significant toxic releases.

(4) INCREASED SMALL BUSINESS PARTICIPATION.—The Secretary of Labor shall establish and implement, by regulation, a program to increase participation by small businesses (as the term is defined by the Administrator of the Small Business Administration) in the voluntary protection program through outreach and assistance initiatives and developing program requirements that address the needs of small businesses.

SEC. 10. PREVENTION OF ALCOHOL AND SUBSTANCE ABUSE.

The Act (29 U.S.C. 651 et seq.) is amended by adding at the end the following:

"SEC. 34. ALCOHOL AND SUBSTANCE ABUSE TESTING.

''(a) PROGRAM PURPOSE.—In order to secure a safe workplace, employers may establish and carry out an alcohol and substance abuse testing program in accordance with subsection (b).

''(b) FEDERAL GUIDELINES.—

''(1) REQUIREMENTS.—An alcohol and substance abuse testing program described in subsection (a) shall meet the following requirements:

''(A) SUBSTANCE ABUSE.—A substance abuse testing program shall permit the use of an onsite or offsite testing.

''(B) ALCOHOL.—The alcohol testing component of the program shall take the form of alcohol breath analysis and shall conform to any guidelines developed by the Secretary of Transportation for alcohol testing of mass transit employees under the Department of Transportation and Related Agencies Appropriations Act, 1992.

''(2) DEFINITION.—For purposes of this section the term 'alcohol and substance abuse testing program' means any program under which test procedures are used to take an analyze blood, breath, hair, urine, saliva, or other body fluids or materials for the purpose of detecting the presence or absence of alcohol or a drug or its metabolites. In the case of urine testing, the confirmation tests must be performed in accordance with the mandatory guidelines for Federal workplace testing programs published by the Secretary of Health and Human Services on April 11, 1988, at section 11979 of title 53, Code of Federal Regulations (including any amendments to such guidelines). Proper laboratory protocols and procedures shall be used to assure accuracy and fairness and laboratories must be subject to the requirements of subpart B of the mandatory guidelines, State certification, the Clinical Laboratory Improvements Act of the College of American Pathologists.

''(c) TEST REQUIREMENTS.—This section shall not be construed to prohibit an employer from requiring—

''(1) an applicant for employment to submit to and pass an alcohol or substance abuse test before employment by the employer; or

''(2) an employee, including managerial personnel, to submit to and pass an alcohol or substance abuse test—

''(A) on a for-cause basis or where the employer has reasonable suspicion to believe that such employee is using or is under the influence of alcohol or a controlled substance;

''(B) where such test is administered as part of a scheduled medical examination;

''(C) in the case of an accident or incident, involving the actual or potential loss of human life, bodily injury, or property damage;

''(D) during the participation of an employee in an alcohol or substance abuse treatment program, and for a reasonable period of time (not to exceed 5 years) after the conclusion of such program; or

''(E) on a random selection basis in work units, locations, or facilities.

''(d) CONSTRUCTION.—Nothing in this section shall be construed to require an employer to establish an alcohol and substance abuse testing program for applicants or employees or make employment decisions based on such test results.

''(e) PREEMPTION.—The provisions of this section shall not preempt any provision of State law to the extent that such State law is inconsistent with this section.

''(f) INVESTIGATIONS.—The Secretary is authorized to conduct testing of employees (including managerial personnel) of an employer for use of alcohol or controlled substances during any investigations of a work-related fatality or serious injury.''.

SEC. 11. DISCRETIONARY COMPLIANCE ASSISTANCE.

Subsection (a) of section 9 of the Act (29 U.S.C. 658(a)) is amended to read as follows:

''(a)(1) Nothing in this Act shall be construed as prohibiting the Secretary or the authorized representative of the Secretary from providing technical or compliance assistance to an employer in correcting a violation discovered during an inspection or investigation under this Act without issuing a citation.

''(2) Except as provided in paragraph (3), if, upon an inspection or investigation, the Secretary or an authorized representative of the Secretary believes that an employer has violated a requirement of section 5, of any regulation, rule, or order promulgated pursuant to section 6, or of any regulations prescribed pursuant to this Act, the Secretary may with reasonable promptness issue a citation to the employer. Each citation shall be in writing and shall describe with particularity the nature of a violation, including a reference to the provision of the Act, regulation, rule, or order alleged to have been violated. The citation shall fix a reasonable time for the abatement of the violation.

''(3) The Secretary or the authorized representative of the Secretary—

''(A) may issue a warning in lieu of a citation with respect to a violation that has no significant relationship to employee safety or health; and

''(B) may issue a warning in lieu of a citation in cases in which an employer in good faith acts promptly to abate a violation if the violation is not a willful or repeated violation.''.

SEC. 12. HAZARD COMMUNICATION.

(a) MODEL MATERIAL SAFETY DATA SHEETS.—

(1) PURPOSE.—It is the purpose of this section to assist chemical manufactures and importers in preparing material safety data sheets pursuant to the requirements of the Hazard Communication standard published at section 1910.1200 of title 29, Code of Federal Regulations, and to improve the accuracy, consistency, and comprehensibility of such material safety data sheets.

(2) MODEL MATERIAL SAFETY DATA SHEETS FOR HIGHLY HAZARDOUS CHEMICALS.—The Secretary of Labor shall develop model material safety data sheets for the list of highly hazardous chemicals contained in Appendix A to the Process Safety Management of Highly Hazardous Chemicals standard published at section 1910.119 of title 29, Code of Federal Regulations. Such model material safety data sheets shall—

(A) comply with the requirements of the Hazard Communication standard published at section 1910.100 of such title 29;

(B) be presented in a consistent format that enhances the reliability and comprehensibility of information about chemical hazards in the workplace and protective measures; and

(C) be made available to the public, including through posting on the Occupational Safety and Health Administration's website, within 18 months after the date of enactment of this Act.

(3) CONSTRUCTION.—Nothing in this subsection shall be construed to—

(A) modify or amend the Hazard Communication standard published at section 1910.1200 of title 29, Code of Federal Regulations, the Process Safety Management of Highly Hazardous Chemicals standard published at section 1910.119 of such title 29, or any other provision of law; and

(B) authorize the Secretary of Labor to include in the model material safety data sheet developed under this subsection any suggestion or recommendation as to permissible or appropriate workplace exposure levels for these chemicals.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Labor such sums as may be necessary to carry out this subsection.

(b) GLOBALLY HARMONIZED SYSTEM COMMISSION.—

(1) ESTABLISHMENT.—Not later than 6 months after the date of enactment of this Act, there shall be established a commission, to be known as the Global Harmonization Commission (referred to in this subsection as the ''Commission''), to consider the implementation of the United Nations Globally Harmonized System of Classification and Labeling of Chemicals to improve chemical hazard communication and to make recommendations to Congress.

(2) MEMBERSHIP.—The Commission shall be composed of 13 members of whom—

(A) 1 shall be the Secretary of Labor;

(B) 1 shall be the Secretary of Transportation;

(C) 1 shall be the Secretary of Health and Human Services;

(D) 1 shall be the Administrator of the Environmental Protection Agency;

(E) 1 shall be the Chairman of the Consumer Product Safety Commission; and

(F) 8 shall be appointed by the Secretary of Labor, of whom—

(i) 2 shall be representatives of manufacturers of hazardous chemicals, including a representative of small businesses;

(ii) 2 shall be representatives of employers who are extensive users of hazardous chemicals supplied by others, including a representative of small businesses;

(iii) 2 shall be representatives of labor organizations; and

(iv) 2 shall be occupational safety and health professionals with expertise in chemical hazard communications.

(3) CHAIR AND VICE-CHAIR.—The members of the Commission shall select a chair and vice-chair from among its members.

(4) DUTIES.—

(A) STUDY AND RECOMMENDATIONS.—The Commission shall conduct a thorough study of, and shall develop recommendations on, the following issues relating to the global harmonization of hazardous chemical communication:

(i) Whether the United States should adopt any or all of the elements of the United Nation's Globally Harmonized System of Classification and Labeling of Chemicals (referred to in this subsection and the ''Globally Harmonized System'').

(ii) How the Globally Harmonized System should be implemented by the Federal agencies with relevant jurisdiction, taking into consideration the role of the States acting under delegated authority.

(iii) How the Globally Harmonized System compares to existing chemical hazard communication laws and regulations, including the Hazard Communication standard published at section 1910.1200 of title 29, Code of Federal Regulations.

(iv) A consideration of the impact of adopting the Globally Harmonized System on the consistency, effectiveness, comprehensiveness, timing, accuracy, and comprehensibility of chemical hazard communication in the United States.

(v) A consideration of the impact of adopting the Globally Harmonized System on occupational safety and health in the United States.

(vi) A consideration of the impact of adopting the Globally Harmonized System on tort, insurance, and workers compensation laws in the United States.

(vii) A consideration of the impact of adopting the Globally Harmonized System on the ability to bring new products to the market in the United States.

(viii) A consideration of the cost and benefits of adopting the Globally Harmonized System to businesses, including small businesses, in the United States.

(ix) Effective compliance assistance, training, and outreach to help chemical manufacturers, importers, and users, particularly small businesses, understand and comply with the Globally Harmonized System.

(B) REPORT.—Not later than 18 months after the date of enactment of this Act, the Commission shall submit to the appropriate committees of Congress a report containing a detailed statement of the findings and conclusions of the Commission, together with its recommendations for such legislation as the Commission considers appropriate.

(5) POWERS.—

(A) HEARINGS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out this section. The Commission shall, to the maximum extent possible, use existing data and research to carry out this section.

(B) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out this section. Upon request by the Commission, the head of such department or agency shall promptly furnish such information to the Commission.

(C) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(6) PERSONNEL MATTERS.—

(A) COMPENSATION; TRAVEL EXPENSES.—Each member of the Commission shall serve without compensation but shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(B) STAFF AND EQUIPMENT.—The Department of the Labor shall provide all financial, administrative, and staffing requirements for the Commission including—

(i) office space;

(ii) furnishings; and

(iii) equipment.

(7) TERMINATION.—The Commission shall terminate on the date that is 90 days after the date on which the Commission submits the report required under paragraph (3)(B).

(8) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Labor, such sums as may be necessary to carry out this subsection.

(c) HAZARD COMMUNICATION DEMONSTRATION PROJECTS.—

(1) IN GENERAL.—Section 20(a) of the Act (29 U.S.C. 670(a)) is amended by adding at the end the following:

''(8) Subject to the availability of appropriations, the Secretary of Health and Human Services, after consultation with the Secretary, shall award grants to one or more qualified applicants in order to carry out a demonstration project to development, implement, or evaluate strategies or programs to improve chemical hazard communication in the workplace through the use of technology, which may include electronic or Internet-based hazard communication systems.''.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out the amendment made by paragraph (1).

SEC. 13. CRIMINAL PENALTIES.

Subsection (e) of section 17 of the Act (29 U.S.C. 666(e)) is amended—

(1) by striking ''fine of not more than $10,000'' and inserting ''fine in accordance with section 3571 of title 18, United States Code'';

(2) by striking ''six months'' and inserting ''18 months'';

(3) by striking ''fine of not more than $20,000'' and inserting ''fine in accordance with section 3571 of title 18, United States Code''; and

(4) by striking ''1 year'' and inserting ''3 years''.

MARCH 15, 2004.

Re hearing on Hazard Communication (MSDS) March 25, 2004.

Hon. MICHAEL B. ENZI,
Washington, DC.

DEAR SENATOR ENZI: Honorable Senators, staff and witnesses, it is an honor for me to have a small part in this most important hearing. I am very proud to have worked with you great statesmen over the years to better safety and health for our great American workers. Your work today in this hearing could be the most important advancement of OSHA's mission ever undertaken and more importantly provide guidance, leadership and much needed closer oversight to a slow moving, backward agency.

No other standard or regulation in OSHA's responsibility covers or protects workers as much as the Hazard Communication standard does and especially the MSDS section of this standard. MSDS effects every worker everyday on every job. Other standards cover many issues for the workers but the MSDS paperwork is used millions of times each workday, and the accuracy of these sheets or of paramount importance for the complete protection of our most important resource our great American workers.

These men and women work and toil everyday to bring a better way of life for us all, they deserve to go home safe and sound everyday, to have the opportunity to live a long and happy life, free of injury and sickness. No one should die, be hurt or made sick at work.

I can only pray that you will be so moved by God today, to make the much needed changes to this problem and find new ways to make sure all MSDS sheets are readable, understandable and correct. Education and information is the key, please help make the changes that will protect all of our workers all the time.

Please forgive me for being absent today but I look forward to working with you and this great committee in the future. I know in my heart you will do the right thing today and am confident new changes and new protection will come from this hearing. God Bless and thank you for your courageous stand for all American workers.

Yours,

RON HAYES.

By Mr. LUGAR (for himself, Mr. ALEXANDER, Mr. BROWNBACK, Mr. HAGEL, and Mr. LEAHY):

S. 2720. A bill to provide assistance for the crisis in Sudan, and for other purposes; to the Committee on Foreign Relations.

Mr. LUGAR. Mr. President, I rise today to introduce the Comprehensive Peace in Sudan Act. This bill is intended to address both the immediate crisis in the Darfur region of Sudan and to support a comprehensive peace in all of that country. It would authorize $300 million to respond to the unfolding catastrophe in Darfur for the next fiscal year and to provide additional funds to begin reconstruction in Sudan upon the conclusion of a viable, comprehensive peace.

Events in Darfur constitute a moral and humanitarian tragedy of incredible proportions. The people of the Darfur region of Sudan are experiencing the full force of an ethnic cleansing campaign by the Government of Sudan. Numerous credible reports by U.S. and U.N. officials indicate that the Sudanese Government has armed and employed a militia of Arab Sudanese, called Janjaweed, to join it in a coordinated effort to kill and rape Darfur inhabitants and systematically destroy homes, villages, and all means of subsistence. This campaign has killed tens of thousands of people and displaced 1.2 million African Sudanese of which 200,000 are now refugees in Chad. A second phase of this campaign may prove to have the most devastating effect through the onset of famine and disease—unless, the international community responds quickly.

The United Nations is meeting significant obstacles to providing life-saving food, medicine, and shelter to the displaced Sudanese. The Sudanese Government has established bureaucratic and administrative obstacles to the provision of assistance. In addition, the international community has not provided adequate resources given the magnitude of the human suffering in Darfur. The United States has been pressing for a more vigorous response to this humanitarian crisis. This bill would support diplomatic efforts already underway and ensure a significant flow of funding.

I am hopeful that Senators will join me in passing this bill quickly.

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. 2720

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 ''Comprehensive Peace in Sudan Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

(2) JEM.—The term ''JEM'' means the Justice and Equality Movement.

(3) SPLM.—The term ''SPLM'' means the Sudan People's Liberation Movement.

(4) SLA.—The term ''SLA'' means the Sudanese Liberation Army.

SEC. 3. FINDINGS.

Congress makes the following findings:

(1) A comprehensive peace agreement for Sudan, as envisioned in the Sudan Peace Act (50 U.S.C. 1701 note), and in the Machakos Protocol of 2002, is in grave jeopardy.

(2) Since 1989, the Government of Sudan has repeatedly engaged in and sponsored orchestrated campaigns of attacking and dislocating targeted civilian populations, disrupting their ability to sustain themselves, and subsequently restricting assistance to those displaced in a coordinated policy of ethnic cleansing and Arabization that is most recently evident in the Darfur region of Sudan.

(3) In response to 2 decades of civil conflict in Sudan, the United States has helped to establish an internationally supported peace process to promote a negotiated settlement to the war that has resulted in a framework peace agreement, the Nairobi Declaration on the Final Phase of Peace in the Sudan signed June 5, 2004.

(4) At the same time that the Government of Sudan was negotiating for a final countrywide peace, enumerated in the Nairobi Declaration on the Final Phase of Peace in the Sudan, it refused to engage in any discussion with regard to its ongoing campaign of ethnic cleansing in the region of Darfur.

(5) According to United States and United Nations officials, the Government of Sudan has engaged in an orchestrated campaign, with the assistance of its Arab Sudanese proxy militia, the Janjaweed, to cleanse a significant part of the ethnically African population from North Darfur, West Darfur, and South Darfur, Sudan.

(6) The United Nations High Commissioner for Human Rights identified ''massive human rights violations in Darfur perpetrated by the Government of Sudan and the Janjaweed, which may constitute war crimes and/or crimes against humanity''.

(7) Evidence collected by international observers in the Darfur region between January 2003 and July 2004 indicate a coordinated effort to target African Sudanese civilians in a scorched earth policy, from both air and ground, that has destroyed African Sudanese villages, killing and driving away its people, while Arab Sudanese villages have been left unscathed.

(8) As a result of this coordinated campaign that may well constitute genocide, reports indicate tens of thousands of African Sudanese civilians killed, the systematic rape of hundreds of women and girls, the destruction of hundreds of Fur, Masalit, and Zaghawa villages and other ethnically African populations, including the poisoning of their wells and the plunder of crops and cattle upon which they sustain themselves.

(9) According to the United Nations High Commissioner for Refugees, 1,200,000 people have been displaced in the Darfur region of Sudan of whom nearly 200,000 have been forced to flee to Chad as refugees.

(10) Even as refugees were fleeing Sudan, the Government of Sudan conducted aerial attack missions and deadly raids across the international border between Sudan and Chad in an illegal effort to pursue Sudanese civilians seeking refuge in Chad.

(11) In addition to the thousands of violent deaths directly caused by ongoing Sudanese military and government sponsored Janjaweed attacks in the Darfur region, the Government of Sudan has restricted humanitarian and human rights workers' access to the Darfur area, primarily through bureaucratic and administrative obstruction and delays in an attempt to inflict the most devastating harm on those displaced from their villages and homes without any means of sustenance or shelter.

(12) The Government of Sudan's continued support for the Janjaweed and their obstruction of the delivery of food, shelter, and medical care to the Darfur region—

(A) is estimated to be causing 500 deaths each day; and

(B) is projected to escalate to 1,200 deaths each day by August 2004, and 2,400 deaths each day by December 2004, so that even a best-case scenario will likely result in the death of more than 320,000 people between April 1, 2004 and December 31, 2004.

(13) The Government of Chad in N'Djamena served an important role in facilitating the Darfur Humanitarian Cease-fire dated April 8, 2004 for the Darfur region between the Government of Sudan and the 2 opposition rebel groups in Darfur (the JEM and the SLA) although both sides have violated it repeatedly.

(14) The Government and people of Chad have allowed the entry of 200,000 refugees from the Darfur region of Sudan and have generally facilitated the delivery of international humanitarian assistance, although logistical obstacles remain a challenge in a crisis that is taxing the people of eastern Chad and the refugees.

(15) The cooperation and mediation of the SPLM is critical to bringing about a political settlement between the Government of Sudan, the SLA, and the JEM.

SEC. 4. SENSE OF CONGRESS REGARDING THE CONFLICT IN DARFUR, SUDAN.

(a) SUDAN PEACE ACT.—It is the sense of Congress that the Sudan Peace Act (50 U.S.C. 1701 note) remains relevant and should be extended to include the Darfur region of Sudan.

(b) ACTIONS TO ADDRESS THE CONFLICT.—It is the sense of Congress that—

(1) a legitimate countrywide peace in Sudan will only be possible if the principles and purpose of the Machakos Protocol of 2002 and the Nairobi Declaration on the Final Phase of Peace in the Sudan signed June 5, 2004, negotiated with the SPLM, should apply to all of Sudan and to all of the people of Sudan, including the Darfur region;

(2) the parties to the Darfur Humanitarian Cease-fire dated April 8, 2004 (the Government of Sudan, the SLA, and the JEM) must meet their obligations under that agreement to allow safe and immediate access of all humanitarian assistance throughout the Darfur region and must expedite the conclusion of a political agreement to end the conflict in Darfur;

(3) the United States should continue to provide humanitarian assistance to the areas of Sudan to which the United States has access and, at the same time, develop a plan similar to that described in section 10 of the Sudan Peace Act to provide assistance to the areas of Sudan to which United States access has been obstructed or denied;

(4) the international community, including African, Arab, and Muslim nations, should immediately provide logistical, financial, in-kind, and personnel resources necessary to save the lives of hundreds of thousands of individuals in the Darfur crisis;

(5) the United States Ambassador-at-Large for War Crimes should travel to Chad and the Darfur region immediately to investigate war crimes and crimes against humanity, to develop a more accurate portrayal of the situation on the ground and best inform the report required in section 11(b) of the Sudan Peace Act;

(6) the United States and the international community should use all necessary means to assist in the immediate deployment of the full mandated African Union contingent of 100 monitors and a security force of 300, and work to increase the authorized level to that which properly addresses the gravity and scope of the problem in a region the size of France;

(7) the President should immediately name a new Special Envoy to Sudan to further efforts begun by John Danforth and to allow the United States to continue to lead the peace effort toward a comprehensive and sustainable peace in Sudan;

(8) the President should use all means to facilitate a comprehensive solution to the conflict in Sudan, including by directing the United States Permanent Representative to the United Nations to pursue a resolution of the United Nations Security Council that—

(A) condemns the actions of the Government of Sudan in engaging in an orchestrated campaign of ethnic cleansing in Darfur;

(B) calls on the Government of Sudan to cease support of ethnic cleansing and the killing of innocent civilians, disarm the Janjaweed militias, prevent such militias from harassing and killing civilians, and ensure immediate access for all humanitarian assistance to all areas of Darfur;

(C) calls on all parties to the conflict in the Darfur region to permit unimpeded delivery of humanitarian assistance directly to Darfur and to allow such assistance to cross directly from countries that border Sudan, and abide by the Darfur Humanitarian Cease-fire dated April 8, 2004;

(D) calls on the Government of Sudan to provide all assistance possible, including release of its strategic food reserves to respond to the Darfur crisis;

(E) calls on the international community, particularly those countries with strong economic ties to Sudan, to expedite the provision of humanitarian assistance to Darfur;

(F) endorses the African Union Observer and Protection Force now deploying to the Darfur region of Sudan;

(G) establishes an international commission of inquiry to examine the actions and accountability of those responsible for war crimes and crimes against humanity that have precipitated and perpetuated the humanitarian crisis in the Darfur region; and

(H) confirms the right of all displaced Sudanese to return to their land under safe and secure conditions;

(9) the United Nations should immediately deploy a United Nations force to Sudan to ensure an appropriate international humanitarian response to the catastrophe in the Darfur region;

(10) sanctions should be imposed on the assets and activities of those Sudanese government officials and other individuals that are involved in carrying out the policy of ethnic cleansing in the Darfur region; and

(11) the Government of the United States should not normalize relations with Sudan, including through the lifting of any sanctions, until the Government of Sudan agrees to and implements a comprehensive peace agreement for all areas of Sudan, including Darfur.

SEC. 5. AMENDMENTS TO THE SUDAN PEACE ACT.

(a) ASSISTANCE FOR THE CRISIS IN DARFUR AND FOR COMPREHENSIVE PEACE IN SUDAN.—

(1) IN GENERAL.—The Sudan Peace Act (50 U.S.C. 1701 note) is amended by adding at the end the following new section:

"SEC. 12. ASSISTANCE FOR THE CRISIS IN DARFUR AND FOR COMPREHENSIVE PEACE IN SUDAN.

''(a) ASSISTANCE TO SUPPORT A COMPREHENSIVE FINAL PEACE AGREEMENT AND TO RESPOND TO THE HUMANITARIAN CRISIS IN DARFUR.—

''(1) AUTHORITY.—Subject to the requirements of this section, the President is authorized to provide assistance for Sudan to support the implementation of a comprehensive peace agreement that applies to all regions of Sudan, including the Darfur region, and to address the humanitarian and human rights crisis in the Darfur region and its impact on eastern Chad.

''(2) REQUIREMENT FOR CERTIFICATION.—Notwithstanding section 501(a) of the Assistance for International Malaria Control Act (Public Law 106–570; 50 U.S.C. 1701 note), assistance authorized under this section may be provided to the Government of Sudan only if the President submits the certification described in paragraph (3).

''(3) CERTIFICATION FOR THE GOVERNMENT OF SUDAN.—The certification referred to in paragraph (2) is a certification submitted by the President to the appropriate congressional committees that the Government of Sudan has taken demonstrable steps to—

''(A) ensure that the armed forces of Sudan and any associated militias are not committing atrocities or obstructing human rights monitors or the provision of humanitarian assistance or human rights monitors;

''(B) demobilize and disarm militias supported or created by the Government of Sudan;

''(C) allow full and unfettered humanitarian assistance to all regions of Sudan, including Darfur;

''(D) allow an international commission of inquiry to conduct its investigation of atrocities in the Darfur region and Khartoum, preserve evidence of atrocities and prosecute those responsible for war crimes and crimes against humanity; and

''(E) cooperate fully with the African Union and all other observer and monitoring missions mandated to operate in Sudan.

''(4) SUSPENSION OF ASSISTANCE.—If, on a date after the President submits the certification described in paragraph (3), the President determines that the Government of Sudan has ceased taking the actions described in such paragraph, the President shall immediately suspend the provision of any assistance to such Government until the date on which the President certifies that the Government of Sudan has resumed taking such actions.

''(5) AUTHORIZATION OF APPROPRIATIONS.—

''(A) IN GENERAL.—There are authorized to be appropriated to the President to provide the assistance described in paragraph (1), $300,000,000 for fiscal year 2005, in addition to any other funds otherwise available for such purpose. Of such amount, $200,000,000 may be made available for humanitarian assistance in the Darfur region of Sudan and eastern Chad in response to the ongoing crisis, notwithstanding any provision of law other than the provisions of this section.

''(B) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under subparagraph (A) are authorized to remain available until expended.

''(b) GOVERNMENT OF SUDAN DEFINED.—In this section, the term 'Government of Sudan' shall have the same meaning as such term had immediately prior to the conclusion of Darfur Humanitarian Cease-fire dated April 8, 2004.''.

(2) CONFORMING AMENDMENT.—Section 3(2) of such Act is amended by striking ''The'' and inserting ''Except as provided in section 12, the''.

(b) REPORTING REQUIREMENT.—Section 8 of the Sudan Peace Act (50 U.S.C. 1701 note) is amended in the first sentence by striking ''Sudan.'' and inserting ''Sudan, including the conflict in the Darfur region.''.

SEC. 6. REQUIREMENT FOR REPORT.

(a) REQUIREMENT.—Not later than 60 days after the date of enactment of this Act, the President shall submit to the appropriate congressional committees a report on the planned United States response to a comprehensive peace agreement for Sudan.

(b) CONTENT.—The report required by subsection (a) shall include—

(1) a description of the planned United States response to a modified peace process between the Government of Sudan and the SPLM that would account for the implementation of a peace in all regions of Sudan, in particular Darfur;

(2) a contingency plan for extraordinary humanitarian assistance should the Government of Sudan continue to obstruct or delay the international humanitarian response to the crisis in Darfur, Sudan.

(c) FORM OF REPORT.—The report required by subsection (a) may be submitted in classified form.

By Mr. ALEXANDER (for himself and Mr. KENNEDY):

S. 2721. A bill to amend the National Assessment of Educational Progress Authorization Act to require State academic assessments of student achievement in United States history, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. ALEXANDER. Mr. President, I rise today to introduce the American History Achievement Act. I am pleased to be joined in this effort by the Senator from Massachusetts, Mr. KENNEDY. This is part of my effort to put the teaching of American history and civics back in its rightful place in our school curriculum so our children can grow up learning what it means to be an American.

This is especially appropriate on a day when the September 11 report is being released. We tend to think of ourselves as Americans and wonder who we are and what we value and what we have to defend at times when we are threatened or even frightened. This should be a day when we should feel threatened. We are reminded of the challenges we face.

I am especially glad that Senator KENNEDY has joined me in this. Senator KENNEDY is especially appropriate to be a leading sponsor of this legislation. He and his family are, in fact, part of American history in a unique way. He, as well as Senator REID, Senator BYRD, and a number of Senators on this side of the aisle have been working hard in a variety of ways to support efforts that are appropriate in the Federal Government to celebrate our own history.

This modest bill provides for improved testing of American history so we can determine where history is being taught well and where it is being taught poorly so that improvements can be made. We also know when testing is focused on a specific subject, States and school districts are more likely to step up to the challenge and improve performance.

For example, a number of professors and teachers of history have worried that because of the emphasis in No Child Left Behind on reading and mathematics, that history would be left behind. There are two answers to that. One is, if our citizens cannot read, they are not going to know much history, except from watching the History Channel, which is a pretty good way, and another answer is there is a specific provision in the No Child Left Behind Act, which we call the Byrd grants, after Senator BYRD, providing $100 million a year to school districts across the country for the teaching of traditional American history. Those programs are in full flourish in Tennessee, North Carolina, and many parts of this country. They are excellent programs.

When you combine those with the We the People Project of the National Endowment of the Humanities—I attended one of their workshops in Nashville on Friday. Forty teachers across the country met at Andrew Jackson's home, the Hermitage.

We are doing more to put this in the rightful place. The bill Senator KENNEDY and I offer today is one more effort of putting the teaching of American history and civics back where it belongs.

We could certainly use improvement in the teaching of American history. According to the National Assessment of Education Progress, commonly referred to as the Nation's report card, fewer students have a basic understanding of American history than have a basic understanding of any other subject which we test, including math, science, and reading.

When we look at our national report card, American history is our children's worst subject. Yet, according to recent poll results, the exact opposite outcome is desired by the American people.

Hart-Teeter recently polled 1,300 adults for the educational testing service and asked what the principal goal of education should be. The top response: Producing literate, educated students who can participate in our democracy. Twenty-six percent of respondents believed that should be our principal goal. ''Teach basics: math, reading'' was selected by only 15 percent as the principal goal of education.

The late Albert Shanker of the American Federation of Teachers used to say our common schools were created for the purpose of teaching immigrant children reading, writing, and arithmetic, the three R's, and what it means to be an American, so they could go home and teach their parents.

They have forgotten that latter role, more and more. Our children don't know American history because they are not being taught. For example, the State of Florida just passed a bill permitting high school students to graduate without taking a course in U.S.

history. When our children are not being taught our history, they are not learning what is most important.

According to Harvard scholar Samuel Huntington, a 1987 study of high school students found more who knew who Harriet Tubman was than knew Washington commanded the American Army in the Revolution, or that Abraham Lincoln wrote the Emancipation Proclamation. I am all for teaching about Harriet Tubman and teaching about the history of the Underground Railroad. My ancestor, the Rev. John Rankin, like Harriet Tubman, was a conductor on the Underground Railroad. I would like for more children to know about them both. But surely children ought to learn first about the most critical leaders and events in the Revolution and in the Civil War.

Let me give a couple of examples of how bad things have gotten. The fourth grade NAEP test asked students to identify the following passage:

We hold these truths to be self-evident: That all men are created equal; that they are endowed by their Creator with certain unalienable rights; among these are life, liberty, and the pursuit of happiness . . .

Students were given four choices for the source of that passage: the Constitution, the Mayflower Compact, the Declaration of Independence, the Articles of Confederation. Only 46 percent of students answered correctly, that it came from the Declaration of Independence.

The eighth grade test asked, Imagine you could use a time machine to visit the past. You have landed in Philadelphia in the summer of 1776. Describe an important event that is happening.

Nearly half the students, 46 percent, were not able to answer the question correctly, that the Declaration of Independence was being signed.

This legislation aims to help in the effort to do something about that. The American History Achievement Act gives the national assessment governing board the authority to administer a 10-State pilot study for the NAEP test in U.S. history in 2006. The board already has the authority for reading, math, science, and writing. The pilot program should collect enough data to attain a State-by-State comparison of 8th and 12th grade student knowledge and understanding of history. That will allow us to know which States are doing a better job of teaching American history and allow other States to model their programs on those that are working well. This legislation is part of a broader effort in the Senate.

Earlier this year, Senator REID of Nevada, Senator KENNEDY, and I and others joined with Senators to pass the American History and Civics Education Act, by unanimous vote, to create summer academies for teachers and students of American history. Senator SCHUMER and I have introduced a bill to codify the oath of allegiance which immigrants take when sworn in as new citizens of the United States. The oath should be protected in law just as the national anthem and Pledge of Allegiance are.

Today we are putting a new focus on the teaching of American history. Our children are growing up ignorant of our Nation's history. Yet a recent poll tells us that Americans believe the principal goal of education is ''producing literate, educated citizens who can participate in our democracy.'' It is time to put the teaching of American history and civics back in its rightful place in our schools so our children can grow up learning what it means to be an American.

Our diversity is a prized value in the United States. But more prized is that we have been able to turn all that diversity into one nation. Our motto is: ''e pluribus unum,'' not the other way around. It is: ''one from many.''

One thing we have in common is our history, and we should teach it. This bill takes us one step closer to achieving that noble goal. I urge my colleagues to support the legislation.

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. 2721

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 ''American History Achievement Act''.

SEC. 2. FINDINGS.

Congress finds that—

(1) the 2001 National Assessment of Educational Progress assessment in United States history had the largest percentage of students scoring below basic of any subject that was tested, including mathematics, science, and reading; and

(2) in the 2001 National Assessment of Educational Progress assessment in United States history—

(A) 33 percent of students in grade 4 scored below basic, 36 percent of students in grade 8 scored below basic, and 57 percent of students in grade 12 scored below basic;

(B) 92 percent of students in grade 12 could not explain the most important cause of the Great Depression after reading a paragraph delineating 4 significant reasons;

(C) 91 percent of students in grade 8 could not ''list two issues that were important in causing the Civil War'' and ''list the Northern and Southern positions on each of these issues'';

(D) 95 percent of students in grade 4 could not list ''two reasons why the people we call 'pioneers' moved west across the United States'';

(E) 73 percent of students in grade 4 could not identify the Constitution from among 4 choices as ''the document that contains the basic rules used to run the United States government'';

(F) 75 percent of students in grade 4 could not identify ''the three parts of the federal (national) government of the United States'' out of 4 possible choices;

(G) 94 percent of students in grade 8 could not ''give two reasons why it can be useful for a country to have a constitution''; and

(H) 91 percent of students in grade 12 were unable to ''explain two ways that democratic society benefits from citizens actively participating in the political process''.

SEC. 3. AMENDMENT TO THE NATIONAL ASSESSMENT OF EDUCATIONAL PROGRESS AUTHORIZATION ACT.

Section 303(b) of the National Assessment of Educational Progress Authorization Act (20 U.S.C. 9622(b)) is amended—

(1) in paragraph (2)(D), by inserting ''(with a priority in conducting assessments in history not less frequently than once every 4 years)'' after ''subject matter''; and

(2) in paragraph (3)(A)—

(A) in clause (iii)—

(i) by inserting ''except as provided in clause (v),'' before ''may conduct''; and

(ii) by striking ''and'' after the semicolon;

(B) in clause (iv), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(v) shall conduct trial State academic assessments of student achievement in United States history in grades 8 and 12 in not less than 10 States representing geographically diverse regions of the United States.''.

SEC. 4. NATIONAL ASSESSMENT GOVERNING BOARD.

Section 302(e)(1) of the National Assessment of Educational Progress Authorization Act (20 U.S.C. 9621(e)(1)) is amended—

(1) in subparagraph (I), by striking ''and'' after the semicolon;

(2) by redesignating subparagraph (J) as subparagraph (K);

(3) in the flush matter at the end, by striking ''subparagraph (J)'' and inserting ''subparagraph (K)''; and

(4) by inserting after subparagraph (I) the following:

''(J) in consultation with the Commissioner for Education Statistics, identify and select the States that will participate in the trial State academic assessments described in section 303(b)(3)(A)(v); and''.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

Section 303(b)(3) of the National Assessment of Educational Progress Authorization Act (20 U.S.C. 9622(b)(3)) is amended by adding at the end the following:

''(D) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out subparagraph (A)(v) $5,000,000 for each of fiscal years 2005 and 2006 and such sums as may be necessary for each succeeding fiscal year.''.

SEC. 6. CONFORMING AMENDMENT.

Section 113(a)(1) of the Education Sciences Reform Act of 2002 (20 U.S.C. 9513(a)(1)) is amended by striking ''section 302(e)(1)(J)'' and inserting ''section 302(e)(1)(K)''.

Mr. KENNEDY. Mr. President, it's a privilege to join Senator ALEXANDER in introducing the American History Achievement Act. This bill is part of a continuing effort to renew the national commitment to teaching in the Nation's public schools. It lays the foundation for more effective ways of teaching children about the Nation's past. The bill contains no new requirements for schools, but it does offer a more frequent and effective analysis of how America's schoolchildren are learning American history.

Our economy and our future security rely on good schools that help students develop specific skills, such as reading and math. But the strength of our democracy and our standing in the world also depend on ensuring that children have a basic understanding of the Nation's past.

Helping to instill appreciation of America's past should be an important mission of public schools. Thanks to the hard work of large numbers of history teachers in classrooms throughout

America, we're making progress. Results from the most recent assessment under the NAEP show that fourth and eighth graders are improving their knowledge of U.S. history. Research conducted in history classrooms shows that children are using primary sources and documents more often to explore history, and are being assigned historical and biographical readings by their teachers more frequently.

But much more remains to be done to advance the understanding of American history, and to see that the teaching of history is not left behind in classrooms.

A recent study by Dr. Sheldon Stern—the Chief Historian Emeritus at my brother's Presidential Library—suggests that state standards for teaching American history need improvement. His research reveals that 22 States have American history standards that are either weak or lack clear chronology, appropriate political and historical context, or sufficient information about real events and people. As many as 9 States still have no standards at all for American history.

Good standards matter. They're the foundation for teaching and learning in every school. With the right resources, time, and attention, it's possible to develop creative and effective history standards in every State. Massachusetts began to work on this effort in 2000, through a joint review of history standards that involved teachers, administrators, curriculum coordinators, and university professors. After monthly meetings and 3 years of development and revision, the State released a new framework for teaching history in 2003. Today, our standards in American history and World history receive the highest marks.

School budget problems at the local level are obviously a serious threat to these goals. Last week, 7,500 school districts received notice of an impending $237 million overall cut to their budgets, to take effect this fall. These cuts further exacerbate the current funding crisis under the No Child Left Behind Act. Unfortunately, courses in history or the humanities are often the first to go.

Other accounts report that schools are narrowing their curriculums away from the social sciences, arts, and humanities, in favor of a more concentrated approach to the teaching of reading and math in order to meet the strict standards of the No Child Left Behind Act.

Meeting high standards in reading and math is important, but it should not come at the expense of scaling back teaching in other core subjects such as history. Integrating reading and math with other subjects often gives children a better way to master literacy and number skills, even while learning in a history or geography lesson. That type of innovation deserves special attention in our schools. Making it happen requires added investments in teacher preparation and teacher mentoring, so that teachers are well prepared to use interdisciplinary methods in their lesson plans.

Our bill today takes several important steps to strengthen the teaching of American history, and raise the standing of history in school curriculums. Through changes to the National Assessment for Educational Progress, schools will be better able to achieve success on this important issue.

First, we propose a more frequent national assessment of children in American history under the NAEP. For years, NAEP has served as the gold standard for measuring the progress of students and reporting on that progress. Students last participated in the U.S. history NAEP in 2001, and that assessment generated encouraging results. But the preceding assessment—with which we can compare data—was administered in 1994—too long before to be of real assistance.

It makes sense to measure the knowledge and skills of children more frequently. This bill would place priority on administering the national U.S. history NAEP assessment, to generate a more timely picture of student progress. We should have an idea of children's knowledge and skills in American history more often than every 6 or 7 years, in order to address gaps in learning.

The bill also proposes a leap forward to strengthen state standards in American history, through a new State-level assessment of U.S. history under NAEP. The assessment would be conducted on an experimental and pilot basis in 10 States, in grades 8 and 12. The National Assessment Governing Board would ensure that States with model history standards, as well as those that are still under development, participate in this assessment.

Moving NAEP to the state level does not carry any high stakes for schools. But it will provide an additional benchmark for States to develop and improve American history standards. It's our hope that States will also be encouraged to undertake improvements in their history curricula and ensure that American history is a beneficiary and not a victim of school reform.

America's past encompasses great leaders and great ideas that contributed to our heritage and to the principles of freedom, equality, justice, and opportunity for all. Today's students will be better citizens in the future if they learn more about that history. The American History Achievement Act is an important effort toward that goal, and I encourage my colleagues to support it.

By Mr. WYDEN:

S. 2723. A bill to designate certain land in the State of Oregon as wilderness, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. WYDEN. Mr. President, 2004 is a momentous year for wilderness in Oregon. It marks the 40th anniversary of the 1964 Wilderness Act and the 20th anniversary of the Oregon Wilderness bill from 1984.

But perhaps most importantly, 2004 marks the bicentennial of the single most important exploratory committee ever to be launched by this Federal government: the Lewis and Clark Expedition.

I can see no better way to mark this auspicious year than by enacting a new Oregon Wilderness bill, the ''Lewis and Clark Mount Hood Wilderness Act of 2004,'' which includes, in tribute to the great river-dependent journey of Lewis and Clark, the addition of five free-flowing stretches of rivers to the National Wild and Scenic River System.

In the last few years, some of Oregon's most important treasures have been Congressionally protected: Steens Mountain is now home to 170,000 acres of Wilderness; the Little Sandy watershed is now part of the Bull Run Management Unit and will help provide drinking water for over 700,000 Oregonians; Soda Mountain has been designated a National Monument; and the Ft. Clatsop National Memorial has been expanded and is the subject of legislation under consideration by this august body, as I speak, to make it Oregon's second National Park.

The wilderness bill I introduce today continues to encapsulate, as did the draft wilderness proposal that I floated on this subject in March of this year, the wish of the people in my State to protect but also actively relate to her treasures. Thousands of Oregonians responded to my draft proposal—far more than I ever could have expected. As a result, this is their bill more than it is my bill.

Mount Hood and the Columbia Gorge must be protected because the people of Oregon love these areas, they are proud of these areas, and they are demanding that we come together to protect Oregon's treasures for this and future generations. The people of Oregon helped write this bill, and I believe the people of Oregon on a bipartisan basis will be the ones who help get it passed and signed by the President.

This bill I introduce today protects the lower elevation forests surrounding Mount Hood and the Columbia River Gorge as Lewis and Clark saw them. These forests symbolize the natural beauty of Oregon. They provide the clean water necessary for the survival of threatened steelhead, Coho and Chinook salmon. These forests provide critical habitat and diverse ecosystems for elk, deer, lynx and the majestic bald eagle. And these are the forests that provide unparalleled recreational opportunities for Oregonians and our visitors.

But the bill I introduce today differs in many ways from the draft proposal because it responds to the many comments I heard in the ensuing 4 months. I received thousands of comments on the proposed legislation. Some comments came as a result of the general public meetings I held in Oregon, on

April 11 and 14 of this year in Southwest Portland and in Hood River. Each meeting lasted over 3 hours, and everyone who wanted to speak was given an opportunity to do so. Other comments came from the second Mount Hood Summit held at Timberline Lodge in June hosted by Representatives WALDEN and BLUMENAUER. I and my staff met with over 100 community groups and local governments, the members of the Oregon congressional delegation, the Governor, and the Bush administration. And still more comments came from letters and phone calls from Oregonians.

What I overwhelmingly heard was the need to protect and build on Oregon's Wilderness system is as important today as it was in 1804, 1964 or 1984—and is arguably more so—but it must be accompanied by tools that help us create a planned future on Mount Hood. Mount Hood is clearly going to be at risk otherwise.

The Mount Hood National Forest is the eighth most visited National Forest in the United States. It is one of fourteen Forest Service-designated ''urban'' national forests in the entire Nation. In the 20 years that has elapsed since any new wilderness has been designated in the Mount Hood area—wild and scenic rivers were last set aside 16 years ago, the population in local counties has increased significantly—20 percent in Multnomah County, 24 percent in Hood River County, and 41 percent in Clackamas County.

The predominant public use of this urban forest is non-mechanized activity like hiking, camping, and fishing. With increasing emphasis on wild scenery, unspoiled wildlife habitats, free flowing rivers, wilderness and the need for opportunities for diverse outdoor recreation sometimes it seems—I heard this repeatedly—we are in jeopardy of ''loving our wild places to death.''

A few years ago, the Forest Service made a proposal to limit the number of people that could hike the south side of Mount Hood and the public outcry was enormous. Seems to me, rather than tell people that they are going to be restricted from using our public lands, part of the solution for the future of the Mountain lies in providing more opportunities for them to enjoy the Mountain's great places.

As the Forest Service is well-aware, Mt. Hood's non-mechanized use will increase dramatically over time, but the Forest Service's own documents acknowledge that we are not today even close to ready for that eventuality.

The Forest Service's current Land and Resource Management Plan for Mount Hood, page III–36, which notes the following:

the present capability to supply recreational opportunities such as hiking on trails in primitive and semi-primitive non-motorized areas is predicted to fall short of satisfying demand.

According to that Forest Service management plan, the Mount Hood National Forest already provides resources for nearly twice the current demand for developed recreation like skiing, power boating and sightseeing by car, but meets less than two-thirds of the demand for backcountry recreation. The future is even grimmer. The Management Plan goes on to project that by 2040, the Mount Hood National Forest will only meet 16 percent of the demand for wilderness recreation, while still meeting over 100 percent of the demand for mechanized recreation.

This Forest Service-projected shortfall means an ever-increasing number of Oregonians will be forced onto inadequate, existing wilderness, drastically impacting the mountain, its visitors, and its well-deserved reputation as one of this country's greatest natural wonders.

Of the more than 600 people who attended the two meetings I held in April in Oregon, 128 spoke—110 in favor of more wilderness and 18 spoke in opposition.

Additionally, I received more than 1,100 written comments about the proposal and over 1,000 of those expressed support for additional wilderness.

I know my colleague wishes to speak. I want to wrap up by highlighting the key areas I had Oregonians focus on in these meetings and how we responded.

First, we heard that Oregonians felt there was not enough wilderness. Second, we heard concern from some who enjoy mountain biking that their recreational opportunity would be unfairly curtailed. Third, we heard from people in the towns, mountains, and gorges about fire protection for their communities. Fourth, we heard about forest health and timber—again, a very important set of concerns for our region. Finally, we were told about developed recreation with many being worried about maintaining a role for skiing and other recreational pleasures on Mount Hood.

In each of these five areas we took steps to address these concerns.

First, the legislation I introduce today to respond to the call of the people of my State for more wilderness would increase the amount we had originally proposed by designating approximately 177,000 new acres of wilderness.

These include very important areas surrounding the oldest Mount Hood wilderness areas—spectacular ridges that frame the Columbia River Gorge that all will marvel at and essential other areas of beautiful fall colors and the best deer and elk hunting existing in the entire forest.

Second, and especially important, I thought the mountain bikers raised valid concerns. So we took two steps. I proposed and I am very interested in talking to my friend from Tennessee who has such an interest in the environment and recreation, generally, about an idea we proposed in this legislation to create a Mount Hood Pedaler's Demonstration Experiment. We call it Hood-PDX, which would in effect be the Nation's first mountain bike area that would join such a treasure as Mount Hood. In this demonstration project, Hood-PDX would be managed as wilderness though it wouldn't be wilderness. It would be a pilot project encompassing over 13,000 acres and over 50 miles of trail. The mountain bikers would have 10 years to establish that bikers can coexist peacefully with wild natural areas.

We also made boundary adjustments to keep them on over 120 miles of trail which they were concerned about losing.

Third, we took steps to protect our communities—particularly Cascade Locks, Government Camp, and Rowena—and so this bill creates fire safety zones for communities in this area.

This legislation also reiterates the Forest Service's mandate for thinning for forest health on the Mount Hood National Resources, and especially the resources to get the job done in the area.

Finally, we add a proposal for developed recreation that would reestablish a southside winter recreation area that encompasses those areas on the southside of Mount Hood that have exceptional potential for commercial recreation.

The protection of these important areas will depend on the hard work and dedication of all Oregonians. I want to particularly thank my friend and colleague Senator SMITH who meets with me every Thursday over lunch. We talk repeatedly about this issue and he has been very gracious. We are going to work together to address the various issues raised by our constituents and raised by our colleagues in the other body, particularly Congressmen WALDEN, BLUMENAUER, and HOOLEY.

This is a special day for Oregon. This is the formal beginning of an important debate about how to protect special Oregon treasure.

Mr. ALEXANDER. Madam President, I would like to salute the Senator from Oregon. I am glad I was here to hear his discussion, especially about mountain bikers' great conservation majority in this country. We ought to do a better job of creating a bigger conservation majority in the Senate. We sometimes split up on the issues, it would appear. But I don't think that is necessary.

For example, I was in Idaho a couple of weeks ago and took a mountain bike ride on the Hiawatha Trail which is between Idaho and Montana where the Milwaukee Railroad used to run from Chicago to Takoma. At one point, they were going to dig up the tracks. But this is a place where they have long tunnels and the speculator high trestles where people used to go in the 1950s and 1960s. But now, because of the work by Members of this body, some on this side of the aisle, some on that side, that is a rails-to-trails project. On that Sunday morning, there were maybe 500 or 600 mountain bikers who had that experience.

It made me think of something I failed to do when I was Governor of our

home State. I still deeply regret it. I thought toward the end of my term about but couldn't quite get done the notion of whenever we build a new highway we should provide for a pedestrian or bike trail along the side of it—it is too expensive to do a lot of times on existing roads—that every time you build a new road or widen a road, acquire a little bit more right of way. If we had done that 20 years ago in Tennessee, we would all be grateful for that today.

Senator LANDRIEU, Democratic Senator from Louisiana, and I are working on legislation called the American Outdoors legislation, to try to assure a steady stream of revenue for the Land and Water Conservation Fund for urban parks, for the Game and Fish Commission, and other conservation purposes.

Senator WYDEN, Senator LANDRIEU, and I are all in the same committee. I look forward to working with them on this legislation.

By Mrs. BOXER (for herself, Ms. MIKULSKI, Mr. LAUTENBERG, and Mr. CORZINE):

S. 2725. A bill to amend the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 to eliminate the coverage gap, to eliminate HMO subsidies, to repeal health savings accounts, and for other purposes; to the Committee on Finance.

Mrs. BOXER. Mr. President, in 2003 the Medicare Modernization Act became law. A part of that legislation continued a very modest—and fatally flawed—prescription drug benefit for seniors.

One of those flaws—and it was something I pointed out during the Senate debate and offered an amendment to fix—is known as the coverage gap.

Here's how it works: Seniors will have a monthly premium and a $250 deductible and then they pay 25 percent of their prescription drug costs. So far so good. But then once they have drug costs of over $2,250, the benefit stops; it shuts down. And seniors have to pay the next $2,850 of drug costs on their own—100 percent of their costs—before their coverage starts again.

Does this sound like prescription drug coverage to you? I know that my insurance has no such thing, and I know of no other insurance that has such a policy.

So today, Senator MIKULSKI and I are introducing a bill that closes this coverage gap and will better fulfill our promise to seniors to provide a real Medicare prescription drug benefit.

Under our bill—the Closing the Coverage Gap Act of 2004—seniors will pay the premium and the $250 deductible and then pay for 25 percent of their coverage until they reach their catastrophic limit of $5,100. After that, Medicare will pay 95 percent.

Let me give you an example of how this works. A constituent from San Marcos, California wrote me about her prescription drug costs. They exceed $10,000 a year. In 2006, she will be helped by the new law, but will still end up paying nearly $4,000 for her prescriptions. Under my, this woman will be responsible for only $1,500 of her costs. It will ease her burden and give her greater peace of mind.

This bill is simple; it is fair, and it will help millions of seniors across the country.

I thank Senator MIKULSKI for joining me in this effort, and I urge my colleague to cosponsor this bill.

Ms. MIKULSKI. Mr. President, I rise today to join my colleague, Senator BOXER, to introduce the Closing the Coverage Gap of 2004 Act. This bill would fix one of the major flaws of the recently passed Medicare Modernization Act—the $2,850 gap in prescription drug coverage.

The Medicare bill is a hollow promise for a prescription drug benefit for seniors which talks big but delivers small. It promises prescription drugs for seniors, yet it will cause over 2 million seniors to lose their drug coverage, coerce seniors into HMOs, and do nothing to stop the soaring cost of prescription drugs.

During the debate on the bill, Senator BOXER and I worked on an amendment to fix one of the worst flaws in the drug benefit—the coverage gap. When I reviewed the bill, I was appalled to discover that the promised benefit actually provides no drug benefit to seniors for drug costs between $2,250 and $5,100 per year.

The new Medicare benefit affects seniors' drug costs in two ways. First of all it, it prohibits Medicare from negotiating better prices for seniors. I am fighting for legislation that would allow Medicare to negotiate drug prices—lowering drug costs to both seniors and taxpayers.

Next, the benefits are skimpy and spartan. The new Medicare benefit leaves too many seniors in a coverage gap. Some people are calling this a ''donut,'' as if it's a ''Krispy Kream,'' but there is nothing sweet about it. Seniors will have to pay out of pocket all of their drugs between $2,250 and $5,100 while still paying monthly premiums. This isn't a donut; it's a hidden deductible. The real deductible in this plan isn't $250. Once a senior's drug costs put them into the coverage gap, their deductible could be as high as $3,100. Seniors would have to pay all of the drug costs between $2,250 and $5,100, a total of $2,850, out of their own pockets on top of the $250 deductible.

I think this is outrageous. No other insurance plan simply stops coverage for a while.

Our bill would fix this fatal flaw in the Medicare prescription drug benefit by providing real prescription drug coverage. Under our bill, there is no coverage gap. Seniors would pay their premium and the $250 deductible. Once they have paid their deductible, they would pay 25 percent their drug costs until they reach the catastrophic limit of $5,100. And just like the current benefit, once a senior reaches $5,100, Medicare would pay 95 percent of all drug costs.

I thank Senator BOXER for all her work on this important bill and look forward to working together to close the coverage gap.

I urge my colleagues to support this bill.

By Mrs. BOXER:

S. 2726. A bill to amend title 49 of the United States Code to provide flight attendant security training, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mrs. BOXER. Mr. President, today, I am introducing legislation that is important to the security of our air travel: ensuring that our Nation's flight attendants receive anti-terrorist security training.

On September 11th, as we all know, the terrorists hijacked four commercial jets—all of which were heading to California. And while I can say that air travel today is more secure than it was before the terrorist attacks, I still believe that we have more to do—which was proven with the information recently that a flight between LAX and Dulles is a ''flight of interest.'' There are still threats out there.

It is unacceptable to have loopholes in our aviation security—nearly 3 years since the attack.

In addition to air marshals and armed pilots, flight attendants are part of the last line of defense. The most obvious case is Richard Reid—the shoe bomber who was stopped with the help of a flight attendant. That was a courageous—and life saving—act. All flight attendants should be trained and ready to respond to these types of incidents.

As part of the Department of Homeland Security legislation in 2002, we passed strong flight attendant security training, which I helped write with former Senator Bob Smith. Unfortunately, last year, much of that was repealed—at the insistence of a single member of the House—in the FAA Reauthorization bill.

Therefore, I am introducing legislation today that would reinstate the flight attendant security training included in the Homeland Security bill. The bill would restore the law requiring uniform anti-terrorist training for all flight attendants.

We took a great step forward in 2002. We should not have gone backwards to create a loophole in our aviation security.

We cannot stop fighting terrorism. Well-trained flight attendants are key. We do not have enough air marshals on planes, and the Administration is slow-walking the guns in the cockpit program. We need to rely on our flight attendants now more than ever. We must ensure they get the training they need.

By Mr. DODD (for himself, Mr. COCHRAN, Mr. DURBIN, and Mr. FEINGOLD):

S. 2727. A bill to amend part A of title VI of the Higher Education Act of 1965 regarding international and foreign language studies; to the Committee on Health, Education, Labor, and Pensions.

Mr. DODD. Mr. President, I rise today with Senators COCHRAN, DURBIN and FEINGOLD to introduce The International and Foreign Language Studies Act of 2004.

In recent years, foreign language needs have significantly increased throughout the Federal Government due to the presence of a wider range of security threats, the emergence of new nation states, and the globalization of the U.S. economy. Likewise, American business increasingly needs internationally experienced employees to compete in the global economy and to manage a culturally diverse workforce.

Currently, the U.S. government requires 34,000 employees with foreign language skills across 70 federal agencies. These agencies have stated over the last few years, that translator and interpreter shortfalls have adversely affected agency operations and hindered U.S. military, law enforcement, intelligence, counter-terrorism and diplomatic efforts.

Despite our growing needs, in the 2000–01 school year, the number of undergraduate foreign language degrees conferred was only one percent of all degrees. In 2003, only 41 percent of undergraduates reported taking foreign language courses while only 18 percent reported having studied abroad. And yet, 79 percent of Americans believe that students should study abroad sometime during college.

At a time when our security needs are more important than ever, at a time when our economy demands that we enter new markets, and at a time when the world requires us to engage in diplomacy in more thoughtful and considered ways, it is extremely important that we have at our disposal a multilingual, multi cultural, internationally experienced workforce. The Dodd-Cochran International and Foreign Language Studies Act attempts to provide us with this.

The Dodd-Cochran International and Foreign Language Studies Act will increase undergraduate study abroad opportunities as they relate to programs designed to enhance foreign language proficiency and deepen cultural knowledge. The Dodd-Cochran bill will reinstate undergraduate eligibility for Foreign Language and Area Studies Fellowships. The Dodd-Cochran bill will encourage the Department of Education to engage in the collection, analysis and dissemination of data on international education and foreign language needs so that we know and understand exactly what our needs in this area are. And, most importantly, the Dodd-Cochran bill will demonstrate our nation's commitment to increasing the foreign language proficiency and international experience of our electorate by increasing the amount appropriated to international education within the Higher Education Act to $120 million each year.

The Higher Education Act authorizes the Federal Government's major activities as they relate to financial assistance for students attending colleges and universities. It provides aid to institutions of higher education, services to help students complete high school and enter and succeed in postsecondary education, and mechanisms to improve the training of our emerging workforce. This bill will help fulfill that mission.

Foreign language skills and international study are vital to secure the future economic welfare of the United States in an increasingly international economy. Foreign language skills and international study are also vital for the nation to meet 21st century security challenges properly and effectively, especially in light of the terrorist attacks on September 11, 2001.

I hope our colleagues who are not cosponsoring this bill will give it serious consideration. By working together, I believe that the Senate as a body can act to ensure that we strengthen our Nation's security and economy by capitalizing on the talents and dreams of those who wish to enter the international arena.

By Mr. SCHUMER:

S. 2728. A bill to create a penalty for automobile insurance fraud; and for other purposes; to the Committee on the Judiciary.

Mr. DODD. Mr. President, I rise today with Senators STABENOW and LAUTENBERG to introduce the Getting Results for Advanced Degrees (GRAD) Act.

The percentage of individuals pursuing graduate education has increased dramatically in recent decades as individuals seek the education and skills needed to participate in a technologically complex and global economy. In the last 25 years alone, graduate enrollment in the United States has increased by 39 percent. In the fall of 2000, there were 1.85 million graduate students enrolled in American schools.

The economic benefits of graduate education are significant. The median earnings of workers who possess a graduate or professional degree are more than 3½ times those of high school dropouts.

Despite the impact of graduate education on individuals' economic well being, and on the economic strength of our national economy as a whole, graduate education is, for many, financially out of reach. In 2001–02 the average graduate school tuition at public institutions was $4,491 and $15,233 at private institutions. In a 2002 borrower's survey, the average debt reported by graduate students was $45,900. This is an astounding figure.

To respond to the need for a highly educated workforce, I have put together a series of proposals that will make graduate education more accessible and affordable to qualified applicants regardless of income level, the Getting Results for Advanced Degrees Act (GRAD). The purpose of the GRAD Act is to encourage students to pursue graduate education and to assist them in affording it.

Specifically, the GRAD Act increases the authorization level of the Graduate Assistance in Areas of National Need (GAANN) program to $50 million and the Jacob Javits Fellowship Program to $35 million. The GAANN fellowship program helps to support graduate study in areas of national need such as chemistry, computer and information science, engineering, mathematics and physics. The Jacob Javits Fellowship Program helps support graduate study in the arts, humanities and social sciences.

To encourage greater participation by minority students in graduate studies, the Act creates the Patsy T. Mink Fellowship Program to offer assistance to underrepresented minority students pursuing a doctoral degree. The Patsy T. Mink Fellowship Program will help address the important problem of underrepresentation of students from certain minority groups in graduate education.

To help students afford the costs of graduation education, the GRAD Act expands the tax-exempt status of scholarships to treat reasonable room and board allowances as part of permitted higher education expenses. The Act revises the cost of attendance calculations for financial aid for students with dependents to reflect the true cost of living expenses for themselves and their children. The Act increases the amount of earnings students can set aside without having to apply those earnings to the cost of attendance. The GRAD Act also increases the unsubsidized Stafford loan limit for graduate and professional students from $10,000 to $12,500 so they are less likely to have to turn to more expensive private loans.

The Getting Results for Advanced Degrees Act will help students meet the financial challenges faced in pursuing graduate studies. The Act strengthens programs that support graduate students in areas of vital importance to our Nation and makes assistance available to underrepresented minority students pursuing a doctoral degree. By helping students to pursue and afford graduate education, the GRAD Act will help individuals, families and the nation as a whole, realize the important benefits of graduate education.

I hope more of my colleagues will join me in support of graduate education by signing on this bill. By working together, I believe that the Senate as a body can act to ensure that more individuals are able to pursue graduate education and assist our Nation in meeting the challenges faced in a global economy.

Mr. DURBIN:

S. 2730. A bill to amend title V, XVIII, and XIX of the Social Security Act to promote cessation of tobacco use under the medicare program, the medicaid program, and the maternal and child health services block grant program; to the Committee on Finance.

Mr. DURBIN. Mr. President, I rise today to introduce legislation that expands treatment to millions of Americans suffering from a deadly addiction: tobacco. The Medicare, Medicaid and MCH Smoking Cessation Promotion Act of 2004 will help make smoking cessation therapy accessible to recipients of Medicare, Medicaid, and the Maternal and Child Health (MCH) Program.

We have long known that cigarette smoking is the largest preventable cause of death, accounting for 20 percent of all deaths in this country. It is well documented that smoking causes virtually all cases of lung cancer and contributes to coronary heart disease, peripheral vascular disease, chronic obstructive lung disease, and other deadly health ailments.

The harmful effects of smoking do not end with the smoker. A recent report issued by the American Legacy Foundation cites the effects of secondhand smoke on children of smokers. In addition to the cost of health complications of asthma and chronic ear infections in children, the report indicates that 43,000 children are orphaned every year because of tobacco-related deaths.

Still, despite enormous health risks, 45 million adults in the United States smoke cigarettes. Of those, low income and racial minorities make up a disproportionate share. While 22.5 percent of the general adult population in the U.S. are current smokers, the percentage is about 50 percent higher among Medicaid recipients. Thirty-six percent of adults covered by Medicaid smoke.

We are not only paying a heavy health toll, but an economic price as well. According to the Center for Tobacco Cessation, about 14 percent of all Medicaid expenditures on average are related to smoking. That's not surprising, given that smokers incur an average of $1,041 more in annual medical costs than non-smokers.

Today, however, we have identified clinically proven, effective strategies to help smokers quit. Advancements in treating tobacco use and nicotine addiction using pharmacotherapy and counseling have helped millions kick the habit. The Surgeon General's 2000 Report, Reducing Tobacco Use, concluded that ''pharmacologic treatment of nicotine addiction, combined with behavioral support, will enable 10 to 25 percent of users to remain abstinent at one year of post-treatment.

Studies have shown that reducing adult smoking through tobacco use treatment pays immediate dividends, both in terms of health improvements and cost savings. Creating a new nonsmoker reduces anticipated medical costs associated with acute myocardial infarction and stroke by $47 in the first year and by $853 during the next seven years in 1995 dollars. Within four to five years after tobacco cessation, quitters use fewer health care services than continued smokers.

New Jersey and Oregon have provided Medicaid coverage for counseling and drugs as recommended by the Public Health Service, and both states now have among the lowest smoking-related Medicaid costs.

The health benefits tobacco quitters enjoy are also undisputed. They live longer, and after 15 years, the risk of premature death for ex-smokers returns to nearly the level of persons who have never smoked. Male smokers who quit between just the ages of 35 and 39 add an average of five years to their lives; women can add three years. Even older Americans over age 65 can extend their life expectancy by giving up cigarettes.

Former smokers are also healthier. They are less likely to die of chronic lung diseases, and after ten smoke-free years, their risk of lung cancer drops to as much as one-half that of those who continue to smoke. After five to fifteen years the risk of stroke and heart disease for ex-smokers returns to the level of those who have never smoked. They have fewer days of illness, reduced rates of bronchitis and pneumonia, and fewer health complaints.

Public Health Service Guidelines released a few years ago conclude that tobacco dependence treatments are both clinically effective and cost-effective relative to other medical and disease prevention interventions. The guidelines urge health care insurers and purchasers to include counseling and FDA-approved pharmacologic treatments as a covered benefit.

Unfortunately, the Federal Government, a major purchaser of health care through Medicare and Medicaid, does not currently adhere to its own published guidelines. It is high time that government-sponsored health programs catch up with science. That is why I am introducing legislation to improve smoking cessation benefits in government-sponsored health programs.

The Medicare, Medicaid, and MCH Smoking Cessation Promotion Act of 2004 improves access to and coverage of smoking cessation treatment therapies in three meaningful ways.

First, this bill adds a smoking cessation counseling benefit and coverage of FDA-approved tobacco cessation drugs to Medicare. The bill requires all prescription drug sponsors to provide coverage for tobacco cessation drugs under Medicare's prescription drug coverage. It also defines over-the-counter agents as covered drugs, as long as those drugs are prescribed by a doctor or other authorized medical professional. By 2020, 17 percent of the U.S. population will be 65 years of age or older. It is estimated that Medicare will pay $800 billion to treat tobacco-related diseases over the next twenty years. In a study of adults 65 years of age or older who received advice to quit, behavioral counseling and pharmacologic therapy, 24.8 percent reported having stopped smoking six months following the intervention. The total economic benefits of quitting after age 65 are notable. Due to a reduction in the risk of lung cancer, coronary heart disease and emphysema, studies have found that heavy smokers over age 65 who quit can avoid up to $4,592 in lifelong illness-related costs.

Second, this bill provides coverage for counseling, prescription and nonprescription smoking cessation drugs in the Medicaid program. The bill eliminates the provision in current federal law that allows states to exclude FDA-approved smoking cessation therapies from coverage under Medicaid. Despite the fact that the states have received payments from their successful federal lawsuit against the tobacco industry, less than half the states provide coverage for smoking cessation in their Medicaid program.

Even if Medicaid covered cessation products and services exclusively to pregnant women, we would see significant cost savings and health improvements. Children whose mothers smoke during pregnancy are almost twice as likely to develop asthma as those whose mothers did not. Over seven years, reducing smoking prevalence by just one percentage point among pregnant women would prevent 57,200 low birth weight births and save $572 million in direct medical costs.

Third, this bill ensures that the Maternal and Child Health Program recognizes that medications used to promote smoking cessation and the inclusion of anti-tobacco messages in health promotion are considered part of quality maternal and child health services

I hope my colleagues will join me not only in cosponsoring this legislation but also in working with me to see that its provisions are adopted. As the Surgeon General has said, ''Although our knowledge about tobacco control remains imperfect, we know more than enough to act now.''

By Mr. LAUTENBERG (for himself, Mr. BIDEN, Mr. KENNEDY, Mr. LEVIN, Mr. CORZINE, Mrs. FEINSTEIN, Mr. FEINGOLD, Mr. KOHL, Mr. DURBIN, and Mr. SCHUMER):

S. 2731. A bill to amend title 18, United States Code, to prohibit certain interstate conduct relating to exotic animals; to the Committee on the Judiciary.

Mr. LAUTENBERG. Mr. President, I rise to introduce the Captive Exotic Animal Protection Act of 2004. This Act would prohibit the barbaric and unsporting practice of ''canned hunts.'' I am pleased to be joined by my cosponsors, Senators BIDEN, KENNEDY, LEVIN, CORZINE, FEINSTEIN, FEINGOLD, KOHL, DURBIN and SCHUMER.

Canned hunts take place on private land under circumstances that virtually assure hunters of a kill. Although they advertise under a variety of names, such as hunting preserves or game ranches, canned hunts have two things in common: they charge a fee for killing an animal; and they violate the generally accepted practices of the hunting community, which are based on the concept of ''fair chase.'' Some canned hunts specialize in native species, such as white-tailed deer or elk, while others deal in exotic, non-native, animals that are either bred on-site or bought from dealers or breeders. Exotic animals may include surplus animals bought from wild animal parks, circuses, and petting zoos. Many canned hunts offer both native and exotic species to their customers. The Humane Society of the United States estimates that there are more than 1000 canned hunt operations in at least 25 different States.

Canned hunts cater to persons who lack the time, and sometimes the skill, for normal sports hunting, but who have the money to pay the hefty fees charged for trophy kills. They do not require skill in tracking or shooting. For a price, many canned hunts guarantee a ''hunter'' a kill of the animal of their choice. A wild boar ''kill'' may sell for up to $1000, a water buffalo for $3500, and a red deer for up to $6000.

The ''hunt'' of these tame animals occurs within a fenced enclosure, leaving the animal virtually no chance for escape. Fed and cared for by humans, these animals have often lost their instinctive impulse to flee from hunters who ''stalk'' them. In addition to fencing, canned hunts use other practices to assure their customers a kill. They employ guides who are intimately familiar with their preserve or ranch, including locations where animals like to eat, bed down, and hide, and may use food plots and feeding stations to attract animals and make them easy targets from nearby shooting blinds or stands—all practices which are prohibited by many State game commissions.

Canned hunts are strongly condemned by animal protection groups. The Fund for Animals has launched a national campaign against what it calls a ''cruel, unsporting, and egregious type of hunting.'' The Humane Society says that ''There is no more repugnant hunting practice than shooting tame, exotic mammals in fenced enclosures for a fee in order to obtain a trophy.'' The group believes that federal legislation is needed ''to halt the cruel and unsportsmanlike business of canned hunts.''

Canned hunts violate the principles of the sport of hunting. The Boone and Crockett Club, a hunting organization founded by Teddy Roosevelt, defines ''fair chase'' as the ''ethical, sportsmanlike, and lawful pursuit and taking of any free-ranging wild, native North American big game animal in a manner that does not give the hunter an improper advantage over such animals.'' Surely exotic animals held in canned hunt facilities can in no way be considered ''free-ranging,'' and the hunters at such facilities clearly have an enormous ''improper advantage'' over the animals.

In addition to being unethical, canned hunts may pose a serious health and safety threat to domestic livestock and native wildlife. Accidental escapes of exotic animals from game ranches are not uncommon, posing a danger to nearby livestock and indigenous wildlife. A dire threat to native deer and elk populations in this country is chronic wasting disease, the deer equivalent of mad cow disease. In some States, experts believe that canned hunts, with their fences and high concentrations of animals, are encouraging transmission of this disease.

In recognition of these threats, several states have banned canned hunting of mammals. Unfortunately, most states lack laws to outlaw this practice. Because interstate commerce in exotic animals is common, Federal legislation is essential to control these cruel practices.

My bill is essentially the same as legislation S. 1655, that was reported by the Judiciary Committee late in the 107th Congress and sponsored by Senator BIDEN. It is similar to legislation that I introduced in the 106th, S. 1345, 105th, S. 995, and 104th, S. 1493, Congresses. The legislation that I am introducing today will target only canned hunt facilities that allow the hunting of exotic, non-native, mammals. It is important to note what the bill does and does not do: (1) The bill does not regulate the hunting of native mammals, such as white-tail deer; (2) the bill does not regulate the hunting of birds, native or exotic, such as doves, pheasants, and mallard ducks; (3) the bill protects only exotic, non-native, mammals that have been confined for the greater part of the animal's life or a year, whichever is shorter; (4) the bill does not cover exotic mammals living as they would in the wild on large preserves where they have an opportunity to avoid hunters, 1000 acres or larger; and (5) the bill regulates the conduct of persons who operate canned hunts or traffic in exotic mammals used in such hunts, not the hunters who patronize canned hunt facilities. In summary, my bill would merely ban the transport and trade of non-native, exotic mammals for the purpose of staged trophy hunts.

The idea of a defenseless animal meeting a violent end as the target of a canned hunt is, at the very least, distasteful to many Americans. In an era when we are seeking to curb violence in our culture, canned hunts are certainly one form of gratuitous brutality that does not belong in our society. I urge my colleagues to join me in supporting this legislation, which will help end this needless practice.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2731

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 ''Captive Exotic Animal Protection Act of 2004''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) The ethic of hunting involves the consideration of fair chase, which allows the animal the opportunity to avoid the hunter.

(2) At more than 1,000 commercial canned hunt operations across the country, trophy hunters pay a fee to shoot captive exotic animals, from African lions to giraffes and blackbuck antelope, in fenced-in enclosures.

(3) Clustered in a captive setting at unusually high densities, confined exotic animals attract disease more readily than more widely dispersed native species who roam freely.

(4) The transportation of captive exotic animals to commercial canned hunt operations can facilitate the spread of disease across great distances.

(5) The regulation of the transport and treatment of exotic animals on shooting preserves falls outside the traditional domains of State agriculture departments and State fish and game agencies.

(6) This Act is limited in its purpose and will not limit the licensed hunting of any native mammals or any native or exotic birds.

(7) This Act does not aim to criticize those hunters who pursue animals that are not enclosed within a fence.

(8) This Act does not attempt to prohibit slaughterhouse activities, nor does it aim to prohibit the routine euthanasia of domesticated farm animals.

SEC. 3. TRANSPORT OR POSSESSION OF EXOTIC ANIMALS FOR PURPOSES OF KILLING OR INJURING THEM.

(a) IN GENERAL.—Chapter 3 of title 18, United States Code, is amended by adding at the end the following:

''§ 49. Exotic animals

''(a) PROHIBITION.—Whoever, in or substantially affecting interstate or foreign commerce, knowingly transfers, transports, or possesses a confined exotic animal, for the purposes of allowing the killing or injuring of that animal for entertainment or for the collection of a trophy, shall be fined under this title, imprisoned not more than 1 year, or both.

''(b) DEFINITIONS.—In this section—

''(1) the term 'confined exotic animal' means a mammal of a species not historically indigenous to the United States, that has been held in captivity, whether or not the defendant knows the length of the captivity, for the shorter of—

''(A) the majority of the animal's life; or

''(B) a period of 1 year; and

''(2) the term 'captivity' does not include any period during which an animal lives as it would in the wild—

''(A) surviving primarily by foraging for naturally occurring food;

''(B) roaming at will over an open area of not less than 1,000 acres; and

''(C) having the opportunity to avoid hunters.

''(c) ENFORCEMENT.—

''(1) IN GENERAL.—Any person authorized by the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service, may—

''(A) without a warrant, arrest any person that violates this section (including regulations promulgated under this section) in the presence or view of the arresting person;

''(B) execute any warrant or other process issued by an officer or court of competent jurisdiction to enforce this section; and

''(C) with a search warrant, search for and seize any animal taken or possessed in violation of this section.

''(2) FORFEITURE.—Any animal seized with or without a search warrant shall be held by the Secretary or by a United States marshal, and upon conviction, shall be forfeited to the United States and disposed of by the Secretary of the Interior in accordance with law.

''(3) ASSISTANCE.—The Director of the United States Fish and Wildlife Service may use by agreement, with or without reimbursement, the personnel and services of any other Federal or State agency for the purpose of enforcing this section.''.

(b) TECHNICAL AMENDMENT.—The analysis for chapter 3 of title 18, United States Code, is amended by adding at the end the following:

''Sec. 49. Exotic animals''.

By Mr. REID:

S. 2732. A bill to provide grants for use by rural local educational agencies in purchasing new school buses; to the Committee on Environment and Public Works.

Mr. REID. Mr. President, there are still small towns in America where the citizens wait for a doctor to make rounds, a mail truck to drop off the mail. These families have elected to stay in their communities despite all the obstacles, and they deserve an opportunity to enjoy a good quality of life.

But sometimes, the challenges of living in rural America can be overwhelming—especially as they relate to identifying and securing Federal education funding.

There are hundreds of Federal education grants that currently provide an array of support for local education agencies: literacy programs, English learner's programs, after school programs—just to name a few.

Most of the time these Federal dollars and grants end up going to larger urban school districts, not to the little rural ones. One reason is because rural school districts simply don't have the resources needed to write the grant applications or oversee the program.

Or perhaps rural educators don't even realize they are qualified to apply for a particular grant, or they don't have the infrastructure needed to support the initiative.

Many years ago when I attended school in Searchlight, we had one teacher who taught grades 1 through 8. There are still schools in Nevada where this is the case.

I walked to school, and when it was time for high school I hitched a ride into a town 40 miles away and had to stay with a family during the week. That was the transportation system in rural America back then: walk or hitchhike.

Now we have school buses. But many rural areas are operating outdated, unsafe school buses that are driven until they finally can't pass inspection any longer. The skyrocketing gas prices of the past seven months have only made the problem worse.

These local education agencies are strapped. They can't afford to buy newer, safer buses. I was astonished to learn that the school buses in some rural Nevada counties travel a combined 1 million miles in a school year.

The superintendents in my State asked me for help. They identified their need for school buses, and I want to help.

I am introducing legislation today that will help rural school districts transport children to school in a way that is safe, affordable and environmentally sound.

The ''Bus Utility and Safety in School Transportation Opportunity and Purchasing Act of 2004''—or BUS STOP—authorizes the Federal Government to provide $50,000,000 in grants on a competitive basis to rural local educational agencies seeking Federal share assistance to purchase school buses. The Federal share will be 75 percent.

Each applicant must provide documentation that at least 50 percent of their school buses are in need of repair or replacement; the total mileage each bus traveled in the most recent school year; documentation that the applicant is operating with a depleted fleet; and assurance that the school system will pay the local share for the purchase of new school buses.

In an effort to promote clean air, the Environmental Protection Agency has already established a cost-share grant program that will help local school systems replace old school buses, install pollution control devices, and eliminate unnecessary idling.

The EPA is seeking to improve air quality by encouraging large school districts to voluntarily cut emissions. The EPA awarded $5 million in grants to 20 school districts last month and $5 million to 17 school districts last year.

Unfortunately this is an example of a program that my rural counties didn't apply for because they don't have the infrastructure in place to support clean buses. However, working in the spirit of clean air and healthy children, rural school districts can buy newer buses that are better for our air, and safer for our children.

My office has already received phone calls from the education departments from other states. They want to know if the rumor is true: is there finally going to be legislation to help us purchase school buses?

The answer is yes.

I ask unanimous consent that the text of the bill be printed in the RECORD.

S. 2732

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 ''Bus Utility and Safety in School Transportation Opportunity and Purchasing Act of 2004''.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) school transportation issues have concerned parents, local educational agencies, lawmakers, the National Highway Traffic Safety Administration, the National Transportation Safety Board, and the Environmental Protection Agency for years;

(2) millions of children face potential future health problems because of exposure to noxious fumes emitted from older school buses;

(3) the Environmental Protection Agency established the Clean School Bus USA program to replace 129,000 of the oldest diesel buses that cannot be retrofitted in an effort to help children and the environment by improving air quality;

(4) unfortunately, many rural local educational agencies are unable to participate in that program because of the specialized fuels needed to sustain a clean bus fleet;

(5) many rural local educational agencies are operating outdated, unsafe school buses that are failing inspection because of automotive flaws, resulting in a depletion of school bus fleets of the local educational agencies; and

(6) many rural local educational agencies are unable to afford to buy newer, safer buses.

(b) PURPOSE.—The purpose of this Act is to establish within the Environmental Protection Agency a Federal cost-sharing program to assist rural local educational agencies with older, unsafe school bus fleets in purchasing newer, safer school buses.

SEC. 3. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(2) RURAL LOCAL EDUCATIONAL AGENCY.—The term ''rural local educational agency'' means a local educational agency, as defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801), with respect to which—

(A) each county in which a school served by the local educational agency is located has a total population density of fewer than 10 persons per square mile;

(B) all schools served by the local educational agency are designated with a school locale code of 7 or 8, as determined by the Secretary of Education; or

(C) all schools served by the local educational agency have been designated, by official action taken by the legislature of the State in which the local educational agency is located, as rural schools for purposes relating to the provision of educational services to students in the State.

(3) SCHOOL BUS.—The term ''school bus'' means a vehicle the primary purpose of which is to transport students to and from school or school activities.

SEC. 4. GRANT PROGRAM.

(a) IN GENERAL.—From amounts made available under subsection (e) for a fiscal year, the Administrator shall provide grants, on a competitive basis, to rural local educational agencies to pay the Federal share of the cost of purchasing new school buses.

(b) APPLICATION.—

(1) IN GENERAL.—Each rural local educational agency that seeks to receive a grant under this Act shall submit to the Administrator for approval an application at such time, in such manner, and accompanied by such information (in addition to information required under paragraph (2)) as the Administrator may require.

(2) CONTENTS.—Each application submitted under paragraph (1) shall include—

(A) documentation that, of the total number of school buses operated by the rural local educational agency, not less than 50 percent of the school buses are in need of repair or replacement;

(B) documentation of the number of miles that each school bus operated by the rural

local educational agency traveled in the most recent 9-month academic year;

(C) documentation that the rural local educational agency is operating with a reduced fleet of school buses;

(D) a resolution from the rural local educational agency that—

(i) authorizes the application of the rural local educational agency for a grant under this Act; and

(ii) describes the dedication of the rural local educational agency to school bus replacement programs and school transportation needs (including the number of new school buses needed by the rural local educational agency); and

(E) an assurance that the rural local educational agency will pay the non-Federal share of the cost of the purchase of new school buses under this Act from non-Federal sources.

(c) PRIORITY.—

(1) IN GENERAL.—In providing grants under this Act, the Administrator shall give priority to rural local educational agencies that, as determined by the Administrator—

(A) are transporting students in a bus manufactured before 1977;

(B) have a grossly depleted fleet of school buses; or

(C) serve a school that is required, under section 1116(b)(1)(E) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316(b)(1)(E)), to provide transportation to students to enable the students to transfer to another public school served by the rural local educational agency.

(d) PAYMENTS; FEDERAL SHARE.—

(1) PAYMENTS.—The Administrator shall pay to each rural local educational agency having an application approved under this section the Federal share described in paragraph (2) of the cost of purchasing such number of new school buses as is specified in the approved application.

(2) FEDERAL SHARE.—The Federal share of the cost of purchasing a new school bus under this Act shall be 75 percent.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this Act—

(1) $50,000,000 for fiscal year 2005; and

(2) such sums as are necessary for each of fiscal years 2006 through 2010.

By Mr. CAMPBELL:

S. 2734. A bill to implement the recommendations of the Inspector General of the Department of the Interior regarding Indian Tribal detention facilities; to the Committee on Indian Affairs.

Mr. CAMPBELL. Mr. President, I am pleased to introduce The Indian Tribal Detention Facility Reform Act of 2004 which proposes sweeping reforms to operation of tribal detention systems in American Indian communities.

The bill will launch significant efforts to address the third world conditions plaguing this system, problems which were the subject of a series of articles in the USA Today and other national newspapers.

On June 23, 2004, the Committee on Indian Affairs held a hearing on the operation and condition of these detention facilities and the testimony we received was very disturbing.

At the hearing, the Inspector General of the Department of Interior reported that after reports from a variety of sources, including the U.S. Department of Justice, his office began an assessment of the physical condition of these facilities and how they are operated.

The Inspector General also testified about numerous examples of inmate suicides, escapes, neglect, overcrowding and other inhumane conditions, staffing shortages, inmate access to weapons and poor prisoner supervision, all occurring in facilities operated by the Bureau of Indian Affairs or by Indian tribes, pursuant to contract.

The Inspector General reported that the lack of prison monitoring sadly resulted in the death of a 16 year old Indian girl who was placed in a cell for underage drinking. She later died of alcohol poisoning and her family is now considering legal action charging negligence by the jail's managers.

The tragic part of the story is that the death might have been prevented. But what is even more frightening is that deaths and attempted suicides are not isolated events at these facilities.

This is but one example brought to the Committee's attention and in my mind these events and conditions are deplorable, inexcusable and have to end.

The bill I am introducing today establishes clear lines of authority for detention services by directing the Secretary of Interior to create a separate branch of detention services. This separate branch will give the proper attention to issues surrounding detention facilities.

In addition, the bill will require the creation of reporting protocols on serious incidents, particularly escapes, to proper law enforcement authorities. Because in some cases reporting may not be sufficient, the bill will also establish criteria for conducting preliminary inquiries into serious incidents to determine if there is a need for a full investigation.

Finally, the bill requires that the Department of Interior conduct a full report on the conditions and needs of the detention facilities in Indian communities, including staffing shortages and training, and a plan for addressing the needs.

I urge my colleagues to join me in supporting this important legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2734

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 ''Indian Tribal Detention Facility Reform Act of 2004''.

SEC. 2. DEFINITIONS.

Section 2 of the Indian Law Enforcement Reform Act (25 U.S.C. 2801) is amended to read as follows:

''SEC. 2. DEFINITIONS.

''In this Act:

''(1) BRANCH OF CRIMINAL INVESTIGATIONS.—The term 'Branch of Criminal Investigations' means the entity the Secretary is required to establish within the Division of Law Enforcement Services under section 3(d)(1).

''(2) BRANCH OF DETENTION SERVICES.—The term 'Branch of Detention Services' means the entity that the Secretary is required to establish within the Division of Law Enforcement Services under section 3(f)(1).

''(3) BUREAU.—The term 'Bureau' means the Bureau of Indian Affairs of the Department of the Interior.

''(4) COMPLEMENTARY FACILITY.—

''(A) IN GENERAL.—The term 'complementary facility' means a facility for the provision of additional or necessary services to detainees as a result of their being in custody.

''(B) INCLUSION.—The term 'complementary facility' includes a detoxification center, protective custody cell, shelter care facility, community treatment center, halfway house, or any similar facility.

''(5) DETAINEE.—The term 'detainee' means an individual who is held in a detention facility for any period of time.

''(6) DETENTION FACILITY.—The term 'detention facility' means a facility for holding of individuals for correctional, intergovernmental, or other custodial purposes that is—

''(A) operated by the Bureau; or

''(B) operated by an Indian tribe under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

''(7) DIVISION OF LAW ENFORCEMENT SERVICES.—The term 'Division of Law Enforcement Services' means the entity established within the Bureau under section 3(b).

''(8) EMPLOYEE OF THE BUREAU.—The term 'employee of the Bureau' includes an officer of the Bureau.

''(9) ENFORCEMENT OF A LAW.—The term 'enforcement of a law' includes the prevention, detection, and investigation of an offense and the detention or confinement of an offender.

''(10) INDIAN COUNTRY.—The term 'Indian country' has the meaning given the term in section 1151 of title 18, United States Code.

''(11) INDIAN TRIBE.—The term 'Indian tribe' has the meaning given the term in section 201 of Public Law 90–284 (commonly known as the 'Civil Rights Act of 1968') (25 U.S.C. 1301).

''(12) OFFENSE.—The term 'offense' means an offense against the United States, including a violation of a Federal regulation relating to part or all of Indian country.

''(13) SECRETARY.—The term 'Secretary' means the Secretary of the Interior.

''(14) SERIOUS INCIDENT.—

''(A) IN GENERAL.—The term 'serious incident' means an occurrence, event, activity, or other incident that results in—

''(i) a risk of harm or actual harm to an individual or the community; or

''(ii) serious damage to property.

''(B) INCLUSION.—The term 'serious incident' includes all incidents relating to detainee deaths or injuries, suicides, attempted suicides, escapes, and officer safety issues.''.

SEC. 3. BRANCH OF DETENTION SERVICES.

Section 3 of the Indian Law Enforcement Reform Act (25 U.S.C. 2802) is amended—

(1) in subsection (d)(4), by striking ''Area'' each place it appears and inserting ''Regional''; and

(2) by adding at the end the following:

''(f) BRANCH OF DETENTION SERVICES.—

''(1) ESTABLISHMENT.—The Secretary shall establish within the Division of Law Enforcement Services a separate Branch of Detention Services.

''(2) DUTIES.—The Branch of Detention Services—

''(A) except as prohibited by other Federal law, shall be responsible for the detention, confinement, and corrections of offenders within Indian country;

''(B) shall not be primarily responsible for routine law enforcement, criminal investigations, or police operations in Indian country; and

''(C) under an interagency agreement between the Secretary and Attorney General and subject to such guidelines as the appropriate agencies or officials of the Department of Justice may adopt, may be responsible for temporarily detaining individuals for the purpose of Federal prosecution, immigration, or transportation, or any other detention purpose.

''(3) REGULATIONS.—The Secretary shall promulgate regulations establishing a procedure for active cooperation and consultation of the detention services employees of the Branch of Detention Services assigned to an Indian reservation with the governmental, law enforcement, and detention officials of the Indian tribes located on the Indian reservation.

''(4) PERSONNEL.—

''(A) SUPERVISION AND DIRECTION.—Personnel of the Branch of Detention Services—

''(i) shall be subject only to the supervision and direction of the law enforcement personnel or personnel of the Branch of Detention Services or of the Division, as the Secretary considers appropriate; and

''(ii) shall not be subject to the supervision of the Bureau Agency Superintendent or Bureau Regional Director.

''(B) EFFECT OF PARAGRAPH.—Nothing in this paragraph—

''(i) precludes cooperation, coordination, or consultation, as appropriate, with non-law enforcement Bureau personnel at the agency or regional level; or

''(ii) restricts the right of an Indian tribe to contract a detention program under the authority of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) or to maintain its own detention operations.

''(C) REESTABLISHMENT OF AUTHORITY.—

''(i) REQUEST.—After the date that is 1 year after the date of establishment of the Branch of Detention Services, any Indian tribe may, by resolution of the governing body of the Indian tribe, request the Secretary to reestablish authority over detention of members of the Indian tribe directly through the Agency Superintendent or Bureau Regional Office Director rather than through the Branch of Detention Services.

''(ii) APPROVAL.—In the absence of good cause to the contrary, the Secretary, on receipt of a resolution under clause (i), shall reestablish the authority as requested by the Indian tribe.''.

SEC. 4. FUNDING.

Section 9 of the Indian Law Enforcement Reform Act (25 U.S.C. 2808) is amended—

(1) by striking the section heading and all that follows through ''Any expenses'' and inserting the following:

''SEC. 9. FUNDING.

''(a) IN GENERAL.—Any expenses''; and

(2) by adding at the end the following:

''(b) AVAILABILITY.—Funds made available to carry out this Act shall remain available until expended.''.

SEC. 5. DETENTION REFORM AND REVIEW.

The Indian Law Enforcement Reform Act is amended by inserting after section 10 (25 U.S.C. 2809) the following:

''SEC. 10A. DETENTION REFORM.

''(a) FINDINGS.—Congress finds that—

''(1) there are 74 detention facilities in Indian country;

''(2) serious deficiencies in Indian country detention have arisen, including—

''(A) poor facility conditions;

''(B) lack of staff training;

''(C) understaffing; and

''(D) lack of detention facility administration and other operational standards, or failure to comply with any such standards;

''(3) those deficiencies create a dangerous and potentially life-threatening situation for detainees and detention personnel;

''(4) the April 2004 interim report of the Inspector General of the Department of the Interior found that deaths, escapes, and assaults on correctional officers have occurred at several detention facilities in Indian country as a result of those deficiencies;

''(5) the Division of Law Enforcement Services has responsibility for both law enforcement and detention services, but no clear lines of authority for detention services;

''(6) existing Federal law does not provide clear lines of authority or standards for detention services in Indian country; and

''(7) clear authority and standards are needed to assist detention and law enforcement officials in—

''(A) meeting the principal goals of Indian country law enforcement and detention;

''(B) protecting life and property; and

''(C) reducing crime and recidivism rates.

''(b) REPORTING PROTOCOLS FOR SERIOUS INCIDENTS.—

''(1) IN GENERAL.—Not later than 270 days after the date of enactment of the Indian Tribal Detention Facility Reform Act of 2004, the Bureau shall develop and implement protocols to ensure that all serious incidents occurring at a detention facility are reported promptly through an established chain of command.

''(2) REPORTING OF ESCAPES TO LAW ENFORCEMENT AUTHORITIES.—The protocols shall ensure that each incident involving an escape of a detainee from a detention facility is reported immediately to the appropriate Federal, State, tribal, and local law enforcement authorities.

''(3) PRELIMINARY INQUIRIES INTO SERIOUS INCIDENTS.—

''(A) IN GENERAL.—The Division of Law Enforcement Services shall conduct a preliminary inquiry of any serious incident to determine whether a full investigation is warranted.

''(B) FINDINGS.—All findings made in conducting preliminary inquiries under subparagraph (A) shall be reported to the Division of Law Enforcement Services and the Assistant Secretary of the Interior for Indian Affairs.

''(4) DETENTION FACILITIES STAFFING REVIEW.—The Bureau shall—

''(A) not later than 90 days after the date of enactment of the Indian Tribal Detention Facility Reform Act of 2004, conduct a review of the staffing needs at all detention facilities; and

''(B) update that review annually.

''(c) REGULATIONS.—Not later than 1 year after the date of enactment of the Indian Tribal Detention Facility Reform Act of 2004, the Secretary, after consultation with the Attorney General, shall promulgate regulations to carry out subsections (a) and (b).

''(d) DETENTION FACILITIES REVIEW.—

''(1) IN GENERAL.—

''(A) CONSULTATION.—Not later than 1 year after the date of enactment of the Indian Tribal Detention Facility Reform Act of 2004, in consultation with Indian tribes to the extent practicable, the Bureau shall complete an assessment of the physical conditions and needs of all detention facilities.

''(B) REPORT.—Not later than 15 months after the date of enactment of the Indian Tribal Detention Facility Reform Act of 2004, the Bureau shall—

''(i) submit to the Committee on Indian Affairs and the Committee on Appropriations of the Senate and the Committee on Resources and the Committee on Appropriations of the House of Representatives a report that describes the results of the assessment under subparagraph (A); and

''(ii) make the report available to Indian tribal governments.

''(2) DATA AND METHODOLOGIES.—In preparing the report under paragraph (1), the Bureau shall use—

''(A) the existing Department of Justice Federal Bureau of Prisons formula for determining the condition and adequacy of Department of Justice detention facilities, including operational standards;

''(B) data relating to conditions at detention facilities that have previously been compiled, collected, or secured from any source derived, so long as the data are accurate, relevant, timely, and necessary to preparation of the report; and

''(C) the methodologies of the American Institute of Architects or other accredited and reputable architecture or engineering associations responsible for detention facility construction.

''(3) CONTENTS.—The report shall include—

''(A) a catalog of the condition of detention facilities that—

''(i) identifies the existing detention and complementary facilities and any detention and complementary facilities that do not exist but are needed, taking into consideration—

''(I) the size of a detention facility or complementary facility;

''(II) the number of detainees in a facility;

''(III) the age and condition of a facility;

''(IV) interjurisdictional detention needs;

''(V) staff needs; and

''(VI) prisoner isolation and transportation needs;

''(ii) establishes a routine maintenance schedule for each facility;

''(iii) identifies staffing and operational needs of existing and needed facilities; and

''(iv) provides specific cost estimates needed to repair, renovate, lease or construct any new, existing or additional detention facilities or complementary facilities;

''(B) a detailed plan to bring all detention facilities and complementary facilities into compliance with applicable standards that includes—

''(i) detailed information on the status of each facility's compliance with the standards;

''(ii) specific cost estimates for meeting the standards at each facility; and

''(iii) specific timelines for bringing each facility into compliance with the standards;

''(C) an assessment of the feasibility of developing regional detention facilities, taking into consideration the factors identified in subparagraph (A)(i) and a comparison of costs and benefits of regional facilities versus individual tribal facilities; and

''(D) an assessment of the feasibility of tribal operation of the facilities identified under subparagraphs (A)(i) and (C) under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), including—

''(i) any cost savings that would result from tribal rather than Federal operation of the facilities; and

''(ii) a comparison of costs and benefits arising from individual tribal operation versus contracting detention services with State or local facilities.

''(4) EFFECT OF SUBSECTION.—Nothing in this subsection requires termination of the operations of any facility that fails to comply with standards described in subparagraph (B).

''(5) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $500,000, to remain available until expended.''.

By Mr. LEAHY (for himself and Mr. JEFFORDS):

S. 2738. A bill to establish a Commission to commemorate the 400th anniversary of the arrival of Samuel de Champlain in the Champlain Valley, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. LEAHY. Mr. President, I submit today a bill that will assist the States of Vermont and New York in commemorating the extraordinary cultural; historical, and recreational heritage of one of Vermont's greatest natural treasures, Lake Champlain.

Nearly 400 years ago, in 1609, Samuel de Champlain entered a green valley where he arrived at the lake that today carries his name. Lake Champlain stretches nearly 120 miles from Whitehall, NY, to the Richelieu River in Quebec and is nestled between the dramatic peaks of the New York's Adirondacks and Vermont's picturesque Green Mountains.

The Samuel de Champlain 400th Commemoration Commission Act of 2004 will authorize the National Park Service to fund a Commemoration Committee established with the Governors of Vermont and New York in order to plan national events for 2009 that celebrate the arrival of Samuel de Champlain and the rich heritage of the lake—which includes all people present when Champlain arrived in the valley and the communities that exist today.

We Vermonters sometimes affectionately refer to Lake Champlain as the ''Sixth Great Lake,'' and I have many fond memories of this wonderful lake. As a boy I spent time fishing and boating in its waters and over the years have taken my family on many enjoyable ferry rides across the lake. More recently I have become an avid scuba diver, and my own explorations of shipwreck sites in the lake have inspired me to educate others about its history and work to help preserve its unique heritage.

Just as in my own family's history, Lake Champlain's history links together Vermont and our Nation's storied histories.

Shortly after Champlain entered the region, what is now known as Lake Champlain was quickly recognized as the vital transportation route for the Northeast which had been used by Native peoples for centuries. Early settlers used the lake to explore unknown lands and create new settlements in the wilderness of Colonial North America.

Lake Champlain is awash in a rich maritime history. The chain of lakes that includes Lake Champlain has been called the ''The Great Warpath'' because of its use by early Colonial armies and flotillas. It played a critical role in the birth of the United States Navy through early military and naval struggles played out along its shores and in its bays.

The most famous naval battle on Lake Champlain occurred in 1776, during the American Revolutionary War, when Benedict Arnold managed to successfully delay a British invasion of the rebelling colonies at the Battle of Valcour Island.

Lake Champlain holds one of the largest and best preserved collections of historic naval and other shipwrecks. As an avid scuba diver, I have viewed many of the shipwrecks first hand and am always awed by how well they have been preserved.

The Lake Champlain Maritime Museum, Lake Champlain Basin Program, and many other Vermonters and New Yorkers have worked hard to preserve our fabulous maritime archaeological heritage so that other intrepid adventurers can dive in and explore a part of Vermont's past that helped shape the direction of our developing Nation.

Over the years as my family and I explored the lake's maritime history we also learned about its role in the growing economy of our young Nation. As the United States became more settled and stable, Lake Champlain became a center of flourishing commerce in the Northeast and a critical conduit for getting goods up and down the eastern seaboard.

In fact, historians call the 19th nineteenth century Lake Champlain's ''Golden Era'' of waterborne commerce. During that time the lake's peaceful waters were churning with the wakes of hundreds of steamboats, canal boats, ferries, merchant sloops and schooners—all plying their trade to markets in the Northeast and abroad.

Today, the storied waters of Lake Champlain are treasured by Vermonters and New Yorkers and millions more as an outstanding natural, cultural, and recreational resource. Activities such as boating, fishing, and tourism help Lake Champlain support a regional economy of more than $9 billion dollars. No other inland body of water has played such a decisive role in the history of the United States as has Lake Champlain.

The arrival of Samuel de Champlain had profound influence on our Nation's history that goes far beyond the simple naming of a lake—this event lead to a multitude of great historic, cultural, and economic achievements that to this day continue to influence life throughout the United States.

This legislation will help our country and the many small towns and groups around Lake Champlain properly celebrate our common heritage.

By Mr. BINGAMAN:

S. 2739. A bill to improve the training and retention of health professionals under titles VII and VIII of the Public Health Service Act, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. BINGAMAN. Health care continues to be among the fastest growing sectors of the U.S. economy. From 1970 to 2002, the health care consumption doubled from 7 to 14 percent of the U.S. Gross Domestic Product (GDP). Employment in health occupations is projected to increase from 11 million in 2000 to 14 million by 2010. In that same period, the growth rate for new job creation in health care occupations is expected to be 29 percent more than double the growth projected for non-health occupations. Over 5.3 million people will be needed to fill these health-related positions. However, as a nation, we are not educating and training sufficient numbers of healthcare workers and providers, and therefore failing the American people.

There are two ways in which we are failing our citizens. The first is an over-reliance on foreign healthcare workers. Instead of committing ourselves to training and educating Americans, we are importing large numbers of foreigners to meet our public health needs. For example, 25 percent of all physicians in the U.S. are immigrants, as are 16 percent of all laboratory technicians. Although these foreign workers are filling an important void, and are both qualified and competent, thousands of qualified Americans wishing to pursue an education in healthcare fields are turned down every year. It's time we stop importing our skilled workers and start investing in the expansion of a skilled workforce in our own country. In fact, given the recent economic downturn, and the high level of unemployment in our country, preparing Americans to work in an expanding job market such as healthcare is the right thing to do.

The second way in which we are failing the American people is by not educating and training sufficient numbers of racial and ethnic minorities to work in the healthcare system. The racial/ethnic composition of the U.S. healthcare workforce does not reflect that of the general population. For example, while Blacks, Hispanics, and Native Americans represented 26 percent of the general population in 2002, they only represented 6 percent of physicians.

A recent study of New Mexico healthcare professionals concluded that 88 percent of physicians are non-Hispanic Whites, while only 6.5 percent are Hispanic. Overall, ethnic/racial minorities are inadequately represented in all healthcare professions in New Mexico. Additionally, in my State, 21 percent of Internal Medicine Specialists are international medical school graduates, and so are 15 percent of primary care physicians.

A recent Institute of Medicine (IOM) study described compelling evidence for the need to increase diversity within the health workforce. Diversity ensures access to healthcare for underserved populations and greater patient satisfaction. Many segments of the U.S. population, particularly minority groups, reside in medically underserved areas. Black and Hispanic health workers are more likely to provide healthcare to Black and Hispanic patients, to serve poor, uninsured, or Medicaid-insured patients, and to locate their practices in underserved

areas. Furthermore, racial/ethnic minority patients are more satisfied with their providers when they are of the same racial/ethnic group.

It is time we invest in our healthcare workforce; in our people; in our future. That is why I am introducing the ''Investing in America's Future Act of 2004'' today. This bill has several components aimed at improving and expanding education and training for healthcare workers.

This bill will provide incentives for Americans to seek and complete high-quality allied health education and training. It will also expand the Health Career Opportunities Program, which is aimed at enhancing the academic skills of students from disadvantaged backgrounds and supporting them in successfully entering and graduating from health professions training programs. It creates programs of excellence in health professions education for underrepresented minorities, and a health professions student loan fund for low-income and racial/ethnic minority students. Finally, this bill also establishes a Health Work Advisory Commission, charged with creating a national vision to serve as a map for investing in the health workforce.

We must ensure that qualified Americans who wish to enter the health workforce are able to do so, and we must support the training and education of the generations of Americans to come. In doing so, not only will we help more Americans hold good jobs, but we will also provide better healthcare to underserved and disadvantaged groups.

Mr. President, I ask unanimous consent that the text of this bill be in the RECORD.

There being two objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2739

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 ''Investing in America's Future 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—ALLIED HEALTH

Sec. 101. Findings.
Sec. 102. Purposes.
Sec. 103. Amendments to Public Health Service Act.

TITLE II—HEALTH WORKFORCE ADVISORY COMMISSION

Sec. 201. Health Workforce Advisory Commission.

TITLE III—PHYSICIAN DEMONSTRATION PROJECTS IN RURAL STATES

Sec. 301. Definitions.
Sec. 302. Rural States physician recruitment and retention demonstration program.
Sec. 303. Establishment of the health professions database.
Sec. 304. Evaluation and reports.
Sec. 305. Contracting flexibility.

TITLE IV—HEALTH CAREERS OPPORTUNITY PROGRAM

Sec. 401. Purpose.
Sec. 402. Authorization of appropriations.

TITLE V—PROGRAM OF EXCELLENCE IN HEALTH PROFESSIONS EDUCATION FOR UNDERREPRESENTED MINORITIES

Sec. 501. Purpose.
Sec. 502. Authorization of appropriation.

TITLE VI—HEALTH PROFESSIONS STUDENT LOAN FUND; AUTHORIZATIONS OF APPROPRIATIONS REGARDING STUDENTS FROM DISADVANTAGED BACKGROUNDS

Sec. 601. Student loans.
Sec. 602. National Health Service Corps; recruitment and fellowships for individuals from disadvantaged backgrounds.

TITLE VII—MISCELLANEOUS PROVISIONS

Sec. 703. Study by the Institute of Medicine.

TITLE I—ALLIED HEALTH

SEC. 101. FINDINGS.

Congress makes the following findings:

(1) The Bureau of the Census [and other reports] highlight the increased demand for acute and chronic health care services among both the general population and a rapidly [growing aging portion of the population].

(2) The calls for reduction in medical errors, increased patient safety, and increased quality of care have resulted in an amplified call for allied health professionals to provide health care services.

(3) Several allied health professions are characterized by workforce shortages, declining enrollments in allied health education programs, or a combination of both factors, and hospital officials have reported vacancy rates in positions occupied by allied health professionals.

(4) Many allied health education programs are facing significant economic pressure that could force their closure due to an insufficient number of students.

SEC. 102. PURPOSES.

The purpose of this title is to ensure that the United States health care industry will have a supply of allied health professionals needed to support the Nation's health care system in this decade and beyond by—

(1) providing incentives for members of the United States population to seek and complete high-quality allied health education and training; and

(2) providing additional funding to ensure that such education and training can be provided to allied health students.

SEC. 103. AMENDMENTS TO PUBLIC HEALTH SERVICE ACT.

(a) IN GENERAL.—Part E of title VII of the Public Health Service Act (42 U.S.C. 294n et seq.) is amended by adding at the end the following:

''Subpart 3—Allied Health Professionals

''SEC. 775. DEFINITIONS.

''In this subpart:

''(1) ALLIED HEALTH EDUCATION PROGRAM.—The term 'allied health education program' means any education program at an accredited institution of higher education leading to a certificate, an associate's degree, a bachelor's degree, or a post baccalaureate degree in an allied health profession.

''(2) ALLIED HEALTH PROFESSION.—The term 'allied health profession' means any profession practiced by an individual in his or her capacity as an allied health professional.

''(3) ELEMENTARY SCHOOL; SECONDARY SCHOOL.—The terms 'elementary school' and 'secondary school' have the meanings give to those terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

''(4) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given to that term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

''SEC. 775A. PUBLIC SERVICE ANNOUNCEMENTS.

''The Secretary shall develop and issue public service announcements that advertise and promote the allied health professions, highlight the advantages and rewards of the allied health professions, and encourage individuals from disadvantaged communities and backgrounds to enter the allied health professions.

''SEC. 775B. STATE AND LOCAL PUBLIC SERVICE ANNOUNCEMENTS.

''(a) IN GENERAL.—The Secretary shall award grants to eligible entities to support State and local advertising campaigns through appropriate media outlets to promote the allied health professions, highlight the advantages and rewards of the allied health professions, and encourage individuals from disadvantaged communities and backgrounds to enter the allied health professions.

''(b) ELIGIBLE ENTITY.—In this section, the term 'eligible entity' means an entity that is—

''(1) a professional, national, or State allied health association;

''(2) a State health care provider; or

''(3) an association of entities that are each a health care facility, an allied health education program, [or an entity that provides similar services or serves a like function].

''SEC. 775C. ALLIED HEALTH RECRUITMENT GRANT PROGRAM.

''(a) PROGRAM AUTHORIZED.—The Secretary shall award grants to eligible entities to increase allied health professions education opportunities.

''(b) ELIGIBLE ENTITY.—In this section, the term 'eligible entity' means an entity that is—

''(1) a professional, national, or State allied health association;

''(2) a State health care provider; or

''(3) an association of entities that are each a health care facility, an allied health education program, [or an entity that provides similar services or serves a like function].

''(c) USE OF FUNDS.—An eligible entity that receives a grant under this section shall use funds received under such grant to—

''(1) support outreach programs at elementary schools and secondary schools that inform guidance counselors and students of education opportunities regarding the allied health professions;

''(2) carry out special projects to increase allied health professions education opportunities for individuals who are from disadvantaged backgrounds (including racial and ethnic minorities underrepresented in the allied health professions) by providing student scholarships or stipends, pre-entry preparation, and retention activities;

''(3) provide assistance to public and nonprofit private educational institutions to support remedial education programs for allied health professions students who require assistance with math, science, English, and medical terminology;

''(4) meet the costs of child care and transportation for individuals who are taking part in an allied health education program; or

''(5) support community-based partnerships seeking to recruit allied health professionals in rural communities, urban medically underserved communities, and other communities experiencing an allied health professions shortage.

''SEC. 775D. GRANTS FOR HEALTH CAREER ACADEMIES.

''(a) IN GENERAL.—The Secretary shall award grants to eligible entities for the purpose of assisting such entities in collaborating to carry out programs that form education pipelines to facilitate the entry of

students of secondary schools, especially underrepresented racial and ethnic minorities, into careers in the allied health professions.

''(b) ELIGIBLE ENTITY.—In this section, the term 'eligible entity' means an institution that offers an allied health education program, a health care facility, or a secondary school.

''SEC. 775E. ALLIED HEALTH PROFESSION, PRACTICE, AND RETENTION GRANTS.

''(a) EDUCATION PRIORITY AREAS.—The Secretary may award grants to or enter into contracts with eligible entities for—

''(1) expanding the enrollment in allied health profession education programs, especially by underrepresented racial and ethnic minority students; and

''(2) providing allied health education through new technologies and methods, including distance learning methodologies.

''(b) PRACTICE PRIORITY AREAS.—The Secretary may award grants to or enter into contracts with eligible entities for—

''(1) establishing or expanding allied health professions practice arrangements in noninstitutional settings to demonstrate methods to improve access to primary health care in rural areas and other medically underserved communities;

''(2) providing care for underserved populations and other high-risk groups such as the elderly, individuals with HIV/AIDS, substance abusers, the homeless, and victims of domestic violence;

''(3) providing managed care, information management, quality improvement, and other skills needed to practice in existing and emerging organized health care systems; or

''(4) developing generational and cultural competencies among allied health professionals.

''(c) RETENTION PRIORITY AREAS.—

''(1) IN GENERAL.—The Secretary may award grants to and enter into contracts with eligible entities to enhance the allied health professions workforce by initiating and maintaining allied health retention programs pursuant to paragraph (2) or (3).

''(2) GRANTS FOR CAREER LADDER PROGRAMS.—The Secretary may award grants to and enter into contracts with eligible entities for programs—

''(A) to promote career advancement for allied health professionals in a variety of training settings, cross training or specialty training among diverse population groups, and the advancement of individuals; and

''(B) to assist individuals in obtaining education and training required to enter the allied health professions and advance within such professions, such as by providing career counseling and mentoring.

''(3) ENHANCING PATIENT CARE DELIVERY SYSTEMS.—

''(A) GRANTS.—The Secretary may award grants to eligible entities to improve the retention of allied health professionals and enhance patient care that is directly related to allied health activities by enhancing collaboration and communication among allied health professionals and other health care professionals, and by promoting the involvement of allied health professionals in the organizational and clinical decisionmaking processes of a health care facility.

''(B) PREFERENCE.—In making awards of grants under this paragraph, the Secretary shall give preference to applicants that have not previously received an award under this paragraph and to applicants from rural, underserved areas.

''(C) CONTINUATION OF AN AWARD.—The Secretary shall make continuation of any award under this paragraph beyond the second year of such award contingent on the recipient of such award having demonstrated to the Secretary measurable and substantive improvement in allied health professional retention or patient care.

''(d) ELIGIBLE ENTITY.—In this section, the term 'eligible entity' means a health care facility, or any partnership or coalition including a health care facility or an allied health education program.

''SEC. 775F. DEVELOPING MODELS AND BEST PRACTICES PROGRAM.

''(a) MODELS AND BEST PRACTICES.—

''(1) GRANTS.—The Secretary shall award grants to eligible entities to enable such entities to carry out demonstrations of models and best practices in allied health for the purpose of developing innovative strategies or approaches for the retention of allied health professionals.

''(2) DISTRIBUTION OF GRANTS.—The Secretary shall ensure the distribution of grants under this subsection to a range of types and sizes of facilities, including facilities located in rural, urban, and suburban areas and a variety of geographic regions.

''(3) USE OF FUND.—The Secretary may not make a grant to an eligible entity under this subsection unless the entity agrees to use funds received under the grant to carry out demonstrations of models and best practices in allied health for the purpose of—

''(A) promoting retention and satisfaction of allied health professionals;

''(B) promoting opportunities for allied health professionals to pursue education, career advancement, and organizational recognition; and

''(C) developing continuing education programs that instruct allied health professionals on how to use emerging medical technologies and how to address current and future health care needs.

''(b) MODELS OF EXCELLENCE.—The Secretary shall award grants to [area health education centers] to enable such centers to enter into contracts with allied health education programs—

''(1) to expand the operation of area health education centers to work in communities to develop models of excellence for allied health professionals; or

''(2) to expand any junior or senior secondary school mentoring programs to include an allied health professions mentoring program.

''(c) DEFINITION.—In this section the term 'eligible entity' means a health care facility, or any partnership or coalition containing a health care facility and an allied health education program.

''SEC. 775G. ALLIED HEALTH FACULTY LOAN PROGRAM.

''(a) ESTABLISHMENT.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, may enter into an agreement with any institution of higher education offering an allied health education program for the establishment and operation of a faculty loan fund in accordance with this section, to increase the number of qualified allied health faculty.

''(b) AGREEMENTS.—Each agreement entered into under this section shall—

''(1) provide for the establishment of a loan fund by the institution involved;

''(2) provide for deposit in the fund of—

''(A) the Federal capital contributions to the fund;

''(B) an amount equal to not less than one-ninth of such Federal capital contributions, contributed by such institution;

''(C) collections of principal and interest on loans made from the fund; and

''(D) any other earnings of the fund;

''(3) provide that the fund will be used only for loans to faculty of allied health education programs in accordance with subsection (c) and for the costs of collection of such loans and interest thereon;

''(4) provide that loans may be made from such fund only to faculty pursuing a full-time course of study or, at the discretion of the Secretary, a part-time course of study in an advanced degree program; and

''(5) contain such other provisions as are necessary to protect the financial interests of the United States.

''(c) LOAN PROVISIONS.—Loans from any faculty loan fund established by an institution pursuant to an agreement under this section shall be made to an individual on such terms and conditions as the institution may determine, except that—

''(1) such terms and conditions are subject to any conditions, limitations, and requirements prescribed by the Secretary;

''(2) in the case of any individual, the total of the loans for any academic year made by an institution from loan funds established pursuant to agreements under this section may not exceed $30,000, plus any amount determined by the Secretary on an annual basis to reflect inflation;

''(3) an amount up to 85 percent of any such loan (plus interest thereon) shall be canceled by the institution as follows—

''(A) upon completion by the individual of each of the first, second, and third year of full-time employment required by the loan agreement entered into under this section, as a faculty member in an allied health education program, the institution shall cancel ____ percent of the principal of, and the interest on, the amount of such loan unpaid on the first day of such employment; and

''(B) upon completion by the individual of the fourth year of full-time employment, required by the loan agreement entered into under this section, as a faculty member in an allied health education program, the school shall cancel 25 percent of the principal of, and the interest on, the amount of such loan unpaid on the first day of such employment;

''(4) such a loan may be used to pay the cost of tuition, fees, books, laboratory expenses, and other reasonable education expenses;

''(5) such a loan shall be repayable in equal or graduated periodic installments (with the right of the borrower to accelerate repayment) over the 10-year period that begins 9 months after the individual ceases to pursue a course of study in an allied health education program; and

''(6) such a loan shall—

''(A) beginning on the date that is 3 months after the individual ceases to pursue a course of study in an allied health education program, bear interest on the unpaid balance of the loan at the rate of 3 percent per annum; or

''(B) subject to subsection (e), if the institution determines that the individual will not complete such course of study or serve as a faculty member as required under the loan agreement under this subsection, bear interest on the unpaid balance of the loan at the prevailing market rate.

''(d) PAYMENT OF PROPORTIONATE SHARE.—Where all or any part of a loan, or interest, is canceled under this section, the Secretary shall pay to the institution and amount equal to the school's proportionate share of the canceled portion, as determined by the Secretary.

''(e) REVIEW BY SECRETARY.—At the request of the individual involved, the Secretary may review any determination by an institution under this section.

''SEC. 775H. SCHOLARSHIP PROGRAM FOR SERVICE IN RURAL AND OTHER MEDICALLY UNDER-SERVED AREAS.

''(a) SCHOLARSHIP PROGRAM.—

''(1) IN GENERAL.—The Secretary shall carry out a program of entering into contracts with eligible individuals under which such individuals agree to serve as allied

health professionals for a period of not less than 2 years at a health care facility with a critical shortage of allied health professionals in consideration of the Federal Government agreeing to provide to the individuals scholarships for attendance in an allied health education program.

''(2) ELIGIBLE INDIVIDUALS.—In this subsection, the term 'eligible individual' means an individual who is enrolled or accepted for enrollment as a full-time or part-time student in an allied health education program.

''(3) SERVICE REQUIREMENT.—

''(A) IN GENERAL.—The Secretary may not enter into a contract with an eligible individual under this section unless the individual agrees to serve as an allied health professional at a health care facility with a critical shortage of allied health professionals for a period of full-time service of not less than 2 years, or for a period of part-time service in accordance with subparagraph (B).

''(B) PART-TIME SERVICE.—An individual may complete the period of service described in subparagraph (A) on a part-time basis if the individual has a written agreement that—

''(i) is entered into by the health care facility involved and the individual and is approved by the Secretary; and

''(ii) provides that the period of obligated service will be extended so that the aggregate amount of service performed will equal the amount of service that would be performed through a period of full-time service of not less than 2 years.

''(4) PREFERENCE.—In awarding scholarships under this section, the Secretary shall give a preference to applicants with the greatest financial need, applicants currently working in a health care facility who agree to serve the period of obligated service at such facility, minority allied health applicants, and applicants with an interest in a practice area of allied health that has unmet needs.

''(b) REPORTS.—Not later than 18 months after the date of enactment of this subpart and annually thereafter, the Secretary shall prepare and submit to Congress a report describing the programs carried out under this section, including statements regarding—

''(1) the number of enrollees by specialty or discipline, scholarships, and grant recipients;

''(2) the number of graduates;

''(3) the amount of scholarship payments made;

''(4) which educational institutions the recipients attended;

''(5) the number and placement location of the scholarship recipients at health care facilities with a critical shortage of allied health professionals;

''(6) the default rate and actions required;

''(7) the amount of outstanding default funds of the scholarship program;

''(8) to the extent that it can be determined, the reason for the default;

''(9) the demographics of the individuals participating in the scholarship program; and

''(10) an evaluation of the overall costs and benefits of the program.

''SEC. 775I. GRANTS FOR CLINICAL EDUCATION, INTERNSHIP, RESIDENCY PROGRAMS, AND CONTINUING EDUCATION.

''(a) PROGRAM AUTHORIZED.—The Secretary shall award grants to eligible entities to develop allied health clinical education, internship, residency, and continuing education programs described in subsection (b).

''(b) USE OF FUNDS.—The Secretary may not award a grant to an eligible entity under this section unless the entity agrees to use the grant to develop clinical education, internship, residency, and continuing education programs for graduates of allied health education programs. Each such clinical education, internship, residency, or continuing education program shall—

''(1) provide support for allied health education program faculty and mentors;

''(2) provide support for allied health professionals participating on a full-time or a part-time basis; and

''(3) encourage the development of specialties.

''(c) ELIGIBLE ENTITY.—In this section, the term 'eligible entity' means a partnership of an allied health education program and a health care facility.

''SEC. 775J. GRANTS FOR PARTNERSHIPS.

''(a) IN GENERAL.—The Secretary shall award grants to eligible entities to enable such entities to form partnerships to carry out the activities described in this section.

''(b) USE OF FUNDS.—An eligible entity that receives a grant under this section shall use amounts received under the grant to—

''(1) provide employees of the health care facility involved advanced training and education in an allied health education program;

''(2) establish or expand allied health practice arrangements in noninstitutional settings to demonstrate methods to improve access to health care in rural and other medically underserved communities;

''(3) purchase distance learning technology to extend general education and training programs to rural areas, and to extend specialty education and training programs to all areas; and

''(4) establish or expand mentoring, clinical education, and internship programs for training in specialty care areas.

''(c) ELIGIBLE ENTITY.—In this section, the term 'eligible entity' means a partnership of an allied health education program and a health care facility formed to carry out the activities described in this section.

''SEC. 775K. ALLIED HEALTH WORKFORCE DATA COLLECTION AND ANALYSIS.

''The Secretary, in conjunction with allied health professional associations, shall develop a system for collecting and analyzing allied health workforce data gathered by the Bureau of Labor Statistics, the Health Resources and Services Administration, the Department of Health and Human Services, the Department of Veterans Affairs, the Center for Medicare & Medicaid Services, the Department of Defense, allied health professional associations, and regional centers for health workforce studies for the purpose of—

''(1) determining educational pipeline and practitioner shortages; and

''(2) projecting future needs for such a workforce.

''SEC. 775L. REPORTS BY GOVERNMENT ACCOUNTABILITY OFFICE.

''The Comptroller General of the United States shall conduct an evaluation of whether the activities carried out under this subpart have demonstrably increased the number of applicants to allied health education programs. Not later than 4 years after the date of the enactment of this subpart, the Comptroller General shall submit a report to the Congress on the results of such evaluation.

''SEC. 775M. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this subpart, such sums as may be necessary for fiscal years 2005 through 2009.''.

(b) CENTERS OF EXCELLENCE.—Subparagraph (A) of section 736(g)(1) of the Public Health Service Act (42 U.S.C. 293(g)(1)) is amended by inserting ''a school of allied health,'' after ''a school of pharmacy,''.

TITLE II—HEALTH WORKFORCE ADVISORY COMMISSION

SEC. 201. HEALTH WORKFORCE ADVISORY COMMISSION.

(a) ESTABLISHMENT.—The Comptroller General of the United States (referred to in this title as the ''Comptroller General'') shall establish a commission to be known as the Health Workforce Advisory Commission (referred to in this title as the ''Commission'').

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Commission shall be composed of 18 members to be appointed by the Comptroller General not later than 90 days after the date of enactment of this Act, and an ex-officio member who shall serve as the Director of the Commission.

(2) QUALIFICATIONS.—In appointing members to the Commission under paragraph (1), the Comptroller General shall ensure that—

(A) the Commission includes individuals with national recognition for their expertise in health care workforce issues, including workforce forecasting, undergraduate and graduate training, economics, health care and health care systems financing, public health policy, and other fields;

(B) the members are geographically representative of the United States and maintain a balance between urban and rural representatives;

(C) the members include a representative from the commissioned corps of the Public Health Service;

(D) the members represent the spectrum of professions in the current and future healthcare workforce, including physicians, nurses, and other health professionals and personnel, and are skilled in the conduct and interpretation of health workforce measurement, monitoring and analysis, health services, economics, and other workforce related research and technology assessment;

(E) at least 25 percent of the members who are health care providers are from rural areas; and

(F) a majority of the members are individuals who are not currently primarily involved in the provision or management of health professions education and training programs.

(3) TERMS AND VACANCIES.—

(A) TERMS.—The term of service of the members of the Commission shall be for 3 years, except that the Comptroller General shall designate staggered terms for members initially appointed under paragraph (1).

(B) VACANCIES.—Any member of the Commission who is appointed to fill a vacancy on the Commission that occurs before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term.

(4) CHAIRPERSON.—

(A) DESIGNATION.—The Comptroller General shall designate a member of the Commission, at the time of the appointment of such member—

(i) to serve as the Chairperson of the Commission; and

(ii) to serve as the Vice Chairperson of the Commission.

(B) TERM.—A member of the Commission shall serve as the Chairperson or Vice Chairperson of the Commission under subparagraph (A) for the term of such member.

(C) VACANCY.—In the case of a vacancy in the Chairpersonship or Vice Chairpersonship, the Comptroller General shall designate another member to serve for the remainder of the vacant member's term.

(c) DUTIES.—The Commission shall—

(1) review the health workforce policies implemented—

(A) under titles XVIII and XIX of the Social Security Act (42 U.S.C. 1395, 1396 et seq.);

(B) under titles VII and VIII of the Public Health Service Act (42 U.S.C. 292, 296 et seq.);

(C) by the National Institutes of Health;
(D) by the Department of Health and Human Services;
(E) by the Department of Veterans Affairs; and
(F) by other departments and agencies as appropriate;
(2) analyze and make recommendations to improve the methods used to measure and monitor the health workforce and the relationship between the number and make up of such personnel and the access of individuals to appropriate health care;
(3) review the impact of health workforce policies and other factors on the ability of the health care system to provide optimal medical and health care services;
(4) analyze and make recommendations pertaining to Federal incentives (financial, regulatory, and otherwise) and Federal programs that are in place to promote the education of an appropriate number and mix of health professionals to provide access to appropriate health care in the United States;
(5) analyze and make recommendations about the appropriate supply and distribution of physicians, nurses, and other health professionals and personnel to achieve a health care system that is safe, effective, patient centered, timely, equitable, and efficient;
(6) analyze the role and global implications of internationally trained physicians, nurses, and other health professionals and personnel in the United States health workforce;
(7) analyze and make recommendations about achieving appropriate diversity in the United States health workforce;
(8) conduct public meetings to discuss health workforce policy issues and help formulate recommendations for Congress and the Secretary of Health and Human Services;
(9) in the course of meetings conducted under paragraph (8), consider the results of staff research, presentations by policy experts, and comments from interested parties;
(10) make recommendations to Congress concerning health workforce policy issues;
(11) not later than April 15, 2005, and each April 15 thereafter, submit a report to Congress containing the results of the reviews conducted under this subsection and the recommendations developed under this subsection;
(12) periodically, as determined appropriate by the Commission, submit reports to Congress concerning specific issues that the Commission determines are of high importance; and
(13) carry out any other activities determined appropriate by the Secretary of Health and Human Services.

(d) ONGOING DUTIES CONCERNING REPORTS AND REVIEWS.—
(1) COMMENTING ON REPORTS.—
(A) SUBMISSION TO COMMISSION.—The Secretary of Health and Human Services shall transmit to the Commission a copy of each report that is submitted by the Secretary to Congress if such report is required by law and relates to health workforce policy.
(B) REVIEW.—The Commission shall review a report transmitted under subparagraph (A) and, not later than 6 months after the date on which the report is transmitted, submit to the appropriate committees of Congress written comments concerning such report. Such comments may include such recommendations as the Commission determines appropriate.
(2) AGENDA AND ADDITIONAL REVIEWS.—
(A) IN GENERAL.—The Commission shall consult periodically with the chairman and ranking members of the appropriate committees of Congress concerning the agenda and progress of the Commission.
(B) ADDITIONAL REVIEWS.—The Commission may from time to time conduct additional reviews and submit additional reports to the appropriate committees of Congress on topics relating to Federal health workforce-related programs and as may be requested by the chairman and ranking members of such committees.
(3) AVAILABILITY OF REPORTS.—The Commission shall transmit to the Secretary of Health and Human Services a copy of each report submitted by the Commission under this section and shall make such reports available to the public.

(e) POWERS OF THE COMMISSION.—
(1) GENERAL POWERS.—Subject to such review as the Comptroller General determines to be necessary to ensure the efficient administration of the Commission, the Commission may—
(A) employ and fix the compensation of the Executive Director and such other personnel as may be necessary to carry out its duties;
(B) seek such assistance and support as may be required in the performance of its duties from appropriate Federal departments and agencies;
(C) enter into contracts or make other arrangements as may be necessary for the conduct of the work of the Commission;
(D) make advance, progress, and other payments that relate to the work of the Commission;
(E) provide transportation and subsistence for personnel who are serving without compensation; and
(F) prescribe such rules and regulations at the Commission determines necessary with respect to the internal organization and operation of the Commission.
(2) INFORMATION.—To carry out its duties under this section, the Commission—
(A) shall have unrestricted access to all deliberations, records, and nonproprietary data maintained by the Government Accountability Office;
(B) may secure directly from any department or agency of the United States information necessary to enable the Commission to carry out its duties under this section, on a schedule that is agreed upon between the Chairperson and the head of the department or agency involved;
(C) shall utilize existing information (published and unpublished) collected and assessed either by the staff of the Commission or under other arrangements;
(D) may conduct, or award grants or contracts for the conduct of, original research and experimentation where information available under subparagraphs (A) and (B) is inadequate;
(E) may adopt procedures to permit any interested party to submit information to be used by the Commission in making reports and recommendations under this section; and
(F) may carry out other activities determined appropriate by the Commission.

(f) ADMINISTRATIVE PROVISIONS.—
(1) COMPENSATION.—While serving on the business of the Commission a member of the Commission shall be entitled to compensation at the per diem equivalent of the rate provided for under level IV of the Executive Schedule under title 5, United States Code.
(2) MEETINGS.—The Commission shall meet at the call of the Chairperson.
(3) EXECUTIVE DIRECTOR AND STAFF.—The Comptroller General shall appoint an individual to serve as the interim Executive Director of the Commission until the members of the Commission are able to select a permanent Executive Director under subsection (e)(1)(A).
(4) ETHICAL DISCLOSURE.—The Comptroller General shall establish a system for public disclosure by members of the Commission of financial and other potential conflicts of interest relating to such members.
(5) AUDITS.—The Commission shall be subject to periodic audit by the Comptroller General.

(g) FUNDING.—
(1) REQUESTS.—The Commission shall submit requests for appropriations in the same manner as the Comptroller General submits such requests. Amounts appropriated for the Commission shall be separate from amounts appropriated for the Comptroller General.
(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $6,000,000 for fiscal year 2005, and such sums as may be necessary for each subsequent fiscal year, of which—
(A) 80 percent of such appropriated amount shall be made available from the Federal Hospital Insurance Trust Fund under section 1817 of the Social Security Act (42 U.S.C. 1395i); and
(B) 20 percent of such appropriated amount shall be made available from amounts appropriated to carry out title XIX of such Act (42 U.S.C. 1396 et seq.).

(h) DEFINITION.—In this title, the term ''appropriate committees of Congress'' means the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives.

TITLE III—PHYSICIAN DEMONSTRATION PROJECTS IN RURAL STATES

SEC. 301. DEFINITIONS.

In this title:
(1) COGME.—The term ''COGME'' means the Council on Graduate Medical Education established under section 762 of the Public Health Service Act (42 U.S.C. 294o).
(2) DEMONSTRATION PROGRAM.—The term ''demonstration program'' means the Rural States Physician Recruitment and Retention Demonstration Program established by the Secretary under section 302(a).
(3) DEMONSTRATION STATES.—The term ''demonstration States'' means each State identified by the Secretary, based upon data from the most recent year for which data are available—
(A) that has an uninsured population above 16 percent (as determined by the Bureau of the Census);
(B) for which the sum of the number of individuals who are entitled to benefits under the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) and the number of individuals who are eligible for medical assistance under the medicaid program under title XIX of such Act (42 U.S.C. 1396 et seq.) equals or exceeds 20 percent of the total population of the State (as determined by the Centers for Medicare & Medicaid Services); and
(C) that has an estimated number of individuals in the State without access to a primary care provider of at least 17 percent (as published in ''HRSA's Bureau of Primary Health Care: BPHC State Profiles'').
(4) ELIGIBLE RESIDENCY OR FELLOWSHIP GRADUATE.—The term ''eligible residency or fellowship graduate'' means a graduate of an approved medical residency training program (as defined in section 1886(h)(5)(A) of the Social Security Act (42 U.S.C. 1395ww(h)(5)(A))) in a shortage physician specialty.
(5) HEALTH PROFESSIONS DATABASE.—The term ''Health Professions Database'' means the database established under section 303(a).
(6) MEDICARE PROGRAM.—The term ''medicare program'' means the health benefits program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).
(7) MEDPAC.—The term ''MedPAC'' means the Medicare Payment Advisory Commission established under section 1805 of the Social Security Act (42 U.S.C. 1395b–6).
(8) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

(9) SHORTAGE PHYSICIAN SPECIALTY.—The term ''shortage physician specialty'' means a medical or surgical specialty identified in a demonstration State by the Secretary based on—

(A) an analysis and comparison of national data and demonstration State data; and

(B) recommendations from appropriate Federal, State, and private commissions, centers, councils, medical and surgical physician specialty boards, and medical societies or associations involved in physician workforce, education and training, and payment issues.

SEC. 302. RURAL STATES PHYSICIAN RECRUITMENT AND RETENTION DEMONSTRATION PROGRAM.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary shall establish a Rural States Physician Recruitment and Retention Demonstration Program for the purpose of ameliorating physician shortage, recruitment, and retention problems in rural States in accordance with the requirements of this section.

(2) CONSULTATION.—For purposes of establishing the demonstration program, the Secretary shall consult with—

(A) COGME;

(B) MedPAC;

(C) a representative of each demonstration State medical society or association;

(D) the health workforce planning and physician training authority of each demonstration State; and

(E) any other entity described in section 301(9)(B).

(b) DURATION.—The Secretary shall conduct the demonstration program for a period of 10 years.

(c) CONDUCT OF PROGRAM.—

(1) FUNDING OF ADDITIONAL RESIDENCY AND FELLOWSHIP POSITIONS.—

(A) IN GENERAL.—As part of the demonstration program, the Secretary (acting through the Administrator of the Centers for Medicare & Medicaid Services) shall—

(i) notwithstanding section 1886(h)(4)(F) of the Social Security Act (42 U.S.C. 1395ww(h)(4)(F)) increase, by up to 50 percent of the total number of residency and fellowship positions approved at each medical residency training program in each demonstration State, the number of residency and fellowship positions in each shortage physician specialty; and

(ii) subject to subparagraph (C), provide funding under subsections (d)(5)(B) and (h) of section 1886 of the Social Security Act (42 U.S.C. 1395ww) for each position added under clause (i).

(B) ESTABLISHMENT OF ADDITIONAL POSITIONS.—

(i) IDENTIFICATION.—The Secretary shall identify each additional residency and fellowship position created as a result of the application of subparagraph (A).

(ii) NEGOTIATION AND CONSULTATION.—The Secretary shall negotiate and consult with representatives of each approved medical residency training program in a demonstration State at which a position identified under clause (i) is created for purposes of supporting such position.

(C) CONTRACTS WITH SPONSORING INSTITUTIONS.—

(i) IN GENERAL.—The Secretary shall condition the availability of funding for each residency and fellowship position identified under subparagraph (B)(i) on the execution of a contract containing such provisions as the Secretary determines are appropriate, including the provision described in clause (ii) by each sponsoring institution.

(ii) PROVISION DESCRIBED.—

(I) IN GENERAL.—Except as provided in subclause (II), the provision described in this clause is a provision that provides that, during the residency or fellowship, the resident or fellow shall spend not less than 10 percent of the training time providing specialty services to underserved and rural community populations other than an underserved population of the sponsoring institution.

(II) EXCEPTIONS.—The Secretary, in consultation with COGME, shall identify shortage physician specialties and subspecialties for which the application of the provision described in subclause (I) would be inappropriate and the Secretary may waive the requirement under clause (i) that such provision be included in the contract of a resident or fellow with such a specialty or subspecialty.

(D) LIMITATIONS.—

(i) PERIOD OF PAYMENT.—The Secretary may not fund any residency or fellowship position identified under subparagraph (B)(i) for a period of more than 5 years.

(ii) REASSESSMENT OF NEED.—The Secretary shall reassess the status of the shortage physician specialty in the demonstration State prior to entering into any contract under subparagraph (C) after the date that is 5 years after the date on which the Secretary establishes the demonstration program.

(2) LOAN REPAYMENT AND FORGIVENESS PROGRAM.—

(A) IN GENERAL.—As part of the demonstration program, the Secretary (acting through the Administrator of the Health Resources and Services Administration) shall establish a loan repayment and forgiveness program, through the holder of the loan, under which the Secretary assumes the obligation to repay a qualified loan amount for an educational loan of an eligible residency or fellowship graduate—

(i) for whom the Secretary has approved an application submitted under subparagraph (D); and

(ii) with whom the Secretary has entered into a contract under subparagraph (C).

(B) QUALIFIED LOAN AMOUNT.—

(i) IN GENERAL.—Subject to clause (ii), the Secretary shall repay the lesser of—

(I) 25 percent of the loan obligation of a graduate on a loan that is outstanding during the period that the eligible residency or fellowship graduate practices in the area designated by the contract entered into under subparagraph (C); or

(II) $25,000 per graduate per year of such obligation during such period.

(ii) LIMITATION.—The aggregate amount under this subparagraph may not exceed $125,000 for any graduate and the Secretary may not repay or forgive more than 30 loans per year in each demonstration State under this paragraph.

(C) CONTRACTS WITH RESIDENTS AND FELLOWS.—

(i) IN GENERAL.—Each eligible residency or fellowship graduate desiring repayment of a loan under this paragraph shall execute a contract containing the provisions described in clause (ii).

(ii) PROVISIONS.—The provisions described in this clause are provisions that require the eligible residency or fellowship graduate—

(I) to practice in a health professional shortage area of a demonstration State during the period in which a loan is being repaid or forgiven under this section; and

(II) to provide health services relating to the shortage physician specialty of the graduate that was funded with the loan being repaid or forgiven under this section during such period.

(D) APPLICATION.—

(i) IN GENERAL.—Each eligible residency or fellowship graduate desiring repayment of a loan under this paragraph shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

(ii) REASSESSMENT OF NEED.—The Secretary shall reassess the shortage physician specialty in the demonstration State prior to accepting an application for repayment of any loan under this paragraph after the date that is 5 years after the date on which the demonstration program is established.

(E) CONSTRUCTION.—Nothing in the section shall be construed to authorize any refunding of any repayment of a loan.

(F) PREVENTION OF DOUBLE BENEFITS.—No borrower may, for the same service, receive a benefit under both this paragraph and any loan repayment or forgiveness program under title VII of the Public Health Service Act (42 U.S.C. 292 et seq.).

(d) WAIVER OF MEDICARE REQUIREMENTS.—The Secretary is authorized to waive any requirement of the medicare program, or approve equivalent or alternative ways of meeting such a requirement, if such waiver is necessary to carry out the demonstration program, including the waiver of any limitation on the amount of payment or number of residents under section 1886 of the Social Security Act (42 U.S.C. 1395ww).

(e) APPROPRIATIONS.—

(1) FUNDING OF ADDITIONAL RESIDENCY AND FELLOWSHIP POSITIONS.—Any expenditures resulting from the establishment of the funding of additional residency and fellowship positions under subsection (c)(1) shall be made from the Federal Hospital Insurance Trust Fund under section 1817 of the Social Security Act (42 U.S.C. 1395i).

(2) LOAN REPAYMENT AND FORGIVENESS PROGRAM.—There are authorized to be appropriated such sums as may be necessary to carry out the loan repayment and forgiveness program established under subsection (c)(2).

SEC. 303. ESTABLISHMENT OF THE HEALTH PROFESSIONS DATABASE.

(a) ESTABLISHMENT OF THE HEALTH PROFESSIONS DATABASE.—

(1) IN GENERAL.—Not later than 7 months after the date of enactment of this Act, the Secretary (acting through the Administrator of the Health Resources and Services Administration) shall establish a State-specific health professions database to track health professionals in each demonstration State with respect to specialty certifications, practice characteristics, professional licensure, practice types, locations, education, and training, as well as obligations under the demonstration program as a result of the execution of a contract under paragraph (1)(C) or (2)(C) of section 302(c).

(2) DATA SOURCES.—In establishing the Health Professions Database, the Secretary shall use the latest available data from existing health workforce files, including the American Medical Association Master File, State databases, specialty medical society data sources and information, and such other data points as may be recommended by COGME, MedPAC, the National Center for Workforce Information and Analysis, or the medical society of the respective demonstration State.

(b) AVAILABILITY.—

(1) DURING THE PROGRAM.—During the demonstration program, data from the Health Professions Database shall be made available to the Secretary, each demonstration State, and the public for the purposes of—

(A) developing a baseline with respect to a State's health professions workforce and to track changes in a demonstration State's health professions workforce;

(B) tracking direct and indirect graduate medical education payments to hospitals;

(C) tracking the forgiveness and repayment of loans for educating physicians; and

(D) tracking commitments by physicians under the demonstration program.

(2) FOLLOWING THE PROGRAM.—Following the termination of the demonstration program, a demonstration State may elect to maintain the Health Professions Database for such State at its expense.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for the purpose of carrying out this section.

SEC. 304. EVALUATION AND REPORTS.

(a) EVALUATION.—

(1) IN GENERAL.—COGME and MedPAC shall jointly conduct a comprehensive evaluation of the demonstration program.

(2) MATTERS EVALUATED.—The evaluation conducted under paragraph (1) shall include an analysis of the effectiveness of the funding of additional residency and fellowship positions and the loan repayment and forgiveness program on physician recruitment, retention, and specialty mix in each demonstration State.

(b) PROGRESS REPORTS.—

(1) COGME.—Not later than 1 year after the date on which the Secretary establishes the demonstration program, 5 years after such date, and 10 years after such date, COGME shall submit a report on the progress of the demonstration program to the Secretary and Congress.

(2) MEDPAC.—MedPAC shall submit biennial reports on the progress of the demonstration program to the Secretary and Congress.

(c) FINAL REPORT.—Not later than 1 year after the date on which the demonstration program terminates, COGME and MedPAC shall submit a final report to the President, Congress, and the Secretary which shall contain a detailed statement of the findings and conclusions of COGME and MedPAC, together with such recommendations for legislation and administrative actions as COGME and MedPAC consider appropriate.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to COGME such sums as may be necessary for the purpose of carrying out this section.

SEC. 305. CONTRACTING FLEXIBILITY.

For purposes of conducting the demonstration program and establishing and administering the Health Professions Database, the Secretary may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

TITLE IV—HEALTH CAREERS OPPORTUNITY PROGRAM

SEC. 401. PURPOSE.

It is the purpose of this title to diversify the healthcare workforce by increasing the number of individuals from disadvantaged backgrounds in the health and allied health professions by enhancing the academic skills of students from disadvantaged backgrounds and supporting them in successfully completing, entering, and graduating from health professions training programs.

SEC. 402. AUTHORIZATION OF APPROPRIATIONS.

Section 740(c) of the Public Health Service Act (42 U.S.C. 293d(c)) is amended by striking ''$29,400,000'' and all that follows through ''2002'' and inserting ''$50,000,000 for fiscal year 2005, and such sums as may be necessary for each of fiscal years 2006 through 2010''.

TITLE V—PROGRAM OF EXCELLENCE IN HEALTH PROFESSIONS EDUCATION FOR UNDERREPRESENTED MINORITIES

SEC. 501. PURPOSE.

It is the purpose of this title to diversify the healthcare workforce by supporting programs of excellence in designated health professions schools that demonstrate a commitment to underrepresented minority populations with a focus on minority health issues, cultural and linguistic competence, and eliminating health disparities.

SEC. 502. AUTHORIZATION OF APPROPRIATION.

Section 736(h)(1) of the Public Health Service Act (42 U.S.C. 293(h)(1)) is amended to read as follows:

''(1) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of making grants under subsection (a), there are authorized to be appropriated $50,000,000 for fiscal year 2005, and such sums as may be necessary for each of the fiscal years 2006 through 2010.''.

TITLE VI—HEALTH PROFESSIONS STUDENT LOAN FUND; AUTHORIZATIONS OF APPROPRIATIONS REGARDING STUDENTS FROM DISADVANTAGED BACKGROUNDS

SEC. 601. STUDENT LOANS.

Section 724(f) of the Public Health Service Act (42 U.S.C. 292t(f)) is amended by inserting before paragraph (2), the following:

''(1) IN GENERAL.—With respect to making Federal capital contributions to student loan funds for purposes of subsection (a), there are authorized to be appropriated $35,000,000 for fiscal year 2005, and such sums as may be necessary for each of the fiscal years 2006 through 2010.''.

SEC. 602. NATIONAL HEALTH SERVICE CORPS; RECRUITMENT AND FELLOWSHIPS FOR INDIVIDUALS FROM DISADVANTAGED BACKGROUNDS.

(a) IN GENERAL.—Section 331(b) of the Public Health Service Act (42 U.S.C. 254d(b)) is amended by adding at the end the following:

''(3) The Secretary shall ensure that the individuals with respect to whom activities under paragraphs (1) and (2) are carried out include individuals from disadvantaged backgrounds, including activities carried out to provide health professions students with information on the Scholarship and Repayment Programs.''.

(b) ASSIGNMENT OF CORPS PERSONNEL.—Section 333(a) of the Public Health Service Act (42 U.S.C. 254f(a)) is amended by adding at the end the following:

''(4) In assigning Corps personnel under this section, the Secretary shall give preference to applicants who request assignment to a federally qualified health center (as defined in section 1905(1)(2)(B) of the Social Security Act) or to a provider organization that has a majority of patients who are minorities or individuals from low-income families (families with a family income that is less than 200 percent of the Official Poverty Line).''.

TITLE VII—MISCELLANEOUS PROVISIONS

SEC. 703. STUDY BY THE INSTITUTE OF MEDICINE.

(a) CONTRACT.—Not later than 90 days after the date of enactment of this Act, the Secretary of Health and Human Services shall enter into a contract with the Institute of Medicine for the conduct of a study and the preparation of a report on the role of United States medical schools in meeting the physician needs of the United States.

(b) REQUIREMENTS.—In conducting the study under the contract under subsection (a), the Institute of Medicine shall—

(1) examine the supply structure of United States undergraduate medical education and make recommendations concerning the advisability of expanding, enhancing, or modifying such structure to achieve a higher degree of self-sufficiency and equity in such medical education and to position medical schools for the future demands generated by the growing population of the United States; and

(2) examine the role of United States medical schools in reducing racial and ethnic disparities in medical education opportunities and in population health outcomes as well as in reducing the drain on the medical education systems of other countries.

(c) REPORT.—The contract under subsection (a) shall require the Institute of Medicine to submit a report to the Secretary of Health and Human Services on the results of the study not later than 12 months after the date on which the contract is entered into. The Secretary shall submit such report to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Commerce of the House of Representatives.

By Mr. DASCHLE (for himself and Ms. COLLINS):

S. 2740. A bill to improve dental services in underserved areas by amending the Public Health Service Act, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. DASCHLE. Mr. President, every year, I spend time driving across the State of South Dakota, and every year, I hear unbelievable stories from my constituents about the growing health care crisis in South Dakota and across America. One issue that comes up repeatedly in my travels is South Dakota's dental shortage.

The statistics speak for themselves. Almost one-third of my State's 66 counties have been designated Dental Health Professional Shortage Areas. In total, over 97,000 South Dakotans live in a county that does not have enough dentists to meet the needs of the population. Nationally, 25 million Americans reside in such shortage areas.

South Dakota has only one dentist for every 250 square miles, which means that many South Dakotans must travel more than 100 miles to visit a dentist. To see a pediatric dentist, parents often have to travel up to 400 miles. I've heard stories of families driving clear across the State so that their children can receive urgent dental care. Comparatively, Minnesota's rate is 28 square miles per dentist. Massachusetts's rate is less than 2 square miles per dentist, and here in Washington, DC, the rate is 0.1 square miles per dentist.

In addition, the dentists my State does have are getting older. A study conducted in South Dakota found that roughly half of the dentists currently practicing there are over 50 years old, and that 30 percent plan to retire within 10 years. Nationally, more than 20 percent of dentists will retire in the next 10 years, and the number of dental graduates by 2015 may not be enough to replace them.

The problem in Indian country is even worse. Indian pre-school children have 5 times the rate of dental decay experienced by other children in their age group. Despite this great need, the Indian Health Services estimates that one-third of its dental positions are vacant.

A report by the Government Accounting Office in 2000 found that, while several factors contribute to the low use of dental services among low-income individuals, the most important factor was the inability to find a

dentist to treat them. That is simply unacceptable.

Another report by Oral Health America in 2003 found that the United States does poorly in several areas that measure access to dental care. In fact, in the report's assessment of dentist availability, the majority of States received a grade of C or lower. The report card also found that those with the greatest need have the hardest time finding care; 18 states received a failing grade for the availability of dentists who provide significant services under Medicaid, contributing to an alarming D grade for the entire nation.

In an effort to address this urgent problem, I have been working with representatives from the South Dakota Oral Health Coalition to develop a legislative remedy at the Federal level. The culmination of that effort is the bill I am introducing today, the Dental Health Provider Shortage Act. Together with Senator COLLINS—herself a longtime supporter of expanding access to dental care—I am proud to introduce this bill, which would help to expand the number of dentists and dental hygienists, both nationwide and in rural and underserved areas.

Specifically, the Dental Heath Provider Shortage Act would work to increase the overall number of dentists and dental hygienists by providing faculty loan repayment programs for dentists who agree to teach, especially in general and pediatric training programs. It would also provide incentives for dentists and dental hygienists to work in rural and underserved areas by expanding both the National Health Service Corps and the Indian Health Service; providing support to Community Health Centers, which play a critical role in the delivery of dental care; and helping these centers and other providers that work in underserved areas to expand their practices. Finally, to encourage participation in State Medicaid programs, the bill would provide funding for states to simplify the Medicaid enrollment and payment process.

In this day and age, people should not be forced to travel great distances—let alone more than 100 miles—just to see a dentist. We can and must do better. The Surgeon General's report, ''Oral Health in America,'' reinforced that oral health is essential to the general health and well-being of all Americans. In its ''Call to Action,'' the report challenged the Nation to build a health infrastructure that can effectively meet the oral health needs of all Americans. By passing the bipartisan Dental Health Provider Shortage Act, we can begin to do just that.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2740

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 ''Dental Health Provider Shortage Act''.

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

Sec. 1. Short title; table of contents.

TITLE I—EXPANDED DELIVERY OF DENTAL SERVICES

Sec. 101. Expansion of dental services offered in underserved areas.
Sec. 102. Grants for capital expenditures for dental care practices in dental health professional shortage areas.
Sec. 103. Grants for administrative simplification for medicaid providers.

TITLE II—EXPANSION OF DENTAL TRAINING PROGRAMS

Sec. 201. Flexible use of training funds for general and pediatric dentistry.
Sec. 202. Loan repayment for faculty of dental educational programs.

TITLE III—IMPROVING DELIVERY OF DENTAL SERVICES THROUGH THE INDIAN HEALTH SERVICE AND THE NATIONAL HEALTH SERVICE CORPS

Sec. 301. Indian Health Service dental officer multiyear retention bonus.
Sec. 302. Increase in National Health Service Corps dental training positions.
Sec. 303. Availability of scholarship and loan repayment programs for National Health Service Corps dental hygienists.

TITLE I—EXPANDED DELIVERY OF DENTAL SERVICES

SEC. 101. EXPANSION OF DENTAL SERVICES OFFERED IN UNDERSERVED AREAS.

Section 330 of the Public Health Service Act (42 U.S.C. 254b) is amended by adding at the end the following:

''(s) HEALTH CENTER DENTAL ACCESS GRANTS.—

''(1) GRANT PROGRAM AUTHORIZED.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, is authorized to award grants and enter into cooperative agreements, for a period not to exceed 3 years, to health centers for the purpose of increasing the number of dental providers associated with the health centers.

''(2) AUTHORIZED ACTIVITIES.—A health center shall use amounts received under a grant under this subsection in any fiscal year—

''(A) for recruitment or retention efforts targeting the dental health care staff of a health center;

''(B) to contract for technical assistance for the purpose of recruiting or retaining dental health care staff; or

''(C) to contract for technical assistance in preparing contracts with local providers of dental health care to provide dental services for medically underserved populations.

''(3) APPLICATION.—Each health center desiring a grant under this subsection shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

''(t) GRANTS FOR DENTAL CARE FACILITY CAPITAL EXPENDITURES.—

''(1) GRANT PROGRAM AUTHORIZED.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, is authorized to award 1-year grants to health centers for the purpose of increasing dental health care capabilities by constructing or renovating building space to provide for dental health care.

''(2) AUTHORIZED ACTIVITIES.—A health center shall use amounts received under a grant under this subsection in any fiscal year for the construction or expansion of dental care facilities, including—

''(A) the costs of acquiring or leasing facilities;

''(B) the costs of constructing new facilities;

''(C) the costs of repairing or modernizing existing facilities; or

''(D) the purchase or lease of equipment.

''(3) APPLICATION.—Each health center desiring a grant under this subsection shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

''(u) GRANTS FOR DENTAL RESIDENCY PROGRAMS.—

''(1) GRANTS AUTHORIZED.—The Secretary is authorized to award grants to health centers for the purpose of establishing, at the health centers, new or alternative-campus accredited dental residency training programs affiliated with accredited dental programs.

''(2) AUTHORIZED ACTIVITIES.—A health center shall use amounts received under a grant under this subsection for the costs of establishing a new or alternative-campus accredited dental residency training program affiliated with an accredited dental program at the health center, including the costs of curriculum development, equipment, and recruitment, training, and retention of residents and faculty for such training program.

''(3) PRIORITY.—The Secretary shall give priority in awarding grants under this subsection to health centers in rural areas.

''(4) APPLICATION.—Each health center desiring a grant under this subsection shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

''(5) DEFINITION OF ACCREDITED.—

''(A) IN GENERAL.—In this subsection, the term 'accredited', when applied to a dental training program or a new or alternative-campus dental residency training program, means a program that is accredited by a recognized body or bodies approved for such purpose by the Secretary of Education.

''(B) SPECIAL RULE.—A new dental residency training program that, by reason of an insufficient period of operation, is not, at the time of application for a grant under this subsection, eligible for accreditation by such a recognized body or bodies, shall be deemed accredited for purposes of this subsection, if the Secretary of Education finds, after consultation with the appropriate accreditation body or bodies, that there is reasonable assurance that the new dental residency training program will meet the accreditation standards of such body or bodies prior to the graduation date of the first entering class in such program.

''(C) RULE OF CONSTRUCTION.—The special rule for accreditation described in subparagraph (B) shall not apply to an alternative-campus dental residency training program.''.

SEC. 102. GRANTS FOR CAPITAL EXPENDITURES FOR DENTAL CARE PRACTICES IN DENTAL HEALTH PROFESSIONAL SHORTAGE AREAS.

Subpart V of part D of title III of the Public Health Service Act (20 U.S.C. 256 et seq.) is amended by adding at the end the following:

''SEC. 340A. GRANTS FOR CAPITAL EXPENDITURES FOR DENTAL CARE PRACTICES IN DENTAL HEALTH PROFESSIONAL SHORTAGE AREAS.

''(a) GRANT PROGRAM AUTHORIZED.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, is authorized to award 1-year grants to eligible individuals for the purpose of increasing dental health care capabilities in dental health professional shortage areas

by constructing or renovating building space to provide for dental health care.

''(b) AUTHORIZED ACTIVITIES.—An eligible individual shall use amounts received under a grant under this section in any fiscal year for the construction or expansion of dental care facilities in dental health professional shortage areas, including—

''(1) the costs of acquiring or leasing facilities;

''(2) the costs of constructing new facilities;

''(3) the costs of repairing or modernizing existing facilities; or

''(4) the purchase or lease of equipment.

''(c) APPLICATION.—Each eligible individual desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

''(d) ELIGIBLE INDIVIDUAL.—To be eligible to receive a grant under this section, an individual shall be a dental health professional who is licensed or certified in accordance with the laws of the State in which such individual provides dental services.

''(e) ELIGIBLE INDIVIDUAL GRANT AGREEMENT.—Each eligible individual who receives a grant under this section shall enter into an agreement with the Secretary under which the eligible individual agrees—

''(1) to practice for 5 years in a dental health professional shortage area, as determined by the Secretary;

''(2) that during the period under paragraph (1), not less than 25 percent of the patients of such individual receive assistance—

''(A) under a State plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.); or

''(B) under a State plan under title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.);

''(3) to provide services to patients regardless of such patients' ability to pay;

''(4) to use a sliding payment scale for patients who are unable to pay the total cost of services; and

''(5) to repay a pro rata portion of the grant funds received if the eligible individual fails to practice in accordance with paragraphs (1) through (4).

''(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2005 through 2009.''.

SEC. 103. GRANTS FOR ADMINISTRATIVE SIMPLIFICATION FOR MEDICAID PROVIDERS.

(a) AUTHORITY TO AWARD PROVIDER ADMINISTRATIVE SIMPLIFICATION GRANTS.—

(1) IN GENERAL.—The Secretary of Health and Human Services shall award grants to State agencies responsible for the administration of the State medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) for the purpose of simplifying and automating the procedures applicable to providers of medical assistance under the State medicaid program in order to encourage providers to participate in the dental component of such program.

(2) USE OF FUNDS.—A grant awarded under this subsection may be used to simplify—

(A) provider enrollment contracts and processes through such means as providing for online provider enrollment forms;

(B) preauthorization procedures;

(C) claims remittance and processing; and

(D) any other procedures or requirements that would reduce the time and expenses necessary for providers to participate in the medicaid program.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Health and Human Services to award grants under this subsection such sums as are necessary for fiscal year 2005.

(b) MODEL CONTRACT FOR THE ENROLLMENT OF DENTISTS AS MEDICAID PARTICIPATING PROVIDERS.—

(1) IN GENERAL.—The Secretary of Health and Human Services shall award grants to eligible entities to develop, disseminate, and assist with the implementation of a model contract for States to use to enroll dentists as participating providers under the State medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

(2) ELIGIBLE ENTITIES DEFINED.—In this subsection, the term ''eligible entities'' means entities with expertise in the administration of State medicaid programs, which may include the National Association of State Medicaid Directors.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Health and Human Services to award grants under this subsection such sums as are necessary for fiscal year 2005.

TITLE II—EXPANSION OF DENTAL TRAINING PROGRAMS

SEC. 201. FLEXIBLE USE OF TRAINING FUNDS FOR GENERAL AND PEDIATRIC DENTISTRY.

Section 747(a)(6) of the Public Health Service Act (42 U.S.C. 293k(a)(6)) is amended to read as follows:

''(6) to plan, develop, or operate a program of general dentistry or pediatric dentistry, including the costs of faculty development, curriculum development, program administration, financial assistance to residents in such program, and other functions critical to building a competent dental workforce.''.

SEC. 202. LOAN REPAYMENT FOR FACULTY OF DENTAL EDUCATIONAL PROGRAMS.

Part C of title VII of the Public Health Service Act (42 U.S.C. 293k et seq.) is amended by inserting after section 748 the following:

''SEC. 749. LOAN REPAYMENT FOR FACULTY OF DENTAL EDUCATIONAL PROGRAMS.

''(a) ESTABLISHMENT.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, shall carry out a program to repay (by direct payment on behalf of the individual) any outstanding student loan of an individual who is employed as a full-time faculty member of a school of dentistry or an accredited dental education program.

''(b) LOAN REPAYMENT.—The payments described in subsection (a) shall be made by the Secretary as follows:

''(1) Upon completion by the individual for whom the payments are to be made of the first year of employment described under subsection (a), the Secretary shall pay 25 percent of the principal of, and the interest on, each outstanding student loan.

''(2) Upon completion by such individual of the second consecutive year of such employment, the Secretary shall pay an additional 25 percent of the principal of, and the interest on, each such loan.

''(3) Upon completion by such individual of the third consecutive year of such employment, the Secretary shall pay an additional 35 percent of the principal of, and the interest on, each such loan.

''(c) PRIORITY.—In entering into agreements to repay outstanding student loans under subsection (a), the Secretary shall give priority to qualified applicants—

''(1) with the greatest financial need; or

''(2) who are full-time faculty for an accredited program of general or pediatric dentistry.

''(d) REGULATIONS.—The Secretary shall promulgate such regulations as may be necessary to carry out the program under this section.

''(e) REPORTS.—Not later than 18 months after the date of enactment of this section, and annually thereafter, the Secretary shall prepare and submit to Congress a report describing the program carried out under this section, including—

''(1) the number and amount of loan repayments made;

''(2) the number of individuals who receive loan repayment under subsection (a) at each school of dentistry or accredited dental education program that employs individuals who receive such loan repayment;

''(3) the demographics of the individuals participating in the loan repayment program; and

''(4) an evaluation of the overall costs and benefits of the loan repayment program.

''(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2005 through 2009.''.

TITLE III—IMPROVING DELIVERY OF DENTAL SERVICES THROUGH THE INDIAN HEALTH SERVICE AND THE NATIONAL HEALTH SERVICE CORPS

SEC. 301. INDIAN HEALTH SERVICE DENTAL OFFICER MULTIYEAR RETENTION BONUS.

(a) TERMS AND DEFINITIONS.—In this section:

(1) CREDITABLE SERVICE.—The term ''creditable service'' includes all periods that a dental officer spent in graduate dental educational training programs while not on active duty in the Indian Health Service and all periods of active duty in the Indian Health Service as a dental officer.

(2) DENTAL OFFICER.—The term ''dental officer'' means an individual in the dental health profession who is an officer of the Indian Health Service.

(3) DIRECTOR.—The term ''Director'' means the Director of the Indian Health Service.

(4) RESIDENCY.—The term ''residency'' means a graduate dental educational training program of at least 12 months leading to a specialty, including general practice residency or an advanced education general dentistry.

(5) SPECIALTY.—The term ''specialty'' means a dental specialty for which there is an Indian Health Service specialty code number.

(b) GENERAL AUTHORITY.—The Director may authorize a multiyear retention bonus under this section for a dental officer of the Indian Health Service who meets the eligibility requirements of subsection (c) and who executes a written agreement to remain on active duty for 2, 3, or 4 years after the completion of any other active duty service commitment to the Indian Health Service.

(c) ELIGIBILITY REQUIREMENTS.—In addition to the requirements described under subsection (b), an eligible dental officer shall—

(1) if trained as a dentist—

(A) be at or below such grade as the Director shall determine;

(B) hold the degree of doctor of dentistry or an equivalent degree;

(C) have completed any active duty service commitment of the Indian Health Service incurred for dental education and training or have 8 years of creditable service; and

(D) have completed initial residency training, or be scheduled to complete initial residency training before September 30 of the fiscal year in which the dental officer enters into a multiyear retention bonus service agreement under this section; or

(2) if trained as a dental hygienist—

(A) have graduated from a dental hygiene educational or training program accredited by the American Dental Association Commission on Dental Accreditation (ADA CDA);

(B) hold a certification of successful completion of the National Board Dental Hygiene Examination; and

(C) hold an active and current dental hygiene license.

(d) MAXIMUM BONUS AMOUNTS.—

(1) MAXIMUM BONUS AMOUNTS FOR DENTISTS.—A multiyear retention bonus authorized for a dental officer who meets the requirements of subsection (c)(1) shall not exceed—

(A) $14,000 for a 4-year written agreement;

(B) $8,000 for a 3-year written agreement; or

(C) $4,000 for a 2-year written agreement.

(2) MAXIMUM BONUS AMOUNTS FOR DENTAL HYGIENISTS.—A multiyear retention bonus authorized for a dental officer who meets the requirements of subsection (c)(2) shall not exceed—

(A) $4,000 for a 4-year written agreement;

(B) $2,000 for a 3-year written agreement; or

(C) $1,000 for a 2-year written agreement.

(e) DISCRETION IN SELECTION PROCESS.—The Director may, based on the requirements of the Indian Health Service, decline to offer a multi-year retention bonus to any specialty that is otherwise eligible, or to restrict the length of such a retention bonus contract for a specialty to less than 4 years.

(f) TERMINATION OF ENTITLEMENT TO MULTIYEAR RETENTION BONUS.—

(1) IN GENERAL.—The Director may terminate, with cause, a dental officer multiyear retention bonus agreement with a dental officer under this section at any time.

(2) PRO RATA RECOUPMENT.—If a dental officer multiyear retention bonus agreement is terminated under paragraph (1), the unserved portion of the retention bonus agreement shall be recouped on a pro rata basis.

(3) REGULATIONS.—The Director shall establish regulations that—

(A) specify the conditions and procedures under which termination may take place; and

(B) shall be included in the dental officer multiyear retention bonus agreement under subsection (b).

(g) REFUNDS.—

(1) IN GENERAL.—Prorated refunds shall be required for sums paid under a retention bonus contract under this section if a dental officer who has received the retention bonus fails to complete the total period of service specified in the dental officer multiyear retention bonus agreement, as conditions and circumstances warrant.

(2) DEBT TO UNITED STATES.—An obligation to reimburse the United States imposed under paragraph (1) is a debt owed to the United States.

(3) NO DISCHARGE IN BANKRUPTCY.—Notwithstanding any other provision of law, a discharge in bankruptcy under title 11, United States Code, that is entered less than 5 years after the termination of a dental officer multiyear retention bonus agreement under this section does not discharge the dental officer who signed such a contract from a debt arising under the contract or under paragraph (1).

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2005 through 2009.

SEC. 302. INCREASE IN NATIONAL HEALTH SERVICE CORPS DENTAL TRAINING POSITIONS.

(a) IN GENERAL.—The Secretary of Health and Human Services (referred to in this section as the ''Secretary'') shall increase the number of dentists in the National Health Service Corps (referred to in this section as the ''Corps''), as designated in subpart II of part D of title III of the Public Health Service Act (42 U.S.C. 254d et seq.), by not less than 100 in each of fiscal years 2005, 2006, and 2007.

(b) AVAILABILITY OF LOAN REPAYMENT AND SCHOLARSHIP PROGRAMS FOR DENTISTS.—The Secretary shall increase the number of Corps dentists selected for the loan repayment and scholarship programs under subpart III of part D of title III of the Public Health Service Act (42 U.S.C. 254l et seq.) in a sufficient number to address the demand for such programs by qualified individuals.

(c) REPORT ON CORPS.—The Secretary shall annually report to Congress concerning how the Corps is meeting the oral health needs in underserved areas, including rural, frontier, and border areas.

SEC. 303. AVAILABILITY OF SCHOLARSHIP AND LOAN REPAYMENT PROGRAMS FOR NATIONAL HEALTH SERVICE CORPS DENTAL HYGIENISTS.

Section 338A of the Public Health Service Act (42 U.S.C. 254l) is amended—

(1) by redesignating subsection (h) as subsection (i); and

(2) by inserting after subsection (g) the following:

''(h) Of the total number of contracts under this section and section 338B for each school year that are dedicated to dental hygienists, not less than 20 percent of such contracts for each such school year shall be entered into under this section.''.

By Mr. DASCHLE:

S. 2741. A bill to amend the Public Health Service Act to reauthorize and extend the Fetal Alcohol Syndrome prevention and services program, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. DASCHLE. Mr. President, I am pleased to introduce today the Advancing FASD Research, Prevention, and Services Act. For many years now, I have met and worked with people whose lives have been profoundly affected by the consumption of alcohol during pregnancy. Prenatal exposure to alcohol can cause a wide range of serious, life-long problems known as Fetal Alcohol Syndrome Disorders. Individuals with FASD can have a low IQ, behavioral impairments, growth retardation, facial abnormalities, and birth defects. About 40,000 children are born with FASD each year.

A great deal of progress has been made in raising awareness of the dangers of alcohol consumption during pregnancy, but much more needs to be done. The bill I am introducing today addresses the need for more research, better screening systems to identify children with FASD, effective prevention programs, and enhanced access to treatment and support services. It is my sincere hope that this bill—when combined with the tireless efforts of parents, health professionals, teachers, and countless others—will help prevent FASD and support the children and families who are living with its consequences. I ask unanimous consent that a fact sheet containing a description of the bill be printed in the RECORD.

I ask unanimous consent that the text of the bill be printed in the RECORD.

S. 2741

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 ''Advancing FASD Research, Prevention, and Services Act''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Fetal Alcohol Spectrum Disorders are the spectrum of serious, life-long disorders caused by prenatal exposure to alcohol, which include Fetal Alcohol Syndrome, Alcohol-Related Neurodevelopmental Disorder, and Alcohol-Related Birth Defects.

(2) In the decades that have passed since Fetal Alcohol Syndrome was first recognized in the United States, this fully preventable condition has continued to affect American children and families.

(3) Prenatal alcohol exposure can cause brain damage that produces cognitive and behavioral impairments. Prenatal alcohol exposure can cause mental retardation or low IQ and difficulties with learning, memory, attention, and problem-solving. It can also create problems with mental health and social interactions.

(4) Prenatal alcohol exposure also can cause growth retardation, birth defects involving the heart, kidney, vision and hearing, and a characteristic pattern of facial abnormalities.

(5) About 13 percent of women report using alcohol during pregnancy even though there is no known safe level of alcohol consumption during pregnancy.

(6) Estimates of individuals with Fetal Alcohol Syndrome vary but are estimated to be between 0.5 and 2.0 per 1,000 births. The prevalence rate is considerably higher for all Fetal Alcohol Spectrum Disorders: about 10 out of 1,000 births (1 percent of births).

(7) Prevalence of Fetal Alcohol Spectrum Disorders can be even higher in certain populations, such as Native Americans, and in certain areas, such as those characterized by low socioeconomic status.

(8) Fetal Alcohol Spectrum Disorders pose extraordinary financial costs to the Nation, including the cost of specialized health care, education, foster care, incarceration, job training, and general support services for individuals affected by Fetal Alcohol Spectrum Disorders.

(9) Lifetime health costs for an individual with Fetal Alcohol Syndrome average $860,000, and can run as high as $4,200,000. The direct and indirect economic costs of Fetal Alcohol Syndrome in the United States were $5,400,000,000 in 2003. Total economic costs would be even higher for all Fetal Alcohol Spectrum Disorders.

(10) There is a great need for research, surveillance, prevention, treatment, and support services for individuals with Fetal Alcohol Spectrum Disorders and their families.

SEC. 3. PROGRAMS FOR FETAL ALCOHOL SPECTRUM DISORDERS.

Section 399H of the Public Health Service Act (48 U.S.C. 280f) is amended—

(1) by striking the section heading and inserting the following:

''SEC. 399H. PROGRAMS FOR FETAL ALCOHOL SPECTRUM DISORDERS.'';

(2) by redesignating subsections (a) through (d) as subsections (h) through (k), respectively;

(3) by inserting after the section heading, the following:

''(a) RESEARCH ON FAS AND RELATED DISORDERS.—

''(1) IN GENERAL.—The Secretary, acting through the Director of the National Institutes of Health and in coordination with the Interagency Coordinating Committee on Fetal Alcohol Syndrome, shall—

''(A) establish a research agenda for Fetal Alcohol Spectrum Disorders; and

''(B) award grants, contracts, or cooperative agreements to public or private nonprofit entities to pay all or part of carrying out research under such agenda.

''(2) TYPES OF RESEARCH.—In carrying out paragraph (1), the Secretary, acting through the Director of the National Institute of Alcohol Abuse and Alcoholism, shall conduct national and international research in coordination with other Federal agencies that includes—

''(A) the identification of the mechanisms that produce the cognitive and behavioral problems associated with fetal alcohol exposure;

''(B) the development of a neurocognitive phenotype for Fetal Alcohol Syndrome and Alcohol-Related Neurodevelopmental Disorder;

''(C) the identification of biological markers that can be used to indicate fetal alcohol exposure;

''(D) the identification of fetal and maternal risk factors that increase susceptibility to Fetal Alcohol Spectrum Disorders;

''(E) the investigation of behavioral and pharmacotherapies for alcohol-dependent women to determine new approaches for sustaining recovery;

''(F) the development of scientific-based therapeutic interventions for individuals with Fetal Alcohol Spectrum Disorders;

''(G) the development of screening instruments to identify women who consume alcohol during pregnancy and the development of standards for measuring, reporting, and analyzing alcohol consumption patterns in pregnant women; and

''(H) other research that the Director determines to be appropriate.

''(3) STUDY.—The Secretary, acting through the Director of the National Institute of Mental Health, shall—

''(A) conduct a study on the behavioral disorders that may be associated with prenatal alcohol exposure;

''(B) not later than 1 year after the date of enactment of the Advancing FASD Research, Prevention, and Services Act, submit to Congress a report on the appropriateness of characterizing Fetal Alcohol Spectrum Disorders and their secondary behavioral disorders as mental health disorders; and

''(C) conduct additional research on the epidemiology of behavior disorders associated with Fetal Alcohol Spectrum Disorders in collaboration with the Centers for Disease Control and Prevention.

''(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection, such sums as may be necessary for each of fiscal years 2005 through 2009.

''(b) SURVEILLANCE, IDENTIFICATION, AND PREVENTION ACTIVITIES.—

''(1) IN GENERAL.—The Secretary, acting through the Director of the National Center on Birth Defects and Developmental Disabilities, shall facilitate surveillance, identification, and prevention of Fetal Alcohol Spectrum Disorders as provided for in this subsection.

''(2) SURVEILLANCE, IDENTIFICATION, AND PREVENTION.—In carrying out this subsection, the Secretary shall—

''(A) develop and implement a uniform surveillance case definition for Fetal Alcohol Syndrome and a uniform surveillance case definition for Alcohol Related Neurodevelopmental Disorder;

''(B) develop a comprehensive screening process for Fetal Alcohol Spectrum Disorders that covers different age, race, and ethnic groups and is based on the uniform surveillance case definitions developed under subparagraph (A);

''(C) disseminate and provide the necessary training and support for the screening process developed under subparagraph (B) to—

''(i) hospitals, community health centers, outpatient programs, and other appropriate health care providers;

''(ii) incarceration and detainment facilities;

''(iii) primary and secondary schools;

''(iv) social work and child welfare offices;

''(v) foster care providers and adoption agencies;

''(vi) State offices and others providing services to individuals with disabilities; and

''(vii) other entities that the Secretary determines to be appropriate;

''(D) conduct activities related to risk factor surveillance including the annual monitoring and reporting of alcohol consumption among pregnant women and women of child bearing age; and

''(E) conduct applied public health prevention research and implement strategies for reducing alcohol-exposed pregnancies in women at high risk for alcohol-exposed pregnancies.

''(3) AUTHORIZATION OF APPROPRIATION.—There are authorized to be appropriated to carry out this subsection, such sums as may be necessary for each of fiscal years 2005 through 2009.

''(c) BUILDING STATE FASD SYSTEMS.—

''(1) IN GENERAL.—The Secretary, acting through the Administrator of the Substance Abuse and Mental Health Services Administration, shall award grants, contracts, or cooperative agreements to States for the purpose of establishing or expanding statewide programs of surveillance, prevention, and treatment of individuals with Fetal Alcohol Spectrum Disorders.

''(2) ELIGIBILITY.—To be eligible to receive a grant, contract, or cooperative agreement under paragraph (1) a State shall—

''(A) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may reasonably require;

''(B) develop and implement a statewide strategic plan for preventing and treating Fetal Alcohol Spectrum Disorders;

''(C) consult with public and private nonprofit entities with relevant expertise on Fetal Alcohol Spectrum Disorders within the State, including—

''(i) parent-led groups and other organizations that support and advocate for individuals with Fetal Alcohol Spectrum Disorders; and

''(ii) Indian tribes and tribal organizations; and

''(D) designate an individual to serve as the coordinator of the State's Fetal Alcohol Spectrum Disorders program.

''(3) STRATEGIC PLAN.—The statewide strategic plan prepared under paragraph (2)(B) shall include—

''(A) the identification of existing State programs and systems that could be used to identify and treat individuals with Fetal Alcohol Spectrum Disorders and prevent alcohol consumption during pregnancy, such as—

''(i) programs for the developmentally disabled, the mentally ill, and individuals with alcohol dependency;

''(ii) primary and secondary educational systems;

''(iii) judicial systems for juveniles and adults;

''(iv) child welfare programs and social service programs; and

''(v) other programs or systems the State determines to be appropriate;

''(B) the identification of any barriers for individuals with Fetal Alcohol Spectrum Disorders or women at risk for alcohol consumption during pregnancy to access the programs identified under subparagraph (A); and

''(C) proposals to eliminate barriers to prevention and treatment programs and coordinate the activities of such programs.

''(4) USE OF FUNDS.—Amounts received under a grant, contract, or cooperative agreement under paragraph (1) shall be used for one or more of the following activities:

''(A) Establishing a statewide surveillance system.

''(B) Collecting, analyzing and interpreting data.

''(C) Establishing a diagnostic center.

''(D) Developing, implementing, and evaluating population-based and targeted prevention programs for Fetal Alcohol Spectrum Disorders, including public awareness campaigns.

''(E) Referring individuals with Fetal Alcohol Spectrum Disorders to appropriate support services.

''(F) Developing and sharing best practices for the prevention, identification, and treatment of Fetal Alcohol Spectrum Disorders.

''(G) Providing training to health care providers on the prevention, identification, and treatment of Fetal Alcohol Spectrum Disorders.

''(H) Disseminating information about Fetal Alcohol Spectrum Disorders and the availability of support services to families of individuals with Fetal Alcohol Spectrum Disorders.

''(I) Other activities determined appropriate by the Secretary.

''(5) MULTI-STATE PROGRAMS.—The Secretary shall permit the formation of multi-State Fetal Alcohol Spectrum Disorders programs under this subsection.

''(6) OTHER CONTRACTS AND AGREEMENTS.—A State may carry out activities under paragraph (4) through contacts or cooperative agreements with public and private non-profit entities with a demonstrated expertise in Fetal Alcohol Spectrum Disorders.

''(7) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection, such sums as may be necessary for fiscal years 2005 through 2009.

''(d) PROMOTING COMMUNITY PARTNERSHIPS.—

''(1) IN GENERAL.—The Secretary shall award grants, contracts, or cooperative agreements to eligible entities to enable such entities to establish, enhance, or improve community partnerships for the purpose of collaborating on common objectives and integrating the services available to individuals with Fetal Alcohol Spectrum Disorders, such as surveillance, prevention, treatment, and provision of support services.

''(2) ELIGIBLE ENTITIES.—To be eligible to receive a grant, contract, or cooperative agreement under paragraph (1), an entity shall—

''(A) be a public or private nonprofit entity, including—

''(i) a health care provider or health professional;

''(ii) a primary or secondary school;

''(iii) a social work or child welfare office;

''(iv) an incarceration or detainment facility;

''(v) a parent-led group or other organization that supports and advocates for individuals with Fetal Alcohol Spectrum Disorders;

''(vi) an Indian tribe or tribal organization;

''(vii) any other entity the Secretary determines to be appropriate; or

''(viii) a consortium of any of the entities described in clauses (i) through (vii); and

''(B) prepare and submit to the Secretary an application at such time, in such manner,

and containing such information as the Secretary may reasonably require, including assurances that the entity submitting the application does, at the time of application, or will, within a reasonable amount of time from the date of application, include substantive participation of a broad range of entities that work with or provide services for individuals with Fetal Alcohol Spectrum Disorders.

''(3) ACTIVITIES.—An eligible entity shall use amounts received under a grant, contract, or cooperative agreement under this subsection shall carry out 1 or more of the following activities:

''(A) Identifying and integrating existing programs and services available in the community for individuals with Fetal Alcohol Spectrum Disorders.

''(B) Conducting a needs assessment to identify services that are not available in a community.

''(C) Developing and implementing community-based initiatives to prevent, diagnose, treat, and provide support services to individuals with Fetal Alcohol Spectrum Disorders.

''(D) Disseminating information about Fetal Alcohol Spectrum Disorders and the availability of support services.

''(E) Developing and implementing a community-wide public awareness and outreach campaign focusing on the dangers of drinking alcohol while pregnant.

''(F) Providing mentoring or other support to families of individuals with Fetal Alcohol Spectrum Disorders.

''(G) Other activities determined appropriate by the Secretary.

''(4) AUTHORIZATION OF APPROPRIATION.—There are authorized to be appropriated to carry out this subsection, such sums as may be necessary for each of fiscal years 2005 through 2009.

''(e) DEVELOPMENT OF BEST PRACTICES.—

''(1) IN GENERAL.—The Secretary, in coordination with the National Task Force on Fetal Alcohol Spectrum Disorders, shall award grants to States, Indian tribes and tribal organizations, and nongovernmental organizations for the establishment of pilot projects to identify and implement best practices for—

''(A) educating children with fetal alcohol spectrum disorders, including—

''(i) activities and programs designed specifically for the identification, treatment, and education of such children; and

''(ii) curricula development and credentialing of teachers, administrators, and social workers who implement such programs;

''(B) educating judges, attorneys, child advocates, law enforcement officers, prison wardens, alternative incarceration administrators, and incarceration officials on how to treat and support individuals suffering from Fetal Alcohol Spectrum Disorders within the criminal justice system, including—

''(i) programs designed specifically for the identification, treatment, and education of those with Fetal Alcohol Spectrum Disorders; and

''(ii) curricula development and credentialing within the justice system for individuals who implement such programs; and

''(C) educating adoption or foster care agency officials about available and necessary services for children with fetal alcohol spectrum disorders, including—

''(i) programs designed specifically for the identification, treatment, and education of those with Fetal Alcohol Spectrum Disorders; and

''(ii) education and training for potential parents of an adopted child with Fetal Alcohol Spectrum Disorders.

''(2) APPLICATION.—To be eligible for a grant under paragraph (1), an entity shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may reasonably require.

''(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection, such sums as may be necessary for each of fiscal years 2005 through 2009.

''(f) TRANSITIONAL SERVICES.—

''(1) IN GENERAL.—The Secretary shall award demonstration grants, contracts, and cooperative agreements to States, Indian tribes and tribal organizations, and nongovernmental organizations for the purpose of establishing integrated systems for providing transitional services for those affected by prenatal alcohol exposure and evaluating their effectiveness.

''(2) APPLICATION.—To be eligible for a grant, contract, or cooperative agreement under paragraph (1), an entity shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may reasonably require.

''(3) ALLOWABLE USES.—An entity shall use amounts received under a grant, contract, or cooperative agreement under paragraph (1) to—

''(A) provide housing assistance to adults with Fetal Alcohol Spectrum Disorders;

''(B) provide vocational training and placement services for adults with Fetal Alcohol Spectrum Disorders;

''(C) provide medication monitoring services for adults with Fetal Alcohol Spectrum Disorders; and

''(D) provide training and support to organizations providing family services or mental health programs and other organizations that work with adults with Fetal Alcohol Spectrum Disorders.

''(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection, such sums as may be necessary for each of fiscal years 2005 through 2009.

''(g) COMMUNITY HEALTH CENTER INITIATIVE.—

''(1) IN GENERAL.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, shall award grants to community health centers acting in collaboration with States, Indian tribes, tribal organizations, and nongovernmental organizations, for the establishment of a 5-year demonstration program under the direction of the Interagency Coordinating Committee on Fetal Alcohol Syndrome to implement and evaluate a program to increase awareness and identification of Fetal Alcohol Spectrum Disorders in community health centers and to refer affected individuals to appropriate support services.

''(2) APPLICATION.—To be eligible to receive a grant under paragraph (1), a community health center shall prepare and submit to the Administrator an application at such time, in such manner, and containing such information as the Administrator may reasonably require.

''(3) ACTIVITIES.—A community health center shall use amounts received under a grant under paragraph (1) to—

''(A) provide training for health care providers on identifying and educating women who are at risk for alcohol consumption during pregnancy;

''(B) provide training for health care providers on screening children for Fetal Alcohol Spectrum Disorders;

''(C) educate health care providers and other relevant community health center workers on the support services available for those with Fetal Alcohol Spectrum Disorders and treatment services available for women at risk for alcohol consumption during pregnancy; and

''(D) implement a tracking system that can identify the rates of Fetal Alcohol Spectrum Disorders by racial, ethnic, and economic backgrounds.

''(4) SELECTION OF PARTICIPANTS.—The Administrator shall determine the number of community health centers that will participate in the demonstration program under this subsection and shall select participants, to the extent practicable, that are located in different regions of the United States and that serve a racially and ethnically diverse population.

''(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection, such sums as may be necessary for each of fiscal years 2005 through 2009.

''(6) REPORT TO CONGRESS.—Not later than 1 year after completion of the demonstration program under this subsection, the Administrator shall prepare and submit to Congress a report on the results of the demonstration program, including—

''(A) changes in the number of women screened for and identified as at risk for alcohol consumption during pregnancy;

''(B) changes in the number of individuals identified as having a Fetal Alcohol Spectrum Disorder; and

''(C) changes in the number of alcohol-consuming pregnant women and individuals with Fetal Alcohol Spectrum Disorders who were referred to appropriate services.'';

(4) in subsection (h)(1) (as so redesignated).

(A) in subparagraph (C), by striking ''and'' after the semicolon;

(B) in subparagraph (D), by adding ''and'' after the semicolon; and

(C) by adding at the end the following:

''(E) national public service announcements to raise public awareness of the risks associated with alcohol consumption during pregnancy with the purpose of reducing the prevalence of Fetal Alcohol Spectrum Disorders, that shall—

''(i) be conducted by relevant Federal agencies under the coordination of the Interagency Coordinating Committee on Fetal Alcohol Syndrome;

''(ii) be developed by the appropriate Federal agencies, as determined by the Interagency Coordinating Committee on Fetal Alcohol Syndrome taking into consideration the expertise and experience of other relevant Federal agencies, and shall test and evaluate the public service announcement's effectiveness prior to broadcasting the announcements nationally;

''(iii) be broadcast through appropriate media outlets, including television or radio, in a manner intended to reach women at risk of alcohol consumption during pregnancy; and

''(iv) be measured prior to broadcast of the national public service announcements to provide baseline data that will be used to evaluate the effectiveness of the announcements.''; and

(5) in subsection (k) (as so redesignated)—

(A) in paragraph (1), by striking ''National Task Force on Fetal Alcohol Syndrome and Fetal Alcohol Effect'' and inserting ''National Task Force on Fetal Alcohol Spectrum Disorders'';

(B) in paragraph (3)—

(i) in subparagraph (B), by striking ''and'' after the semicolon;

(ii) in subparagraph (C), by adding ''and'' after the semicolon; and

(iii) by adding at the end the following:

''(D) develop, in collaboration with the Interagency Coordinating Committee on Fetal Alcohol Syndrome, a report that identifies and describes the 10 most important

actions that must be taken to reduce prenatal alcohol exposure and all its adverse outcomes, and that shall—

''(i) describe the state of the current epidemiology of Fetal Alcohol Spectrum Disorders, risk factors, and successful approaches in policy and services that have reduced alcohol-exposed pregnancies and outcomes;

''(ii) identify innovative approaches that have worked in related areas such as tobacco control or HIV prevention that may provide models for Fetal Alcohol Spectrum Disorders prevention;

''(iii) recommend short-term and long-term action plans for achieving the Healthy 2010 Objectives for the United States, such as increasing abstinence from alcohol among pregnant women and reducing the occurrence of Fetal Alcohol Syndrome; and

''(iv) recommend in coordination with the National Institute on Mental Health whether Fetal Alcohol Syndrome and other prenatal alcohol disorders, or a subset of these disorders, should be included in the Diagnostic and Statistical Manual of Mental Disorders.''; and

(C) by striking ''Fetal Alcohol Syndrome and Fetal Alcohol Effect'' each place that such appears and inserting ''Fetal Alcohol Spectrum Disorders''.

SEC. 4. COORDINATION AMONG FEDERAL ENTITIES.

Part O of title III of the Public Health Service Act (42 U.S.C. 280f et seq.) is amended by adding at the end the following:

''SEC. 399K–1. COORDINATION AMONG FEDERAL ENTITIES.

''(a) INTERAGENCY COORDINATING COMMITTEE ON FETAL ALCOHOL SYNDROME.—The Secretary, acting through the Director of the National Institute on Alcohol Abuse and Alcoholism, shall provide for the continuation of the Interagency Coordinating Committee on Fetal Alcohol Syndrome so that such Committee may—

''(1) coordinate activities conducted by the Federal Government on Fetal Alcohol Spectrum Disorders, including convening meetings, establishing work groups, sharing information, and facilitating and promoting collaborative projects among Federal agencies; and

''(2) develop, in consultation with the National Task Force on Fetal Alcohol Spectrum Disorders, priority areas for years 2006 through 2010 to guide Federal programs and activities related to Fetal Alcohol Spectrum Disorders.

''(b) COORDINATION AMONG FEDERAL ENTITIES.—

''(1) IN GENERAL.—The Comptroller General of the United States shall evaluate and make recommendations regarding the appropriate roles and responsibilities of Federal entities with respect to programs and activities related to Fetal Alcohol Spectrum Disorders.

''(2) COVERED ENTITIES.—The Federal entities under paragraph (1) shall include entities within the National Institutes of Health, the Centers for Disease Control and Prevention, the Substance Abuse and Mental Health Services Administration, the Health Resources and Services Administration, the Indian Health Service, the Agency for Healthcare Research and Quality, the Interagency Coordinating Committee on Fetal Alcohol Syndrome, the National Task Force on Fetal Alcohol Spectrum Disorders, as well as the Office of Special Education and Rehabilitative Services in the Department of Education and the Office of Juvenile Justice and Delinquency Prevention in the Department of Justice.

''(3) EVALUATION.—The evaluation conducted by the Comptroller General under paragraph (1) shall include—

''(A) an assessment of the current roles and responsibilities of Federal entities with programs and activities related to Fetal Alcohol Spectrum Disorders; and

''(B) an assessment of whether there is duplication in programs and activities, conflicting roles and responsibilities, or lack of coordination among Federal entities.

''(4) RECOMMENDATION.—The Comptroller General shall provide recommendations on the appropriate roles and responsibilities of the Federal entities described in paragraph (2) in order to maximize the effectiveness of Federal programs and activities related to Fetal Alcohol Spectrum Disorders.

''(5) COMPLETION.—Not later than 1 year after the date of enactment of the Advancing FASD Research, Prevention, and Services Act, the Comptroller General shall complete the evaluation and submit to Congress a report on the findings and recommendations made as a result of the evaluation.''.

SEC. 5. SERVICES FOR INDIVIDUALS WITH FETAL ALCOHOL SYNDROME.

Section 519C(b) of the Public Health Service Act (42 U.S.C. 290bb-25c(b)) is amended—

(1) in paragraph (11), by striking ''and'' after the semicolon;

(2) by redesignating paragraph (12) as paragraph (15); and

(3) by inserting after paragraph (11), the following:

''(12) provide respite care for caretakers of individuals with Fetal Alcohol Syndrome and other prenatal alcohol-related disorders;

''(13) recruit and train mentors for adolescents with Fetal Alcohol Syndrome and other prenatal alcohol-related disorders;

''(14) provide educational and supportive services to families of individuals with Fetal Alcohol Spectrum Disorders; and''.

SEC. 6. PREVENTION, INTERVENTION, AND SERVICES IN THE EDUCATION SYSTEM.

The Secretary of Education shall direct the Office of Special Education and Rehabilitative Services to—

(1) implement screening procedures and conduct training on a nationwide Fetal Alcohol Spectrum Disorders surveillance campaign for the educational system in collaboration with the efforts of the National Center on Birth Defects and Developmental Disabilities under section 399H(b) of the Public Health Service Act (as added by this Act);

(2) introduce curricula previously developed by the National Center on Birth Defects and Developmental Disabilities and the Substance Abuse and Mental Health Services Administration on how to most effectively educate and support children with Fetal Alcohol Spectrum Disorders in both special education and traditional education settings, and investigate incorporating information about the identification, prevention, and treatment of the Disorders into teachers' credentialing requirements;

(3) integrate any special techniques on how to deal with Fetal Alcohol Spectrum Disorders children into parent-teacher or parent-administrator interactions, including after-school programs, special school services, and family aid programs;

(4) collaborate with other Federal agencies to introduce a standardized educational unit within schools' existing sexual and health education curricula, or create one if needed, on the deleterious effects of prenatal alcohol exposure; and

(5) organize a peer advisory network of adolescents in schools to discourage the use of alcohol while pregnant or considering getting pregnant.

SEC. 7. PREVENTION, INTERVENTION, AND SERVICES IN THE JUSTICE SYSTEM.

The Attorney General shall direct the Office of Juvenile Justice and Delinquency Prevention to—

(1) implement screening procedures and conduct training on a nationwide Fetal Alcohol Spectrum Disorders surveillance campaign for the justice system in collaboration with the efforts of the National Center on Birth Defects and Developmental Disabilities under section 399H(b) of the Public Health Service Act (as added by this Act);

(2) introduce training curricula, in collaboration with the National Center on Birth Defects and Developmental Disabilities and the Substance Abuse and Mental Health Services Administration, on how to most effectively identify and interact with individuals with Fetal Alcohol Spectrum Disorders in both the juvenile and adult justice systems, and investigate incorporating information about the identification, prevention, and treatment of the disorders into justice professionals' credentialing requirements;

(3) promote the tracking of individuals entering the juvenile justice system with at-risk backgrounds that indicates them as high probability for having a Fetal Alcohol Spectrum Disorder, especially those whose individuals mothers have a high record of drinking during pregnancy as reported by the appropriated child protection agency;

(4) educate judges, attorneys, child advocates, law enforcement officers, prison wardens, alternative incarceration administrators, and incarceration officials on how to treat and support individuals suffering from Fetal Alcohol Spectrum Disorders within the criminal justice system, including—

(A) programs designed specifically for the identification, treatment, and education of such children; and

(B) curricula development and credentialing of teachers, administrators, and social workers who implement such programs;

(5) conduct a study on the inadequacies of how the current system processes children with certain developmental delays and subsequently develop alternative methods of incarceration and treatment that are more effective for youth offenders identified to have a Fetal Alcohol Spectrum Disorder; and

(6) develop transition programs for individuals with Fetal Alcohol Spectrum Disorders who are released from incarceration.

SEC. 8. MISCELLANEOUS PROVISIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 399J of the Public Health Service Act (42 U.S.C. 280f-2) is amended by striking ''the part'' and all that follows through the period and inserting ''subsections (h) thorough (k) of section 399H, $27,000,000 for each of fiscal years 2005 through 2009''.

(b) REPEAL OF SUNSET.—Section 399K of the Public Health Service Act (42 U.S.C. 280f-3) is repealed.

THE ADVANCING FASD RESEARCH, PREVENTION, AND SERVICES ACT

RESEARCH

The adverse affects of alcohol consumption during pregnancy are better understood today than they were when Fetal Alcohol Syndrome (FAS) was first described in the medical literature in 1968. But more research is needed. The bill would require the National Institutes of Health to develop a research agenda for Fetal Alcohol Spectrum Disorders (FASD) that would include research related to:

Identifying the mechanisms that produce the cognitive and behavioral problems associated with fetal alcohol exposure; development of a neurocognitive phenotype for FAS and Alcohol-Related Neurodevelopmental Disorder (ARND); identifying biological markers that indicate fetal alcohol exposure; identifying risk factors that increase susceptibility to FASD; investigating new approaches for sustaining recovery from alcohol dependence; developing therapeutic

interventions for individuals with FASD; developing screening instruments to identify women who consume alcohol during pregnancy; and understanding the behavioral disorders associated with FASD.

SURVEILLANCE, IDENTIFICATION, AND PREVENTION

FASD is often difficult to identify, which complicates efforts to accurately estimate its prevalence. Improved surveillance of FASD is needed to better understand the scope of the problem and to effectively deploy public health resources. The bill would improve surveillance and prevention by:

Developing a comprehensive screening process for FASD; monitoring risk factors for FASD such as alcohol consumption among pregnant women and women of childbearing age; and conducting research on prevention and implementing strategies for reducing alcohol-exposed pregnancies.

STATE FASD SYSTEMS

To improve surveillance, prevention, and treatment of individuals with FASD, the bill would facilitate the development of statewide FASD systems. To be eligible for federal grants, a state would have to develop a strategic plan for preventing and treating FASD, consult with public and non-profit private organizations with relevant expertise, including family organizations, and designate an individual as the state's FASD program coordinator.

States would be required to identify existing state programs that could be used for identification, prevention, and treatment of FASD and to identify barriers that individuals with FASD may now experience when trying to access those programs. States could use the federal funds for a number of activities, including:

Establishing statewide surveillance systems and diagnostic centers; developing and implementing prevention programs, including public awareness campaigns; referring individuals with FASD to appropriate support services; developing and sharing best practices; training health care providers; and disseminating information about FASD and the availability of support services.

COMMUNITY PARTNERSHIPS

Responding to FASD at the community level is also important. The bill would provide federal grants to partnerships of health professionals, school systems, child welfare offices, incarceration facilities, parent organizations, Indian tribes and others within a community. These community partnerships would collaborate on common objectives and integrate services. Federal funds could be used to:

Identify and integrate existing services; identify services not available in a community; develop community-based initiatives to prevent, diagnose, treat and provide support services to individuals with FASD; disseminate information; develop community-wide public awareness and outreach campaigns; and provide mentoring or other support for families of individuals with FASD.

BEST PRACTICES

Individuals with FASD can find themselves in a number of settings and under the supervision of individuals not trained to work with them. The bill would provide federal grants for pilot projects to identify and implement best practices for:

Educating children with FASD within the school system; educating judges, attorneys, child advocates, law enforcement officers, prison wardens, and others on how to treat and support individuals with FASD within the criminal justice system; and educating adoption or foster care agency officials about available and necessary services for children with FASD.

SUPPORT SERVICES

Individuals with FASD often need special support services as they transition from adolescence to adulthood. The bill would provide federal grants that could be used to:

Provide housing assistance to adults with FASD; provide vocational training and placement services to adults with FASD; provide medication monitoring services to adults with FASD; and provide training and support to organizations providing family services or mental health programs and other organizations that work with adults with FASD.

The bill would also allow federal funds to be used to provide respite care to caregivers of individuals with FASD, recruit and train mentors for adolescents with FASD, and provide education and support services to families of individuals with FASD.

COMMUNITY HEALTH CENTER INITIATIVE

Community health centers provide primary and preventive health care services in rural and urban communities that are medically underserved. The bill would provide federal grants to implement and evaluate a program to increase awareness and identification of FASD in community health centers. Participating health centers would:

Provide training to health care providers on identifying and educating women who are at risk for alcohol consumption during pregnancy; provide training to health care providers on screening children for FASD; and educate health care providers and other health center workers on the availability of support services for individuals with FASD and treatment services for women at risk for alcohol consumption during pregnancy.

PUBLIC AWARENESS AND EDUCATION

Even though FASD is completely preventable, many continue to consume alcohol during pregnancy. The bill would authorize the development and broadcast of national public service announcements to raise public awareness of the risks associated with alcohol consumption during pregnancy.

NATIONAL TASK FORCE ON FASD

The bill would require the National Task Force on FASD to identify and report on the ten most important actions that should be taken to reduce prenatal alcohol exposure and its adverse outcomes, current epidemiological information, innovative prevention models, short-term and long-term recommendations for achieving the Healthy 2010 Objectives for the Nation related to FASD, and a recommendation on whether FAS and other prenatal alcohol disorders should be included in the Diagnostic and Statistical Manual of Mental Disorders.

COORDINATION AMONG FEDERAL ENTITIES

The bill provides statutory authority for the Interagency Coordinating Committee on FAS and instructs the Comptroller General of the United States to evaluate and make recommendations regarding the appropriate roles and responsibilities of federal entities with programs and activities related to FASD.

PREVENTION, INTERVENTION, AND SERVICES IN THE EDUCATION SYSTEM

The education system must be involved in efforts to address FASD. The bill would have the Department of Education implement screening procedures, introduce curricula on how to effectively educate and support children with FASD, include information on the danger of alcohol consumption during pregnancy in existing sexual and health education curricula, and adopt other strategies to assist students with FASD.

PREVENTION, INTERVENTION, AND SERVICES IN THE JUSTICE SYSTEM

Many FASD adolescents and adults are incarcerated or otherwise involved in the justice system. The bill would have the Attorney General implement screening procedures, introduce training curricula on how to effectively identify and interact with individuals with FASD, track individuals entering the juvenile justice system whose background indicates they have a high probability of having FASD, and develop transition programs for individuals with FASD who are released from incarceration.

By Mr. HATCH (for himself and Mr. LEAHY):

S. 2742. A bill to extend certain authority of the Supreme Court Police, modify the venue of prosecutions relating to the Supreme Court building and grounds, and authorize the acceptance of gifts to the United States Supreme Court; to the Committee on the Judiciary.

Mr. HATCH. Mr. President, the Federal courts propose legislation to improve their operational efficiency. Today, joined by Senator LEAHY, I am introducing legislation requested by the Supreme Court of the United States. This bill is non-controversial and I hope the Senate can complete action on it in a timely manner after we return from our August recess.

There are three sections to this bill which I will describe for the benefit of my colleagues.

Section 1. Supreme Court Police Authority to Protect Court Officials Off of Court Grounds. This section would extend, for an additional four years, a ''sunset'' provision on authority of the Supreme Court Police to protect the Justices and other Court officials and official guests away from the Court building and grounds.

This authority was established by Public Law 97–390 (12/29/82) and was for a three-year period. Since 1985, the authority has been renewed regularly, generally with three or four year extensions and now expires at the end of 2004. The extension of the sunset provision would permit the Court Police to carry out this function until 2008. The Court Police regularly provide protection for the Justices away from the Court, and in light of the heightened security threats to symbols of our government, it is vital that the Police's authority to carry out this function continue without interruption.

Section 2. Venue for violations of Chapter 61 of Title 40. This section would add the United States District Court for the District of Columbia to the existing statute establishing venue for the prosecution of violations of statutes or regulations governing the Supreme Court building and grounds under 40 USCS §§ 6131 et seq.

Section 6137(b) currently permits prosecutions only in Superior Court. The amendment would provide an additional alternative, in light of the fact that there are prosecutions under these statutes where distinctly Federal interests are at stake.

Prosecutions under this chapter include the following: Sale of articles, signs, and solicitation in Supreme Court Building and grounds; destruction of property in the Supreme Court

Building and grounds; possession of firearms, fireworks, unauthorized speeches, and objectionable language in the Supreme Court Building and grounds; and unauthorized parades, assemblages, and display of flags in the Supreme Court Building and grounds.

Section 3. Gifts to the Supreme Court. This section would authorize the Chief Justice or his designee to accept, hold, administer and use gifts of personal property for official Court purposes. Monetary bequests would be turned over to the treasury.

In 1978, Congress authorized the Director of the Administrative Office for United States Courts to receive gifts on behalf of the judiciary, recognizing at the time that the judiciary had already received gifts under its implied powers. [See 28 U.S.C. §604(a)(17)(B).] Generally, the Director does not have authority with respect to the Supreme Court, and this provision is intended to recognize that the Supreme Court has the authority to receive non-monetary gifts on its own behalf. The language of the provision closely tracks the 1978 legislation authorizing the Director to receive gifts for the judiciary.

Mr. President, I appreciate the cooperative effort that Senator LEAHY and I have been able to undertake to bring this legislation to the Senate and am confident we can work together to ensure timely passage of this measure.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2742

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

SECTION 1. EXTENSION OF AUTHORITY FOR THE UNITED STATES SUPREME COURT POLICE TO PROTECT COURT OFFICIALS OFF THE SUPREME COURT GROUNDS.

Section 6121(b)(2) of title 40, United States Code, is amended by striking ''2004'' and inserting ''2008''.

SEC. 2. VENUE FOR PROSECUTIONS RELATING TO THE UNITED STATES SUPREME COURT BUILDING AND GROUNDS.

Section 6137 of title 40, United States Code, is amended by striking subsection (b) and inserting the following:

''(b) VENUE AND PROCEDURE.—Prosecution for a violation described in subsection (a) shall be in the United States District Court for the District of Columbia or in the Superior Court of the District of Columbia, on information by the United States Attorney or an Assistant United States Attorney.''.

SEC. 3. GIFTS TO THE UNITED STATES SUPREME COURT.

The Chief Justice or his designee is authorized to accept, hold, administer, and utilize gifts and bequests of personal property for the purpose of aiding or facilitating the work of the United States Supreme Court, but gifts or bequests of money shall be covered into the Treasury.

By Mr. FITZGERALD (for himself, Ms. CANTWELL, Mr. HOLLINGS, Mrs. FEINSTEIN, and Mr. SESSIONS):

S. 2743. A bill to amend title 38, United States Code, to provide that only licensed medical doctors, licensed doctors of osteopathy, and certain licensed dentists may perform eye surgery at Department of Veterans Affairs facilities or under contract with the Department; to the Committee on Veterans' Affairs.

Mr. FITZGERALD. Mr. President, I rise today to introduce the Veterans Eye Treatment Safety Act of 2004, or VETS Act, which will protect the eye care of our veterans by providing that only licensed physicians may perform eye surgery at Department of Veterans Affairs (VA) facilities or under contract with the VA.

Presently, 49 out of 50 States prohibit optometrists from performing surgery. Oklahoma is the only State that allows optometrists to perform laser surgical procedures. Recently, Oklahoma enacted a law expanding existing law to allow optometrists to perform nonlaser surgical procedures such as cataract surgery.

Under the VA credentialing practice, optometrists have been granted laser surgery clinical privileges within the VA Medical Center. The VA's credentialing practice allows medical practitioners to be granted privileges to perform procedures within the VA system that they are authorized to perform in the State in which they are licensed. Thus, an optometrist licensed in Oklahoma can be granted clinical privileges to perform laser surgery at the VA. In 2003, the VA allowed at least three optometrists to perform laser eye surgery at multiple VA hospitals throughout the Nation.

This practice is inconsistent with the policies of the Army, Navy, and Air Force, which do not allow optometrists to perform eye surgery. The VA, which also treats TRICARE beneficiaries, is the outlier. If a military retiree, a TRICARE beneficiary, needs laser eye surgery, only a licensed medical doctor or doctor of osteopathy could perform it, as required by the Army, Navy, and Air Force. However, if that same TRICARE beneficiary seeks treatment at a VA facility—as is his or her right—it is possible that an optometrist could perform the surgery. In this case, such person would receive a lower standard of care than the Department of Defense would allow in a military treatment facility. This VA credentialing practice regarding eye surgery creates two standards of care: a high standard of care for active duty personnel, dependents, and TRICARE beneficiaries when seen in a military treatment facility, and a lower standard of care for TRICARE beneficiaries and veterans if treated in the VA system.

The VA's practice is questionable. Optometrists typically do not have the requisite training and experience to perform eye surgery. Only one school of optometry in the United States offers courses in laser eye surgery. To become certified, optometrists must complete two courses at this school, with less than 40 hours of training, and perform only four supervised surgeries. In contrast, ophthalmologists during medical school, internship, and residency complete between 9,000 to 12,000 hours of training and education before practicing without supervision.

The Veterans Eye Treatment Safety Act of 2004 provides that only licensed medical doctors, licensed doctors of osteopathy, or licensed dentists whose practice is limited to oral or maxillofacial surgery may perform eye surgery at Department of Veterans Affairs facilities or under contract with the department. This legislation is narrowly targeted and does not prevent optometrists from performing noninvasive, nonsurgical procedures—the procedures that optometrists are trained and qualified to perform. The bill simply ensures that only licensed physicians can perform invasive, surgical procedures on our veterans.

The VETS Act has been endorsed by the Vietnam Veterans of America, the National Gulf War Resource Center, the American Medical Association, the American Academy of Ophthalmology, the American Osteopathic Association, and the American College of Surgeons. Additionally, the Veterans of Foreign Wars and the Blinded Veterans Association have written letters to the Department of Veterans Affairs opposing allowing optometrists to perform surgery.

This bill is a patient safety measure that protects our veterans. It protects the law of 49 States, preventing the will of one from becoming the law of the land. We must send a clear message to the VA that veterans should receive the same quality eye care that ordinary citizens receive.

I would like to thank Senator CANTWELL, Senator HOLLINGS, Senator FEINSTEIN, and Senator SESSIONS for cosponsoring this important legislation. I urge all of my colleagues to join me in supporting this bill that will protect the ocular safety of our veterans—ensuring that they receive the same high level of care that almost all Americans and members of the armed forces receive.

I ask unanimous consent that the text of bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2743

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 ''Veterans Eye Treatment Safety (VETS) Act of 2004''.

SEC. 2. LIMITATION AS TO PERSONS WHO MAY PERFORM EYE SURGERY FOR DEPARTMENT OF VETERANS AFFAIRS.

Section 1707 of title 38, United States Code, is amended by adding at the end the following new subsection:

''(c)(1) Eye surgery at a Department facility or under contract with the Department may be performed only by an individual who is a licensed medical doctor, a licensed doctor of osteopathy, or a licensed dentist whose practice is limited to the specialty of oral or maxillofacial surgery.

''(2) For purposes of this subsection, the term 'eye surgery' means any procedure involving the eye or the adnexa in which human tissue is cut, burned, frozen, vaporized, ablated, probed, or otherwise altered or penetrated by incision, injection, laser, ultrasound, ionizing radiation, or by other means, in order to treat eye disease, alter or correct refractive error, or alter or enhance cosmetic appearance. Such term does not include the following noninvasive, nonsurgical procedures: removal of superficial ocular foreign bodies from the conjunctival surface, from the eyelid epidermis, or from the corneal epithelium; corneal debridement and scraping; forceps epilation of misaligned eyelashes; the prescription and fitting of contact lenses; insertion of punctal plugs, diagnostic dilation or irrigation of the lacrimal system; the use of diagnostic ultrasound; orthokeratology; or the treatment of emergency cases of anaphylactic shock (with subcutaneous epinephrine, such as that included in a bee sting kit).''.

By Mr. SUNUNU (for himself, Mr. REID, Mrs. DOLE, and Mr. HARKIN):

S. 2744. A bill to authorize the minting and issuance of a Presidential $1 coin series; to the Committee on Banking, Housing, and Urban Affairs.

Mr. SUNUNU. Mr. President, I rise today with the Senator from Nevada, Senator REID, to introduce the Presidential $1 Coin Act of 2004. This legislation, which is modeled after the successful 50-State quarter program, would add the image of U.S. Presidents to the circulating dollar coin. I believe this bill, when enacted, will prompt more widespread usage of the dollar coin, earn significant funds for the U.S. government and spark new interest in the history of the leaders of our Nation.

The United States Government currently issues a dollar coin. Unfortunately, many Americans don't know about the coin and most don't use them. In fact, the dollar coin has never lived up to its promise to become a primary component of the American economy. I believe as policy makers, it is our job to ask what this costs our economy and our government, why the dollar coin is not widely used, and what can be done to remedy it.

With a one-dollar coin in general circulation, our economy will be more efficient, and our government will reap the significant benefits that a fully circulating coin will generate. To illustrate, millions of low-dollar transactions occur in our country every day. Bringing even the smallest efficiency to each would result in significant savings to the economy. For example, the vending machine industry estimates that the effect of a widely circulated dollar coin in its sector alone could be as much as $1 billion in savings: $300 million in increased sales and $700 million in reduced maintenance costs. Add to that the savings that businesses would realize by experiencing lower handling costs—it's simply much more expensive to sort and count bills than coins—and one begins to get a sense of the economies that could be achieved if our dollar coin program were more of a success.

In the public sector, the savings are hardly less dramatic. Informed estimates put the effect of a fully circulating dollar coin at as much as a $500 million annual infusion to the Treasury general fund. These funds are created by the difference between what it costs to make a coin or bill and what it's worth. For a dollar coin, the difference, which is called seigniorage, is about 80 cents. While there is no direct comparison for a dollar bill, as the accounting methods are different, the gain to the general fund is much less. Another savings comes from the fact that a coin can do its work for 30 years, while a dollar bill has a lifespan of only about 18 months before it wears out and needs to be replaced.

With such clear advantages on the side of the dollar coin why doesn't the American public use the coin? The answers are fairly well known and were documented by the GAO in a 2002 report to Congress. Let me address some of the problems outlined by the GAO.

First, there is the so-called ''network effect.'' This interdependency of demand is described by the GAO this way—''Increasing the use of the coin is especially difficult because retailers will not stock the dollar coin until they see the public using it, the public is unlikely to use the coin until they see retailers stocking it, and banks and armored carriers are reluctant to invest in new equipment to handle the coin until there is wide demand for it.'' Second, there is a lack of public information about the savings to the government from using the dollar coin. Third, business users found difficulty in getting the newer ''golden'' dollar coins in a useable form—they are not rolled like other coins and because they are generally commingled with the older Susan B. Anthony dollars. Fourth, design mistakes made with the Susan B. Anthony dollar led many to confuse the coin with the quarter and spend it at a 75-cent loss. Finally, the most difficult problem of all, Americans prefer the dollar bill to the dollar coin because they can get an adequate supply of them, and they are readily accepted everywhere.

The GAO summed it up with this conclusion in its 2002 report, ''. . . until individuals can see that the coin is widely used by others and that the government intends to replace the dollar bill with the dollar coin, they will be unlikely to use the coin in everyday transactions.''

The bill I am introducing today will address many of these problems. It will do so by getting the dollar coin in people's hands and pockets. It will provide the information that Americans need to make rational decisions and it takes steps to eliminate other barriers to circulation of the coin. Although this legislation does not take the dollar bill out of circulation, it is well known that continued circulation of the dollar bill is expensive to businesses and consumers alike. Therefore, I am today writing the GAO asking that it carefully examine this issue and update its findings from its last comprehensive review made in 1990.

Now, I turn to the specifics of my legislative proposal. Beginning in 2006, the bill would cause the images of four U.S. Presidents to appear on the dollar coin a year, each in the order of their service, until all are so honored. The reverse of the coin would feature the Statue of Liberty. The edge of the coin would hold important information, such as the date and the so-called mintmark. It is important to note that coins bearing the image of Sacagawea, who currently appears on the face of the dollar coin, will continue to be issued during the period of the Presidential Coin Program established by this bill. I draw my colleague's attention to the fact that her image will be joined by the images of U.S. Presidents, not displaced by them. This is only appropriate, especially as we celebrate the bicentennial of the Lewis and Clark Expedition of which she was such an important part.

To complement the Presidential Coin Program, my bill would also create a new puregold bullion coin to honor presidential spouses. At the same time each president's image appears on the circulating dollar coin, the spouse's image would appear on a one-half ounce pure gold coin. It is my hope that together the Presidential coin and the Spouse coin will spark excitement and interest in the dollar coin and get it into circulation. These coins will appeal both to collectors and to investors.

As I mentioned earlier, the Presidential Coin Program is modeled after the wildly successful 50-state quarter program. As all my colleagues know, that program has aroused new interest in coins, coin collecting and the history of our nation's states. Before it began, the U.S. Mint was producing about $400 million in quarters a year. Demand in the first year of the quarter program shot up to $1.2 billion in quarters that year. Seigniorage from the quarter halfway through the 50-state program has surpassed all expectations, amounting to more than $4 billion, close to the $5 billion that was predicted for the whole 10-year program. I believe that the Presidential Coin Program will have a similar effect on the dollar coin, creating interest and familiarity with the dollar coin and revenues for the U.S. government.

The bill I am introducing with Senator REID would also take other important steps toward getting Americans used to the dollar coin and removing barriers to its circulation. For example, it would cause the Federal Government to use the dollar coin in all its retail operations. Incredibly, this is not the case now. Except for the U.S. Postal Service, few other Federal agencies make use of the coin. Also, the bill would take the Susan B. Anthony dollar coin out of circulation, ending the problem—identified by many business owners—of commingling of the new and

old dollar coins. There would be, however, no problem for the Sacagawea and Presidential dollars to circulate at the same time, as they both would be of the attractive ''golden'' color. The bill also would cause the dollar coins to be available in convenient forms, including rolls and small bags, so that businesses can use them easily. Now, it's hard to get dollar coins except in pillow-sized bags, from which they must be counted before they can go into cash registers.

Finally, this legislation will create a new, pure-gold bullion, one-ounce coin with the image of the so-called ''Indian Head'' or ''Buffalo'' nickel. Here, I must note that the design is so popular that when our colleague Senator CAMPBELL, authored legislation to re-create that design as a limited-edition silver dollar to benefit the National Museum of the American Indian now under construction on the Mall, all half-million copies allowed sold out within two weeks. This will be an opportunity for collectors to get a pure-gold copy of the coin, but it will also be an opportunity for investors to buy an investment-grade coin. Other countries, including the People's Republic of China, make this kind of pure-gold investment vehicle available to their citizens, but to date the U.S. Mint gold investment-grade coins have only been about 90 percent pure. I'm certain that with the quality work of the Mint and the imprimatur of the United States Government, this coin will be well-accepted into the market.

Let me conclude, by saying that I believe the bill I am introducing today will put the dollar coin on the map and in the pockets of Americans. That's good for commerce and it's good government.

Mr. REID. Mr. President, I rise today with my good friend Senator SUNUNU to cosponsor the Presidential One Dollar Coin Act of 2004. When enacted, this measure will provide a valuable educational tool to help children and adults alike learn about our presidents, will lead to substantial savings for consumers, and earn billions of dollars for the government.

Let me begin by describing in detail how the program established by this legislation will work. Beginning in 2006, four presidents would be honored each year on dollar coins in the order of service, with their name, dates of service, and a number indicating the order in which they served on the front of the coin.

The Statute of Liberty will appear on the reverse side of the coin, while the date and mintmark will appear on the edge of the coin, leaving room for dramatic images on the faces.

The bill also continues the tradition that no image of a living president appear on coins and also seeks to address the several barriers to circulation that have in the past hindered more widespread use of the dollar coin.

The educational benefits of this program are clear. We all know that Thomas Jefferson wrote the Declaration of Independence in 1776, but how many know the dates of his presidential service to our country? Those were momentous years for our young nation, and this program will put that kind of information in the pockets of every consumer and in the hands of every school child in the nation.

This bill also will provide financial benefits to consumers and the government. The cost of counting and handling change is much lower than that of counting and handling currency. The widespread availability and use of a dollar coin will help lower costs for consumers in sectors of the economy that rely on regular low-dollar-value transactions, such as vending machines and transit systems.

The Department of Treasury also estimates that the dollar coin, if in full circulation, would create as much as $500 million each year for the government. This money, which goes directly to the general fund, arises from the difference between the costs of making the coin and the amount of worth it carries in commerce. While this amount varies depending on a number of factors, for the Golden Dollar, it averages about $0.80 for each coin.

It should be noted that the Department of Treasury estimated that the 50 State Quarter Program would produce $2.6 billion to $5 billion in revenues for the government; halfway through, the program already has earned more than $4 billion.

The second part of this bill would establish a program to honor presidential First Spouses with a nearly pure gold coin. Each coin would bear the likeness of a presidential spouse on one side and an image symbolic of the spouse's works or interests on the other. In the five cases in which presidents had no spouse during their term of office, the measure provides for an image of ''Liberty'' as was used on a coin during the president's term, with the reverse having an image related to the period of the president's term. I believe the presidential spouse program will build on the benefits— both educational and financial—of the presidential series.

Finally, my bill directs the U.S. Mint to produce a new, one-ounce, pure gold bullion coin with the famous image of the ''Indian Head'' or ''Buffalo'' nickel. This fine looking coin is so well known and popular that when it was struck as a silver dollar to help finance the National Museum of the American Indian, all 500,000 were snapped up by consumers and collectors in just two weeks.

While other countries have made coins like these, the Mint has never made a pure gold coin for investors and collectors, and I believe it is time to do so. Not only will these coins increase investment opportunities, they will produce earnings for the government. As my home state of Nevada is a principle gold producing state in the nation, it will also create jobs for my constituents.

I conclude my statement by addressing an important issue that relates to this proposal. I understand that there are those in this body and elsewhere who do not wish to see the image of Sacagawea, which is now on the dollar coin, removed for any reason. It is their view that to do so shows disrespect to her and to all Native Americans. I share their commitment to honoring the memory of Sacagawea, which is why my bill provides for the continued release of Sacagawea dollar coins throughout the Presidential coin program and beyond. Furthermore, I believe this program will actually honor Sacagawea by ensuring that the dollar coin with her image and the images of U.S. Presidents is widely circulated and used by all Americans.

Mr. President, I look forward to working with the Committee on Banking, Housing, and Urban Affairs and the rest of my colleagues to ensure this measure's review and passage.

By Mr. CAMPBELL:

S. 2745. A bill to amend the Colorado Canyons National Conservation Area and Black Ridge Canyons Wilderness Act of 2000 to rename the Colorado Canyons National Conservation Area as the McInnis Canyons National Conservation Area; to the Committee on Energy and Natural Resources.

Mr. CAMPBELL. Mr. President, I am honored to rise and introduce legislation that would rename the Colorado Canyons National Conservation Area as the McInnis Canyons National Conservation Area.

I do this in recognition of my colleague in the House, SCOTT MCINNIS, who will join me this year in returning home to private life after years of dedicated public service to the people of Colorado. For the past two decades, Congressman MCINNIS has been a true champion in the fight to protect Colorado's public lands. In fact, no sitting Member of Congress has passed more legislation for the designation and protection of Wilderness areas.

As Congressman MCINNIS nears the end of his tenure in office, I thought it appropriate to create a lasting symbol of Colorado's appreciation for his many achievements on behalf of our great State. The Colorado Canyons National Conservation Area is located near Congressman MCINNIS' home in Grand Junction. The site is one of America's most beautiful natural treasures. These canyons are preserved today because of the work of Congressman MCINNIS, who began his quest to protect the Colorado Canyons by seeking the input of local citizens and landowners. He then took this input and sought the advice of land managers and non-profit conservation organizations. Upon completing the plan, Congressman MCINNIS drafted the legislation to create the area and shepherded it through Congress.

Simply put, the creation of the Colorado Canyons National Conservation

Area would not have been possible absent the tireless efforts of SCOTT MCINNIS. Recognizing the sizable McInnis legacy on behalf of all Coloradans, I think it only fitting and appropriate to introduce this lasting tribute to recognize SCOTT's hard work and abiding love of Colorado's public lands.

By Mr. LIEBERMAN:

S. 2747. A bill to establish a Commission on the Future of the United States Economy to make recommendations on public policy and the reorganization of the Federal Government to promote efficiency and economy of operation, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. LIEBERMAN. Mr. President, in the mid-1980's President Reagan joined with Democrats and Republicans to fashion an effective strategy to confront the challenges we then faced from the Japanese. It's time to reconsider our competitiveness strategy, this time in response to the Chinese and many other emerging free enterprise economies. The Reagan approach—appointing a bipartisan commission on industrial competitiveness, chaired by John A. Young, president of Hewlett Packard Co., and supported by the Democratic Congress—remains the most effective way to proceed, and today I am introducing legislation to do just that.

Still known as the Young Commission, this distinguished group of leaders from large and small businesses, labor, and academia led the nation in a dialog on ways to strengthen the competitiveness of the U.S. industry in both domestic and foreign markets. Its recommendations and remedies were widely adopted in the late 1980's and 1990's and account for the unprecedented growth we experienced—much coming from America's high tech sector. But our competitive circumstances have changed and the Young Commission vision needs to be reconsidered and refreshed.

The 2.7 million jobs we've lost since 2000 is a bitter reminder of the economic crisis we faced in the early 1980's. Back then Japan had emerged as a major competitor invading our markets with advanced products at lower prices. Sony, Hitachi, Nikon, Toyota, Honda and other rising Japanese industrial giants had cast a shadow of anxiety over the American public. Plant closings and layoffs became widespread as our trade deficit with Japan ballooned and production shrank with rising imports. And the Paul Volcker interest rates imposed to break the back of inflation had crushed the weaker American firms. We had two choices: succumb or fight.

Fortunately, led by the kind of practical vision espoused by the Young Commission, the United States learned how to fight and rose to the challenge with objective analysis of our strengths and weaknesses, hard decisions about government's role, and investments in entrepreneurs and high technology fostering the longest expansionary period in our 200 year history. Wise decisions were made in the 1980s and we cashed in on them in the 1990's. The strategy that worked then is not sufficient now. World markets are now undergoing a momentous change that requires a re-assessment of our competitiveness strategy for this new century.

As the Japanese challenge developed in the early 1980s, the response of our two political parties became a polarized debate about ''industrial policy.'' Republicans favored deeper and deeper tax cuts to stimulate job growth which—together with massive defense spending—sent the deficits through the roof. Some Democrats pushed for an Industrial Development Bank to rescue failing firms and protectionist policies. Neither side thought it could compromise without risking the support of its political base, and we faced a political deadlock on economic policy. Twenty years later, does all of this sound quite familiar?

The Young Commission brought all sides to the table and enabled each to acknowledge the hard facts that shaped the debate. It proposed the first generation of reforms that became a bipartisan competitiveness agenda. Public-private collaborations instead of industrial supports, and research and development investments in information technology became a foundation for the economic boom of the 1990's. Their recommendations provided the roadmap that led to the longest period of economic growth in our history.

Today, the challenges we face are exponentially larger and more complex. We've entered an information age where intangible assets such as innovation and knowledge are the new keys to competitive advantage. These intangibles—including worker skills and knowledge, informal relationships that feed creativity, new business methods, and intellectual property—are driving worldwide economic prosperity. According to a 1998 study by the Brookings Institution 85 percent of company assets are now considered intangible, a significant jump from 38 percent in 1982.

In an age where these knowledge-based assets are difficult to patent or copyright, intellectual property rights are difficult to enforce, and information crosses borders freely and instantaneously, the first Young Commission doesn't give us all the answers. We need a strategy where change is both inevitable and necessary, as companies leapfrog their own technology and continuously reap the rewards that go to innovators. This 21st century rat race—constant insecurity, constant competition, and constant change—presents an opportunity for all, yet it will be a nightmare for the unprepared.

This is our fate for a good reason—the United States won the cold war's battle of ideas. The outcome is what we wished for—free enterprise is on the march, socialist state planning is discredited, and new competitors (principally China and India, but also Canada, Mexico, Ireland, Malaysia, and Taiwan) can deploy world class talent not fearful of international competition. American economic supremacy—our seeming birthright since the Second World War—has come to an end. Now we have to fight for every morsel on our economic table.

The competitors we now face have world class engineering and science talent as well as low wages. The challenge now extends beyond a concern over foreign competition on manufacturing to ominous trends in favor of global outsourcing of the services sector, including high end technology jobs. The drive for increased customization, speed, and responsiveness to customer needs has multiplied the pressures for productivity and quality. Our entire innovation ecosystem is under stress, including the ties between basic research and commercialization, competition for capital and technology, and adaptive business models. As we have done in building fighter aircraft that puts unheard of G force stress on pilots, we now need workers who can thrive on knowledge overload. Because our workforce no longer has the security of certainty and stability, we need to give it the confidence and tools to adapt continuously to innovation and change—in a global melee of shifting upstart competitors.

The American economy is the most adaptable in the world—with a well educated workforce, efficient capital markets, and the zeal of generations of entrepreneurial immigrants. But we seem not to have noticed that the rate of global change is accelerating. The warning signs are everywhere. We are not just losing some high wage jobs—we may be losing critical parts of our innovation infrastructure, and with them, our long-term competitive edge in the global marketplace. As long as emerging nations such as China and India continue to produce more and more science and engineering graduates, invest in their infrastructure, and implement targeted industrial and trade policies to strengthen their research and development and attract foreign investment, doing nothing will slowly and silently erode our economic and national security. As our own giants like GE, TI, Intel, HP, and Microsoft cast a shadow of anxiety over American workers by going offshore, we must proceed with a coordinated and sustainable vision to strengthen our innovation infrastructure. America's dependence on foreign capital to finance excessive government and consumer debt is an ominous trend which threatens our future innovation. The much higher savings rate of many of our competitors gives them ready access to capital necessary for investing in productivity-enhancing research and technologies.

To meet these challenges, we first need an injection of bipartisan political will and that's not easy to find in

Washington these days. It is time to unleash a new, bipartisan and updated Young Commission, charged with analyzing the impact of global economic changes on the American economy, including the offshore outsourcing problem, and offering nonpartisan proposals to preserve our innovation infrastructure and create more high-wage American jobs.

The legislation I am introducing today creates a 22-member bipartisan Commission on the Future of the U.S. Economy to make specific recommendations on a broad range of issues related to the development of our Nations' skill-base, innovation capacity and the other factors needed for the knowledge and information economy. The Commission is to report back to Congress within 18 months.

Numerous groups concerned about the future of the United States economy have begun to address the rising challenge of sustaining our competitive advantage in this new global economy. I first would like to thank Dr. Kenan Patrick Jarboe from Athena Alliance for helping to develop key ideas and providing invaluable advice as my office considered this legislation. I would also like to acknowledge the significant and thoughtful work the Electronic Industries Alliance has provided in formulating ideas for a new competitiveness agenda. I also trust that the major effort in progress under the National Innovation Initiative of the Council on Competitiveness will provide a creative groundwork for this important Commission.

I request unanimous consent that a section-by-section summary of the bill and the text of the bill itself appear in the RECORD following my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE COMMISSION ON THE FUTURE OF THE U.S. ECONOMY ACT

SECTION-BY-SECTION

SECTION 1. SHORT TITLE.

This section cites the title of the Act as the ''Commission on the Future of the U.S. Economy Act of 2004''.

SEC. 2. FINDINGS.

This section lays out a number of findings which include:

(1) The U.S. economy has entered an information age where innovation and knowledge are the new keys to competitive advantage and are creating new challenges for American workers and companies.

(2) In 1984, at the height of concerns over the condition of the manufacturing sector in the U.S., President Reagan appointed the bipartisan President's Commission on Industrial Competitiveness (the Young Commission) that addressed the issue of U.S. competitiveness in a new way and developed a framework that has guided policymaking for the past two decades.

(3) There is a need for an independent, bipartisan undertaking comparable to the Young Commission to review the new competitive challenges facing the United States and to recommend a framework to guide the making of responsive public policy.

SEC. 3. ESTABLISHMENT AND PURPOSE.

This section establishes the Commission on the Future of the U.S. Economy with the purpose of undertaking an analysis of the competitive challenges to American companies and workers and making recommendations for public policy, including reorganization of the Federal government, to promote efficiency and economy of operation, to foster the skills and knowledge Americans need to prosper in the 21st century, strengthen the entire innovation system, and stimulate the creation of knowledge, inventions, partnerships and other intangibles so as to maintain economic growth, income generation and job creation.

SEC. 4. COMPOSITION AND MEETINGS.

This section sets the membership at 17 voting members; nine appointed by the President and two each appointed by the Senate Majority Leader, the Senate Minority Leader, the Speaker of the House and the House Minority Leader. In addition, the President shall appoint five non-voting ex officio members from among the following officials: the Secretaries of the Treasury, Commerce, Labor and Defense, the United States Trade Representative, the Chairman of the Council of Economic Advisers, and the Director of the Office of Science and Technology Policy. The President shall designate one regular appointee as Chairperson. The voting members shall elect a Vice Chairperson who is not affiliated with the same political party as the Chairman. Members shall be appointed not later than 60 days after the date of enactment of an Act making the appropriations, and any vacancies shall be filled in the same manner as the original appointment.

Regular members shall be persons who are leaders or recognized experts from industry, labor unions, research institutions, academia and other important social and economic institutions, and have expertise in economics, international trade, services, manufacturing, labor, science and technology, education, business, or have other pertinent qualifications or experience. Regular members may not be officers or employees of the United States. Every effort shall be made to ensure that the regular members are those who can provide new insights to analyzing the nature and consequences of a knowledge-based economy.

The Commission shall hold its first meeting no later than 30 days after all voting members have been appointed.

SEC. 5. DUTIES OF THE COMMISSION.

This section describes the duties of the Commission which shall—

(A) review the findings and recommendations of previous studies and commissions (including the Young Commission and the National Innovation Initiative of the Council on Competitiveness);

(B) analyze the current economic environment and competitive challenges facing the U.S. workers and companies;

(C) review the strategies of other nations for responding to the competitive challenges of the new economic environment, and analyze the impact of those strategies on the future of the U.S. economy;

(D) formulate specific recommendations on a broad range of issues related to the development of the nations' skill-base and innovative capacity within the private and public sectors of the U.S. economy. By March 1, 2006 or 18 months after appointment of members, whichever is later, the Commission shall submit to Congress and the President a report regarding the competitive challenges facing the United States, along with conclusions and specific recommendations for legislative and administrative actions for maintaining economic growth, income generation and job creation. The Commission may also submit an interim or any special reports it feels may be necessary.

SEC. 6. POWERS OF THE COMMISSION.

This section describes the powers of the Commission, which include holding hearings, taking testimony, and receiving evidence. The Commission may request information from any Federal department or agency; may accept, use, and dispose of gifts or donations of services or property; may procure analysis, reports and studies from organizations or individuals other than Commission staff analysis; and may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government. The Commission may also receive administrative support from the Administrator of General Services on a reimbursable basis.

SEC. 7. COMMISSION PERSONNEL MATTERS.

This section describes personnel matters for the Commission. Regular members of the Commission shall be allowed travel expenses and shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule for each day of service. The Commission may hire an Executive Director and staff, without regard to the civil service laws and regulations, not to exceed the rate payable for level V of the Executive Schedule. Federal Government employees may be detailed to the Commission without reimbursement and the Commission may procure temporary and intermittent services to support and supplement Commission staff at a rate not to exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule. Regular members of the Commission do not lose any Federal retirement benefits by virtue of service on the Commission.

SEC. 8. TERMINATION OF THE COMMISSION.

The Commission shall terminate 90 days after the date on which it submits the final report.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

This section authorized $10,0000,000 to be appropriated to the Commission, to remain available until expended.

S. 2747

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 ''Commission on the Future of the United States Economy Act of 2004''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The United States economy has entered an information age in which innovation and knowledge, including worker skills and creativity, are the keys to competitive advantage.

(2) The need for bold innovation and ever-increasing knowledge imposes increasingly demanding competitive challenges for United States workers and companies.

(3) In 1984, in response to concerns over the condition of the manufacturing sector in the United States, President Ronald Reagan appointed the bipartisan President's Commission on Industrial Competitiveness (hereafter in this Act referred to as the ''Young Commission'') that addressed the issue of United States competitiveness in a new way and developed a framework that has guided policymaking for the past 2 decades.

(4) The Young Commission proposed a reorganization of the performance of the economic and trade functions of the Federal Government, which was never implemented.

(5) The striking changes in world economic circumstances over the 20 years since reorganization was proposed by the Young Commission necessitate reevaluation of the proposal in light of those changes.

(6) Because the challenges facing the United States economy are different in many ways from those of 20 years ago, there is a need to renew the Young Commission's mandate to reexamine America's competitiveness.

(7) Many studies and reports by governmental and nongovernmental organizations, such as the National Innovation Initiative of the Council on Competitiveness, have laid the groundwork for this reexamination.

(8) The changed competitive challenges facing the United States today—

(A) extend beyond a concern over global competition in goods and the loss of domestic manufacturing to the challenges presented by the fusion of manufacturing and services into complex networks and the opening of more service sectors earlier to international competition;

(B) extend beyond concerns over productivity and quality to the challenges presented by the need for increased customization, speed, and responsiveness to customer needs;

(C) extend beyond issues of competitiveness of individual manufacturing firms and industries and to the challenges of ensuring robustness in the networks of manufacturing and service firms and development of new forms of business models;

(D) extend beyond a concern over high-technology research and development and to the challenges of nurturing the entire innovation system, including basic research, technological development, venture capital, new product development, design and aesthetics, new business models, and the development of new markets;

(E) shift attention from concern over raising awareness of trade to a refocusing on the problems of managing the increasing complexity of globalization;

(F) extend beyond the challenges of sustaining a flexible and educated workforce to the challenges of exploring new or better ways to foster the types of skills needed in a knowledge and information economy;

(G) extend beyond concern over cost of capital to the challenges of achieving the dual objectives of unlocking the value of underutilized knowledge assets and insuring the efficiency and stability of the global financial system;

(H) extend beyond a concern over competition from Japan and the Southeast Asian Newly Industrializing Countries (NICs) to the challenges of integrating many countries, such as India, China, and Eastern European nations, into the global economy; and

(I) include the challenges of new demographic dynamics, including the aging of the so-called ''baby boom'' generation, increased life expectancy, below replacement fertility rates in most of the developed world, and increasing populations in the developing world.

(9) In this information age, new ideas, business models, and technologies, including computer and telecommunications, the Internet, and the digital revolution, have combined to alter the economy structurally.

(10) Information, knowledge, and other intangible assets now power our innovation process, which is based both on science-based research and informal creativity and produces the productivity and improvement gains needed to maintain prosperity.

(11) The range of knowledge, information, and intellectual capital-based intangible assets driving economic prosperity include worker skills and know-how, informal relationships that feed creativity and new ideas, high-performance work organizations, new business methods, intellectual property such as patents and copyrights, brand names, and innovation and creativity skills.

(12) Economic statistics and accounting principles have not caught up with this new economic environment.

(13) All sectors of the economy are affected by this new economic environment.

(14) Small and medium-size firms are especially in need of ways to better develop and utilize their information, knowledge, and other intangible assets.

(15) It is vital to the future strength of the United States economy that, as new ideas, scientific discoveries, and knowledge pervade the domestic and international economies, United States firms be able to assess, absorb, and deploy these opportunities quickly for competitive advantage.

(16) While United States firms and workers lead the world in creating and using information, knowledge, and other intangible assets, increasing global competition means that the United States Government and the private sector must continue to develop the information economy in the United States in order to ensure that the people of the United States prosper in this new economic environment.

(17) There is a need for an independent, bipartisan undertaking comparable to the Young Commission to review the new competitive challenges facing the United States and to recommend a framework to guide the making of responsive public policy, including the reorganization of the Federal Government to promote efficiency and economy of operation, to promote private initiatives, and to guide individual decisionmaking about the future of the United States economy as governments, business, labor unions, and the people of the United States struggle with ways to utilize information, foster the development of intangible assets, and promote innovation and competitiveness in the new global information economy.

SEC. 3. ESTABLISHMENT AND PURPOSE.

(a) ESTABLISHMENT.—There is established the Commission on the Future of the United States Economy (hereafter referred to as the ''Commission'').

(b) PURPOSES.—The purpose of the Commission are as follows:

(1) To analyze the worldwide competitive challenges to United States companies and workers.

(2) To make recommendations in accordance with this Act, for the making of responsive public policy, including the reorganization of the Federal Government—

(A) to promote efficiency and economy of operation;

(B) to foster the skills and knowledge the people of the United States need to prosper in the 21st century;

(C) to strengthen the entire innovation system undergirding the United States economy; and

(D) to stimulate the creation of knowledge, inventions, partnerships, and other intangible assets in order to maintain economic growth, income generation, and job creation.

SEC. 4. COMPOSITION AND MEETINGS.

(a) COMPOSITION.—The Commission shall be composed of 22 members as follows:

(1) 17 voting members of whom—

(A) 9 members shall be appointed by the President;

(B) 2 members shall be appointed by the majority leader of the Senate;

(C) 2 members shall be appointed by the minority leader of the Senate;

(D) 2 members shall be appointed by the Speaker of the House of Representatives; and

(E) 2 members shall be appointed by the minority leader of the House of Representatives.

(2) 5 non-voting ex officio members appointed by the President from among the following officials:

(A) The Secretary of the Treasury.

(B) The Secretary of Commerce.

(C) The Secretary of Labor.

(D) The Secretary of Defense.

(E) The United States Trade Representative.

(F) The Chairman of the Council of Economic Advisors.

(G) The Director of the Office of Science and Technology Policy.

(b) QUALIFICATIONS FOR VOTING MEMBERS.—

(1) REQUIREMENTS.—Persons appointed as voting members under subsection (a)(1) shall be selected from among persons who—

(A) are leaders or recognized experts in industry, labor unions, research institutions, academia, and other important social and economic institutions;

(B) have expertise in economics, international trade, services, manufacturing, labor, science and technology, education, business, or have other qualifications or experience pertinent to the duties of the Commission; and

(C) are not officers or employees of the United States Government.

(2) ADDITIONAL CONSIDERATION.—To the maximum extent practicable, persons who are appointed as voting members shall be persons who can provide new insights into analysis of the nature and consequences of a knowledge-based economy.

(c) CHAIRPERSON AND VICE CHAIRPERSON.—The President shall designate one voting member of the Commission as Chairperson. The voting members of the Commission shall elect a Vice Chairperson from among the voting members of the Commission appointed by the majority leader of the Senate, the minority leader of the Senate, the Speaker of the House of Representatives, and the minority leader of the House of Representatives. The Vice Chairman shall not be affiliated with the same political party as the Chairman.

(d) INITIAL APPOINTMENTS; VACANCIES.—

(1) INITIAL APPOINTMENTS.—Members shall be appointed not later than 60 days after the date of the enactment of an Act making appropriations authorized under section 9.

(2) VACANCIES.—Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(e) MEETINGS.—

(1) IN GENERAL.—The Commission shall meet at the call of the Chairperson.

(2) INITIAL MEETING.—The Commission shall hold its first meeting not later than 30 days after all voting members of the Commission have been appointed under subsection (a).

(f) QUORUM.—A majority of the voting members of the Commission shall constitute a quorum.

(g) VOTING.—Each voting member of the Commission shall be entitled to 1 equal vote.

SEC. 5. DUTIES OF THE COMMISSION.

(a) STUDY.—

(1) IN GENERAL.—The Commission shall conduct a study of the United States economy and the competitiveness of United States companies and workers.

(2) SCOPE.—In conducting the study under this subsection, the Commission shall—

(A) review the findings and recommendations of previous commissions, including the Young Commission, and the studies (including resulting findings and recommendations) of others that are relevant to the work of the Commission, including the National Innovation Initiative of the Council on Competitiveness;

(B) analyze the current economic environment and competitive challenges facing United States workers and companies;

(C) review the strategies of other nations for responding to the competitive challenges

of the new economic environment, and analyze the impact of those strategies on the future of the United States economy;

(D) formulate specific recommendations on a broad range of issues related to the development of the skill-base and innovative capacity within the private and public sectors of the United States economy and other priorities related to the knowledge and information economy, including recommendations regarding—

(i) the reorganization of the Federal Government to promote efficiency and economy of operation;

(ii) education and training policy;

(iii) labor policy;

(iv) economic development;

(v) science and technology policy and organization;

(vi) intellectual property rights;

(vii) telecommunications policy;

(viii) international economic policy, including trade and finance and the management of globalization;

(ix) macroeconomic policy;

(x) financial regulation and accounting policy;

(xi) antitrust policy;

(xii) public and private infrastructure development and entrepreneurship; and

(xiii) small business development;

(E) formulate recommended policies and actions for—

(i) transforming the education and training process in the United States as necessary to ensure effectiveness for facilitating life-long learning;

(ii) upgrading the skills of the United States workforce to compete effectively in the new economic environment, including mathematics and science skills, critical thinking skills, communication skills, language and intercultural awareness, creativity, and interpersonal relations essential for success in the information age;

(iii) promoting a broad system of innovation and knowledge diffusion, including nontechnological ingenuity and creativity as well as science-based research and development;

(iv) fostering the development of knowledge and information assets in all sectors of the United States economy, particularly those sectors of the economy in which rates of productivity and innovation have lagged, and in United States companies of all sizes, particularly small and medium-size companies;

(v) developing jobs that are rooted in local skills and local knowledge assets in order to lessen displacement resulting from ongoing global competition;

(vi) improving access to, and lowering the cost of, capital by unlocking the value to financial markets of underutilized knowledge assets;

(vii) strengthening the efficiency and stability of the international financial system (taking into account the roles of foreign capital and domestic savings in economic growth);

(viii) developing policies and mechanisms for managing the increasing complexity of globalization;

(ix) adjusting to the impacts of global demographic changes in the United States, other developed countries, and developing countries;

(x) improving economic statistics and accounting principles to adequately measure all sectors of the new economic environment, including the value of information, innovation, knowledge, and other intangible assets; and

(xi) improving understanding of how the Federal Government supports and invests in knowledge and other intangible assets;

(b) REPORTS.—

(1) REQUIRED REPORT.—

(A) IN GENERAL.—The Commission shall submit to Congress and the President a report regarding the competitive challenges facing the United States. The report shall include conclusions and specific recommendations for legislative and executive actions.

(B) TIME FOR REPORT.—The report under this paragraph shall be submitted not later than the later of—

(i) March 1, 2006; or

(ii) the date that is 18 months after the date of the initial meeting of the Commission.

(2) OPTIONAL REPORTS.—The Commission may submit to Congress and the President interim or special reports as the Commission determines appropriate.

SEC. 6. POWERS OF COMMISSION.

(a) HEARINGS.—The Commission or, at its direction, any panel or regular member of the Commission, may hold hearings, sit and act at times and places, take testimony, and receive evidence as the Commission considers advisable to carry out this Act.

(b) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out this Act. Upon request of the Chairperson of the Commission, the head of such department or agency shall furnish such information to the Commission.

(c) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(d) ANALYSIS, REPORTS, AND STUDIES.—The Commission may procure analyses, reports, and studies from organizations or individuals other than Commission staff, notwithstanding the restrictions under section 7(e) of this Act.

(e) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(f) SUPPORT SERVICES.—Upon request of the Chairperson of the Commission, the Administrator of General Services shall provide to the Commission on a reimbursable basis the administrative support necessary for the Commission to carry out its duties under this Act.

SEC. 7. COMMISSION PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—Each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(b) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) STAFF.—

(1) IN GENERAL.—The Chairperson of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties. The employment of an executive director shall be subject to confirmation by the Commission.

(2) COMPENSATION.—The Chairperson of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(d) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(e) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Commission may procure temporary and intermittent services to support and supplement Commission staff under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(f) APPLICABILITY OF CERTAIN PAY AUTHORITIES.—An individual who is a member of the Commission and is an annuitant or otherwise covered by section 8344 or 8468 of title 5, United States Code, by reason of membership on the Commission shall not be subject to the provisions of section 8344 or 8468, as the case may be, with respect to such membership.

SEC. 8. TERMINATION OF THE COMMISSION.

The Commission shall terminate 90 days after the date on which the Commission submits the report required under section 5(b)(1).

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to the Commission $10,000,000 to carry out activities under this Act, to remain available until expended.

By Mrs. CLINTON:

S. 2748. A bill to prohibit the giving or acceptance of payment for the placement of a child, or obtaining consent to adoption; to the Committee on the Judiciary.

Mrs. CLINTON. Mr. President, I rise today to introduce legislation that will create a national penalty for baby selling and help ensure that all families experience safe and legal adoptions.

Although the majority of adoptions are handled by reputable and ethical agencies, each year around the world, hundreds of thousands of children are sold illegally. In these tragic instances, birth mothers and prospective adoptive families alike are victimized by individuals who treat children as commodities. Baby brokers exploit couples who are eager, if not desperate, to adopt a child, and vulnerable women who are unable or unwilling to raise their children. In too many States baby brokering constitutes only a misdemeanor offense. The Baby Selling Prohibition Act of 2004 will make this horrific crime a felony.

I am pleased to partner with Lifetime Television to help raise awareness about this issue and to change public policy. Lifetime's original movie, ''Baby for Sale,'' which is based on the troubling true story of a couple who

tried to adopt a child and got caught up in a baby selling ring, will go a long way toward raising the Nation's consciousness of this issue, and, I hope, generate support for my legislation.

The movie ''Baby for Sale'' highlights the story of a prospective adoptive couple, William and Lauren Schneider, who registered with an online agency called ''Adoption Online.'' Through this agency, they met a lawyer who introduced them to a baby, Nikolett, who they were told was available for adoption. The Schneiders fell in love with Nikolett at once and wanted to begin the adoption procedures so that they could begin their life as a family together. However, when the lawyer asked them for $60,000 under-the-table to process the adoption the couple alerted the authorities, and ultimately uncovered a bidding war between multiple couples for this little girl. The public outrage surrounding this case led to a change in New York law last year. Under New York's new law, baby selling is considered a felony instead of a misdemeanor.

The Baby Selling Prohibition Act of 2004 is modeled after New York's law. It makes profiting from the sale of a child, defined as charging fees beyond those that are reasonable and allowable, a felony, punishable by up to 10 years in prison.

This critical legislation will prevent families from enduring the same agony that the Schneider's went through and will ensure that every adoptive child's safety and best interest is strictly maintained in all adoption cases.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2478

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 ''Baby Selling Prohibition Act of 2004''.

SEC. 2. PROHIBITION.

(a) IN GENERAL.—Chapter 77 of title 18, United States Code, is amended by adding at the end the following:

''§ 1596. Accepting or charging excess amounts in connection with the placement of a child or obtaining consent to adoption

''(a) DEFINITION OF MINOR.—In this section, the term 'minor' has the same meaning as in section 25(a)(2).

''(b) IN GENERAL.—Whoever, in connection with the adoption of a minor, knowingly accepts or charges any fee in excess of the allowable costs for adoption, as those costs are defined under the law of the State in which the adoption is finalized, shall be imprisoned for not more than 10 years.

''(c) ALLOWABLE COSTS.—If, under the law of any State in which an adoption is finalized, the allowable costs associated with the adoption of a minor are not defined, the allowable costs for purposes of this section shall be—

''(1) maternity-related medical and costs;

''(2) travel, meal, and lodging costs accrued when necessary for court appearances;

''(3) counseling fees;

''(4) fees to cover pre- and post-adoption counseling provided by a licensed health practitioner;

''(5) attorney and legal fees associated with the adoption;

''(6) foster care for the child to be adopted; and

''(7) foster care for the child to be adopted, and costs associated with medical care, routine care, travel, and living expenses of the child to be adopted.

''(d) LIMITATION.—All costs described under subsection (b) or (c) shall be reasonable and customary within the State in which the adoption is finalized.

''(e) APPLICABILITY.—This section shall apply to all individuals, intermediaries, or entities involved in the adoption of a minor.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 77 of title 18, United States Code, is amended by adding at the end the following:

''1596. Accepting or charging excess amounts in connection with the placement of a child or obtaining consent to adoption.''.

By Mr. SARBANES:

S. 2749. A bill to establish a grant program to provide comprehensive eye examinations to children, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. SARBANES. Mr. President, today I am introducing legislation to provide financial support to ensure that uninsured children who have failed vision screenings are able to obtain the glasses or eye treatments they need.

Almost every State in the Union has a system in place to detect vision problems at an early age. Indeed, 30 states and the District of Columbia require vision screening for children beginning with their entry into the school system and eleven additional states recommend such screenings for preschool children. But this system is incomplete. When children fail the screen, there is no requirement that they receive treatment of any kind. And if they are uninsured, their families often cannot afford a visit to the ophthalmologist and obtain the treatment they need to address the problem identified by the screening.

Mr. President, taking steps to identify a problem, but to then fail to address it doesn't make sense; in particular when delay in treatment can have lifelong consequences. For example, one of the most common eye diseases of early childhood, amblyopia or ''lazy eye,'' responds to treatment 95 percent of the time when it is addressed by the age of three. If treatment is delayed until the age of five, however, the likelihood that the problem can be corrected is reduced to 10 percent. Children who cannot correct these refractive vision problems start school at an enormous disadvantage in terms of their ability to learn.

The legislation I am introducing today would help to obviate this deficit. Simply put, it would authorize the Secretary of Health and Human Services, acting through the Center for Disease Control Director, to provide $75 million worth of grants to states for exams and necessary treatment for uninsured children who have failed a vision screening and cannot afford follow-on treatment.

Ample evidence underscores the need for this type of legislation. A study conducted by Dr. Mark Preslan and Audrey Novak of the Maryland Center for Sight, entitled The Baltimore Vision Screening Project found that strabismus—also known as cross-eyes—amblyopia and refractive errors, occurred in higher frequencies and remained untreated for a population sample of youth in schools in lower income areas. The study's main conclusion stated, ''Children with limited access to specialized eye care must be provided with a mechanism for obtaining these services.''

This disparity exists at the national level as well, and our minority populations are especially underserved. A team of researchers from the University of Michigan documented a national example of differential access to vision treatment. Their research showed that minority children and uninsured children are far less likely to get complete eye exams or glasses. A study in January's Optometry and Vision Sciences demonstrated that uninsured African American and Hispanic children were far less likely to receive vision correction, and that this disparity results from lack of services as opposed to less frequent occurrences of eye problems in these populations.

A study by the Kaiser Commission on the Uninsured reveals that uninsured children are over five times more likely to have an unmet need for medical care. According to a report by the Caring Foundation for Children, 20 percent of uninsured children have untreated vision problems. According to Prevent Blindness America data, 12.1 million school-aged children have vision impairment. Among preschool-aged children, more than 5 percent have a problem that can cause permanent sight loss if left untreated, and almost 80 percent of that 5 percent never get an exam. Another study by the Vision Council of America reported that 40 percent of children who fail a vision screen do not receive the recommended follow-up care. The same study found the average delay between a failed screening and follow-up evaluation by an eye-care professional was 4.1 years.

Most of our States are taking the important first step of identifying young children with vision problems through mandatory vision screening. This legislation simply takes the next step to help provide a remedy for those children who cannot afford treatment.

By Mr. SANTORUM (for himself and Mr. CORZINE):

S. 2751. A bill to encourage savings, promote financial literacy, and expand

opportunities for young adults by establishing KIDS Accounts; to the Committee on Finance.

Mr. SANTORUM. Mr. President, today, I am introducing ''The America Saving for Personal Investment, Retirement, and Education (ASPIRE) Act of 2004'' along with Senator CORZINE. A bipartisan group of members is introducing companion legislation in the House of Representatives. The bill creates a Kids Investment and Development Savings (KIDS) Account for every child at birth and creates a new opportunity for the children of low-income Americans to build assets and wealth.

This country has seen a growing number of Americans investing in the stock market and has witnessed an historic boom in homeownership, which has increased to a record high 68 percent. However, this growth in assets has not reached every American. While many middle- and upper-income families have increased their assets in the past decade, many low-income families have not had the same financial success. A recent study conducted by the Federal Reserve found that the median net worth of families in the bottom 20 percent of the nation's income level was a mere $7,900 an amount that is far too low to ensure a comfortable economic future for their family. This challenge needs to be addressed to ensure that lower income families have a significant opportunity to accrue wealth and expand opportunities for their families.

Under this legislation, KIDS Accounts would be created after a child is born and a Social Security number issued. A one-time $500 deposit would automatically be placed into a KIDS account. Children from households below the national median income would receive an additional deposit of $500 at birth and would be eligible to receive dollar-for-dollar matching funds up to $500 per year for voluntary contributions to the account, which cannot exceed $1,000 per year. All funds grow tax-free. Access to the account prior to age 18 would not be permitted, but kids—in conjunction with their parents—would participate in investment decisions and watch their money grow. When the young person turns 18, he or she can use the accrued money for asset building purposes such as education, homeownership, and retirement planning. Accrued funds could also be rolled over into Roth IRA accounts to expand investment options.

I would like to highlight what I view as the two major benefits of this legislation. The first, and most apparent, is that this bill will help give younger individuals, especially low-income Americans, a sound financial start to begin their adult life. For example, a typical low-income family making modest but steady contributions can create a KIDS Account worth over $20,000 in 18 years. Second, and perhaps more important, is that KIDS Accounts creates opportunities for all Americans to become more financially literate. The account holders and their guardians will choose from a list of possible investment funds and will be able to watch their investment grow over time. All Americans will have the opportunity to see first hand that a smart investment now can grow over time into considerable wealth.

I believe that this bill could be a significant step forward in the effort to expand asset opportunities to all Americans and encourage my colleagues to support this bipartisan effort.

Mr. CORZINE. Mr. President, I am pleased to join with Senator SANTORUM in introducing the ASPIRE Act of 2004, which would expand opportunities for young adults, encourage savings, and promote financial literacy, by establishing investment accounts, known as KIDS Accounts, for every child in America.

ASPIRE is based largely on a similar initiative in the United Kingdom developed by Prime Minister Tony Blair. Yet despite its British roots, the proposal is based on the most basic of American values. By giving every young person resources with which to get a start in life, ASPIRE will help realize the American ideal of equal opportunity. And by making every young person an investor, the proposal would encourage self reliance, promote savings, and give every family a personal stake in America's economy.

Under ASPIRE, an investment account would be established for every American child upon receiving a Social Security number. Each account would be funded initially with $500. Those with incomes less than the national median would receive an additional contribution of up to $500, and would receive a one-for-one government match for their first $500 of private contributions each year. Up to $1000 of after-tax private contributions would be allowed annually from any source.

Funds would accumulate tax-free and could not be withdrawn for purposes other than higher education until the child reaches the age of 18. At that point, funds could be withdrawn either for higher education or for the purchase of a home. Funds left unspent would be saved for retirement under rules similar to those that apply to Roth IRAs. Once the account holder reaches the age of 30, the initial $500 government contribution would have to be repaid, though exceptions could be made to avoid undue hardship.

Accounts initially would be held by a government entity that would be based on the successful Thrift Savings Plan, or TSP, which now manages retirement accounts for Federal employees with relatively low administrative costs. As with the TSP, investors would have a range of investment options, such as a government securities fund, a fixed income investment fund, and a common stock fund. However, once an account holder reaches the age of 18, funds could be rolled over to a KIDS Account held at a private institution.

It is difficult to understate the potential impact of giving every American child a fun investment account of their own. For the first time, every child will have a meaningful incentive to learn the basics of investing, because they will have real resources to invest. For the first time, even families with modest incomes will have a significant incentive to save, to earn the government match. And, perhaps most fundamentally, for the first time, every American child will grow up knowing that when they reach adulthood, they will have the ability to invest in themselves and in their own education. In short, every child will have hope for a real future.

Considering its potentially significant social and individual benefits, the ASPIRE Act requires an investment that is relatively modest. It has been estimated that, when it becomes effective, the bill's cost would represent only about one tenth of one percent of the Federal budget. Yet the proposal differs from other proposals for new spending or tax cuts because, for the first 18 years, it would not reduce overall national savings at all. In that period, virtually every dollar of outlays would be saved, and would be available to expand long-term economic growth. In fact, the proposal would lead to an increase in national savings because of its incentives for families to save more. This would help create the economic growth we need to handle the added burdens associated with the impending retirement of the baby boomers.

Senator SANTORUM and I have been working on this legislation for many months, along with sponsors of identical legislation in the House, Congressmen HAROLD FORD, PATRICK KENNEDY, THOMAS PETRI and PHIL ENGLISH. In that process, we have been assisted by a broad range of experts and other interested parties, for which I am very grateful. However, I want to especially thank Ray Boshara and Reid Cramer of the New America Foundation, who have been extraordinarily helpful in the development of the legislation, and who have taken the lead in efforts to promote this and other asset building initiatives.

I recognize that given the lateness of the session, it is unlikely that this legislation will see action in the 108th Congress. However, Senator SANTORUM and I are hopeful that those with an interest in the proposal will review the language of the bill and give us feedback in the coming months. We are open to suggestions for improvements and expect to introduce a revised version of the legislation in the next Congress.

The ASPIRE Act is a big new idea based on simple, old time American values. It already enjoys strong bipartisan support from conservatives and progressives, alike, in both houses of Congress. I look forward to working with colleagues on both sides of the aisle to secure its prompt enactment.

By Mr. HATCH:

S. 2752. A bill to reform Federal budget procedures, to impose spending safeguards, to combat waste, fraud, and abuse, to account for accurate Government agency costs, and for other purposes; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one Committee reports, the other Committee have thirty days to report or be discharged.

Mr. HATCH. Mr. President, I rise today to introduce the Family Budget Protection Act of 2004, legislation to help bring our Federal spending under control. The companion to this bill, H.R. 3800, was introduced in the House of Representatives earlier this year by Congressman JEB HENSARLING of Texas, who has been joined by 103 cosponsors.

As all of our colleagues know, our Federal budget situation has been under tremendous strain during the past several years. After enjoying several years of actual and projected surpluses in the later part of the last decade, we have unfortunately suffered a near perfect storm of events that has drastically turned the budget situation from one of sunny optimism to one of great concern. These events, of course, include the recession that followed the bursting of the high tech bubble and stock market adjustment, the corporate scandals, the tragic events of September 11, 2001, and the subsequent expenditures for the wars in Afghanistan and Iraq, and the need for increased spending for homeland security.

The result of these events, combined with the tax cuts that were necessary to get the economy back on a solid path of growth, have had a devastating effect on the Federal budget and its outlook. While I fully support President Bush's initiatives for pursuing the war on terror and protecting our homeland, along with his plan for helping the economy recover, which has obviously worked, I am very concerned about our Federal budget and in finding a way to get it back to balance.

Much of what has happened to our budget has been unavoidable, given the events of the past few years. In my view, we have simply had no choice but to spend the money necessary to fight the war on terror and improve our homeland security. Moreover, we will have to keep spending significant sums for these purposes. After all, providing for our national security has to be our first and highest priority.

I also believe that the tax cuts of 2001, 2002, and 2003 were all necessary to our future prosperity. In order to get our economy growing again and get our people back to work, we needed the economic stimulus that these tax cuts provided.

Not surprisingly, some of my colleagues point the finger solely at these tax cuts as the culprit for our Federal deficits. In fact, according to reports recently released by the Congressional Budget Office, the tax cuts accounted for only 24 percent of CBO's $2.9 billion deficit projection between 2002 and 2011. CBO also estimated that increased spending on entitlement programs and legislated spending increases, particularly homeland security measures, accounted for 76 percent of the deficit projection over this same period. The tax cuts did contribute to the deficit; however, they were crucial to the recent economic recovery we are experiencing.

However, there are other factors that have been and are continuing to contribute to growing deficits that are not vital to our national security or future prosperity. What I am talking about here is the growing tendency for Congress to spend money unnecessarily on various other projects that have far less merit. And, I am talking about the fraud and waste that continues to plague our government.

It seems that just about every time I return home to the State of Utah, I talk with Utah taxpayers who want to know why, given our deteriorating budget circumstances, Congress is not doing more to rein in excess spending. I find that Utahns, like other Americans, are generally willing to pay the high price of fighting the war on terror and of protecting our homeland. But no one wants to pay for wasteful spending or projects that are not necessary. Utahns are increasingly wondering why more cannot be done to ensure that their hard-earned dollars are not going to be wasted or misspent. I believe this bill goes a long ways toward addressing these concerns.

I recognize that it is always tempting to buy now and pay later, extend budget deficits, and increase the size and scope of our government. And, I realize that a government the size of ours is always going to have some fraud and waste associated with it. However, this irresponsible spending and this fraud and waste in government are mortgaging our children's future and shrinking our Nation's dynamic private sector. High deficits and the mountain of Federal debt represent real obligations that hurt our economic security and our ability to prosper, both now and in the future.

I believe that a large part of the problem with this unwarranted spending, and with this fraud and waste, is rooted in the Federal budget process itself. The current budget process is overly complicated, and in many respects, largely incomprehensible. More importantly, it encourages overspending. There is no doubt that its systemic problems contribute largely to our budget deficits.

The Family Budget Protection Act is an opportunity to overhaul a Federal budget process that desperately needs revision. It is an opportunity to tilt the process away from more spending and fraud and waste toward a more responsible way of determining where the taxpayers hard-earned tax dollars are to be spent.

I think Congressman HENSARLING may have said it best when he noted that Washington clearly has a spending problem, not a taxing problem. It is irresponsible for us to continue to demand more money from taxpayers when we continue to flush much of that money straight down the drain by funding wasteful, useless, antiquated, or unnecessary government projects.

I recognize that it is very late in the second session of the 108th Congress and that in this very partisan election year, not much more legislation is likely to be approved. I also recognize that some of the provisions of this bill are controversial and that the House of Representatives recently defeated a bill that included some of these provisions. However, I believe it is important to lay before the Senate this year a comprehensive set of budget reform provisions, and to introduce in this body a budget reform concept bill that can be debated, discussed, examined over the next few months, and built upon in the 109th Congress.

Some of the major features of this legislation would accomplish the following:

Provide a Joint Budget Resolution. The Family Budget Protection Act would change the concurrent budget resolution into a joint budget resolution that is signed by the President and has the force of law. This provision would enable both the President and Congress to commit to the same budget before spending any money that year. Our current budget procedure does not bring Congress and the President to settle on even a basic budget framework until the very end of the process when the government is on the verge of shutting down.

Simplify the Budget. This bill would simplify the current budget into a one-page budget by replacing the current 20 budget functions with established spending levels for only four broad categories—mandatory spending, non-defense and defense discretionary spending, and a rainy day fund for emergencies.

Establish a Rainy Day Fund. This bill would abolish the practice of designating spending as ''emergency spending,'' which is a practice often used to avoid spending safeguards. Spending for true emergencies would be paid for through a ''rainy day'' fund. All spending that is incurred through the ''rainy day'' fund must be defined as sudden, urgent, unforeseen, and temporary. Emergencies that exhaust the rainy day fund would be permissible if they were able to overcome a supermajority point of order lying against them.

Set Up Government Shut-Down Protections. The Family Budget Protection Act would provide government shutdown protection through an automatic continuing resolution in the event that an agreement between Congress and the President on spending levels was not reached by the legal deadline. In order to avoid simple inaction by Congress, Federal agencies would receive one percent less funding each quarter the government operated under a continuing resolution.

Provide a Two-Thirds Supermajority Vote. New pay-go rules would be established setting up points of order against spending not included in the budget. This bill would raise the bar for points of order to require a two-thirds supermajority vote (rather than the current three-fifths), in both the House and the Senate, to sanction over-budget spending and spending in violation of the caps.

Set Up Spending Caps. The bill would limit growth in entitlement spending to the current inflationary adjustment for each program and growth in population. The bill would also set discretionary spending caps that would allow spending to grow for inflation, with a firewall separating defense, nondefense, and emergency spending. These spending caps would be protected by points of order and enforced with an across-the board sequester if breached.

Establish Family Budget Protection Accounts. Perhaps one of the most common-sense provisions of the Family Budget Protection Act would be the establishment of Family Budget Protection Accounts. These accounts would allow Congress to target spending during the appropriations process and redirect that spending for family tax relief or deficit reduction at the end of the fiscal year.

Combat Waste, Fraud, and Abuse. Under the Family Budget Protection Act, every voluntary entitlement program and all discretionary programs would be sunset in fiscal year 2008 and 2009 to allow for a thorough cost-benefit analysis to see whether they still merit Federal funding. Entitlement programs such as Social Security, Medicare Part A, and Federal retiree benefits would be exempt from this sunset. The bill would also set up a commission to submit recommendations on how to eliminate waste, fraud, and abuse. The commission's recommendation would either be approved or rejected by Congress as a package, eliminating votes on changes to individual programs. Unlike past proposals, this provision would include defense and entitlement spending in its assessment. The bill would also initiate enhanced rescission authority for the President to propose the elimination of wasteful spending identified in any appropriations bill. The President's proposal would be transmitted to Congress and provided expedited consideration through the legislative process.

The runaway freight train mentality of our Federal government spending simply cannot continue. It is imperative that we move to make these common-sense budget reforms while we are still in a position to do so—rather than continuing to let it control us.

I believe that strong economic growth, combined with tightly controlled spending, are the keys to reducing the deficit and getting the Federal budget in balance again. Although much more needs to be done, we have made great strides in restoring strong economic growth. Along with our continued focus on providing for our national security and fighting the war on terror, I suggest to my colleagues that now is the time to turn our attention to controlling spending. I have no doubt that the reforms included in the Family Budget Protection Act can make a significant contribution to this goal, and I recommend it to my fellow senators for their study and consideration.

By Mr. SMITH:

S. 2753. A bill to authorize the Secretary of Housing and Urban Development to insure zero-downpayment mortgages; to the Committee on Banking, Housing, and Urban Affairs.

Mr. SMITH. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2753

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

SEC. 1. SHORT TITLE.

This Act may be cited as the ''Zero Downpayment Act of 2004''.

SEC. 2. INSURANCE FOR ZERO-DOWNPAYMENT MORTGAGES.

(a) MORTGAGE INSURANCE AUTHORITY.—Section 203 of the National Housing Act (12 U.S.C. 1709) is amended by inserting after subsection (k) the following:

''(l) ZERO-DOWNPAYMENT MORTGAGES.—

''(1) INSURANCE AUTHORITY.—The Secretary may insure, and commit to insure, under this subsection any mortgage that meets the requirements of—

''(A) this subsection; and

''(B) except as otherwise specifically provided in this subsection, subsection (b).

''(2) ELIGIBLE SINGLE FAMILY PROPERTY.—To be eligible for insurance under this subsection, a mortgage shall involve a property upon which there is located a dwelling that is designed principally for a 1- to 4-family residence, and that, notwithstanding subsection (g), is to be occupied by the mortgagor as his or her principal residence, which shall include—

''(A) a 1-family dwelling unit in a multifamily project and an undivided interest in the common areas and facilities which serve the project;

''(B) a 1-family dwelling unit of a cooperative housing corporation, the permanent occupancy of the dwelling units of which is restricted to members of such corporation and in which the purchase of stock or membership entitles the purchaser to the permanent occupancy of such dwelling unit; and

''(C) a manufactured home, or a manufactured home together with a suitably developed lot on which to place the manufactured home.

''(3) MAXIMUM PRINCIPAL OBLIGATION.—

''(A) LIMITATION.—To be eligible for insurance under this subsection, a mortgage shall involve a principal obligation in an amount not in excess of 100 percent of the appraised value of the property, plus any initial service charges, appraisal, inspection, and other fees in connection with the mortgage as approved by the Secretary.

''(B) INAPPLICABILITY OF OTHER LOAN-TO-VALUE REQUIREMENTS.—A mortgage insured under this subsection shall not be subject to subsection (b)(2)(B), or to the undesignated matter that follows such subsection.

''(4) ELIGIBLE MORTGAGORS.—The mortgagor under a mortgage insured under this subsection shall meet the following requirements:

''(A) FIRST-TIME HOMEBUYER.—The mortgagor shall be a first-time homebuyer. The program for mortgage insurance under this subsection shall be considered a Federal program to assist first-time homebuyers for purposes of section 956 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12713).

''(B) COUNSELING.—

''(i) REQUIREMENT.—The mortgagor shall have received counseling, by a third party (other than the mortgagee or any party related directly or indirectly to the mortgagee) who is approved by the Secretary, with respect to the responsibilities and financial management involved in homeownership.

''(ii) TOPICS.—Counseling required under clause (i) shall include providing to, and discussing with, the mortgagor—

''(I) information regarding homeownership options other than a mortgage insured under this subsection, other zero- or low-downpayment mortgage options that are or may become available to the mortgagor, the financial implications of entering into a mortgage (including a mortgage insured under this subsection), and any other information that the Secretary may require; and

''(II) a document that sets forth the amount and the percentage by which the property subject to the mortgage must appreciate for the mortgagor to recover the principal amount of the mortgage, the costs financed under the mortgage, and the estimated costs involved in selling the property, if the mortgagor were to sell the property on each of the second, fifth, and tenth anniversaries of the mortgage.

''(iii) 2- TO 4-FAMILY RESIDENCES.—In the case of a mortgage involving a 2- to 4-family residence, counseling required under clause (i) shall include (in addition to the information required under clause (ii)) information regarding the rights and obligations of landlords and tenants.

''(5) OPTION FOR NOTICE OF FORECLOSURE PREVENTION COUNSELING AVAILABILITY.—

''(A) OPTION.—To be eligible for insurance under this section, the mortgagee shall provide the mortgagor, at the time of the execution of the mortgage, an optional written agreement which, if signed by the mortgagor, allows, but does not require, the mortgagee to provide notice in accordance with subparagraph (B) to a housing counseling entity, approved by the Secertary, that has agreed to provide the notice and counseling required under subparagraph (C).

''(B) NOTICE TO COUNSELING AGENCY.—Notice provided under subparagraph (A) shall—

''(i) be provided at the earliest time practicable after the mortgagor becomes 60 days delinquent with respect to any payment due under the mortgage;

''(ii) state that the mortgagor is delinquent and set forth how to contact the mortgagor; and

''(iii) be provided once with respect to each delinquency period for a mortgage.

''(C) NOTICE TO MORTGAGOR.—Upon notice from a mortgagee that a mortgagor is 60 days delinquent with respect to payments due under the mortgage, the housing counseling entity shall immediately notify the mortgagor of such delinquency, that the entity makes available foreclosure prevention counseling that may assist the mortgagor in resolving the delinquency, and of how to contact the entity to arrange for such counseling.

''(D) ABILITY TO CURE.—Failure to provide the optional written agreement required under subparagraph (A) may be corrected by sending such agreement to the mortgagor at

the earliest time practicable after the mortgagor first becomes 60 days delinquent with respect to payments due under the mortgage. Insurance provided under this subsection may not be terminated and penalties for such failure may not be prospectively or retroactively imposed if such failure is corrected in accordance with this subparagraph.

''(E) PENALTIES FOR FAILURE TO PROVIDE AGREEMENT.—The Secretary may establish appropriate penalties for failure of a mortgagee to provide the optional written agreement required under subparagraph (A).

''(F) LIMITATION ON LIABILITY OF MORTGAGEE.—A mortgagee shall not incur any liability or penalties for any failure of a housing counseling entity to provide notice under subparagraph (C).

''(G) NO PRIVATE RIGHT OF ACTION.—This section shall not create any private right of action on behalf of the mortgagor.

''(H) DELINQUENCY PERIOD.—For purposes of this paragraph, the term 'delinquency period' means, with respect to a mortgage, a period that begins upon the mortgagor becoming delinquent with respect to payments due under the mortgage, and ends upon the first subsequent occurrence of such payments under the mortgage becoming current or the property subject to the mortgage being foreclosed or otherwise disposed of.

''(6) INAPPLICABILITY OF DOWNPAYMENT REQUIREMENT.—A mortgage insured under this subsection shall not be subject to subsection (b)(9) or any other requirement to pay on account of the property, in cash or its equivalent, any amount of the cost of acquisition.

''(7) PREMIUMS.—In conjunction with the credit subsidy estimation calculated each year pursuant to the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.), the Secretary shall review the program performance for mortgages insured under this subsection and make any necessary adjustments to ensure that the Mutual Mortgage Insurance Fund shall continue to generate a negative credit subsidy which may include—

''(A) altering mortgage insurance premiums subject to subsection (c)(2);

''(B) reviewing underwriting policies; and

''(C) limiting the availability of mortgage insurance under this subsection.

''(8) UNDERWRITING.—For a mortgage to be eligible for insurance under this subsection, the mortgagor's credit and ability to pay the monthly mortgage payments shall have been evaluated using the Federal Housing Administration's Technology Open To Approved Lenders (TOTAL) Mortgage Scorecard, or a similar standardized credit scoring system approved by the Secretary, and in accordance with procedures established by the Secretary.

''(9) APPROVAL OF MORTGAGEES.—To be eligible for insurance under this subsection, a mortgage shall have been made to a mortgagee that meets such criteria as the Secretary shall establish to ensure that mortgagees meet appropriate standards for participation in the program authorized under this subsection.

''(10) DISCLOSURE OF INCREMENTAL COSTS.—For a mortgage to be eligible for insurance under this subsection, the mortgagee shall provide to the mortgagor, at the time of the application for the loan involved in the mortgage, a written disclosure, as the Secretary shall require, that specifies the effective cost to a mortgagor of borrowing the amount by which the maximum amount that could be borrowed under a mortgage insured under this subsection exceeds the maximum amount that could be borrowed under a mortgage insured under subsection (b), based on average closing costs with respect to such amount, as determined by the Secretary. Such cost shall be expressed as an annual interest rate over the first 5 years of a mortgage.

''(11) LOSS MITIGATION.—

''(A) IN GENERAL.—Upon the default of any mortgage insured under this subsection, the mortgagee shall engage in loss mitigation actions for the purpose of providing an alternative to foreclosure to the same extent as is required of other mortgages insured under this title pursuant to the regulations issued under section 230(a).

''(B) ANNUAL REPORTING.—Not later than 90 days after the end of each fiscal year, the Secretary shall submit a report to Congress that compares the rates of default and foreclosure during such fiscal year for mortgages insured under this subsection, for single-family mortgages insured under this title (other than under this subsection), and for mortgages for housing purchased with assistance provided under the downpayment assistance initiative under section 271 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12821).

''(12) ADDITIONAL REQUIREMENTS.—The Secretary may establish any additional requirements for mortgage insurance under this subsection as may be necessary or appropriate.

''(13) LIMITATION.—The aggregate number of mortgages insured under this section in any fiscal year may not exceed 30 percent of the aggregate number of mortgages and loans insured by the Secretary under this title during the preceding fiscal year.

''(14) PROGRAM SUSPENSION.—

''(A) IN GENERAL.—Subject to subparagraph (C), the authority under paragraph (1) to insure mortgages shall be suspended if at any time the claim rate described in subparagraph (B) exceeds 3.5 percent. A suspension under this subparagraph shall remain in effect until such time as such claim rate is 3.5 percent or less.

''(B) FHA TOTAL SINGLE-FAMILY ANNUAL CLAIM RATE.—The claim rate under subparagraph (A), for any particular time, shall be the ratio of the number of claims during the 12 months preceding such time on mortgages on 1- to 4-family residences insured pursuant to this title, to the number of mortgages on such residences having such insurance in force at that time.

''(C) APPLICABILITY.—A suspension under subparagraph (A) shall not preclude the Secretary from endorsing or insuring any mortgage that was duly executed before the date of such suspension.

''(15) SUNSET.—No mortgage may be insured under this section after September 30, 2011, except that the Secretary may endorse or insure any mortgage that was duly executed before such date.

''(16) GAO REPORTS.—Not later than 2 years after the date of enactment of the Zero Downpayment Act of 2004, and annually thereafter, the Comptroller General of the United States shall submit a report to Congress regarding the performance of mortgages insured under this subsection.

''(17) IMPLEMENTATION.—The Secretary may implement this subsection on an interim basis by issuing interim rules, except that the Secretary shall solicit public comments upon publication of such interim rules and shall issue final rules implementing this subsection after consideration of the comments submitted.''.

(b) MORTGAGE INSURANCE PREMIUMS.—The second sentence of subparagraph (A) of section 203(c)(2)(A) of the National Housing Act (12 U.S.C. 1709(c)(2)(A)) is amended by striking ''In'' and inserting ''Except with respect to a mortgage insured under subsection (l), in''.

By Mr. DASCHLE (for himself, Mr. REED, Mrs. MURRAY, Mr. JOHNSON, Ms. MIKULSKI, Ms. CANTWELL, Ms. STABENOW, and Mr. LEAHY):

S. 2754. A bill to amend the Social Security Act to protect social security cost-of-living adjustments (COLA); to the Committee on Finance.

Mr. DASCHLE. Mr. President, 8 months ago, the Republican leadership pushed through Congress a lemon of a Medicare prescription drug bill that has been breaking down part by part since the day it was passed.

First, we learned drug companies were raising the prices of many drugs, erasing what little discounts the administration's drug card program might have offered.

Next, we learned the administration concealed its cost estimates, misled Congress, and threatened the Medicare actuary with termination for trying to respond to Congressional requests for information.

Then, we heard that some seniors who enrolled in the program were going to see reductions in other benefits, such as food stamps.

Later, days after the Drug Card program began, seniors from across the country began to report that it was too confusing and studies revealed there were lower prices available from major online pharmacies.

Finally, we learned that the HHS website established to help seniors navigate their way through the labyrinth of the myriad cards was riddled with false information.

The most recent discovery, however, is the most troubling of all, because what we're talking about is not policy breakdown, but policy sabotage.

Let me explain: Every senior has his or her Medicare Part B premium withdrawn from their Social Security check. But when the increase in health care inflation began to outpace seniors' Social Security cost of living adjustments, Congress protected seniors by making it impossible for a senior's Medicare premiums to go up more than the value of his or her Social Security COLA. It's called the ''hold harmless'' protection, and it makes a simple promise to seniors: The cost of health care will not come at the expense of the cost of living.

We have now learned that behind closed doors and in the dark of night, Republican leaders undermined this promise. Like Part B premiums, the new prescription drug premiums will come out of a senior's Social Security check. But unlike in traditional Medicare, the new drug bill does not protect seniors with a ''hold harmless'' provision.

It was never mentioned in the debate and no one has stepped forward to take responsibility in the months since. But if we don't fix the problem, it will eventually result in the decimation of seniors' Social Security annual cost of living adjustment.

Never have these protections been more important. In the past several years, the consumer price index, on

which Social Security COLAs are pegged, has remained very low. At the same time, the cost of health care has been skyrocketing by double-digit percentages. In the 4 years of this administration, the cumulative increase in the Medicare monthly premiums will be at least $26, nearly twice as much as in the prior eight years under the Clinton administration. In addition, the Medicare Part B premium increase for 2005 is projected to be $114, the largest ever.

For seniors on a fixed income, every dollar counts. The hold harmless protection is the only thing standing in the way of lower and lower Social Security checks.

But the Republican leadership chose not to protect seniors in this drug bill, despite the fact that the cost of pharmaceuticals is increasing even faster than the cost of health care overall. Medicare Part D premiums are expected to rise 7.5 percent per year. The result will be a steady erosion of Social Security checks, and real damage to seniors' ability to pay their bills and keep up with inflation.

According to a new report by the Joint Economic Committee, one in four seniors will lose a quarter of their COLA just on Medicare premium increases by 2007. In 2014, nearly two in three seniors will see the same level of loss. And those most vulnerable will be the ones most severely harmed. For an elderly woman with a monthly benefit of $500, the increase in Medicare premiums will take an average of 60 percent of her COLA from 2007 to 2010, and an average of 66 percent from 2011 to 2014.

Let's not mince words. This is the worst kind of bait and switch. We cannot stand by and allow seniors to be cheated out of their cost of living increases in exchange for a confusing drug benefit that fails to bring down the cost of drugs.

Today, I am introducing the Social Security COLA Protection Act of 2004 to make sure that senior citizens continue to receive a COLA that helps them keep pace with inflation. This bill would restore seniors' protections and ensure that no more than 25 percent of their annual COLAs could be taken away by increases in Medicare premiums. The remaining 75 percent would be secure. For a senior citizen receiving a $600 monthly benefit, this bill would protect more than $2,200 over the next 10 years. That's money seniors will need to cover increases in clothing, food, housing and energy prices.

We're not talking about adding an extra benefit to Social Security. We're talking about protecting seniors' existing benefit from a drug plan that appears now to be little more than a wolf in sheep's clothing.

This wasn't the prescription drug bill seniors were promised. Upon the passage of this bill, President Bush said, ''Some older Americans spend much of their Social Security checks just on their medications. . . . Elderly Americans should not have to live with those kinds of fears and hard choices. This new law will ease the burden on seniors and will give them the extra help they need.''

As we have seen so often, there has been a gap between what this administration promised, and what it delivered. In the guise of easing one burden on seniors, the administration has added yet another.

I wish the White House and the Republican leadership in Congress had listened more closely to some of the voices of seniors during the debate last Fall. One man from Nashville, Tennessee looked at the details of this bill and asked, ''Do you think anybody in Washington has any idea what people on a limited income have to do to live?''

If the authors of the prescription drug bill truly understood what seniors on fixed incomes must go through, they never would have passed it.

Democrats are fighting to make things right again. We do understand the struggles of America's seniors and the burden drug costs put on their finances. Seniors were promised a real prescription drug benefit for Medicare. The Republicans' prescription drug bill has proven to be tragically inadequate. The COLA protection bill we are introducing today represents an important step in repairing the damage, and Democrats will keep fighting until seniors get the help they were promised and the benefit they deserve.

I want to thank the Joint Economic Committee Democrats for their efforts to identify and highlight this problem. Senator JACK REED is the senior Democratic Senator on the Committee, and the lead cosponsor of the COLA protection bill. Senator PATTY MURRAY joined us in highlighting the problem yesterday. She is also a cosponsor, along with five other Senate Democrats.

This is truly a bicameral effort. My South Dakota colleague, STEPHANIE HERSETH, is sponsoring the House bill. This is the first bill she is introducing in Congress, and I am proud that she is helping lead this fight for seniors in South Dakota and across the country. Many other House Democrats are joining her in this effort.

Senator REED will be inserting the JEC report into the RECORD. I encourage my colleagues to read it. I ask unanimous consent to print in the RECORD a fact sheet on the bill that was prepared by Representative PELOSI's office, as well as a document prepared by the House Ways and Means Committee staff that provides several illustrative examples of how the bill would work, how much retirees would save if it becomes law, and what percentage of Medicare enrollees will benefit. I also ask unanimous consent that the text of the bill be printed in the RECORD.

We will continue our effort to protect America's seniors and address the problems created by last year's prescription drug bill when Congress returns in the fall.

There being no objection, the material was ordered printed in the RECORD, as follows:

S. 2754

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 ''Social Security COLA Protection Act of 2004''.

SEC. 2. PROTECTION OF SOCIAL SECURITY COLA INCREASES AGAINST EXCESSIVE MEDICARE PREMIUM INCREASES.

(a) APPLICATION TO PART B PREMIUMS.—Section 1839(f) of the Social Security Act (42 U.S.C. 1395r(f)) is amended—

(1) by striking ''(f) For any calendar year after 1988'' and inserting ''(f)(1) For any calendar year after 1988 and before 2005''; and

(2) by adding at the end the following new paragraph:

''(2) For any calendar year (beginning with 2005), if an individual is entitled to monthly benefits under section 202 or 223 or to a monthly annuity under section 3(a), 4(a), or 4(f) of the Railroad Retirement Act of 1974 for November and December of the preceding year, if the monthly premium of the individual under this section for December of the preceding year and for January of the year involved is deducted from those benefits under section 1840(a)(1) or section 1840(b)(1), and if the amount of the individual's premium is not adjusted for January of the year involved under subsection (i), the monthly premium otherwise determined under this section for the individual for that year shall not be increased pursuant to subsection (a)(3) to an amount that exceeds 25 percent of the amount of the increase in such monthly benefits for that individual attributable to section 215(i).''.

(b) APPLICATION TO PART D PREMIUMS.—

(1) IN GENERAL.—Section 1860D–13(a)(1) of such Act (42 U.S.C. 1395ww-113(a)(1)) is amended—

(A) in subparagraph (F), by striking ''(D) and (E),'' and inserting ''(D), (E), and (F),'';

(B) by redesignating subparagraph (F) as subparagraph (G); and

(C) by inserting after subparagraph (E) the following new subparagraph:

''(F) PROTECTION OF SOCIAL SECURITY COLA INCREASE.—For any calendar year, if an individual is entitled to monthly benefits under section 202 or 223 or to a monthly annuity under section 3(a), 4(a), or 4(f) of the Railroad Retirement Act of 1974 for November and December of the preceding year and was enrolled under a PDP plan or MA–PD plan for such months, the base beneficiary premium otherwise applied under this paragraph for the individual for months in that year shall be decreased by the amount (if any) by which the sum of the amounts described in the following clauses (i) and (ii) exceeds 25 percent of the amount of the increase in such monthly benefits for that individual attributable to section 215(i):

''(i) PART D PREMIUM INCREASE FACTOR.—

''(I) IN GENERAL.—Except as provided in this clause, the amount of the increase (if any) in the adjusted national average monthly bid amount (as determined under subparagraph (B)(iii)) for a month in the year over such amount for a month in the preceding year.

''(II) NO APPLICATION TO FULL PREMIUM SUBSIDY INDIVIDUALS.—In the case of an individual enrolled for a premium subsidy under section 1860D–14(a)(1), zero.

''(III) SPECIAL RULE FOR PARTIAL PREMIUM SUBSIDY INDIVIDUALS.—In the case of an individual enrolled for a premium subsidy under

section 1860D–14(a)(2), a percent of the increase described in subclause (I) equal to 100 percent minus the percent applied based on the linear scale under such section.

''(ii) PART B PREMIUM INCREASE FACTOR.—If the individual is enrolled for such months under part B—

''(I) IN GENERAL.—Except as provided in subclause (II), the amount of the annual increase in premium effective for such year resulting from the application of section 1839(a)(3), as reduced (if any) under section 1839(f)(2).

''(II) NO APPLICATION TO INDIVIDUALS PARTICIPATING IN MEDICARE SAVINGS PROGRAM.—In the case of an individual who is enrolled for medical assistance under title XIX for medicare cost-sharing described in section 1905(p)(3)(A)(ii), zero.''.

(2) APPLICATION UNDER MEDICARE ADVANTAGE PROGRAM.—Section 1854(b)(2)(B) of such Act (42 U.S.C. 1395w-24(b)(2)(B)), as in effect as of January 1, 2006, relating to MA monthly prescription drug beneficiary premium, is amended by inserting after ''as adjusted under section 1860D–13(a)(1)(B)'' the following: ''and section 1860D–13(a)(1)(F)''.

(3) PAYMENT FROM MEDICARE PRESCRIPTION DRUG ACCOUNT.—Section 1860D–16(b) of such Act (42 U.S.C. 1395w-116(b)) is amended—

(A) in paragraph (1)—

(i) by striking ''and'' at the end of subparagraph (C);

(ii) by striking the period at the end of subparagraph (D) and inserting ''; and''; and

(iii) by adding at the end the following new subparagraph:

''(E) payment under paragraph (5) of premium reductions effected under section 1860D–13(a)(1)(F).''; and

(B) by adding at the end the following new paragraph:

''(5) PAYMENT FOR COLA PROTECTION PREMIUM REDUCTIONS.—

''(A) IN GENERAL.—In addition to payments provided under section 1860D–15 to a PDP sponsor or an MA organization, in the case of each part D eligible individual who is enrolled in a prescription drug plan offered by such sponsor or an MA–PD plan offered by such organization and who has a premium reduced under section 1860D–13(a)(1)(F), the Secretary shall provide for payment to such sponsor or organization of an amount equivalent to the amount of such premium reduction.

''(B) APPLICATION OF PROVISIONS.—The provisions of subsections (d) and (f) of section 1860D–15 (relating to payment methods and disclosure of information) shall apply to payment under subparagraph (A) in the same manner as they apply to payments under such section.''.

(c) DISREGARD OF PREMIUM REDUCTIONS IN DETERMINING DEDICATED REVENUES UNDER MMA COST CONTAINMENT.—Section 801(c)(3)(D) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173) is amended by adding at the end the following: ''Such premiums shall also be determined without regard to any reductions effected under section 1839(f)(2) or 1860D–13(a)(1)(F) of such title.''.

(d) EFFECTIVE DATES.—

(1) PART B PREMIUM.—The amendments made by subsection (a) apply to premiums for months beginning with January 2005.

(2) PART D PREMIUM.—The amendments made by subsection (b) apply to premiums for months beginning with January 2007.

(3) MMA PROVISION.—The amendment made by subsection (c) shall take effect on the date of the enactment of this Act.

DEMOCRATS FIGHT TO PROTECT SOCIAL SECURITY COLA: REPORT SHOWS GOP RX DRUG LAW WOULD LEAD TO SOCIAL SECURITY CUTS

Approximately 30 million middle income seniors are enrolled in Social Security and Medicare, and rely on the annual Social Security cost of living increases (COLAs) that help them keep up with the rising cost of groceries, food and housing. Yet medical inflation is rising rapidly, and Medicare premium increases will soon consume the entire Social Security COLA. If nothing is done, escalating drug prices will lead to real cuts in the Social Security benefit as a result of new Part D premium increases in 2007 and beyond. Today, Democrats are unveiling a bill to limit how much rising Medicare premiums can impact seniors' COLAs.

Social Security COLAs are vital to seniors and the disabled. Millions of Americans rely on their Social Security check each month to make ends meet. Each fall, millions of retirees wait anxiously to learn what the Social Security COLA will be for the coming year—because each dollar is needed to balance their budget.

Republican Medicare bill will dramatically reduce Social Security COLAs. Under the GOP Rx drug law, some seniors will have an additional Medicare premium (''Part D'') deducted from their Social Security check. With both the new Medicare Part D premium (for prescription drugs) and the existing Part B premiums (for physician and other outpatient care) deducted from a retiree's Social Security check, Social Security COLAs will be significantly eroded. According to a new report by the Democratic staff of the Joint Economic Committee, when the new drug benefit is in place in 2007 almost one-quarter of Social Security beneficiaries will spend over 25 percent of their COLA just on increases in Medicare premiums—and the number will increase to 64 percent (22 million seniors and people with disabilities) in 2014. For an elderly woman with a monthly benefit of $500, the increase in Medicare premiums will absorb almost 60 percent of the COLA from 2007–2010, and 69 percent from 2011–2014.

Making a bad problem worse. The goal of the Social Security COLA is to maintain the purchasing power of the benefit check in the face of rising prices. But that objective is undermined if Medicare premiums, which are typically deducted from Social Security checks, increase rapidly. Medical inflation and increased utilization of outpatient services is already increasing Part B premiums, but current law ensures at least that total Social Security benefits do not go down. By refusing to extend this same protection to the new Part D premiums, and refusing to control drug prices, Republicans have made a difficult situation even worse. While the Social Security COLA only increases at the rate of inflation, the premiums beneficiaries face under Part D will increase by the rate of increase in drug prices. According to CBO projections, Part D premiums will increase by an average of 7.5 percent a year from 2006 to 2014—a far greater rate of increase than that expected for Part B or the Social Security COLA.

Current protection needs improvement. The 2004 Medicare Trustees Report projects that monthly Part B premiums will rise by a record $11.50 for 2005—a one-year increase of more than 17 percent. Given the increased pressures to increase physician payments and the trend of shifting more services to outpatient settings, which increase Part B premiums—and the new costs of Part D—it is important to act now to protect a portion of the COLA for seniors' basic needs.

Democrats' bill will protect Social Security. Democrats' ''Social Security COLA Protection Act of 2004'' would ensure that no more than 25 percent of a beneficiary's annual COLA could be taken away by increases in Medicare premiums. Doing so would guarantee that seniors and the disabled retain at least 75 percent of the COLA to cover price increases in other goods and services, such as food, clothing, housing and energy costs. In 2007, the legislation would help over 14 million Social Security recipients. By 2014, it will help more than two-thirds of seniors and people with disabilities, approximately 23 million Americans.

HOW THE COLA PROTECTION BILL WORKS

Example 1. Widow with $500 in monthly Social Security benefits in 2004

Her annual Social Security benefit is $6,000, and the COLA will increase her income by $162 in 2005 (a 2.7 percent increase).

However, Medicare Part B premiums are projected to rise by at least $114 that year. Without the bill's protection, a premium increase of $114 will eat up 70 percent of her COLA.

With the bill's protection, only 25 percent of her COLA will be absorbed by Medicare premium increases, leaving 75 percent ($122 per year) to cover other increases in her cost of living. The bill preserves an additional $74 of COLA to be used for other expenses.

By 2009, the bill will save $197 of her COLA. In 2014, $545 of her COLA will be protected. Over 10 years, the projected total savings for this beneficiary will reach $2,615.

Example 2. Retired couple with $1,100 in combined monthly Social Security benefits in 2004.

Their annual benefits are $13,200: $8,400 for the husband and $4,800 for the wife. A 2.7 percent COLA would increase their income by $356 in 2005.

However, the Medicare Part B premiums paid by this couple are projected to rise by at least $228 in 2005. Without the bill's protection, a premium increase of $228 will eat up 64 percent of their combined COLA.

With the bill's protection, only 25 percent of their COLAs will be absorbed by Medicare premium increases, leaving 75 percent ($267 per year) to cover other increases in their cost of living. The bill preserves an additional $139 of COLA to be used for other expenses.

By 2009, the bill will protect $358 of their COLA. In 2014, $1,016 of their COLA will be protected. Over 10 years, the projected total savings for this couple will reach $4,829.

How much would others save?

Annual benefit amount	Savings over 10 years	Average annual savings[1]
$7,200 ($600 per month)	$2,213	$221
$9,000 ($750 per month)	1,611	161
$9,600 ($800 per month)	1,410	140

[1] The particular amount in each year could differ from this average because each year, the amount of protection provided by the bill would depend on the interaction between the Medicare premium increase and that individual's COLA increase. If the premium increase is large while the COLA is small, savings would be larger. If the premium increase is modest while the COLA is large, then savings would be smaller.

What fraction of those who pay Medicare premiums would benefit from the bill?

2005: 90 percent (This is a year when many beneficiaries will need protection to prevent their COLA from being swallowed by Medicare premium increases, because the premium increase is projected to be the largest ever); 2007: 47 percent; 2009: 64 percent; 2011: 68 percent; 2014: 67 percent.

Ways and Means Democratic Staff

July 20, 2004, 10 a.m.

JOINT ECONOMIC COMMITTEE DEMOCRATS

Representative Pete Stark (D–CA)—Senior Democrat

RISING MEDICARE PREMIUMS UNDERMINE THE SOCIAL SECURITY COLA

NEW MEDICARE LAW COULD CUT BENEFITS FOR SOME

(Economic Policy Brief—July 2004)

Unlike most private pensions and other forms of retirement annuity income, Social

Security, benefits include an annual cost-of-living adjustment (COLA) that is designed to prevent an erosion of benefits due to inflation. Unfortunately, rising health care costs and last year's Medicare law threaten this valuable cost-of-living protection.

BACKGROUND

In 1975 Congress replaced ad hoc increases in Social Security benefits with an automatic COLA based on the previous year's change in the consumer price index (CPI). The CPI is an index of prices paid by the typical consumer for a representative bundle of goods and services. The goal of the COLA is to ensure that Social Security benefits keep pace with increases in the price of food, clothing, and other necessities—including medical care—so that seniors and other beneficiaries can maintain a stable quality-of-life.

Participants in Medicare Part B, which covers doctors' services, pay a monthly premium that is deducted from their Social Security check. So too will most participants in Medicare Part D, the new prescription drug program. The size of the premiums is based on projected costs for those respective programs. During periods of rapidly rising health care costs, increases in Medicare premiums can represent a significant fraction of the overall Social Security COLA for many Social Security beneficiaries. With the latest Medicare changes, some may even see their benefits cut as their premium increases outpace their COLAs.

Current law puts a limit on the extent to which growth in Medicare Part B premiums can erode the purchasing power of an individual's Social Security benefit. The ''hold harmless'' provision guarantees that the increase in a person's Part B premium will not be larger than that person's COLA. This ensures that the dollar amount of the benefit received after deducting the Part B premium will never be reduced, but it does not guarantee that the purchasing power of that benefit will not fall. In fact, the entire COLA could be consumed. The latest Medicare legislation does not apply even this ''hold harmless'' protection to the Part D prescription drug premium. Thus, seniors are exposed to the possibility that large increases in medical costs, especially unchecked prescription drug costs, could eat up a large piece of their Social Security COLA and even cut their Social Security benefit.

RECENT EXPERIENCE WITH COLAS AND MEDICARE PART B PREMIUM INCREASES

During the past three years, rapidly rising health expenditures have been accompanied by large increases in Medicare premiums. Based on current projections, the cumulative increase in the monthly Part B Medicare premium during the four years of the Bush Administration will be at least $26, nearly twice as much as the total increase of $13.40 over the entire eight years of the Clinton Administration. At the same time that Medicare premiums have been rising rapidly, inflation has been very low. As a result, Social Security COLAs have been relatively modest, and many beneficiaries have seen a substantial portion of their COLA consumed by the increases in Medicare premiums.

In 2004, for example, Social Security beneficiaries received a COLA of 2.1 percent ($2.10 for each $100 of monthly benefit). At the same time, the monthly premium for Medicare Part B increased from $58.70 to $66.60, an increase of $7.90 or 13.5 percent. Table 1 shows what part of the COLA was consumed by the increase in the Part B premium for individuals receiving different levels of monthly benefit.

TABLE 1.—IMPACT OF MEDICARE PREMIUM INCREASES ON SOCIAL SECURITY COLAS, 2004

Monthly Social Security benefit in 2004 (dollars)	2004 Social Security COLA (dollars)	COLA after deducting increase in medicare premiums (dollars)	Fraction of COLA absorbed by Medicare premium increases (percent)
384	7.90	0.00	100
500	10.28	2.38	77
750	15.43	7.53	51
1,000	20.57	12.67	38
1,250	25.71	17.81	31
1,500	30.85	22.95	26

Source: JEC Democratic staff, based on Congresssional Budget Office projections.

Individuals with 2004 monthly Social Security benefits of less than $384 received a COLA in 2004 that was less than the increase in Medicare premiums. Because of the ''hold harmless'' provision, their premium increase was limited to the amount of their COLA. Still, for these individuals (an estimated 1.4 million people), their entire Social Security COLA was wiped out, leaving them nothing to pay for increases in all other goods and services they consume.

Individuals with a monthly benefit of $1,000 (roughly the average benefit of retired men) had to devote nearly 40 percent of their COLA to the increase in their Medicare premium. Those with a monthly benefit of $750 (roughly the average benefit of retired women) needed half their COLA to cover the increase in Medicare premiums. And those with a monthly benefit of $500 (roughly the average benefit of wives of retired workers) needed more than three-quarters of their COLA to pay for the increase in their Medicare premium.

THE IMPACT OF PART D PRESCRIPTION DRUG PREMIUMS

Current forecasts indicate that the Medicare Part B premium increase in 2005 will be the largest dollar amount ever.[1] As a result, seniors can expect another year like 2004, when increases in Medicare premiums will absorb a large percentage of their COLA. CBO's current projections call for the rate of increase in Medicare premiums to abate after 2005, but those projections do not reflect possible legislative changes that would increase physician payments, resulting in higher premiums. Furthermore, beginning in 2006, seniors participating in the Part D prescription drug program will have an additional Medicare premium for that program deducted from their Social Security check.

Using CBO's projections of the Social Security COLA and Medicare premium costs, the Joint Economic Committee Democratic staff has estimated the portion of the COLA that will be absorbed by increases in Medicare premiums incoming years. For a person with a monthly benefit of $500 (in 2004 dollars), the annual increase in combined Part B and Part D premiums will absorb almost three-fifths of the annual COLA, on average, during the 2007–2010 period. Medicare premiums will absorb over two-thirds of the COLA in the 2011–2014 period. Increases in Medicare premiums will absorb a lesser but still significant fraction of the COLA for individuals with larger monthly benefits (Table 2). Because there is no ''hold harmless'' protection, up to 2 percent of beneficiaries could experience benefit cuts.

TABLE 2.—AVERAGE IMPACT OF MEDICARE PREMIUM INCREASES ON SOCIAL SECURITY COLAS, 2007–2010 AND 2011–2014

Monthly Social Security benefit (2004 dollars)	Average fraction of COLA absorbed by Medicare Part B and Part D premium increases (percent)	
	2007–2010	2011–2014
500	59	69

TABLE 2.—AVERAGE IMPACT OF MEDICARE PREMIUM INCREASES ON SOCIAL SECURITY COLAS, 2007–2010 AND 2011–2014—Continued

Monthly Social Security benefit (2004 dollars)	Average fraction of COLA absorbed by Medicare Part B and Part D premium increases (percent)	
	2007–2010	2011–2014
1,000	24	34
1,500	16	23

Source: JEC Democratic staff, based on Congressional Budget Office projections.

Although the rising cost of Medicare Part B and Part D premiums can absorb a very large fraction of the annual Social Security COLA for those with modest benefit checks, the problem is not confined to them. CBO estimates that in 2007, the first year that increases in Part D premiums will have an impact, 6.9 million people, or nearly 25 percent of those who have Medicare premiums withheld from their Social Security benefit will see at least one-quarter of their COLA absorbed by increases in combined Part B and Part D premiums. By 2014, 64 percent of beneficiaries, or 22.2 million people, will lose at least 25 percent of their COLA to increases in their Medicare premium.

CONCLUSION

For Social Security beneficiaries, the annual COLA is an important protection against rising prices eroding the real purchasing power of their benefit. In the past three years, however, rapidly rising health care costs have undermined this protection by driving up Medicare Part B premiums, which are automatically deducted from participants' monthly Social Security check.For many participants, the increase in Medicare premiums has absorbed a large fraction of their annual COLA, leaving little to deal with the rising costs of all the other goods and services the COLA is meant to cover. That problem will be aggravated when the new premiums for Part D prescription drug coverage take effect, unless policymakers take action to address this gutting of Social Security COLA protection.

ENDNOTE

1. If past practice is followed, the Social Security COLA percentage increase and the increase for Medicare premiums will be announced in mid-October. Me calculations used in this paper assume an increase in the 2005 monthly Part B premium of $9.50. That is higher than the current CBO baseline estimate of $8.70, but the JEC Democratic staff believes that CBO's estimate will increase when it updates its baseline in August. The Medicare actuaries are currently predicting an even higher increase of $11.50 in the monthly premium.

Mr. REED. Mr. President, I rise to join with the distinguished Democratic Leader and Senator MURRAY in introducing the ''Social Security COLA Protection Act of 2004.'' I would also ask unanimous consent to submit for the RECORD the report by the Joint Economic Committee Democratic staff entitled, ''Rising Medicare Premiums Undermine the Social Security COLA.''

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

Mr. REED. Thank you. Mr. President, Social Security is the bedrock of this country's social safety net and our most effective antipoverty program for seniors and the disabled. A valuable feature of Social Security is the annual cost of living adjustment, or COLA, which was enacted to ensure that the

real purchasing power of beneficiaries' checks would be preserved, and not eaten away by inflation. I would also point out that such COLA protection is missing from most private pensions.

Sadly, what the JEC Democrats' report has revealed is that large increases in health care costs and the poor design of the new Medicare prescription drug plan have created a situation in which rising Medicare premiums are undermining the Social Security COLA. The problem is already serious, and we have not even begun to experience the impact of the prescription drug premium of the new Medicare Part D program that will take effect in 2006.

The study shows, for example, that in the years 2011–2014, a person with a monthly Social Security benefit of $500 (in today's dollars) would see 69 percent of her COLA consumed by increases in Medicare Part B and Part D premiums. That leaves far too little of the COLA to cover increases in prices of other necessities such as food, energy, and other medical expenses. Even people with larger monthly benefits would see their COLAs substantially eroded by the increases in Medicare premiums.

Finally, the study shows that by 2014, if there is no legislation to address this problem, 64 percent of beneficiaries who have their Medicare premiums deducted from their Social Security checks will lose at least 25 percent of their Social Security COLA to increases in those premiums.

The JEC Democratic staff study makes a compelling case that we have a serious problem on our hands. That is why I am happy to cosponsor ''The Social Security COLA Protection Act of 2004.'' This legislation will preserve the essential safety net Social Security provides seniors, by making sure that at least 75 percent of their Social Security COLA is protected from increases in Medicare premiums and available to offset increasing cost of other goods and services seniors need in order to maintain an adequate quality-of-life.

By Mr. DODD:

S. 2755. A bill to amend the Consumer Credit Protection Act to ban abusive credit practices, enhance consumer disclosures, protect underage consumers, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. DODD. Mr. President, it is often said that small things can make a very large difference in our society. That saying certainly fits the subject I have come to speak briefly about this afternoon. That little thing in question that I am talking about is 3⅛ inches wide, 2⅛ inches long, and no thicker than one's fingernail. But it has a monumental impact on how millions of Americans live their lives each and every day. The object to which I am referring, of course, is the credit card.

We have come a long way from the day in 1950 when the Diner's Club issued the first universal credit card that allowed its holders to use credit at certain very select restaurants in New York City. Today, the credit card has become an indispensable part of how we do business in the United States, and across the globe, for that matter.

For many Americans, the main appeal of the credit card is convenience and flexibility. They allow us to go out and eat, go to a shopping mall, to the movies, and stop off at the grocery store on the way home, without folding a single bill or fumbling for loose change in their pockets. Credit cards allow people to shop for products on the Internet in a matter of seconds.

But for more and more Americans, credit cards serve a very different purpose. As the name implies, these cards provide access to credit. We are living in a time when real wages are failing to keep up with price increases, when health care costs and college tuition are on the rise. Millions of Americans are having difficulty making ends meet. For Americans who are strapped for cash, credit cards are much more than a convenience. They have become the only way they can afford basic necessities, such as food, gas, clothing, and medical care.

These Americans are not paying by credit card because they want to; they are doing so because they have no other choice. It is this function of credit cards that make them so appealing to American consumers, but I must also say it is this function that presents the greatest danger to them as well.

Today, the level of credit card debt in the United States is at record heights. Total consumer debt in America is over $2 trillion. Out of that, $735 billion is credit card debt. The average American household has over $9,000 worth of credit card debt. Let me repeat that. The average family living in the United States has over $9,000 of credit card debt. In comparison, the average family household income is just above $40,000.

Due in large part to credit card debt, more Americans are filing for bankruptcy. Last year, over 1.6 million families declared they were bankrupt. For every one family that actually does file for bankruptcy, there are seven more whose debt suggests that they, in fact, should do the same.

Credit card debt does not affect all Americans equally. It is a growing burden that is disproportionately being borne by middle-income, low-income, and working-poor families. According to a recent report, during the 1990s, on average, the American family saw its credit card debt go up by 53 percent. The debt of middle-class families, those earning between $50,000 and $100,000 a year, went up 75 percent. For the older Americans, senior citizens, their average credit card debt went up 149 percent. Finally, for very low-income families, those making less than $10,000 a year, credit card debt grew by a shocking 184 percent.

Why is this happening? Why are millions of Americans drowning in credit card debt? There are some who would describe the numbers I just quoted as a matter of personal responsibility, that some Americans are spending way beyond their means and ultimately are paying the price.

I do believe personal responsibility is extremely important, but many of the victims of credit card debt today are not in that state because they bought a home entertainment system, an expensive vacation, or a plasma TV set.

Take Roberto Towler. Roberto was a professional accountant who was very careful to always pay his bills on time. In early 2000 he was forced to take 2 months off from work because of a back injury. The lost salary meant he had much less cash on hand than before. He had no alternative but to use his credit card for toiletries, clothes for his children, and groceries. He eventually was able to return to work and scale back the use of his credit card, but he found himself barely able to pay back his debt. Eventually Roberto was forced to file bankruptcy with $22,000 of credit card debt.

Many Americans have stories just like Mr. Towler. They work hard, they play by the rules, but after a few twists of fate suddenly find themselves in a tremendous debt. For those caught in the quicksand of debt, a credit card appears to be a lifeline. But, in reality, it only pulls them in deeper and deeper.

We often speak of the ill and infirm as living on borrowed time. These people are living on borrowed money.

In the middle of all this are credit card companies. If we demand responsibility from individuals, and we should, and we do demand it, then we also ought to demand it from corporations as well. Responsibility is not limited to those who are consumers alone.

The reason I am here today is because a good deal of the blame for the crisis in credit card debt we are seeing in America lies in the practices of credit card companies.

I am not someone who takes regulatory reform lightly. I am not a believer in regulation that stifles innovation or efficiency. But at the same time, when we see practices that are truly hurting working families around the country, I believe we have an obligation to act. Just what kind of practices are we talking about? Let me spell it out.

Let's start with interest rates. I am not naive about this. I certainly do not expect credit card companies to be terribly benevolent when it comes to interest rates. But what I expect, and what all Americans deserve, is honesty and fairness.

We have all seen print ads and commercials that advertise fantastically low interest rates, sometimes as low as zero percent. But what these commercials don't tell you is that these teaser rates, as they are called, often expire and rise considerably only after a few months.

If you slip up even once by failing to make a minimum monthly payment, your interest rate may go up even faster. Just one mistake can be enough to drive an interest rate up by nearly 30 percentage points. Of course that information is usually hidden in the fine print of a lengthy disclosure statement.

Most Americans would assume that their interest rates will stay low as long as they make their minimum monthly payments. Not so. Today, credit card companies don't just look at the bill that you pay them, they look at your entire financial picture in deciding how high your interest rate ought to be, how high a rate they ought to charge you.

I learned of a doctor in Illinois who had always paid his credit card bills on time and stayed within his credit card limits. Then one day he took a look at his bill and discovered that the interest rate on his credit card had jumped from 6 percent to nearly 17 percent. He asked the credit card issuer, why? The company said that he was now a higher risk.

What was the reason?

He had taken out a mortgage on his new home.

This is incredible to me. There are few things more rewarding to a family than buying their first home. We celebrate home ownership here in America. Apparently for credit card companies it's a reason to celebrate as well, because it's an excuse to charge higher interest rates.

Interest rates, of course, are not the only way credit card companies make money. In recent years, more and more companies have found another way to increase their bottom lines, by assessing exorbitant fees for the most minor of offenses. Miss a payment by a single day and you may be charged $30 or even $40 for that mistake. Gone are the grace periods that gave consumers some reasonable leeway.

Over the past 2 years, the amount of money generated by credit card fees has simply skyrocketed. In fact, the term ''skyrocketed'' may be something of an understatement. In 1996, the fees raised $1.7 billion for credit card companies. That's 1996. Last year the credit card companies raised $11 billion in fees alone, only 8 years later.

You might think that if credit card companies know that someone is a risk they would take some action to limit that person's spending, such as lowering their credit line. Or perhaps they might not issue a card to that person in the first place.

But there is a little secret the credit card companies don't want Americans to know. They are actively soliciting and signing up customers who are tremendous credit risks. They are soliciting these people not in spite of the risk, but because of it.

Contrary to what one might think, customers who cannot afford to pay their bills on time are the credit card companies' best customers—not their worst. Unbelievably, these customers who do pay on time are known within the credit card industry as ''deadbeats.''

Let me repeat that. Those who pay their credit card bills on time are known within the industry as ''deadbeats.'' Why is this? Because when people fail to pay their bills on time, that means more profits for the credit card industry, in the form of more interest charges and penalty fees.

How much more of a profit? Let's say you are the average American, with $9,000 in credit card debt, which is the case today. Let's say you stopped accumulating any more debt and decided you would pay it off by making the minimum monthly payment of 2 percent. Let's say further that your interest rate is 15 percent—which is just about the average today, I might add.

How long would it take you to pay off that debt? Five years? Ten years? Twenty years? It would take 39 years to pay off your debt. Over the course of those 39 years, you would pay $14,000 in interest payments alone, in addition to the $9,000 you owe. This is all assuming, of course, that your interest rate wouldn't rise over those years and that you wouldn't be hit with unexpected fees.

Credit card companies know this. They know their greatest chance of financial profit lies in those customers who have the least chance of paying their bills on time. That is why they continue to solicit these customers and that is why those who do pay on time are known within the industry as the deadbeats.

Last year, credit card companies mailed out 5 billion solicitations to about 200 million individuals in the United States. The average person received about one offer every other week. The average household received more than one per week. I guarantee that a great many of these people do not have sparkling credit ratings, yet these companies continue to send out offer after offer, hoping that yet another customer will take the bait.

Mr. President, I ask unanimous consent to have printed in the RECORD an article from the July 6, 2004 edition of the Wall Street Journal entitled ''Growing Profit Source for Banks: Fees from Riskiest Card Holders.''

This goes into the topic in greater detail.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal Online, July 6, 2004]

GROWING PROFIT SOURCE FOR BANKS: FEES FROM RISKIEST CARD HOLDERS

(By Mitchell Pacelle)

When Jennifer Reid opened her credit-card statement in April, she discovered how expensive it was to make full use of her credit.

The 42-year-old X-ray technologist had run through $10,000 of her $12,000 credit line on an MBNA Corp. card. In April, her annual interest rate abruptly jumped to 24.98%, up from 19.98% the prior month and far above the initial single-digit rate.

''I don't understand,'' she recalls telling an MBNA customer-service representative on the phone, complaining that she hadn't been late with a single payment. The representative agreed but pointed out that she had run up more than $5,000 of debt on two other cards. Also, she was making only slightly more than the minimum suggested monthly payments on her MBNA card. He said the company now saw her as a credit risk and feared it would take her forever to pay off her debts. ''Isn't that what you want consumers to do?'' she snapped back.

That's a question more financially strapped bank customers are asking these days. For consumers who pay off their credit-card balances each month, shop aggressively for interest rates as low as 0%, and take advantage of generous credit-card rewards programs, consumer credit has never been cheaper. But for others like Ms. Reid, who went into debt so she could move to a better job in Florida from South Carolina, the trend is in the other direction.

Card users, consumer advocates and some industry experts complain that banks are attempting to squeeze more and more revenue from consumers struggling to make ends meet. Instead of cutting these people off as bad credit risks, banks are letting them spend—and then hitting them with larger and larger penalties for running up their credit, going over their credit limits, paying late and getting cash advances from their credit cards. The fees are also piling up for bounced checks and overdrawn accounts.

''People think they are being swindled,'' says industry consultant Duncan MacDonald, formerly a lawyer for the credit-card division of Citigroup Inc. Penalty fees aren't new, but they are becoming more important to the industry's bottom line and are being borne by the people who can least afford to pay them, he contends.

Cardweb.com, a consulting group that tracks the card industry, says credit-card fees, including those from retailers, rose to 33.4% of total credit-card revenue in 2003. That was up from 27.9% in 2000 and just 16.1% in 1996. The average monthly late fee hit $32.01 in May, up from $30.29 a year earlier and $13.30 in May 1996, the company said. In 2003, the credit-card industry reaped $11.7 billion from penalty fees, up 9% from $10.7 billion a year earlier, according to Robert Hammer, an industry consultant.

''As competitive pressure builds on the front-end pricing, it has pushed a lot of the profit streams to the back end of the card—to these fees,'' says Robert McKinley, chief executive of CardWeb.com. Over the past two years, he said, ''it's become much more aggressive.'' At industry conferences, he notes, talk often turns to ''what the market will bear.''

Banks say that penalties and fees are a necessary component of new models for pricing financial services. Gone are the days when banks collected hefty annual fees on all credit cards and charged fat interest rates to all customers. Now, the banks say, they must rely on risk-based pricing models under which customers with the shakiest finances pay higher rates and more fees.

''We look at teaser rates as an area that we have to be competitive in,'' said Richard Srednicki, a top credit-card executive at J.P. Morgan Chase & Co., during a conference call with investors last fall. He said the bank tries to ''mix and match how we compete'' on interest rates and fees ''in order to make the kinds of returns that we're looking for.''

An MBNA spokesman declined to comment on Ms. Reid's experience but noted that one of the most important considerations in setting a credit card's interest rate is ''how a customer manages his account.'' If a customer's financial circumstances change for

the worse, he said, the bank has to raise the rate ''as a way of balancing that greater risk.''

Such variable pricing has been embraced in recent years by airlines, mortgage lenders and others. What raises the hackles of bank customers, however, is that many don't discover the rate changes and penalty fees until they have already been hit with them. Those who complain are directed to disclosure statements that most consumers never read. These disclosures, says Mr. MacDonald, have ballooned from little more than a page 20 years ago to 30 pages or more of small print today.

Federal Comptroller of the Currency John D. Hawke Jr., one of the nation's top bank regulators, warned bankers at a conference last fall that ''no retail banking activity generates more consumer complaints'' than credit-card practices, ''and where there are persistent and serious complaints, there is a fertile seedbed for legislation.''

Mr. Hawke raised the case in which a customer presents a credit card at the cash register and the bank approves the transaction even though it knows that the purchase will push the customer over his credit limit. ''If, as a practical matter, the line has been increased, is it unfair or deceptive for the creditor to continue to impose an overline 'penalty'?'' he asked.

Until the early 1990s, most banks offered one main credit-card product. It typically carried an annual interest rate of about 18% and an annual fee of $25. Cardholders who paid late or strayed over their credit limit were charged modest fees. Profits from good customers covered losses from those who defaulted.

Then card issuers, in an effort to grab market share, began scrapping annual fees and vying to offer the lowest annual interest rates. They junked simple pricing models in favor of complex ones they say were tailored to cardholders' risk and behavior. Eager to sustain growth in a market approaching saturation, they began offering more cards to consumers with spotty credit.

By the late 1990s, banks were attracting consumers with low introductory rates, then subjecting some of them to a myriad of ''risk-related fees,'' such as late fees and over-limit fees. A 2001 survey by the Federal Reserve showed that 30% of general-purpose credit-card holders had paid a late fee in the prior year.

Like Ms. Reid, more customers are seeing red when they discover the penalties on bank statements. Credit-card late-payment charges have risen to as high as $39 for some customers of Bank of America Corp., MBNA, and Providian Financial Corp., and fewer banks grant grace periods. Cardholders who exceed their credit limits face ''over limit'' fees as high as $39 a month.

In a survey of 140 credit cards this year, the advocacy group Consumer Action said 85% of the banks make it a practice to raise interest rates for customers who pay late—often after a single late payment. Nearly half raise rates if they find out that a customer is in arrears with another creditor.

Since the banks disclose the fees in the fine print of their mailings, they have had little to fear from regulators and the courts. Consumer lawyers have lost a string of lawsuits challenging such practices. A little-noticed April ruling by the U.S. Supreme Court said credit-card companies don't have to include various penalty fees when they calculate the ''finance charge'' listed on a customer's monthly statement.

And bank regulators have been reluctant to promulgate new regulations. The Federal Reserve Board and four other regulatory groups recently disappointed consumer groups by failing to take a strong stand against ''bounce protection'' plans. These programs allow customers to overdraw their checking accounts in exchange for a fee each time they do it that can exceed $30. Critics call bounce protection little more than an expensive short-term loan since the overdrawn amount must be covered quickly.

Banks are charging as much as $32 per transaction when customers write a check or make a debit-card purchase without enough money in their accounts to cover the payment. Five years ago, $20 was more typical.

Alicia Flynn, who works in the billing department of a San Francisco hospital, used her Bank of America debit card on Jan. 28 of last year to make four small purchases, including a $2.27 cup of cafeteria soup. But several checks she and her husband had written also hit their account that day. When the bank tallied up the account later that day, it posted some of the checks before the debit-card charges, which had already been cleared at the register. That left the account overdrawn by $40.17. The Flynns were hit with separate $28 ''insufficient fund'' fees for two checks and all four debit-card transactions, hitting the maximum daily penalty of $140.

''It is somewhat like having a meter maid put five parking citations on your car for one parking violation,'' complains Mrs. Flynn's husband, Richard Flynn.

Mr. Flynn later learned that subtracting the biggest check first is standard procedure for Bank of America. In response to his complaint letter, a Bank of America representative enclosed a copy of a booklet she said every customer received when opening an account, and directed Mr. Flynn to page 54. It describes the policy and warns customers that ''this method may result in additional overdraft fees.''

A bank spokesman maintains that most customers want large checks to clear first because they tend to be for important items such as a rent payment. The $28 penalty fee, he said, is intended to ''make sure that customers don't run their balances so close to zero,'' and is priced ''to assign a cost of the risk it exposes the bank to.''

Banking fees have long been a subject of legislation and litigation. One decision that has helped banks boost their penalty fees came in 1996, when the Supreme Court said states can't regulate such charges if they're levied by out-of-state banks.

The 1968 federal Truth in Lending Act was enacted to promote ''awareness of credit costs on the part of consumers.'' It required ''meaningful disclosure of credit terms'' but didn't say anything specifically about credit-card fees. In the act, Congress directed the Federal Reserve Board to enact regulations. The Fed responded with Regulation Z, which requires credit-card issuers to disclose the cost of credit as a dollar amount, known as the ''finance charge,'' and as an annual percentage rate. Fees for late payments and the like were not to be included in either calculation.

As a college student in the mid–1990s, Sharon R. Pfennig signed up for a card with a $2,000 credit limit. In 1997, buying clothing at a mall, she blew past her credit limit by $192. Household International Inc. began tacking on a $20 over-limit fee each month. Ms. Pfennig stopped using the card and continued to make her $45 minimum monthly payments. But the monthly penalty fee, coupled with the $35 to $40 she paid each month as interest on her debt, caused her balance to continue climbing. Her monthly over-limit fee then jumped to $29, and her fee total eventually ballooned to about $700.

In 1999, Ms. Pfennig filed a lawsuit in Ohio federal court against Household and MBNA, which had purchased the Household credit-card portfolio that contained her account. The lawsuit accused Household of misrepresenting the true cost of credit by not including over-limit fees in its disclosed ''finance charges'' on her monthly statement. The suit said this practice, which adhered to Regulation Z, nonetheless violated the Truth in Lending Act.

An appeals court agreed with Ms. Pfennig but the Supreme Court, ruling April 21 of this year, sided with the credit-card company. It said Regulation Z is reasonable and companies that follow it are in compliance with the law.

''I'm getting completely disheartened,'' said Sandusky, Ohio, consumer lawyer Sylvia Goldsmith, who represented Ms. Pfennig before the high court.

In the Pfennig case, MBNA and Household defended the treatment of fees under current disclosure regulations as simpler for both consumers and banks. ''This bright-line rule ensures that creditors disclose over-limit fees in an understandable and consistent manner, permitting consumers to compare such fees across time and across credit-card issuers in a meaningful way,'' the two banks noted in a Supreme Court brief.

For now, the only way for consumers to know what they're getting into is to plow through the disclosure materials they receive when they open bank accounts or get new credit cards. Most never do—as Mr. Flynn, the disgruntled Bank of America customer, admits. ''We just opened a simple bank account, and they gave us a 78–page booklet, small print, and they expect us to read and understand it,'' he complains.

Ms. Reid, the Florida cardholder, says she is far more careful now about studying her credit-card mail. ''I read eve single solitary word now. I hope one of these days I won't have to have a credit card at all.''

Mr. DODD. What I find most troubling about this trend is that credit card companies have set their sights on the most vulnerable members of our society when it comes to debt—low-income individuals, the elderly, mentally retarded, and most recently, our children.

Go to any college campus in America and you are bound to come across a table where an enthusiastic sales person is offering free T-shirts, or sports bags, or Frisbees—almost anything in exchange for signing up as a credit card customer. According to a report on CBS News, the average college student is offered 8 cards in his or her first semester in college—8 credit cards. By the end of college, the average graduating senior has 6 credit cards in his or her name.

Why are credit card companies targeting college students so frequently? Because of their limited experience with financial matters, students tend to accumulate debt very quickly, and as a result, more and more of our young people are falling deeper and deeper into the financial hole from which they cannot escape.

In 1998, 67 percent of college students had a credit card. Today, 83 percent have credit cards. In 1998, the average college student graduated with $1,800 in credit card debt. Today the average college senior graduates with $3,000 in credit card debt.

I was shocked to learn that the fastest growing segment of our population that is forced to declare bankruptcy is people under the age of 25. Think of

that. The fastest growing group of people declaring bankruptcy are people under the age of 25.

When we think about bankruptcy, we generally envision middle-aged Americans with failed businesses, investments gone bad, perhaps medical bills that have spiraled out of control. The answer is not so. It's college kids, recent graduates.

Some time ago, a piece on ''60 Minutes II'' told a story of one student's circumstance, Sean Moyer. I have told the story on the floor before but I think it deserves being repeated.

Sean's life began to spin out of control as a result of huge debts racked up in 3 years of college. He could not get loans to go to law school, as he dreamed. His parents couldn't afford to pay his way.

Sean Moyer had 12 credit cards and more than $10,000 in debts. He had two jobs, one at the library, another as a security guard in a Holiday Inn, but he still could not pay the collectors who continually harassed him with letters and phone calls. In 1998, Sean Moyer took his own life.

Three years after his son's death, his mother still gets pre-approved credit card offers in Sean's name. According to his mother, one company preapproved Sean for a $100,000 credit card line.

How is the credit card industry doing as a result of these practices? These companies are thriving. Credit Card Management, an industry publication, reported that 2003 was the most profitable year for credit cards since the magazine began tracking the industry in 1992.

What makes matters even more astonishing is that this is happening when interest rates are at an all-time low. Yet, for millions of Americans, the interest rates they read about in the newspapers, those set by the Federal Reserve, bear absolutely no relationship whatsoever to interest rates that appear on their credit card bills.

Still, the industry wants more. In recent years, while they have been encouraging consumers to accumulate debt, credit card companies have simultaneously been lobbying Congress to change bankruptcy laws to make it harder and harder for people to have their debts forgiven. This amounts to a two pronged attack on working families in America—get people into as much debt as possible, and then change the rules of the game so they can't get rid of that debt.

It is time we stood up for consumers. It is time we restored a sense of responsibility to this industry.

I am here today to introduce the Credit Card Accountability, Responsibility, and Disclosure Act of 2004, also known as the Credit CARD Act. This bill takes aim at what I consider to be some of the more egregious abuses of consumers by credit card companies.

This bill takes some simple, common-sense steps to stop abusive practices, educate cardholders, and stiffen the penalties on corporations that violate the law.

First of all, I think we can all agree that it is reasonable for a consumer to be clearly notified if his or her interest rates are going up. That is not a radical idea, that is just common sense. My bill would require clear disclosure of any rate changes so there aren't any surprises for the average consumer.

I also don't believe a company should be able to retroactively change the interest rate on debt that already exists. If you want to raise interest rates, fine, but raise them on future debt, not existing debt. Our bill would prohibit any retroactive interest rate changes.

Second, I believe that companies should be rewarding people for responsible card use—not penalizing them. If you pay your bills on time, your interest rate shouldn't go up. If you pay off your balances in full, your company shouldn't be able to charge you any new fees. If you decide to cancel your card, your interest rate shouldn't go up. I am pointing out these facts because that is exactly what happens. My bill would codify all of these common-sense principles into law.

Third, my bill would protect some of the most vulnerable in our society—our Nation's youth—by implementing new requirements for issuing credit cards to people under the age of 21. We are not going to prohibit college students from getting cards, but we are going to make sure that companies can't simply give away cards to millions and millions of students who they know will rack up years and years worth of debt and potentially face bankruptcy and financial ruin before their working lives have barely begun.

If you apply for a credit card and you are under 21, under this bill you will need one of three things: A signature of a parent or guardian who is willing to take responsibility for your debt; information indicating that you have some other means of repaying any debt; or a certification that you have completed a credit counseling course. And if you are a credit card company that offers cards to students under 21, you will be required to comply with these requirements—or face serious penalties.

Finally, this bill requires companies to be honest with consumers by introducing some new disclosure requirements. The most important one is a box—prominently located on every single bill—containing four simple pieces of information: The total balance on your account; your minimum monthly payment; how long it will take to pay your bill if all you pay is the minimum monthly payment; and finally, how much you will have to pay over time—in both interest and principal—if you only make the minimum payments.

The reason for these disclosures is simple, and to many, probably obvious: To allow consumers to know exactly what it means to carry a debt, so they can decide whether or not to do so.

The Credit CARD Act also contains a number of additional disclosure requirements to bring more transparency to an industry that has clearly reaped benefits from the use of fine print and lengthy and confusing policy statements.

We are not asking for much here—only that companies be fair and straightforward with consumers. Let us see some real disclosures so Americans can understand what their bill means, how much they are being charged, and why.

No one wants credit cards to disappear. I certainly believe credit cards are tremendously valuable and worthwhile as long as they are handled responsibly. And no one wants people who need and deserve credit to have no way to get it. But we can't simply stand by as more and more Americans fall deeper and deeper into debt with no way out. We need to take some responsible action so that the credit card can still be a useful financial tool without being a ticket to financial ruin.

If we are going to pass bankruptcy bills in the Senate that demand more responsibility from consumers, shouldn't we demand more responsibility from creditors, as well? This bill, the Credit CARD Act, does just that, and I urge my colleagues in the Senate to adopt it.

I ask unanimous consent for the text of the bill to be printed in the RECORD.

By Mr. ALLARD (for himself and Mr. HAGEL):

S. 2756. A bill to extend a certain high priority corridor in the States of Colorado, Nebraska, South Dakota, and Wyoming; to the Committee on Environment and Public Works.

Mr. ALLARD. Mr. President, transportation is a key element of economic growth for rural Colorado. Providing access to the national highway system through a well developed transportation corridor will boost economic opportunity and bring new dollars to the area as the flow of commerce increases through traffic, tourism and, hopefully, new industry.

Previously, I introduced legislation to create the Heartland Expressway, a connecting highway of high priority roads on the national highway system. However, a few had concerns about this legislation, so the supporters went back to the drawing board. So, tonight I rise to introduce a bill that reflects the compromise that each of the impacted states have come to.

Through Ports-to-Plains and Heartland Expressway, we can bring greater prosperity through trade and industry to the State of Colorado, while improving the safety and condition of our highways.

Based on the recommendation of the Eastern Colorado Mobility Study, authored by the Colorado Department of Transportation, the corridor will serve a wide variety of trucks and autos, bringing new dollars and boosting the economy.

The Heartland Expressway will result in user cost savings to businesses, have

fewer environmental impacts than other corridor alternatives, and will enhance or improve existing—and may even promote the construction of new corridors and intermodal facilities—that will enhance the mobility of freight services within and through eastern Colorado.

The Heartland Expressway will penetrate and promote economic development in Denver, throughout north and southeast Colorado, into Wyoming, and through Scotsbluff, NE to Rapid City, SD.

By Mr. FITZGERALD:

S. 2757. A bill to provide for certain financial reporting requirements to apply to the judicial branch of the Federal Government, and for other purposes; to the Committee on the Judiciary.

By Mr. FITZGERALD.

S. 2758. A bill to provide for certain financial reporting requirements to apply to the legislative branch of the Federal Government, and for other purposes; to the Committee on Rules and Administration.

Mr. FITZGERALD. Mr. President, I rise today to introduce two bills that would ensure fiscal accountability throughout the Judicial and Legislative Branches of the Federal Government: the Judicial Branch Financial Accountability Act of 2004 and the Legislative Branch Financial Accountability Expansion Act of 2004. These bills would strengthen the financial management of both branches by requiring them to prepare annual financial statements and have them independently audited.

These bills also build on S. 2680, the Financial Accountability Expansion Act of 2004, that Senator AKAKA and I introduced on July 16, 2004, to expand independent audit requirements to the remainder of the executive branch that currently is not covered under the Chief Financial Officers Act or the Accountability of Tax Dollars Act. Taken together, this legislative package would ensure—for the first time—that all agencies and entities in the entire United States Government are subject to stringent financial audit requirements.

Congressional efforts to improve financial management and to reduce the waste, fraud and abuse of taxpayer dollars began almost 25 years ago with the enactment of the Federal Managers Financial Integrity Act of 1982, which intended to strengthen internal controls and accounting systems. Another important financial management reform initiative was the Chief Financial Officers Act (CFO) of 1990. Among other things, the CFO Act created 24 CFO and deputy CFO positions in cabinet departments and major executive branch agencies, and required the annual preparation and audit of financial statements.

I would briefly like to mention that the Department of Homeland Security, which has 180,000 employees and a budget of over $30 billion, is the only cabinet level department not now subject to the CFO Act. In order to address this problem, on August 1, 2003, I was joined by Senator AKAKA in introducing S. 1567, the Department of Homeland Security Financial Accountability Act, which would subject the department to the same financial management practices currently required of all other major Federal agencies. The Senate passed S. 1567 in November 2003, and the House of Representatives passed its version, H.R. 4259, on July 20, 2004. It is my hope and expectation that final congressional action on this legislation will occur in the near future.

The CFO Act improved the financial management of cabinet departments and major Federal agencies; however, it did not address the fiscal policies and practices of the rest of the executive branch. Therefore, in 2002, I was the Senate sponsor of the Accountability of Tax Dollars Act (ATDA). This legislation, which became law on November 7, 2002, amended the CFO Act to require agencies with budget authority of over $25 million to prepare annual financial statements and have them independently audited. Due to the enactment of the ATDA, an additional 76 agencies are now subject to requirements for annual audited financial statements.

The ATDA also provided authority to the Director of the Office of Management and Budget (OMB) to waive or exempt certain agencies from the act's requirements. The OMB director may waive these requirements during the first 2 years of implementation if an agency lacks the budgeted resources or requires additional time to develop financial management practices and systems. The OMB director may exempt agencies with budget authority under $25 million if it is determined that there is an absence of risk associated with the agency's operations.

To improve upon the legislative changes Congress enacted in 2002, the Financial Accountability Expansion Act of 2004, which I introduced last week, would further expand the requirements of the CFO Act to every remaining entity in the executive branch. Each executive branch agency or entity, regardless of its size or budget authority, would be subject to the financial oversight and accountability that annual, independently audited financial statements provide. In order to assist small agencies that may not have adequate financial resources or personnel to comply with these requirements, this bill would authorize the Secretary of the Treasury to enter into one or more contracts on behalf of the agency, or multiple agencies through ''bundling,'' for the preparation and independent audit of the financial statement.

To begin the process of expanding audit requirements through the Executive Branch, on July 19, 2004, I was joined by Senator AKAKA in introducing S. 2688, the Executive Branch Financial Accountability Reporting Act of 2004, which would require the Director of the Office of Management and Budget (OMB) to submit a report to the relevant congressional committees that lists all Federal entities not currently required to prepare annual, independently audited financial statements. We were pleased that the Governmental Affairs Committee favorably reported this bill on July 21, 2004, and we intend to work with our colleagues to expedite Senate passage of this important legislation.

Although significant progress has been made in strengthening financial accountability of the executive branch, similar audit requirements in the judicial and legislative branches are woefully inadequate or completely lacking. At a hearing held on July 8, 2004, by the Governmental Affairs Subcommittee on Financial Management, the Budget, and International Security, which I chair, we heard surprising testimony that the judicial branch does not conduct annual audits of its financial statements. Similarly, many entities in the legislative branch do not prepare annual financial statements, and many that do prepare financial statements do not have them independently audited.

As part of the Contract with America in the 104th Congress, the financial statements of the House of Representatives have been annually audited by an independent accounting firm. While several other legislative branch entities voluntarily comply with the requirements of the CFO Act—the Government Accountability Office and the Congressional Budget Office—these agencies of Congress are not statutorily required to do so. I find it disturbing that the United States Senate does not hold itself to the same standards of financial accountability that it imposes on the executive branch of government. The financial activities of all entities established by and within the legislative branch—such as the Senate Disbursing Office, the Capitol Police, the Library of Congress, the Government Accountability Office, the U.S. Botanic Garden, and the Architect of the Capitol—should be subject statutorily to the oversight provided by an independent financial statement audit.

In fiscal year 2004, the Congress appropriated over $3.5 billion for the legislative branch and approximately $5.2 billion for the judicial branch. To ensure that these two co-equal branches of government are subject to independent audit requirements similar to the executive branch, the legislative package I introduce today includes two bills to strengthen the financial management practices of the Federal courts and legislative entities.

The Judicial Branch Financial Accountability Act of 2004 that I introduce today would require the Federal judiciary to have independent audits of annual financial statements covering

all accounts and activities. In deference to a co-equal branch of government, the bill would require the Judicial Conference of the United States, the principal policy-making body for the administration of the U.S. Courts, to determine whether the U.S. Supreme Court, the U.S. Court of Appeals for the Federal Circuit, the U.S. Court of International Trade, and other judicial branch entities, should submit separate financial statements, or whether there should be a single consolidated statement that is independently audited.

To ensure that judicial branch entities have the procedures and resources in place to comply with the requirements of this act, this bill would require the submission of a report regarding the act's implementation to the appropriate committees in the Senate and House of Representatives. This report is to be submitted not later than 90 days after the date of the bill's enactment, and is to include any legislative recommendations that may be necessary to carry out the provisions of the act. Similar to the requirements imposed by OMB on executive branch entities, this bill would require the completion and public release of the audited financial statement not later than 45 days after the end of the fiscal year.

The second bill I introduce today—the Legislative Branch Financial Accountability Expansion Act of 2004—would require that each House of Congress and each legislative agency or other entity prepare financial statements that must be independently audited. In order to ensure that entities in the legislative branch have the procedures and resources in place that are necessary to fulfill this requirement, the bill requires each House of Congress and each legislative agency or other entity to submit a report to the appropriate committees in the Senate and House of Representatives regarding the implementation of the act. The report is to be submitted within 90 days of the date of enactment, and is to include whether the establishment of a special office is necessary to carry out the act's requirements, as well as any legislative recommendations that may be necessary.

Within 60 days after the submission of this report, each House of Congress is to establish an office to prepare the financial statement. Each legislative agency or other entity is also required to establish an office, or designate an individual if that is more appropriate, to prepare the financial statement. An independent audit of the financial statement is to be completed and made public within 45 days after the close of the applicable fiscal year.

I am sensitive to how other co-equal branches of the Federal Government conduct their fiscal affairs. Therefore, these bills defer to the leadership of these branches to determine the most appropriate means of implementing annual independent audits of financial statements. In light of these sensitivities, I recognize that these bills represent the first step toward improving the financial accountability of the entire Federal Government. I look forward to working with my colleagues to provide the best legislative solution to ensure full and equal accountability for the use of taxpayer dollars.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the texts of the bills were ordered to be printed in the RECORD, as follows:

S. 2757

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 ''Legislative Branch Financial Accountability Act of 2004''.

SEC. 2. CONGRESS.

(a) IN GENERAL.—The Senate and the House of Representatives each shall annually have a financial statement prepared in accordance with United States generally accepted accounting principles, and have the statement independently audited, for the preceding calendar year covering all the accounts and associated activities of the Senate and the House of Representatives, respectively.

(b) FINANCIAL STATEMENT.—Each financial statement shall reflect the organizational structure of the Senate and House of Representatives, respectively, and shall cover accounts and financial information for all entities of the Senate and House of Representatives, respectively. Joint activities shall be reflected in the financial statement of a House of Congress to the extent that the House funds the activities.

SEC. 3. AGENCIES.

(a) IN GENERAL.—Each agency under subsection (b) shall annually have a financial statement prepared in accordance with United States generally accepted accounting principles, and have the statement independently audited, for the preceding fiscal year covering all the accounts and associated activities of the agency.

(b) The agencies referred to under subsection (a) are the—

(1) Library of Congress;

(2) Congressional Budget Office;

(3) General Accountability Office;

(4) Government Printing Office;

(5) United States Botanic Garden;

(6) Architect of the Capitol;

(7) United States Capitol Police; and

(8) any other entity of the legislative branch established by Congress and not required by statute to have annual financial statements independently audited.

SEC. 4. REPORT.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, a report described under subsection (b)—

(1) shall be submitted by the Committee on Rules and Administration of the Senate, with respect to the entities of the Senate, to the Committee on Governmental Affairs of the Senate;

(2) shall be submitted by the Committee on Administration of the House of Representatives, with respect to entities of the House of Representatives, to the Committee on Government Reform of the House of Representatives; and

(3) shall be submitted by each legislative agency or entity under section 3 to the—

(A) Committee on Rules and Administration of the Senate and the Committee on Governmental Affairs of the Senate; and

(B) Committee on Administration of the House of Representatives and the Committee on Government Reform of the House of Representatives.

(b) CONTENT.—Each report under subsection (a) shall include—

(1) a plan for implementation of this Act, including whether the establishment of an office is necessary to carry out this Act; and

(2) recommendations, including legislative actions and amendments to this Act, if necessary, to effectively carry out this Act.

SEC. 5. PREPARATION AND AUDIT OF STATEMENTS.

(a) PREPARATION.—

(1) CONGRESS.—Not later than 60 days after the submission of the report under section 4, the Majority Leader of the Senate in consultation with the Minority Leader of the Senate, and the Speaker of the House of Representatives in consultation with the Minority Leader of the House of Representatives, shall establish offices in the Senate and the House of Representatives, respectively, that shall prepare the financial statements for each House required by this Act in accordance with United States generally accepted accounting principles.

(2) LEGISLATIVE AGENCIES AND ENTITIES.—Not later than 60 days after the submission of the report under section 5, the head of each legislative agency or entity shall designate an individual or establish an office that shall prepare the financial statements required by this Act in accordance with United States generally accepted accounting principles.

(b) AUDIT.—With respect to the financial statements of each House of Congress and each legislative agency or other entity, the Majority Leader of the Senate in consultation with the Minority Leader of the Senate, the Speaker of the House of Representatives in consultation with the Minority Leader of the House of Representatives, and the head of each legislative agency or other entity, respectively, shall provide, by contract, for an independent audit of the financial statements required by this Act in accordance with generally accepted government auditing standards. Not later than 45 days after the end of the applicable fiscal year, whether calendar or fiscal, and each year thereafter, each House of Congress and head of legislative agency or entity shall complete and make available to the public the independently audited financial statement.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this Act in fiscal year 2005, and each fiscal year thereafter.

SEC. 7. EFFECTIVE DATES.

(a) IN GENERAL.—Sections 2 and 3 shall take effect in the applicable fiscal year, whether calendar or fiscal, during which the office referred to in section 5 is established.

(b) ADMINISTRATIVE PROVISIONS.—Sections 1, 4, 5, and 6 shall take effect on the date of enactment of this Act.

S. 2758

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 ''Judicial Branch Financial Accountability Act of 2004''.

SEC. 2. FEDERAL JUDICIARY.

(a) IN GENERAL.—The Federal Judiciary shall annually have independently audited financial statements prepared for fiscal year 2005, and each fiscal year thereafter, covering all the accounts and associated activities of the judicial branch.

(b) SEPARATE STATEMENTS.—The Judicial Conference of the United States shall determine whether to have separate financial statements for the—

(1) Supreme Court of the United States;

(2) United States Court of Appeals for the Federal Circuit;

(3) United States Court of International Trade;

(4) Administrative Office of the United States Courts;

(5) Federal Judicial Center;

(6) Judicial retirement funds;

(7) United States Sentencing Commission; or

(8) other courts or services paid from the appropriations for ''Courts of Appeals, District Courts, and Other Judicial Services''.

SEC. 3. PREPARATION AND AUDIT OF STATEMENTS.

(a) PREPARATION.—The Administrative Office of the United States Courts shall prepare the financial statements required by this Act in accordance with United States generally accepted accounting principles.

(b) AUDIT.—

(1) IN GENERAL.—The Judicial Conference of the United States shall provide, by contract, for an independent auditor to audit the financial statements required by this Act in accordance with generally accepted government auditing standards.

(2) REPORT.—Not later than 45 days after the end of the defined fiscal year, whether calendar or fiscal, and each year thereafter, the Administrative Office of the United States Courts shall complete and submit an independently audited financial statement that shall be—

(A) available to the public; and

(B) submitted to—

(i) the Committee on the Judiciary of the Senate and the Committee on Governmental Affairs of the Senate; and

(ii) the Committee on the Judiciary of the House of Representatives and the Committee on Government Reform of the House of Representatives.

SEC. 4. REPORT.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, a report described under subsection (b) shall be submitted by the Judicial Conference to—

(1) the Committee on the Judiciary of the Senate and the Committee on Governmental Affairs of the Senate; and

(2) the Committee on the Judiciary of the House of Representatives and the Committee on Government Reform of the House of Representatives.

(b) CONTENT.—The report under subsection (a) shall include—

(1) a plan for implementation of this Act; and

(2) recommendations, including legislative actions and amendments to this Act, if necessary, to effectively carry out this Act.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this Act in fiscal year 2005, and each fiscal year thereafter.

Mr. KENNEDY. Mr. President, I am pleased to introduce the Children's Health Improvement and Protection (CHIP) Act today, along with my fellow Senators ROCKEFELLER, CHAFEE, and SNOWE. This bill will ensure that children continue to receive health care coverage through the Children's Health Insurance Program, which is especially important as the Nation's economy struggles to recover and State budgets are stretched perilously thin.

The Children's Health Insurance Program, CHIP, has shown great success in reducing the number of children without health insurance. Last year, 5.8 million children were enrolled in CHIP, children who otherwise would have limited access to critical screening and diagnostic services and needed medical care. In 2003, 125,000 children in Massachusetts participated in CHIP and other Stats had similar success.

The need for CHIP has always been clear. We know that children without health insurance are more than three times less likely to have a regular source of health care than insured children. They are more than four times as likely to delay needed medical care because of cost. And they are more than twice as likely as insured children to forego needed prescription drugs and eyeglasses.

Despite the clear evidence that health insurance provides children with a healthier start, continued success of the CHIP program is in jeopardy. A number of States have budget shortfalls that will short-change CHIP programs over the next several years. Last year, the Congress acted to prevent $2.7 billion in Federal funding for CHIP from reverting to the Treasury. However, this funding was a short-term solution for long-term financing problems that will persist until CHIP is reauthorized in 2007. The Center on Budget and Policy Priorities has projected that over 200,000 children are still at risk for losing their health coverage if additional steps are not taken.

This bill will provide the needed steps to support and expand the CHIP program. The Children's Health Improvement and Protection Act of 2004 prevents $1.07 billion in Federal CHIP funds that are scheduled to expire from reverting to the Treasury. In addition, this bill reallocates some of these funds to States that most need them. Seventy percent of the expiring fiscal year 1998, 1999, and 2000 funds would be redistributed to needy States and the remaining 30 percent of the funds would be retained by the States that currently have them.

States that were unable to spend all of their fiscal year 2002, 2003, and 2004 CHIP allotments after 3 years would be able to keep half of the unspent funds. The other 50 percent would be redistributed to States that have fully spent their allotments during the 3-year period they were available. Any retained or redistributed funds would be available for 2 years. After that, our bill establishes a second redistribution for unspent funds, using the same 70–30 redistribution scheme I described previously.

Passage of CHIP was a great step forward in ensuring every child a healthy start in life. It would be a grave mistake and a misplaced set of priorities to weaken this program that so many of us worked to enact and that is helping so many children. It makes no sense to have funds expire and revert to the Treasury when we know that many States are still facing severe deficits that have led to waiting lists or ''freezes'' in their CHIP programs. This bill will allow States to maintain their CHIP programs and allow them to grow. The health of the Nation reflects the health of our children and I look forward to working with my colleagues in the Senate to get this very important legislation passed.

By Mr. ROCKEFELLER (for himself, Mr. CHAFEE, Mr. KENNEDY, and Ms. SNOWE):

S. 2759. A bill to amend title XXI of the Social Security Act to modify the rules relating to the availability and method of redistribution of unexpended SCHIP allotments, and for other purposes; to the Committee on Finance.

Mr. ROCKEFELLER. Mr. President, I rise today with my friend and colleague from Rhode Island, Mr. CHAFEE, to introduce legislation that will protect the health and well-being of America's children by restoring funds to the Children's Health Insurance Program (CHIP). In 1997, Senator CHAFEE and I worked together to create the Children's Health Insurance Program as part of the Balanced Budget Act. I am proud of the work we have done over the years to make improvements to this critical program, which helps so many of our nation's children.

Since its inception, the CHIP program has been an unqualified success. It has directly contributed to the decline in the number of children without health insurance in recent years. Last year, 5.8 million children were enrolled in CHIP, including over 35,000 children in my home state of West Virginia.

However, the continued success of the CHIP program is in serious jeopardy. A number of States are projected to have insufficient Federal funding to sustain their existing CHIP programs over the next several years. On September 30, 2004, $1.07 billion in Federal CHIP funds are scheduled to expire and revert to the national treasury, despite growing unmet need in a number of States. If Congress does not act to preserve these funds, States will have no choice but to cut coverage for low-income children.

Last year, we acted to protect children's health care by passing legislation to prevent $2.7 billion in Federal funding for CHIP from reverting to the treasury. While this legislation went a long way to address immediate CHIP funding shortfalls, it did not address the long-term financing problems that will persist until CHIP is reauthorized in fiscal year 2007. The legislation we are introducing today would solve the current CHIP financing problems and preserve health care coverage for children through reauthorization, when Congress will have to consider a better Federal financing mechanism for the program.

I am pleased to be joined by Senators CHAFEE, KENNEDY, and SNOWE in introducing legislation that represents a comprehensive approach to shoring up CHIP financing through reauthorization, thereby preventing a devastating

enrollment decline and facilitating continued CHIP growth. Our bill would extend the availability of the $1.07 billion in expiring CHIP funds and target some of the funds to the States that need them the most. It would also establish redistribution rules that will keep CHIP money in the CHIP program through fiscal year 2007.

The Children's Health Protection and Improvement Act will allow States to continue offering health care to our Nation's children—the most vulnerable population among us. It will ensure that healthy children have access to preventative check-ups and exams and that sick children can get the medication and treatment they need. This legislation enjoys bipartisan support and is endorsed by the National Governor's Association (NGA).

I urge my colleagues to make enactment of this critical legislation a priority. Congress must act on this legislation this year. We must do this when we return. I recognize that we have very few legislative days left, but this must be at the top of our list because our children cannot afford to wait. We must guarantee the continued success of the CHIP program and sustain the significant progress CHIP has made over the years in reducing the ranks of uninsured children.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2759

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 ''Children's Health Protection and Improvement Act of 2004''.

SEC. 2. CHANGES TO RULES FOR REDISTRIBUTION AND EXTENDED AVAILABILITY OF 1998 THROUGH 2004 SCHIP ALLOTMENTS.

Section 2104(g) of the Social Security Act (42 U.S.C. 1397dd(g)), as amended by Public Law 108–74 (117 Stat. 892), is amended—

(1) in the subsection heading by striking '', 1999, 2000, AND 2001'' and inserting ''THROUGH 2004''; and

(2) in paragraph (1)—

(A) in subparagraph (A)—

(i) in the matter preceding clause (i)—

(I) by inserting ''or for fiscal year 2002 by the end of fiscal year 2004, or for fiscal year 2003 by the end of fiscal year 2005, or for fiscal year 2004 by the end of fiscal year 2006,'' after ''fiscal year 2003,''; and

(II) by striking ''or 2001'' and inserting ''2001, 2002, 2003, or 2004'';

(ii) in clause (i)—

(I) in subclause (III), by striking ''or'' at the end;

(II) in subclause (IV), by striking the period at the end and inserting a semicolon; and

(III) by adding at the end the following:

''(V) the fiscal year 2002 allotment, the amount specified in subparagraph (E)(i) (less the total of the amounts under clause (ii) for such fiscal year), multiplied by the ratio of the amount specified in subparagraph (E)(ii) for the State to the amount specified in subparagraph (E)(iii);

''(VI) the fiscal year 2003 allotment, the amount specified in subparagraph (F)(i) (less the total of the amounts under clause (ii) for such fiscal year), multiplied by the ratio of the amount specified in subparagraph (F)(ii) for the State to the amount specified in subparagraph (F)(iii); or

''(VII) the fiscal year 2004 allotment, the amount specified in subparagraph (G)(i) (less the total of the amounts under clause (ii) for such fiscal year), multiplied by the ratio of the amount specified in subparagraph (G)(ii) for the State to the amount specified in subparagraph (G)(iii).''; and

(iii) in clause (ii), by striking ''or 2001'' and inserting ''2001, 2002, 2003, or 2004'';

(B) in subparagraph (B)—

(i) in clause (ii), by inserting ''but subject to paragraph (4)'' after ''subsection (e)'';

(ii) in clause (iii)—

(I) by inserting ''but subject to paragraph (4)'' after ''subsection (e)''; and

(II) by striking ''and'' at the end;

(iii) by redesignating clause (iv) as clause (vii); and

(iv) by inserting after clause (iii), the following:

''(iv) notwithstanding subsection (e) but subject to paragraph (4), with respect to fiscal year 2002, shall remain available for expenditure by the State through the end of fiscal year 2006;

''(v) notwithstanding subsection (e), with respect to fiscal year 2003, shall remain available for expenditure by the State through the end of fiscal year 2007; and

''(vi) with respect to fiscal year 2004, subsection (e) shall apply; and''; and

(C) by adding at the end the following:

''(E) AMOUNTS USED IN COMPUTING REDISTRIBUTIONS FOR FISCAL YEAR 2002.—For purposes of subparagraph (A)(i)(V)—

''(i) the amount specified in this clause is the amount specified in paragraph (2)(B)(i)(I) for fiscal year 2002, less the total amount remaining available pursuant to paragraph (2)(A)(v);

''(ii) the amount specified in this clause for a State is the amount by which the State's expenditures under this title in fiscal years 2002, 2003, and 2004 exceed the State's allotment for fiscal year 2002 under subsection (b); and

''(iii) the amount specified in this clause is the sum, for all States entitled to a redistribution under subparagraph (A) from the allotments for fiscal year 2002, of the amounts specified in clause (ii).

''(F) AMOUNTS USED IN COMPUTING REDISTRIBUTIONS FOR FISCAL YEAR 2003.—For purposes of subparagraph (A)(i)(VI)—

''(i) the amount specified in this clause is the amount specified in paragraph (2)(B)(i)(I) for fiscal year 2003, less the total amount remaining available pursuant to paragraph (2)(A)(vi);

''(ii) the amount specified in this clause for a State is the amount by which the State's expenditures under this title in fiscal years 2003, 2004, and 2005 exceed the State's allotment for fiscal year 2003 under subsection (b); and

''(iii) the amount specified in this clause is the sum, for all States entitled to a redistribution under subparagraph (A) from the allotments for fiscal year 2003, of the amounts specified in clause (ii).

''(G) AMOUNTS USED IN COMPUTING REDISTRIBUTIONS FOR FISCAL YEAR 2004.—For purposes of subparagraph (A)(i)(VII)—

''(i) the amount specified in this clause is the amount specified in paragraph (2)(B)(i)(I) for fiscal year 2004, less the total amount remaining available pursuant to paragraph (2)(A)(vii);

''(ii) the amount specified in this clause for a State is the amount by which the State's expenditures under this title in fiscal years 2004, 2005, and 2006 exceed the State's allotment for fiscal year 2004 under subsection (b); and

''(iii) the amount specified in this clause is the sum, for all States entitled to a redistribution under subparagraph (A) from the allotments for fiscal year 2004, of the amounts specified in clause (ii).'';

(3) in paragraph (2)—

(A) in the paragraph heading by striking ''2001'' and inserting ''2004''; and

(B) in subparagraph (A)—

(i) in clause (i), by striking ''Of'' and inserting ''Subject to paragraph (4), of'';

(ii) in clause (ii), by striking ''Of'' and inserting ''Subject to paragraph (4), of'';

(iii) in clause (iii), by striking ''Of'' and inserting ''Subject to paragraph (4), of'';

(iv) in clause (iv), by striking ''Of'' and inserting ''Subject to paragraph (4), of''; and

(v) by adding at the end the following:

''(v) FISCAL YEAR 2002 ALLOTMENT.—Subject to paragraph (4), of the amounts allotted to a State pursuant to this section for fiscal year 2002 that were not expended by the State by the end of fiscal year 2004, 50 percent of that amount shall remain available for expenditure by the State through the end of fiscal year 2006.

''(vi) FISCAL YEAR 2003 ALLOTMENT.—Of the amounts allotted to a State pursuant to this section for fiscal year 2001 that were not expended by the State by the end of fiscal year 2005, 50 percent of that amount shall remain available for expenditure by the State through the end of fiscal year 2007.

''(vii) FISCAL YEAR 2004 ALLOTMENT.—Of the amounts allotted to a State pursuant to this section for fiscal year 2004 that were not expended by the State by the end of fiscal year 2006, 50 percent of that amount shall remain available for expenditure by the State through the end of fiscal year 2007.'';

(4) in paragraph (3)—

(A) by striking ''or fiscal year 2001'' and inserting ''fiscal year 2001, fiscal year 2002, fiscal year 2003, or fiscal year 2004,''; and

(B) by striking ''or November 30, 2003,'' and inserting ''November 30, 2003, November 30, 2004, November 30, 2005, or November 30, 2006,''; and

(5) by adding at the end the following:

''(4) ADDITIONAL EXTENDED AVAILABILITY OF FISCAL YEARS 1998 THROUGH 2002 ALLOTMENTS.—

''(A) FISCAL YEAR 1998, 1999, AND 2000 ALLOTMENTS.—With respect to any amounts allotted to a State pursuant to this section for fiscal years 1998, 1999, or 2000 that were redistributed to a State under paragraph (1), or whose availability to a State was extended through the end of fiscal year 2004 under paragraph (2), that were not expended by the State by the end of fiscal year 2004, the following rules shall apply:

''(i) 30 percent of such amounts shall remain available for expenditure by the State through the end of fiscal year 2007.

''(ii) The remainder of such amounts shall be redistributed to States that have fully expended the amount of their fiscal year 2002 allotments under this section in the same ratio as unexpended fiscal year 2002 allotments are redistributed under paragraph (1)(A)(i)(V) to such States and the amounts redistributed under this clause shall remain available for expenditure through the end of fiscal year 2007.

''(B) FISCAL YEAR 2001 ALLOTMENTS.—With respect to any amounts allotted to a State pursuant to this section for fiscal year 2001 that were redistributed to a State under paragraph (1), or whose availability to a State was extended through the end of fiscal year 2005 under paragraph (2), that were not expended by the State by the end of fiscal year 2005, the following rules shall apply:

''(i) 30 percent of such amounts shall remain available for expenditure by the State through the end of fiscal year 2007.

''(ii) The remainder of such amounts shall be redistributed to States that have fully expended the amount of their fiscal year 2003 allotments in the same ratio as unexpended fiscal year 2003 allotments are redistributed under paragraph (1)(A)(i)(VI) to such States and the amounts redistributed under this clause shall remain available for expenditure through the end of fiscal year 2007.

''(C) FISCAL YEAR 2002 ALLOTMENTS.—With respect to any amounts allotted to a State pursuant to this section for fiscal year 2002 that were redistributed to a State under paragraph (1), or whose availability to a State was extended through the end of fiscal year 2006 under paragraph (2), that were not expended by the State by the end of such fiscal year, the following rules shall apply:

''(i) 30 percent of those amounts shall remain available for expenditure by the State through the end of fiscal year 2007.

''(ii) The remainder of such amounts shall be redistributed to States that have fully expended the amount of their fiscal year 2004 allotments in the same ratio as unexpended fiscal year 2004 allotments are redistributed under paragraph (1)(A)(i)(VII) to such States and the amounts redistributed under this clause shall remain available for expenditure through the end of fiscal year 2007.''.

SEC. 3. CONTINUED AUTHORITY FOR QUALIFYING STATES TO USE CERTAIN FUNDS FOR MEDICAID EXPENDITURES.

Section 2105(g)(1)(A) of the Social Security Act (42 U.S.C. 1397ee(g)(1)(A)), as added by Public Law 108–74 (117 Stat. 895) and amended by Public Law 108–127 (117 Stat. 134), is amended by striking ''or 2001'' and inserting ''2001, 2002, 2003 or 2004''.

Mr. CHAFEE. Mr. President, I am pleased to join Senator ROCKEFELLER and others today in introducing a bipartisan proposal to extend and redistribute expiring State Children's Health Insurance Program (SCHIP) funds.

This legislation will allow States to retain $1.07 billion in funds originally allocated for fiscal years 1998, 1999, and 2000, and currently scheduled to revert to the Federal Treasury on September 30, 2004. The bill also applies a 70–30 redistribution formula to the 1998–2000 allotments. States with surplus funds scheduled to revert in September will keep 30 percent of the money and cede 70 percent to States that have exhausted their allotments. Additionally, the bill will continue the current law redistribution rules through 2007. It allows States unable to spend all of their fiscal year 2002, 2003, and 2004 SCHIP allotments within the 3-year limit, to keep half of the unspent funds. The other 50 percent would be redistributed to States that have exhausted their allotments.

This proposal will prevent States from losing unexpended SCHIP allotments and allows States like Rhode Island, with efficient programs and a high-level of need, to receive redistributed money. Without this proposal, the overwhelming success of State SCHIP programs and quality health coverage to millions of uninsured children will be jeopardized.

Preserving the expiring funds is essential to guaranteeing that more than 200,000 children will not lose their health insurance coverage between now and 2007. At a time when our Nation's uninsured rate has climbed to 43.6 million, it makes little sense to take away Federal funding from States that are desperately trying to enroll needy children. This legislation is crucial to many States including my State of Rhode Island. Without this remedy, Rhode Island is set to run out of SCHIP funds by 2005. At 5 percent, Rhode Island currently has the third lowest uninsured rate of any State in the Nation for children. This bill will enable Rhode Island to continue offering health coverage to this vulnerable population.

I urge my colleagues to join Senator ROCKEFELLER and me in supporting this important legislation. It is a crucial step toward ensuring that our Nation's children will have long-term access to quality health insurance.

By Mr. GRASSLEY (for himself and Mr. COLEMAN):

S. 2762. A bill to encourage the use of indigenous feedstock from the Caribbean Basin region with respect to ethyl alcohol for fuel use; to the Committee on Finance.

Mr. GRASSLEY. Mr. President, I rise today to introduce legislation to close a loophole under the Caribbean Basin Initiative, CBI, trade preference program which could allow large quantities of Brazilian ethanol to be shipped to the United States duty-free. This loophole allows companies to use the CBI program as a passthrough to get duty-free treatment for Brazilian ethanol. This could end up displacing U.S. production and hurting Iowa's ethanol producers. I want to help make sure that does not happen.

Also, when the Caribbean Basin Initiative was enacted during the Reagan administration, the purpose of the program was to encourage trade and development with the region. I support the CBI program. However, I believe that the program should encourage meaningful economic development in the region. Unfortunately, one special interest provision in the statute permits ''wet'' ethanol from Brazil to be shipped to the CBI region and merely dehydrated, thus qualifying for duty-free access to the U.S. market. The dehydration process which occurs in the CBI region is not very complicated. It simply removes a small percentage of water from ''wet'' ethanol, thereby converting it into ''dry'' ethanol. Such ''dry'' ethanol is provided duty-free access to the U.S. market. I do not believe that such simple processing is substantial enough to warrant the benefit of getting duty-free access to the U.S. market. In keeping with the original intent of the CBI, I believe that more meaningful economic activity should occur in the CBI region before a product qualifies for duty-free treatment.

My bill would limit the opportunity to exploit this special interest provision. It would introduce a fixed cap on the amount of ethanol that can take advantage of the passthrough provision. The amount of the cap is based on the historical volume of ethanol exports from the CBI region over the past 20 years. Thus, my bill will permit the continued duty-free importation of some ethanol that is simply dehydrated in the CBI region, based on historical trade amounts. However, my bill would put a stop to the unlimited future growth of such duty-free imports.

It is my belief that this modification should not impact any of the CBI companies that are currently operating ethanol plants in the region. At the same time, my bill will encourage greater investment and development in the CBI region because ethanol that is produced from scratch in the CBI region, using CBI inputs, will continue to be eligible for duty-free access to the U.S. market under the CBI program. If ethanol is made from scratch in the CBI region then it will qualify for duty-free treatment.

In sum, my bill only addresses new investments in dehydration plants, whose sole purpose is to merely dehydrate Brazilian ethanol. Our tariff preference programs should not be granting economic incentives in the form of tariff preferences for such passthrough operations. In my mind, that is not what the CBI program is for, and it is not fair for Iowa's ethanol producers.

I ask unanimous consent that the bill be printed in the CONGRESSIONAL RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2762

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

SECTION 1. ETHYL ALCOHOL FOR FUEL USE.

(a) IN GENERAL.—Subparagraph (B) of section 423(c)(3) of the Tax Reform Act of 1986 (19 U.S.C. 2703 note) is amended to read as follows:

''(B) The local feedstock requirement with respect to any calendar year is—

''(i) 0 percent with respect to the base quantity that is entered;

''(ii) 30 percent with respect to the 35,000,000 gallons of dehydrated alcohol and mixtures entered in excess of the base quantity; and

''(iii) 50 percent with respect to all dehydrated alcohol and mixtures entered after the amount specified in clause (ii) is entered.''.

(b) BASE QUANTITY.—Clause (i) of section 423(c)(3)(C) of the Tax Reform Act of 1986 (19 U.S.C. 2703 note) is amended to read as follows:

''(i) The term 'base quantity' means, with respect to dehydrated alcohol and mixtures entered during any calendar year—

''(I) 90,000,000 gallons in the case of dehydrated alcohol and mixtures produced in a distillation facility located in a beneficiary country that was established before, and in operation on July 1, 2004; and

''(II) 0 gallons in the case of dehydrated alcohol and mixtures produced in any other distillation facility located in a beneficiary country.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to calendar years beginning after 2004.

By Mrs. CLINTON (for herself, Mr. GREGG, and Mr. REID):

S. 2763. A bill to amend the Atomic Energy Act of 1954 to clarify the treatment of accelerator-produced and other radioactive material as byproduct material; to the Committee on Environment and Public Works.

Mrs. CLINTON. Mr. President, I rise to introduce the Dirty Bomb Protections Acts along with Senators GREGG and REID. This bill directs the Nuclear Regulatory Commission, NRC, to control key materials that could be used in a dirty bomb. Unfortunately, some of these materials are currently exempt from Federal control.

This bill follows a prior bill that I introduced with Senator GREGG in 2002, which was the first bipartisan legislation to propose improved domestic controls on materials that could be used in a ''dirty bomb.'' This legislation was supported and acclaimed by international dirty bomb experts. It provided for the safeguarding of radioactive material against use by terrorists. The bill required proper tracking, recovery, storage and export controls for radioactive material.

Since then, the IAEA Board of Governors accepted and its General Conference endorsed the revised ''IAEA Code of Conduct on the Safety and Security of Radioactive Sources,'' which reflects many of the elements in that bill. The heads of state and government of the eight major industrialized democracies, G8, and over 30 other countries have committed to implement the code. And at the Sea Island Summit earlier this year, G8 leaders urged all states to implement the code and recognize it as a global standard.

Passage of the Dirty Bomb Protections Act would allow the U.S. to fully implement the commitments of the code by providing the NRC with authority to control a set of substances for which they currently lack authority, including Radium-226 and other naturally occurring radioactive materials that for historical reasons have remained outside of Federal control. To control these materials, the bill instructs the NRC to: (1) promulgate final implementing regulations governing such byproduct material; and (2) prepare and give public notice of a transition plan for State assumption of regulatory responsibility for such material.

I believe this bill represents an important step forward in our war against terror and our efforts to control access to materials that could be used to produce a dirty bomb. The language is identical to language that passed the EPW Committee unanimously last year. I look forward to working with Senator INHOFE and other Members of the Senate, as well as the NRC, to advance this important legislation this year.

By Mr. DODD (for himself, Mr. BENNETT, Mr. SCHUMER, Mr. HAGEL, Mr. REED, Mr. BUNNING, Mr. CARPER, Mr. CRAPO, Mr. REID, Mrs. DOLE, Mr. NELSON of Nebraska, and Mr. CHAFEE):

2764. A bill to extend the applicability of the Terrorism Risk Insurance Act of 2002; to the Committee on Banking, Housing, and Urban Affairs.

Mr. DODD. Mr. President, I rise to introduce important legislation which I believe is vital to our economic security. I am proud to introduce this legislation, the Terrorism Risk Insurance Extension Act of 2004, with Senators BENNETT, SCHUMER, JACK REED, HAGEL, DOLE, BUNNING, CRAPO, CHAFEE, HARRY REID, and BEN NELSON.

As my colleagues know, the Senate hasn't been a model of legislative productivity this year. It has been a very difficult year—there has been partisan gridlock on a whole host of issues.

It is against this backdrop, the day that we adjourn for 6 weeks for the August recess which includes both conventions and campaigning, that I am proud to speak about an issue that has broad bipartisan support. That issue is an extension of the Terrorism Risk Insurance Act.

This critically important legislation has a history of bipartisan support and I am pleased to say that the robust support on both sides of the aisle still exists as we consider an extension of the program.

The original TRIA legislation was not an easy undertaking. But we persevered, negotiated, and had a frank exchange of views over numerous months and in the end, even though it was at times a laborious, difficult process, we produced a bipartisan bill that garnered 86 votes in this body on this critically important issue.

I worked closely with Democratic Senators SCHUMER, SARBANES, REED, and CORZINE as well as Senators BENNETT, HAGEL, PHIL GRAMM, and many others on the Republican side to get this critical bill passed. That is the model that the Senate should follow more often and that is the model that we are following as we introduce a 2-year extension of the Terrorism Risk Insurance Act today which will provide continued economic security and stability and avoid potential chaos in the aftermath of a terrorist attack.

The September 11 tragedy resulted in disbelief, devastation, and economic dislocation. An attack on our country seemed unimaginable. Few believed any significant major terrorist attack would occur, no less the one as horrific and devastating as the one on 9/11.

September 11 changed everything, most visibly, of course, national and homeland security policy. But September 11 also fundamentally changed the way insurers looked at terrorism risks which suddenly started to resemble an act of war. As a result, after 9/11 the insurance market for terrorism nearly completely dried up. Coverage was unavailable. Many financial transactions weren't able to proceed. And construction workers and other hard-working Americans suddenly found themselves economic victims of terrorism.

In short, we wrote TRIA for a very simple reason: hundreds of thousands of American jobs and billions of dollars of business investment hung in the balance.

We worked together on a bipartisan basis to pass this bill including significant support from this administration which deserves its fair share of credit for enactment of the legislation in November 2002.

TRIA was created as a 3-year Federal program to help make sure the part of the commercial insurance marketplace, disrupted by 9/11, could work again. Most Americans don't even know that TRIA provides a crucial economic safety net for virtually every sector of our economy. Transportation, real estate, utilities, construction, travel and tourism, and financial institutions are just a few of the sectors that need TRIA to protect them against the economic devastation that would come because of a terrorist attack.

Under TRIA, the Government shoulders a share of the financial risk of future attacks. This makes sense—these attacks are against us as Americans, against our democracy, our way of life.

But TRIA also required insurers to offer terrorism coverage on commercial policies. In addition, insurance companies would have to bear an escalating financial burden in future years.

TRIA is working. This public-private ''shared loss'' mechanism is making terrorism insurance available to all businesses at a reasonable cost. Under TRIA, in the event of another terrorist attack, private insurers will still shoulder tens of billions of dollars of terrorism related risk.

What TRIA does is act as a backstop to the private commercial property-casualty insurance system. It gives the market some certainty by establishing, by law, a limit to insured terrorism losses for the insurance industry and the Federal Government.

The Mortgage Bankers Association recently surveyed its 40 largest commercial/multi-family mortgage banking firms. A substantial majority of them believe that TRIA has made terrorism insurance both more available and less expensive.

But the Mortgage Bankers also noted that failure to extend TRIA would probably hurt the commercial real estate market. If we let TRIA expire, we will see the same uncertain environment we saw before TRIA.

TRIA does not expire until the end of 2005. Now some may wonder why I am choosing today to join with Senator BENNETT and others to introduce this legislation to extend the program.

The answer is that we cannot wait until next year.

The economic safety net that TRIA provides will begin to come apart as

early as this fall if Congress does not act.

In the next few months, commercial insurers and their policyholders will begin negotiating new policies. But any 12–month policy taken out after Jan 1 will include at least some time where TRIA doesn't exist if we let it expire.

If we let TRIA expire, business consumers are going to have a hard time getting the coverage they need. That can only hurt our economy, and I'm sure that all Senators share the goal of growing our economy.

If we don't act this year, insurers will have to evaluate every policy as if the backstop will not exist for part of the coverage period.

Senator BENNETT and I and other colleagues propose a 2-year extension this year. That will help avoid destabilizing the insurance market, and, in turn, the national economy. It will give Congress, insurers, businesses, and Government officials time to gather all available, relevant data.

Collecting that data—without fear of market disruption—will help all of us develop a more permanent solution for managing our Nation's economic exposure to catastrophic terrorism.

I know there is plenty of partisan tension in the Senate this year. But keeping our country safe from the economic devastation of a terrorist attack is a critical priority. It is too important to be affected by partisan politics. We didn't let that happen last time, and I hope everyone can work on a bipartisan basis and follow the bipartisan model—rare in this body these days—to make sure it doesn't happen this time.

Mr. BENNETT. Mr. President, I rise today to introduce legislation with my friend and colleague Senator DODD to temporarily extend the Terrorism Risk Insurance Act. Senator DODD was the author of the Terrorism Risk Insurance Act, or TRIA, which was enacted in 2002, and I am joining with him in a bipartisan effort to extend this critically important legislation this year.

As a result of the devastating attacks of 9/11 and a nonexistent terrorism reinsurance market in its wake, TRIA was enacted to provide a temporary economic safety net to our private insurance market. This temporary backstop helped economic growth get back on track after the shock of 9/11. Under current market conditions TRIA is essential to the continued growth of nearly every sector of our economy—transportation, energy, real estate, construction, travel and tourism, lodging, health care, financial institutions, public entities, manufacturing, and retail.

TRIA came into existence for a very simple reason: hundreds of thousands of American jobs—and billions of dollars in business transactions—hung in the balance due to uncertainty in the insurance markets. The September 11 attacks fundamentally altered the way insurers looked at terrorism risks. As a result, the insurance market for terrorism dried up; coverage was unavailable; many types of financial transactions were unable to proceed; hard-working Americans suddenly found themselves economic victims of terrorism.

With broad, bipartisan support, Congress enacted TRIA in November 2002. TRIA was designed to be a temporary, 3-year program to bring stability and functionality back to an essential sector of the commercial insurance marketplace which ceased to exist after 9/11.

Fortunately, TRIA is working as intended. Terrorism insurance is available to all businesses at a reasonable cost. Under TRIA, in the event of further terror attacks, private insurers will cover tens of billions of dollars of terrorism-related risk. TRIA acts as a backstop to the private commercial property-casualty insurance system and provides some market certainty by establishing statutory caps for insured terrorism losses.

TRIA has enabled billions of dollars of real estate and other business transactions previously stalled to go forward without threatening the solvency of the commercial enterprises involved or their insurers. A recent Mortgage Bankers Association, MBA, survey of its 40 largest commercial/multifamily mortgage banking firms revealed that a substantial majority of those survey respondents believe that TRIA has made terrorism insurance both more available and less expensive. Failure to extend TRIA with the uncertainties that still exist in the insurance marketplace would likely have an adverse impact on the commercial real estate market by recreating the pre-TRIA environment that had led to rating agency downgrades of commercial mortgage-backed securities due to lack of adequate terrorism insurance.

TRIA does not currently expire until year-end 2005—which may cause some to wonder why we are introducing legislation today to extend the program by 2 years now. In truth, the economic safety net that TRIA provides will begin to fray as early as this fall if Congress does not act. Because insurers are now required to make terrorism coverage available throughout the life of the program—a decision rendered by the Treasury Department earlier this summer—there is a very real mismatch between TRIA's hard end-date and the commercial insurance policies that will be written in the next few months.

TRIA currently has a ''hard'' end date, which means that the backstop expires December 31, 2005. However, insurance policies that rely on TRIA are written every day of the year, generally for a 12–month term, although some commercial property policies covered by TRIA are multiyear. Therefore, policies written after January 1, 2005, will have a coverage term that extends beyond the life of the TRIA Federal backstop. As a result, insurers will have no choice but to evaluate every policyholder considered for coverage during this period as if the backstop does not exist for part of the coverage period.

Because commercial insurers must make terrorism coverage available for policies written at any time during 2005, insurers and policyholders will be exposed to risk that they continue to be unable to carry during the part of the coverage term that runs beyond TRIA. Policyholders, state insurance regulators and insurers understand that this potential mismatch between policy periods and TRIA's expiration makes it absolutely critical that Congress acts this year to extend TRIA beyond December 31, 2005.

Failure to extend TRIA beyond its current sunset date of December 31, 2005, will create tremendous uncertainty and potential market upheaval for both commercial policyholders and insurers beginning as early as this fall, when annual policies for coverage starting after January 1, 2005, are considered and negotiated.

Insurers and their policyholders already are beginning to negotiate terms, prices and provisions for policy contracts that will renew beginning in January 2005 and extend into 2006. Unless TRIA is extended in 2004, policyholders whose coverage extends into 2006, and their insurers, will not know whether TRIA's financial backstop will exist for the full term of their coverage. This will make it difficult, if not impossible, to accurately price such coverage and is likely to dramatically reduce the availability of terrorism insurance to business consumers. Such an outcome can only harm the economic recovery underway.

A full 2-year extension this year will help avoid destabilizing the insurance market, and, in turn, the national economy, and will enable Congress, insurers, businesses and Government officials to gather all available relevant data—including market data from all three years of TRIA as insurer deductibles rise from 7 percent of prior year commercial premiums in 2003 to 15 percent of such premiums in 2005. Congressional action now will avoid a premature expiration of the Federal backstop in 2005 and help ensure the economic recovery maintains its pace.

Mr. SCHUMER. I am very pleased to join Senators DODD and BENNETT and others in introducing a bill to extend the Terrorism Risk Insurance Act of 2002 for 2 years. I was actively engaged in the formulation of the act and this bill.

This is important, urgently needed legislation. There is a strong consensus among the affected parties that the act should be extended now. The act, without the extension, would expire at the end of 2005.

There is a mismatch. Unless TRIA is extended this year, it will be very difficult, if not impossible, to accurately price coverage on policies that extend into 2006. This will likely significantly reduce the availability of terrorism coverage. That lack of coverage could adversely affect the economy and the economic recovery.

TRIA is working. The General Accounting Office has found that: ''TRIA has improved the availability of terrorism insurance, especially for some high-risk policyholder.''

Fortunately, there have been no terrorism events on U.S. soil since 9/11. We all know that we are under a constant threat and TRIA continues to be necessary.

I noted on the Senate floor when TRIA was passed in 2002 that Government is going to have to play a larger role. TRIA establishes a public-private partnership on terrorism insurance. The private sector could not solve this problem alone in 2002, plain and simple, and it still cannot do so. We can quibble about how much and where that Federal role should be, but it is definitely needed.

This nonpartisan bill is essentially a 2-year extension of TRIA. The changes that are made are minor, they include: extending the ''make available'' provision; including group life insurance policies under the act; gradually adjusting the aggregate industry loss level used to determine mandatory recoupment; providing for a 1 year ''soft landing'' for policies written before December 31, 2007; and requiring a study addressing long-term solutions to terrorism exposure. These are worthwhile modifications.

The bottom line is a simple one, and that is, our No. 1 goal should be keeping the economy on track in this brave new post-9/11 world. If that means altering the balance between Government and private involvement, so be it.

TRIA has worked in New York City. It has translated into thousands of jobs and desperately needed economic activity for the city, the region, and the entire country. If G-D forbid, there is another terrorism catastrophe in this country I have no doubts that the Government will provide the needed aid. TRIA addresses part of that effort in an orderly manner. Our clear hope is that we will never again experience catastrophes that make this bill necessary.

I am hopeful that this bill can be quickly considered by the Banking Committee, passed by the Senate and House, and enacted into law this year.

By Ms. SNOWE (for herself, Mr. VOINOVICH, and Mrs. DOLE):

S. 2765. A bill to amend the Exchange Rates and International Economic Policy Coordination Act of 1988 to clarify the conditions under which the Secretary should enter into negotiations to correct currency manipulations by other countries; to the Committee on Banking, Housing, and Urban Affairs.

Ms. SNOWE. Mr. President, I respectfully request that the attached bill be printed in the RECORD as introduced. If you have any questions about this request, please contact Rob Weissert at 4–0216.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2765

SECTION 1. AMENDMENTS RELATING TO INTERNATIONAL FINANCIAL POLICY.

(a) BILATERAL NEGOTIATIONS.—Section 3004(b) of the Exchange Rates and International Economic Policy Coordination Act of 1988 (22 U.S.C. 5304(b)) is amended in the second sentence by striking ''(1) have material global account surpluses; and (2)''.

(b) REPORT.—Section 3005(b) of the Exchange Rates and International Economic Policy Coordination Act of 1988 (22 U.S.C. 5305(b)) is amended—

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

(2) by striking the period at the end of paragraph (8) and inserting ''; and''; and

(3) by adding at the end the following:

''(9) a detailed explanation of the test the Secretary uses to determine if a country is manipulating the rate of exchange between that country's currency and the dollar for purposes of preventing effective balance of payments adjustments or gaining an unfair advantage in international trade.''.

By Mr. SPECTER:

S. 2766. A bill to amend part D of title XVIII of the Social Security Act to authorize the Secretary of Health and Human Services to negotiate for lower prices for Medicare prescription drugs and to eliminate the gap in coverage of Medicare prescription drug benefits, to reduce medical errors and increase the use of medical technology, to increase services in primary and preventive care by non-physician providers, and for other purposes; to the Committee on Finance.

Mr. SPECTER. Mr. President, I have sought recognition today to introduce the Prescription Drug and Health Improvement Act of 2004, which is legislation designed to reduce the high prices of prescription drugs. Americans, specifically senior citizens, pay the highest prices in the world for brand-name prescription drugs. With 43 million uninsured Americans and many more senior citizens without an adequate prescription drug benefit, filling a doctor's prescription is unaffordable for many people in this country. The United States has the greatest health care system in the world; however, too many seniors are forced to make difficult choices between life-sustaining prescription drugs and daily necessities.

The Centers for Medicare and Medicaid Services estimate that in 2003 per capita spending on prescription drugs rose approximately 12 percent, with a similar rate of growth expected for this year. Much of the increase in drug spending is due to higher utilization and the shift from older, lower cost drugs to newer, higher cost drugs. However, rapidly increasing drug prices are a critical component.

High drug prices, combined with the surging older population, are also taking a toll on State budgets and private sector health insurance benefits. Medicaid spending on prescription drugs increased at an average annual rate of nearly 20 percent between 1998 and 2001. Until lower priced drugs are available, pressures will continue to squeeze public programs at both the State and Federal level.

To address these problems, my legislation would reduce the high prices of prescription drugs to seniors by: one, allowing the Secretary of Health and Human Services, HHS, to negotiate prescription drug prices with manufacturers; and two, eliminate the coverage gap in the Medicare Prescription Drug Program. The bill's $400 billion price tag over the next 10 years would be offset by, three, reducing medical errors, increasing the use of medical technology, and, four, increasing the use of non-physician providers in primary and preventive health care.

Prescription Drug Negotiation: This legislation would repeal the prohibition against interference by the Secretary of HHS with negotiations between drug manufacturers, pharmacies, and prescription drug plan sponsors and instead authorize the Secretary to negotiate contracts with manufacturers of covered prescription drugs. It will allow the Secretary of HHS to use Medicare's large beneficiary population to leverage bargaining power to obtain lower prescription drug prices for Medicare beneficiaries.

Price negotiations between the Secretary of HHS and prescription drug manufacturers would be analogous to the ability of the Secretary of Veterans Affairs to negotiate prescription drug prices with manufacturers. This bargaining power enables veterans to receive prescription drugs at a significant cost savings.

In my capacity as chairman of the Veterans' Affairs Committee, I introduced the Veterans Prescription Drugs Assistance Act, S. 1153, which was reported out of committee on June 20, 2004.

This legislation would broaden the ability of veterans to access the Veterans Affairs Prescription Drug Program. All Medicare-eligible veterans will be able to purchase medications at a tremendous price reduction through the Veterans Affairs' Prescription Drug Program. In many cases this would save veterans who are Medicare beneficiaries up to 90 percent on the cost of commonly prescribed medications. Similar savings would be available to America's seniors from the savings achieved using the HHS bargaining power, like the Veterans Affairs bargaining power for the benefit of veterans.

Medicare Coverage Gap Elimination: The bill would eliminate the coverage gap, also known as the ''doughnut hole,'' for beneficiaries in the Medicare prescription drug program. Beginning in January 2006, Medicare beneficiaries with an individual income of over $13,470 and couples with an income over $18,180, 150 percent of the poverty level, will pay a monthly premium, approximately $35, a $250 deductible, and coinsurance of 25 percent up to an initial coverage limit of $2,250, but then do not receive coverage until they exceed $5,100 of total spending. Specifically, Medicare beneficiaries will have to make out-of-pocket payments for prescription drug purchases from $2,250 to

$5,100 in total spending. After $5,100 in total spending, the coinsurance payment for those beneficiaries is 5 percent. Medicare beneficiaries below 150 percent of the poverty level do not have a gap in drug coverage. My legislation would eliminate the gap in coverage for those over 150 percent of the poverty level in the Medicare prescription drug program, by extending the 25 percent beneficiary coinsurance payment from $2,250 to $5,100 in total spending.

This provision comes at an expected cost of $400 billion over 10 years, which will be paid for through savings from reducing medical errors, increasing the use of medical technology, and increasing the use of non-physician providers in primary and preventive health care.

Reducing Medical Errors and Increasing the Use of Medical Technology: The bill provides grants for demonstration programs to test best practices for reducing errors, testing the use of appropriate technologies to reduce medical errors, such as electronic medication systems, and research in geographically diverse locations to determine the causes of medical errors. The implementation of automated prescription drug dispensers will prevent adverse drug reactions, which in turn can cause further illness resulting in increased care needed to correct the error. The utilization of electronic records will reduce the incidence of repeat medical tests, which will result in significant cost savings.

On November 29, 1999, the Institute of Medicine, IOM, issued a report entitled ''To Err is Human: Building a Safer Health System.'' The IOM report estimated that anywhere between 44,000 and 98,000 hospitalized Americans die each year due to avoidable medical mistakes. However, only a fraction of these deaths and injuries are due to negligence. Most errors are caused by system failures. The IOM issued a comprehensive set of recommendations, including the establishment of a nationwide, mandatory reporting system; incorporation of patient safety standards in regulatory and accreditation programs; and the development of a nonpunitive ''culture of safety'' in health care organizations. The report called for a 50-percent reduction in medical errors over 5 years.

After the report was issued, I held a series of three Labor, Health and Human Services Appropriations Subcommittee hearings on medical errors: Dec. 13, 1999—to discuss the findings of the Institute of Medicine's report on medical errors; Jan. 25, 2000—a joint hearing with the Committee on Veterans' Affairs to discuss a national error reporting system and the VA's national patient safety program; Feb. 22, 2000—a joint hearing with the Health, Education, Labor and Pensions Committee to discuss the administration's strategy to reduce medical errors.

After hearing from Government witnesses and experts in the field on medical errors, I included $50 million in the fiscal year 2001 Senate Labor, Health and Human Services and Education for a patient safety initiative. In the Senate report, I also directed the Agency for Healthcare Research and Quality, AHRQ, to: one, develop guidelines on the collection of uniform error data; two, establish a competitive demonstration program to test ''best practices''; and three, research ways to improve provider training.

The committee also directed AHRQ to prepare an interim report to Congress concerning the results of the demonstration program within 2 years of the beginning of the projects. The fiscal year 2002 Senate report directed AHRQ to submit a report detailing the results of its initiative to reduce medical errors. HHS combined both reports into one, which it submitted to me earlier this year.

Since fiscal year 2001, the Labor/HHS Subcommittee has included within the Agency for Healthcare Research and Quality funding for research into ways to reduce medical errors. The fiscal year 2002 appropriation was $55 million, in fiscal year 2003 another $55 million was provided, and in fiscal year 2004 the appropriation was increased to $79.5 million.

The bill seeks to assist development of private sector technology standards to reduce medical errors by examining information technology, providing grants, and coordinating implementation by private sector entities. This would help ensure that this Federal investment will help further the national health information infrastructure by sharing the information collected through these demonstration projects with other health facilities nationally. These efforts would help reduce medical errors and bring the Nation's health systems into the 21st century with a projected cost savings of $150 billion over 10 years.

Primary and Preventive Care Services: The bill includes provisions for the use of nonphysician providers such as nurse practitioners, physician assistants, and clinical nurse specialists by increasing direct reimbursement under Medicare and Medicaid without regard to the setting where services are provided. The services provided by nonphysician providers would insure that patients would receive benefits and services to which they are entitled without compromising the high standards of medical care. The use of these health care professionals would provide a significant cost savings to health care systems.

The bill creates a medical student tutorial program providing grants to encourage students early on in their medical training to pursue a career in primary care and provides grant assistance to medical training programs to recruit such students. This program is advantageous for medical students by providing valuable primary care experience, while offering services at a lower cost to primary care facilities. The savings from this provision is estimated at $250 billion over a 10-year period.

I believe this bill can provide desperately needed access to inexpensive, effective prescription drugs for America's seniors. The time has come for concerted action in this arena. I urge my colleagues to move this legislation forward promptly.

By Mr. SPECTER:

S. 2767. A bill to provide an economic stimulus; to the Committee on Finance.

Mr. SPECTER. Mr. President, I seek recognition today to introduce the Small Business Economic Stimulus Act of 2004. In recent months, there have been clear signs that America's economic downturn has ended and that we are entering a period of renewed growth and prosperity. Yet not all of the economic news has been good. As I travel through Pennsylvania, I still hear from too many companies that they cannot afford to make needed investments in equipment or research at this time. As they postpone such investments, they also push off into the future the economic growth and opportunity that would flow from them. As a result, I continue to meet far too many Pennsylvanians who are out of work. Thus while the economy is improving, it is still incumbent upon us in Congress to do everything in our power to aid this recovery and grow jobs. There is more we can do.

The bill I introduce today, the Small Business Economic Stimulus Act of 2004, will help American companies take the steps they need to grow and hire. Since small businesses create approximately 75 percent of new jobs in America, my bill focuses on the needs of small business in particular. My bill has three parts. Part one renews and extends three tax provisions which are crucial to encouraging new investments in R&D and equipment. Part two provides greater resources to trade offices and trade promotion with a particular emphasis on programs that will enable America's small businesses to better compete in foreign markets. Part three creates a structure for association health plans which will enable small businesses to negotiate less expensive health plans for their employees, thereby saving money while continuing to provide coverage. Together, these provisions amount to a targeted, measured, yet crucial shot in the arm for American small business and the American economy.

The bill I introduce today will permanently extend the research and development tax credit. The R&D tax credit, which expired on June 30, has proven to be of enormous value to American business. We all understand the importance of research and development to the American economy. Most leading American companies owe their market dominance to the innovations coming from R&D labs. Yet R&D is expensive, and it is often among the

first items to be cut when budgets get tight. The R&D tax credit serves America by providing an economic incentive to companies to continue to invest in the R&D that will provide the growth and opportunities of the future.

Studies have shown that the R&D tax credit significantly increases research and development expenditures. The marginal effect of $1 of the research credit creates approximately $1 of additional private research and development spending in the short-run, and as much as $2 of extra R&D spending in the long run. This is good for the American economy and the American taxpayer. In fact, one study estimates that a permanent research credit would result in our gross domestic product increasing by $10 billion after 5 years and by $31 billion after 20 years.

In addition, the extension of the R&D tax credit will have benefits beyond the purely economic. For example, the research and development tax credit has proven to be critical to the U.S. biomedical research arena. The tax credit has contributed to many successes in U.S. scientific research and innovation, such as rapid progress in finding cures for life threatening diseases such as AIDS, cancer and multiple sclerosis. Today's diseases—Alzheimer's, AIDS, heart, liver and kidney disease, prostate cancer and arthritis—are complex and are in the final stages for research breakthroughs. If we allow the incentives to invest in medical progress to lapse, the consequence may be irrevocable and society may rue that decision for years to come.

Given the importance of the R&D tax credit, it makes little sense for Congress to continue to renew it for short terms. The investment of funds in research and development is not a temporary fix but something that should be consistently encouraged. Towards this end, my bill permanently extends the R&D tax credit. Such a permanent extension will send a strong signal to American companies that the value of R&D is recognized here in Washington. The permanent extension will also provide greater certainty to companies seeking to make plans years in advance.

My legislation will also renew two less well known but important tax provisions which encourage capital investments. My bill extends for another year a provision that allows companies to take an immediate 50-percent depreciation on purchases of qualified equipment and machinery. This accelerated depreciation is currently set to expire in December, 2004; equipment purchased thereafter would be subject to standard depreciation tables. My bill provides that necessary equipment purchased between December 2004 and December 2005 will continue to qualify for the accelerated depreciation.

The availability of accelerated depreciation—especially at the high rate of 50 percent—makes an enormous difference to companies contemplating large capital investments. Companies which simply could not afford these investments under standard depreciation face a dramatically altered balance sheet once the accelerated depreciation is factored in. Investments that did not previously make economic sense will now be economically advantageous. As these investments are made, companies will grow and hire. This change in the balance sheet will reap a concrete benefit in jobs and growth.

In addition, my legislation extends the section 179 exclusion at the current level of $100,000 through December 2007. This is another esoteric sounding provision that will produce very real economic benefits. Under this provision, companies can immediately expense, that is, recognize as an expense to be deducted from revenues for tax purposes, up to $100,000 invested in equipment and machinery. The standard section 179 deduction is only $25,000. Once again, this provision will have the effect of making investments economically advantageous when they otherwise would not be. The greater capital investment thereby fostered will lead to greater growth and job opportunities.

Beyond these tax incentives, my bill also seeks to help American business through our trade policy. My legislation focuses on two programs in particular which help small businesses find markets for their products abroad. My bill includes an increase in funding of $27 million for the U.S. Trade and Development Agency, USTDA. The USTDA has proven to be critical to small businesses seeking to sell their products abroad. The USTDA helps American businesses study and identify opportunities in foreign markets so that they can determine which options will be profitable. To a small American business facing a very large global economy, the USTDA serves as an accessible and inexpensive international sales department.

USTDA's unique public-private partnership truly extends the effectiveness of taxpayers' dollars. Historically, $35 worth of exports are generated for every dollar invested by USTDA. As a result, $21 billion in U.S. exports have been shipped overseas in concert with USTDA's programs.

My legislation also includes $5 million in funding to promote the benefits available under the Export Trading Company Act of 1982. This legislation was enacted to stimulate U.S. exports by authorizing the Secretary of Commerce to issue export trade certificates of review to groups of small businesses. A certificate of review protects the holder and the members identified in the certificate from State and Federal Government antitrust actions and from private treble damage antitrust actions for the export conduct specified in the certificate and carried out in compliance with its terms and conditions.

Given the realities of international trade, these antitrust exemptions are crucial. In order to compete in a challenging foreign market such as China, for example, it is extremely advantageous to have a full-time sales representative on the ground there. Yet few small businesses can afford to hire full-time representatives and send them to China. The antitrust exemptions in the Export Trading Company Act of 1982 would enable a group of small businesses to band together to hire a sales representative, open an office, and pursue the other necessities of international trade.

The Export Trading Company Act is good legislation which solves a critical problem. Yet few American businesses exploring international trade are aware of the opportunities under this act, let alone take advantage of them. As a result, the enormous economic opportunities created by this law continue to go unrealized. I think that a minimal investment in marketing and promoting this act will pay for itself many times over in increased exports, growth and jobs.

Finally, my bill includes a provision that will enable small businesses to join together to negotiate more affordable health care plans for their employees. This provision will provide an enormous economic boost to America's businesses—with the saving they gain from better health insurance rates they can invest, grow and hire. Yet this provision also provides clear benefits beyond the purely economic. By making health insurance more affordable, this provision will help reverse the growth in the ranks of the uninsured.

According to a poll conducted by the Kaiser Family Foundation, Americans worry more about rising health care costs than they do about terrorist attacks. There is a reason for such concern. More than 43 million Americans under age 65 lack health insurance coverage. The ranks of the uninsured consist primarily of working families with low and moderate incomes—not just the unemployed. Nearly 26 million individuals are employed and still are without health care coverage.

My bill will give small businesses the same market-based advantages when negotiating health insurance for their employees that large companies and unions currently enjoy. As independent entities, small businesses have little leverage when they negotiate with health insurance providers, and the situation they face is often one of take it or leave it. Even when small businesses band together in local purchasing pools, the group is often not large enough to attract new insurance companies with less expensive plans.

My act will allow small businesses to join together in large national pools under the auspices of bona fide associations and either purchase insurance from a provider or self-insure the same way that large employers and unions do. For example, the American Restaurant Association could negotiate a plan on behalf of the hundreds of thousands of employees who work for its member businesses. Once the plan is in place, each individual restaurant could

choose to participate in this plan at much better rates than they could ever have negotiated on their own.

I thank Senator SNOWE for her leadership and hard work on this issue of association health plans. On March 6, 2003, Senator SNOWE introduced S. 545, the Small Business Health Fairness Act of 2003. This long and very detailed bill addresses all of the issues needed to make association health plans a reality. I signed on as a cosponsor of S. 545 on June 9, 2003, and I have included the text of S. 545 in my bill.

It is my sincere hope that the economic recovery will continue and will pick up steam in the months to come. There is great reason for optimism. But our optimism must not blind us to the continuing problems that Americans face. There are measures that Congress can take—today—which will help our businesses to grow, hire new employees, and provide health insurance to these employees at a more affordable rate. These measures will, in the long run, more than pay for themselves. We must take these steps and do our part. I hope that my colleagues will join me in supporting the Economic Stimulus Act of 2004.

By Ms. MURKOWSKI:

S. 2768. A bill to provide competitive status to certain Federal employees in the State of Alaska; to the Committee on Energy and Natural Resources.

Ms. MURKOWSKI. Mr. President, this is the third occasion on which I have spoken to the Senate about the life and accomplishments of the late Thomas P. O'Hara, an Alaskan hero.

Thomas P. O'Hara was a protection ranger and pilot for the National Park Service, assigned to the Katmai National Park and Preserve in the Bristol Bay region of western Alaska. On December 19, 2002, Ranger O'Hara and his passenger, a Fish and Wildlife Service employee, were on a mission in the Alaska Peninsula National Wildlife Refuge. Their plane went down on the tundra.

When the plane was reported overdue, a rescue effort consisting of 14 single-engine aircraft, an Alaska Air National Guard plane, and a Coast Guard helicopter quickly mobilized. Many of the single-engine aircraft were piloted by Tom's friends. The wreckage was located late in the afternoon of December 20. The passenger survived the crash, but Ranger Tom did not.

Tom O'Hara was an experienced pilot with 11,000 hours as a pilot-in-command. He was active in the communities of Naknek and King Salmon where he grew up, flying children to Bible camp and coaching young wrestlers. Tom provided a strong link between the residents of Bristol Bay and the National Park Service.

Although Tom O'Hara was a most valued employee of the National Park Service, he did not enjoy the same status as National Park Service employees with competitive career status. Tom was hired under a special hiring authority established under the Alaska National Interest Lands Conservation Act, ANILCA, which permits land management agencies like the National Park Service to hire, on a noncompetitive basis, Alaskans who by reason of having lived or worked in or near public lands in Alaska, have special knowledge or expertise concerning the natural or cultural resources of public lands and the management thereof.

Tom O'Hara possessed this knowledge and offered it freely to the National Park Service. But because he was hired under this special authority, his opportunities for transfer and promotion within the Park Service were limited, even though his service was exemplary.

As a lasting memorial to Tom O'Hara's exemplary career, I am introducing legislation today that will grant competitive status to ANILCA local hire employees who hold permanent appointments with the Federal land management agencies after the completion of 1 year of satisfactory service. In Tom's honor, the short title of this legislation is the Thomas P. O'Hara Public Land Career Opportunity Act of 2004.

It is my sincere hope that the enactment of this legislation will encourage other Alaskans, particularly Alaska Natives, to follow in Tom O'Hara's footsteps and seek lifelong careers with the Federal land management agencies.

I ask unanimous consent that the text of this legislation be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2768

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 ''Thomas P. O'Hara Public Land Career Opportunity Act of 2004''.

SEC. 2. COMPETITIVE STATUS FOR CERTAIN FEDERAL EMPLOYEES IN THE STATE OF ALASKA.

Section 1308 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3198) is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e); and

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

''(c) COMPETITIVE STATUS.—An individual appointed to a permanent position under subsection (a) shall, after the completion of 1 year of service, be considered to have competitive status and shall enjoy the rights, privileges, and benefits of employees holding competitive status, including the rights, privileges, and benefits relating to promotion and transfer.''.

By Mr. DASCHLE (for himself, Mr. LUGAR, Mr. HAGEL, and Mr. NELSON of Nebraska):

S. 2769. A bill to provide that imported ethanol shall not count toward satisfaction of any renewable fuel standard that may be enacted; to the Committee on Environment and Public Works.

Mr. DASCHLE. Mr. President, recent media reports indicate that at least two companies are actively considering plans to import Brazilian ethanol into the United States duty-free through the Caribbean Basin. These reports have generated understandable anxiety within the farm community.

Cargill, the Minnesota-based agribusiness giant, has confirmed that it is considering importing 63 million gallons of Brazilian ethanol into the United States each year. And it has been reported that Chevron-Texaco, one of the largest oil companies in the United States, is planning construction of a plant that will enable it to import 50 million to 100 million gallons of ethanol.

Farmers in South Dakota and throughout the Midwest are concerned that such import schemes could threaten the growth of the domestic ethanol industry and undermine our effort to establish ethanol as a major domestic energy source. They should be concerned. These import plans would establish a dangerous precedent for other importers and dramatically undercut the ability of the pending Renewable Fuels Standard to enhance our national energy security and boost farm income.

The key to the next growth spurt in the domestic ethanol industry is bipartisan legislation I wrote with Senator DICK LUGAR (R–IN) that would set mandatory annual production targets for ethanol for the next 10 years. Senator LUGAR and I proposed the Renewable Fuels Standard, or RFS, 4 years ago as a means to grow the domestic ethanol industry in a way that both encourages investment in new community-sized ethanol facilities and expands markets for farmers. We remain hopeful that this proposal will clear Congress before adjournment this year.

Under our proposed RFS, domestic ethanol demand would grow from 3 billion gallons per year in 2004 to more than 5 billion gallons in 2012, providing ethanol plants and farmers with a steady growth schedule that encourages investment in this domestic industry. This RFS would create over 214,000 jobs, increase farm income by $1.3 billion annually, and save the U.S. $4 billion in imported oil each year.

Plans to import ethanol threaten these benefits by injecting an element of market uncertainty into the RFS discussion that could dampen investment in community-sized ethanol facilities. Ethanol importation would put the producers of Brazilian sugarcane in direct competition with American corn growers. That is why today Senators LUGAR, HAGEL, NELSON, and I are introducing legislation to clarify that ethanol imports will not count toward the RFS targets. This bill will ensure that farmers and domestic ethanol investors will get the full benefit of the RFS, and it tells Cargill and Chevron accountants not to count on the new demand created by the Renewable Fuels Standard to justify any scheme to import ethanol.

I understand that corporate executives feel an obligation to their shareholders. My obligation is to South Dakota farmers, ethanol producers, and motorists who view increased ethanol demand as a means to establish greater control over their economic and energy future.

I have fought my entire public career against outright opposition and indifference from the giant corporate interests whose balance sheets don't consider the value-added contribution of local economic development. This situation is no different. As a result of our efforts, Chevron won't get to import as much oil and refine and sell as much high-priced gasoline as they may like, and Cargill won't get to import ethanol and compete against South Dakota producers.

The RFS program is designed to stimulate domestic production and enhance U.S. energy security, not to create a market opportunity for foreign ethanol. The bill I am introducing today will help make sure that rural communities are able to attract investment capital to produce clean burning energy, create quality jobs for their kids, and expand local tax bases to accommodate better schools and community services.

Mr. President, I ask unanimous consent that the text of the bill and additional material be printed in the RECORD.

Mr President, I ask unanimous consent that additional material be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2769

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

SECTION 1. DISQUALIFICATION OF IMPORTED ETHANOL FOR THE PURPOSE OF ANY RENEWABLE FUEL STANDARD.

For the purpose of any renewable fuel standard that may be enacted after the date of enactment of this Act, ethanol that is imported, or that is derived from any matter that is imported, shall not count toward satisfaction of the renewable fuel standard.

By Mr. DASCHLE:

S. 2770. A bill to establish a National Commission on American Indian Trust Holdings; to the Committee on Indian Affairs.

Mr. DASCHLE. Mr. President, as we all painfully know, the United States has broken its word to Indian people, disregarded its treaty obligations, and breached its fiduciary trust responsibility. Litigation has been filed, and administrations of both political parties say the right thing, but then do not follow through to redress legitimate grievances. The concepts of sovereignty and government-to-government dialog are acknowledged, only later all too frequently to be ignored.

This sad history was elevated to a new level of concern this spring by the resignation of Mr. Alan Balaran as Special Master in the Cobell class action against the Department of the Interior. On April 5, 2004, Mr. Balaran made some very serious charges against the Department of the Interior in his official letter of resignation. He alleged that energy companies, abetted by the Department of the Interior, routinely pay Indian people less than they pay others for oil and gas easements. He further alleged that Interior officials regularly put the interests of private companies ahead of the Department's fiduciary responsibility to Indian people.

These are disturbing charges leveled by an individual knowledgeable about the long history of trust mismanagement. Congress must get to the bottom of this situation to fully satisfy our own fiduciary responsibility to Indian people.

It is clear that neither the executive branch nor the Congress's hands are clean on the trust management issue. And this not a partisan failure. It is a governmentwide failure that requires independent review.

I am, therefore, today introducing legislation to create a National Commission on American Indian Trust Holdings. This Commission will be unique in several respects. First, it will be composed of 10 prominent U.S. citizens. Two individuals will each be appointed by the President, Senate majority leader, Senate minority leader, Speaker of the House, and House minority leader to place the Commission beyond politics. Second, it will have the resources to hire the technical expertise needed. Professionals with expertise in land and resources management, accounting, Federal Indian policy, and trust law, among other disciplines will be included.

The Commission will build upon past efforts without duplicating past efforts.

Finally, the Commission will be charged with the responsibility of reporting to the President and the Congress within 1 year on: One, how to recoup, if possible, any damages that have resulted from the breach of fiduciary responsibility; and, two, how to prevent any such breaches in the future. We are looking for specific recommendations on how to fairly account for past mistakes, how to find closure on the trust issue, and how to prevent those mistakes from again happening in the future.

The overall goal of the Commission is to fully and completely examine the very serious charges made by Mr. Balaran, as outlined in his letter to Judge Lamberth. The Commission would also be authorized to examine other breaches of trust and to report back to the Congress and such executive departments as may seem appropriate.

Many words have been spoken over many years about trust responsibility and the breach of trust and fiduciary obligations, but very little concrete action has resulted from these words. Mr. Balaran's charges should be a wake-up call to all civic-minded Americans to demand that fairness be restored to the administration of Indian trust accounts. I sincerely hope that, given the track record of the past 10 years, an independent panel of distinguished Americans will be given an opportunity to succeed where the executive and legislative branches have fallen short. Their review will at least get to the bottom of Mr. Balaran's charges. And perhaps we can use the results of this examination to generate momentum for exploring the larger trust issues.

I ask unanimous consent that Mr. Balaran's letter of resignation and the text of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

APRIL 5, 2004.

Re: *Cobell* v. *Norton*, No. 96–1285.

Hon. ROYCE C. LAMBERTH
U.S. District Court for the District of Columbia, Washington, DC.

DEAR JUDGE LAMBERTH: I hereby tender my resignation as Special Master in the Cobell case, effective the close of business on April 5, 2004.

This is an extraordinarily important case. I have been privileged to work on it. For the past several months, however, my efforts have been undermined by a series of motions lodged by the Department of the Interior—one of Cobell's two co-defendants—seeking my disqualification.

It is evident Interior will continue filing such motions, preventing the case from moving forward. The agency's motivation is clear. In recent months, I have reported evidence of a practice—abetted by Interior—of energy companies routinely paying individual Indians much less than they pay non-Indians for oil and gas pipeline easements across the Southwest. I also have uncovered evidence that Interior fails to diligently monitor oil and gas leasing activities on individual Indian lands. To prevent further investigation into these matters, Interior seeks my removal from the Cobell case.

The timing of Interior's efforts to disqualify me is not coincidental. Interior filed its May 2003 disqualification motion shortly after I found the agency withheld salient data from its quarterly reports to the Court. The agency accused me, of improperly retaining the services of a former Interior contractor to obtain information germane to that investigation. You found this accusation frivolous, suggesting it was Interior that acted improperly by impeding my investigation and that Interior had an ulterior motive for seeking my removal. You were correct.

Interior's disqualification attempts stemmed from events that took place several months earlier, beginning with my March 6, 2003 visit to the Office of Appraisal Services of the Navajo Regional Office in Gallup, New Mexico. There, in the presence of the Department of Justice and Interior counsel, the Chief Appraiser admitted that he appraised oil and gas easements running across individual Indian lands for amounts considerably less than the appraised value of identical interests held by non-Indians. The Chief Appraiser also admitted destroying evidence of his 20-year practice of doing so. Interior has never denied that the Chief Appraiser destroyed valuable trust information or that energy companies pay individual Indians a fraction of what they pay similarly situated non-Indians as a result of these inadequate appraisals. (Nor has the agency taken any

disciplinary action against the Chief Appraiser. To the contrary, it has gone to great lengths to protect him by retaining the services of two attorneys to defend his conduct during a recent deposition.)

On August 20, 2003, I issued a report chronicling my findings. This report was just the beginning. I soon began to uncover evidence that Interior was putting the interests of private energy companies ahead of the interests of individual Indian beneficiaries.

On September 19, 2003, for example, I visited Minerals Management Service's (MMS) Office of Minerals Revenue Management (MRM) in Dallas—the repository of Interior's oil and gas audit files. My visit was prompted by two events: (1) the March 2003 report of Interior's Office of the Inspector General, revealing that MMS officials not only fabricated oil and gas audit files but were rewarded for their efforts; and (2) Justice's denial of my repeated requests for access to these files. As you noted in your March 15, 2004 decision denying Interior's disqualification motion, since August 1999, I have visited dozens of sites to ensure that Interior was safeguarding trust documentation in accordance with your directives. Interior not only approved of these visits, but encouraged its employees to cooperate with me fully during my inspections. My visit to Dallas was different. After only two hours, during which I uncovered chaotic recordkeeping practices and missing audit files, NMS officials informed me that Justice ordered that I leave.

The reason for this dramatic shift in policy is obvious. Whereas my previous investigations exposed random incidents of unprotected trust documents in remote Interior locations, my recent findings implicated the agency's systemic failure to properly monitor the activities of energy companies leasing minerals on individual Indian lands. The consequences of these findings could cost the very companies with which senior Interior officials maintain close ties, millions of dollars. (In that regard, I direct you to the recent Inspector General Report of Investigation (PI–SI–02–0053–I), discussing the relationship between Interior's most senior officials and energy company executives.) Interior did not want this information to come to light and for the first and only time during my five-year tenure as Special Master, ordered me to leave a site.

Just one week after my Dallas site visit, in a motion filed on September 26, 2003, Interior issued the following ultimatum: either you rule on its disqualification motion by October 15, or the government would file a mandamus petition in the Court of Appeals, seeking to have that Court disqualify me. At that time, the government knew you were beginning a six-defendant criminal trial on October 1, 2003, that involved multiple counts of murder, drug offenses, and racketeering, making it impossible for you to rule on the disqualification issue by the October 15 ''deadline.'' Interior was just going through the motions and, in mid-October, filed its mandamus petition in the Court of Appeals.

It is evident that Interior, supported by the Department of Justice, is committed to removing me from this case. It is also plain that the agency's efforts to unseat me bear no relationship to the reasons it offers in its disqualification motion, but rather to my discovery of significant problems with its appraisal and record-keeping practices. A full investigation into these matters might well result in energy companies being forced to repay significant sums to individual Indians. Interior could not let this happen,

Justice has been much too long in coming for the hundreds of thousands of Native Americans whose land the government has supposedly held in trust, in some cases for over a century. Billions of dollars are at stake. It is past time to get systems in place that will enable the Departments of the Interior and Treasury to track trust data accurately in the future, as well as render an honest and reliable accounting in the present. In this respect, my presence in the case has become a distraction. And while I am confident that Interior's disqualification motions would ultimately be denied, I have no doubt that were I to continue as Special Master, the agency's efforts to disqualify me would persist and accelerate. Given this, I will be of no practical service to the Court. I hope that, with my resignation, the parties will be able to move rapidly toward fundamental reforms. I also hope that, understanding this background, my successors will be more efficacious.

Finally, on a personal note, you are a courageous, decisive, and diligent judge who strives to do justice in each and every case. It has been my honor to have served with you. Thank you for giving me this opportunity.

Sincerely,

ALAN L. BALARAN,
Special Master.

S. 2770

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

SECTION 1. NATIONAL COMMISSION ON AMERICAN INDIAN TRUST HOLDINGS.

(a) FINDINGS.—Congress finds that—

(1) the United States has entered into treaties with Indian tribes under which the United States made various commitments to Indian tribes and Indian people;

(2) the United States functions, by treaty and statute, as a trustee for Indian tribes and individual Indians;

(3) the United States has a fiduciary obligation to Indian tribes and Indian people and, in accordance with that obligation, must use the highest standard of care to protect the assets of Indian tribes and individual Indians;

(4) the United States has failed Indian tribes and individual Indians and abridged its treaty and other obligations relating to the handling of trust fund management and historical accounting;

(5) mismanagement of Indian trust assets by the United States is a longstanding problem that spans many administrations;

(6) the complexity and longevity of that mismanagement neither mitigates the injustice visited on Indian tribes and the 300,000 individual Native Americans whose accounts have been shortchanged nor absolves the United States of its responsibility to correct the situation in a timely manner;

(7) in 1996 a civil action, Cobell v. Norton, Civ. No. 96–1285 (RCL), was brought in the United States District Court for the District of Columbia to attempt to obtain an order compelling the United States to account for the trust funds managed by the United States on behalf of individual Indians and take all necessary action to bring the United States into compliance with its fiduciary duties;

(8) those funds are generated from Indian trust land royalties resulting from leases of that land to oil, agricultural, timber, mining, and other interests;

(9) on April 5, 2004, Mr. Alan L. Balaran, the Special Master in the Cobell case, tendered his resignation to the Honorable Royce C. Lamberth;

(10) in his letter of resignation, Mr. Balaran stated that—

(A) there is evidence that energy companies, assisted by the Department of the Interior, routinely pay individual Indians much less than they pay non-Indians for oil and gas pipeline easements;

(B) the Special Master had uncovered evidence that the Department fails to diligently monitor oil and gas leasing activities on Indian land; and

(C) there is evidence that the Department has been putting the interests of private energy companies ahead of the interests of individual Indian beneficiaries, notwithstanding their fiduciary obligation to Indian tribes and Indian beneficiaries; and

(11) the Great Plains, Rocky Mountain, and other regions of the United States are rich in other trust assets such as timber, agriculture, mining, and other resources.

(b) DEFINITIONS.—In this section:

(1) BALARAN LETTER.—The term ''Balaran letter'' means the letter dated April 5, 2004, from Special Master Alan L. Balaran to the Honorable Royce C. Lamberth.

(2) COMMISSION.—The term ''Commission'' means the National Commission on American Indian Trust Holdings established by subsection (c).

(3) DEPARTMENT.—The term ''Department'' means the Department of the Interior.

(c) ESTABLISHMENT OF COMMISSION.—There is established the National Commission on American Indian Trust Holdings.

(d) MEMBERSHIP.—

(1) IN GENERAL.—The Commission shall be composed of 10 members, of whom—

(A) 2 shall be appointed by the President, 1 of whom the President shall designate as Chairperson of the Commission;

(B) 2 shall be appointed by the majority leader of the Senate;

(C) 2 shall be appointed by the minority leader of the Senate;

(D) 2 shall be appointed by the Speaker of the House of Representatives; and

(E) 2 shall be appointed by the minority leader of the House of Representatives.

(2) QUALIFICATIONS; INITIAL MEETING.—

(A) NONGOVERNMENTAL APPOINTEES.—An individual appointed to the Commission may not be an officer or employee of the Federal Government or any State or local government.

(B) OTHER QUALIFICATIONS.—It is the sense of Congress that individuals appointed to the Commission should be prominent United States citizens, with national recognition and significant depth of experience in such professions as land and resource management.

(3) DEADLINE FOR APPOINTMENT.—All members of the Commission shall be appointed not later than 60 days after the date of enactment of this Act.

(4) QUORUM.—Six members of the Commission shall constitute a quorum.

(5) VACANCIES.—Any vacancy in the Commission shall not affect the powers of the Commission, but shall be filled in the same manner in which the original appointment was made.

(e) DUTIES.—

(1) IN GENERAL.—The Commission shall—

(A) fully examine the allegations made in the Balaran letter;

(B) fully examine whether grazing, leasing, and other trust asset interests have been managed equitably and in a manner consistent with Federal trust law (including regulations);

(C) fully examine such other alleged breaches of the fiduciary responsibility owed by the United States to Indian tribes and individual Indians that come to the Commission's attention as the Commission considers appropriate;

(D) build on the investigations of other entities, and avoid unnecessary duplication, by

reviewing the findings, conclusions, and recommendations of earlier studies of the management by the Department of Indian trust assets and trust funds; and

(E) not later than 1 year after the date as of which all members of the Commission have been appointed, submit to the President and Congress a report that states the findings of the Commission and makes recommendations for corrective measures that can be taken to—

(i) recoup any losses suffered by Indian tribes or individual Indians as a result of breaches of fiduciary duty by the Department; or

(ii) prevent any breaches of fiduciary duty in the future.

(2) RELATIONSHIP TO PREVIOUS STUDIES.—When investigating facts and circumstances relating to the management of Indian trust assets and trust funds, the Commission shall—

(A) first review the information compiled by, and the findings, conclusions, and recommendations that resulted from, previous studies (including congressional investigations); and

(B) after that review, pursue any appropriate area of inquiry if the Commission determines that—

(i) earlier studies had not investigated that area;

(ii) the earlier investigation of that area had not been complete; or

(iii) new information not reviewed in the earlier studies had become available with respect to that area.

(3) FOLLOWUP REVIEW.—At least once every 2 years after the date on which the Commission submits the report under paragraph (1), the Commission shall—

(A) reconvene to examine the effectiveness of any actions taken in response to the report in achieving the goals described in clauses (i) and (ii) of paragraph (1)(D); and

(B) submit to the President and Congress a report that describes the findings of the Commission and makes any further recommendations as the Commission considers appropriate.

(f) POWERS OF COMMISSION.—

(1) IN GENERAL.—

(A) HEARINGS AND EVIDENCE.—The Commission may—

(i) hold such hearings and sit and act at such times and places, take such testimony, receive such evidence, and administer such oaths as the Commission considers advisable to carry out this section; and

(ii) subject to subparagraph (B)(i), require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents, as the Commission or such designated subcommittee or designated member may determine advisable.

(B) SUBPOENAS.—

(i) ISSUANCE.—

(I) IN GENERAL.—A subpoena may be issued under this subsection only—

(aa) by the agreement of the Chairperson; or

(bb) by the affirmative vote of 6 members of the Commission.

(II) SIGNATURE.—Subject to subclause (I), subpoenas issued under this subsection may be issued under the signature of the Chairperson or any member designated by a majority of the Commission, and may be served by any person designated by the Chairperson or by a member designated by a majority of the Commission.

(ii) ENFORCEMENT.—

(I) IN GENERAL.—In the case of contumacy or failure to obey a subpoena issued under subparagraph (A), the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found, or where the subpoena is returnable, may issue an order requiring such person to appear at any designated place to testify or to produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt of that court.

(II) ADDITIONAL ENFORCEMENT.—In the case of any failure of any witness to comply with any subpoena or to testify when summoned under authority of this section, the Commission may, by majority vote, certify a statement of fact constituting such failure to the appropriate United States attorney, who may bring the matter before the grand jury for its action, under the same statutory authority and procedures as if the United States attorney had received a certification under sections 102 through 104 of the Revised Statutes (2 U.S.C. 192 through 194).

(2) CONTRACTING.—The Commission may, to such extent and in such amounts as are provided in Acts of appropriation, enter into contracts to enable the Commission to discharge the duties of the Commission.

(3) INFORMATION FROM FEDERAL AGENCIES.—

(A) IN GENERAL.—The Commission may secure directly from a Federal agency such information as the Commission considers necessary to carry out this section.

(B) PROVISION OF INFORMATION.—On request of the Chairperson of the Commission, the head of the agency shall provide the information to the Commission.

(4) ASSISTANCE FROM THE SECRETARY OF THE INTERIOR.—The Secretary of the Interior shall provide to the Commission on a reimbursable basis administrative support and other services for the performance of the functions of the Commission.

(5) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other agencies of the United States.

(g) PERSONNEL MATTERS.—

(1) COMPENSATION OF MEMBERS.—A member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the Commission.

(2) TRAVEL EXPENSES.—A member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Commission.

(3) STAFF.—

(A) IN GENERAL.—The Chairperson of the Commission may, without regard to the civil service laws (including regulations), appoint and terminate an executive director and such other additional personnel as are necessary to enable the Commission to perform the duties of the Commission.

(B) CONFIRMATION OF EXECUTIVE DIRECTOR.—The employment of an executive director shall be subject to confirmation by the Commission.

(C) COMPENSATION.—

(i) IN GENERAL.—Except as provided in clause (ii), the Chairperson of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

(ii) MAXIMUM RATE OF PAY.—The rate of pay for the executive director and other personnel shall not exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(4) DETAIL OF FEDERAL GOVERNMENT EMPLOYEES.—

(A) IN GENERAL.—An employee of the Federal Government may be detailed to the Commission without reimbursement.

(B) CIVIL SERVICE STATUS.—The detail of the employee shall be without interruption or loss of civil service status or privilege.

(5) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Commission may procure temporary and intermittent services in accordance with section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of that title.

(h) NO EFFECT ON COBELL CASE.—Nothing in this section limits the findings, remedies, jurisdiction, authority, or discretion of the court in the civil action Cobell v. Norton, Civ. No. 96–1285 (RCL) (D.D.C.).

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

(j) TERMINATION OF COMMISSION.—The Commission shall terminate on the date that is 10 years after the date on which the Commission submits the report of the Commission under subsection (e)(1)(D).

By Mr. FRIST (for himself and Mr. KENNEDY):

S. 2771. A bill to amend the Public Health Service Act to improve the quality of care for cancer, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. FRIST. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2771

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 ''Quality of Care for Individuals With Cancer Act''.

SEC. 2. TABLE OF CONTENTS.

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—MEASURING THE QUALITY OF CANCER CARE

Sec. 101. Development of core sets of quality of cancer care measures.

TITLE II—ENHANCING DATA COLLECTION

Sec. 201. Expansion of national program of cancer registries.
Sec. 202. Reauthorization of national program of cancer registries.
Sec. 203. Relationship to certification.

TITLE III—MONITORING AND EVALUATING QUALITY OF CANCER CARE AND OUTCOMES

Sec. 301. Partnerships to develop model systems for monitoring and evaluating quality of cancer care and outcomes.

TITLE IV—STRENGTHENING COMPREHENSIVE CANCER CONTROL

Sec. 401. Comprehensive cancer control program.

TITLE V—IMPROVING NAVIGATION AND SYSTEM COORDINATION
Sec. 501. Enhancing cancer care through improved navigation.
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TITLE I—MEASURING THE QUALITY OF CANCER CARE

SEC. 101. DEVELOPMENT OF CORE SETS OF QUALITY OF CANCER CARE MEASURES.

(a) DEVELOPMENT OF CORE SETS OF QUALITY OF CANCER CARE MEASURES.—Subpart 1 of part C of title IV of the Public Health Service Act (42 U.S.C. 285 et seq.) is amended by adding at the end the following:

''SEC. 417E. DEVELOPMENT OF CORE SETS OF QUALITY OF CANCER CARE MEASURES.

''(a) IN GENERAL.—The Secretary shall award a contract to a national voluntary consensus organization to identify core sets of quality of cancer care measures.

''(b) QUALITY OF CANCER CARE MEASURES.—An entity that receives a contract under this section shall identify core sets of quality of cancer care measures in consultation with a panel or advisory group of interested parties, including significant participation from consumer representatives (which shall include survivors of cancer and their families and members of organizations representing such survivors and their families), health care providers, cancer researchers, payers and purchasers of cancer care services and insurance, and public and private organizations that monitor, accredit, or seek to improve the quality of cancer care.

''(c) REPORT BY ENTITY.—Not later than 24 months after the date of enactment of this section, an eligible entity that receives a contract under this section shall submit to the Secretary a report that—

''(1) lists existing measures used to assess and improve the quality of cancer care;

''(2) identifies those measures that have been scientifically validated, those measures that still require validation, and those aspects of cancer care for which additional measures need to be developed or validated;

''(3) recommends a core set of validated quality of cancer care measures, reflecting a voluntary consensus of interested parties, for measuring and improving the quality of cancer care;

''(4) summarizes the process used to develop the consensus recommendations in paragraph (3), including a statement of any minority views; and

''(5) develops a process for updating the core sets of validated quality of cancer care measures as new scientific evidence becomes available.

''(d) RECOMMENDATIONS BY SECRETARY.—Not later than 6 months after the date the Secretary receives the report described in subsection (c), the Secretary shall issue recommendations on the areas described in paragraphs (1) through (5) of such subsection and shall transmit such recommendations to the President.

''(e) REPORT BY PRESIDENT.—Not later than 6 months after receipt of the report described in subsection (d), the President shall, in consultation with the Quality Interagency Coordination Task Force (established by a Presidential Directive in 1998)—

''(1) provide to the appropriate committees of Congress a report that describes a plan to use the core sets of quality of cancer care measures in programs administered by the Federal Government, including outlining activities to support the widespread dissemination of the report, and provide any other recommendations the President determines to be appropriate; and

''(2) provide updated reports, in accordance with subsection (c)(5), if new quality measures or scientific evidence on quality of cancer care develops.

''(f) TECHNICAL SUPPORT.—The Secretary may provide scientific and technical support to ensure that the scientific evaluation requirements in this section are met.

''(g) AHRQ.—

''(1) ANNUAL REPORT.—The Agency for Healthcare Research and Quality shall include in the annual report required under section 913(b)(2) the core set of quality of cancer care measures developed under this section that are suitable for quality monitoring.

''(2) REQUIREMENT.—The Secretary shall ensure that all agencies within the Department of Health and Human Services shall provide the information necessary for the report described in paragraph (1) regarding quality of cancer care measures.

''(h) SUPPORT.—The Director of the Agency for Healthcare Research and Quality, acting in collaboration with the Director of the National Cancer Institute and the Director of the Centers for Disease Control and Prevention, shall support the development and validation of measures identified by the report in subsection (d).

''(i) DEFINITIONS OF HOSPICE CARE; PALLIATIVE CARE; QUALITY OF CANCER CARE; HEALTH DISPARITY POPULATIONS; HEALTH DISPARITIES RESEARCH.—In this section the terms 'hospice care', 'palliative care', 'quality of cancer care', 'health disparity populations', and 'minority health disparities research' have the meanings given such terms in section 399AA.

''(j) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, such sums as may be necessary for each of fiscal years 2006 through 2010.''.

(b) MONITORING.—Not later than 4 years after the date of the transmission of the report required under section 417E(e) of the Public Health Service Act, the Comptroller of the General Accounting Office shall submit to the appropriate committees of Congress a report that evaluates the extent to which Federal and private sector health care delivery programs, States, and State cancer plans are utilizing the core sets of quality of cancer care measures (developed under section 417E of the Public Health Service Act) and the extent to which its adoption is affecting the quality of cancer care.

TITLE II—ENHANCING DATA COLLECTION

SEC. 201. EXPANSION OF NATIONAL PROGRAM OF CANCER REGISTRIES.

Part M of title III of the Public Health Service Act (42 U.S.C. 280e et seq.) is amended by inserting after section 399E, the following:

''SEC. 399E–1. MONITORING AND EVALUATING THE QUALITY OF CANCER CARE.

''(a) DEMONSTRATION PROJECTS.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, and in coordination with the Director of the National Cancer Institute, shall award competitive grants to State cancer registries that receive funds under this part to enable such registries to expand their ability to monitor and evaluate the quality of cancer care, to develop information concerning the quality of cancer care, and to monitor cancer survivorship.

''(b) ELIGIBILITY.—To be eligible to receive a grant under subsection (a), a State cancer registry shall be certified by the North American Association of Central Cancer Registries or other similar certification organization.

''(c) APPLICATION.—A State cancer registry desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(d) CONTRACTING AUTHORITY.—A State cancer registry receiving a grant under this section may enter into contracts with academic institutions, cancer centers, and other entities determined to be appropriate by the Secretary, to carry out the activities authorized under this section.

''(e) USE OF FUNDS.—A State cancer registry receiving a grant under this section shall use amounts received under such grant to—

''(1) collect information for public health surveillance and quality improvement activities using the quality of cancer care measures developed under section 417E (where appropriate), including data concerning racial, ethnic, and other health disparity populations within the State that may have a disparity in incidence or survival from cancer;

''(2) develop linkages between State cancer registry data and other databases, including those that collect outpatient data, to gather information concerning the quality of cancer care;

''(3) identify, develop, and disseminate evidence-based best practices relating to cancer care regarding how States use registry data and how to better link and coordinate the sharing of such data;

''(4) identify geographic areas and populations within the State that have an increased need for awareness regarding cancer risk reduction, screening, prevention, and treatment activities;

''(5) increase coordination between State cancer registries and other entities, including academic institutions, hospitals, health centers, researchers, health care providers, cancer centers, or nonprofit organizations;

''(6) incorporate the collection of data on cancer survivors for the purpose of improving the quality of cancer care;

''(7) identify the impact of co-morbidity of other diseases on survival from cancer; or

''(8) develop methods of determining whether cancer survivors are at an increased risk for other chronic or disabling conditions.

''(f) PRIVACY.—A State cancer registry receiving a grant or an entity receiving a contract under this section shall comply with appropriate security and privacy protocols (including protocols required under the regulations promulgated under section 264(c) of

the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d–2 note)), if applicable, with respect to information collected under this title. Nothing in this section shall be construed to supersede applicable Federal or State privacy laws.

''(g) DATABASES.—

''(1) IN GENERAL.—In carrying out this section, a State cancer registry may utilize appropriate databases, including—

''(A) the National Death Index;

''(B) databases related to claims under the medicare and medicaid programs under titles XVIII and XIX of the Social Security Act; and

''(C) other databases maintained by the Department of Health and Human Services (including those maintained at the Agency for Healthcare Research and Quality, the Centers for Disease Control and Prevention, the Centers for Medicare & Medicaid Services, and the National Institutes of Health).

''(2) ADDITIONAL DATA.—A State cancer registry may utilize data in addition to the databases described in paragraph (1), including data maintained by private insurance plans and health care delivery organizations.

''(h) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to require an individual or entity to submit information to a State cancer registry under this section.

''(i) DEFINITIONS.—In this section:

''(1) HEALTH CENTER.—The term 'health center' has the meaning given the term 'federally qualified health center' in section 1861(aa)(4) of the Social Security Act (12 U.S.C. 1395x(aa)(4)).

''(2) QUALITY OF CANCER CARE.—The term 'quality of cancer care' has the meaning given such term in section 399AA.

''(j) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, such sums as may be necessary for each of fiscal years 2006 through 2010.

''SEC. 399E–2. CANCER SURVEILLANCE SYSTEM.

''(a) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, and in coordination with the Director of the National Cancer Institute, shall—

''(1) establish the Cancer Surveillance System (referred to in this section as the 'System') to monitor State cancer registries funded under section 399B; and

''(2) provide for the development, expansion, and evaluation of such registries.

''(b) DUTIES.—The System shall—

''(1) facilitate timely access to and exchange of accurate quality of cancer care information among State cancer registries including the use of the quality of cancer care measures developed under section 417E, where appropriate;

''(2) develop guidelines permitting State cancer registries to access the national registry clearinghouse established under paragraph (3);

''(3) establish and maintain a registry information clearinghouse to collect, synthesize, and disseminate information concerning evidence-based best practices for the creative use of State cancer registries, including maintaining an Internet website where such information may be accessed;

''(4) determine the feasibility of monitoring the quality of palliative care by State cancer registries;

''(5) identify and develop evidence-based best practices for coordination between cancer registries and other entities;

''(6) update information collected or made available under this section as determined to be necessary by the Secretary; and

''(7)(A) review pediatric cancer data collected by State cancer registries and evaluate—

''(i) such data for adequacy, completeness, timeliness, and quality; and

''(ii) current efforts to aggregate and disseminate such data; and

''(B) not later than January 1, 2006, submit to Congress a report on the findings made under subparagraph (A).

''(c) PRIVACY.—The System shall comply with appropriate security and privacy protocols (including protocols required under the regulations promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d–2 note)), if applicable, with respect to information collected by the System. Nothing in this section shall be construed to supersede applicable Federal or State privacy laws.

''(d) DEFINITIONS.—In this section, the terms 'palliative care' and 'quality of cancer care' have the meanings given such terms in section 399AA.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, such sums as may be necessary for each of fiscal years 2006 through 2010.''.

SEC. 202. REAUTHORIZATION OF NATIONAL PROGRAM OF CANCER REGISTRIES.

Section 399F(a) of the Public Health Service Act (42 U.S.C. 280e–4(a)) is amended—

(1) by striking ''this part,'' and inserting ''this part, other than sections 399E–1 and 399E–2),''; and

(2) by striking ''2003'' and inserting ''2010''.

SEC. 203. MATCHING FUNDS; RELATIONSHIP TO CERTIFICATION.

(a) MATCHING FUNDS.—Section 399B(b)(1) of the Public Health Service Act (42 U.S.C. 280e(B)(1)) is amended by striking ''$3'' and inserting ''$5''.

(b) RELATIONSHIP TO CERTIFICATION.—Section 399E of the Public Health Service Act (42 U.S.C. 280e–3) is amended—

(1) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

(2) by inserting after subsection (c) the following:

''(d) RELATIONSHIP TO CERTIFICATION.—The Centers for Disease Control and Prevention is encouraged to work with eligible entities through the provision of technical assistance and funding authority under the National Program of Cancer Registries to assist such entities in complying with the certification process of the North American Association of Central Cancer Registries or similar certification organization.''.

TITLE III—MONITORING AND EVALUATING QUALITY OF CANCER CARE AND OUTCOMES

SEC. 301. PARTNERSHIPS TO DEVELOP MODEL SYSTEMS FOR MONITORING AND EVALUATING QUALITY OF CANCER CARE AND OUTCOMES.

(a) QUALITY OF CANCER CARE.—Part A of title IX of the Public Health Service Act (42 U.S.C. 299 et seq.) is amended by adding at the end the following:

''SEC. 904. AREAS OF SPECIAL EMPHASIS.

''(a) QUALITY OF CANCER CARE.—The Secretary, acting through the Director and in collaboration with the Director of the Centers for Disease Control and Prevention and the Director of the National Cancer Institute, shall conduct and support research pertaining to the measurement, evaluation, and improvement of the quality of cancer care, take steps to enhance the usefulness of such research to improve patient care, and appropriately disseminate such information by—

''(1) expanding the evidence base concerning effective interventions for improving the quality of cancer care;

''(2) ensuring effective analysis of data collected by State cancer registries funded under section 399B by developing evidence-based best practices for—

''(A) the real-time recording of and automated transfer of cancer care data to State cancer care registries; and

''(B) the linkage of registry data with private sector claims data and other existing data systems for purposes of analytic academic research;

''(3) developing and validating quality of cancer care indicators and evaluate their use and usefulness; and

''(4) developing volume-based quality indicators, as appropriate, and evaluate ongoing efforts to integrate volume-based measures into cancer quality improvement programs and their impact on patient decisionmaking.

''(b) PARTNERSHIPS TO SPEED THE PACE OF IMPROVEMENTS IN THE QUALITY OF CANCER CARE.—

''(1) IN GENERAL.—The Secretary, acting through the Director and in collaboration with the Director of the Centers for Disease Control and Prevention and the Director of the National Cancer Institute, shall award competitive grants, contracts, or enter into cooperative agreements with eligible entities to—

''(A) foster the development or adoption of model systems of cancer care;

''(B) speed the pace of improvement in the quality of cancer care; or

''(C) when appropriate, carry out the other requirements of this section.

''(2) ELIGIBILITY.—In accordance with the limitations of section 926(c), an applicant eligible to receive a grant, contract, or cooperative agreement under this subsection shall be a consortium consisting of public- and private-sector entities. Each consortium shall include an institution of higher learning or other research entity and 1 or more of the following:

''(A) An entity that delivers or purchases cancer care.

''(B) A professional society or societies that represent health care providers and other cancer caregivers, including hospice programs.

''(C) A consumer or patient organization.

''(D) An entity involved in the monitoring of quality of cancer care or efforts to improve cancer care (including a State or local health department).

''(d) COLLABORATION.—In carrying out this section, the Secretary, acting through the Director, shall ensure coordination with appropriate Federal and State agencies, private quality improvement entities, and accreditation or licensure organizations with an interest in improving the quality of cancer care.

''(e) DEFINITIONS.—In this section, the term 'quality of cancer care' has the meaning given such term in section 399AA.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 927 of the Public Health Service Act (42 U.S.C. 299c–6) is amended by adding at the end the following:

''(e) QUALITY OF CANCER CARE.—For the purpose of carrying out the activities under section 904, such sums as may be necessary for each of fiscal years 2005 through 2010.''.

TITLE IV—STRENGTHENING COMPREHENSIVE CANCER CONTROL

SEC. 401. COMPREHENSIVE CANCER CONTROL PROGRAM.

Part B of title III of the Public Health Service Act (42 U.S.C. 243 et seq.) is amended by adding at the end the following:

''SEC. 320B. COMPREHENSIVE CANCER CONTROL PROGRAM.

''(a) ESTABLISHMENT.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention and in consultation with the Director of the Agency for Healthcare Research and Quality and the Director of the National Cancer Institute, shall establish a National Comprehensive Cancer

Control Program (referred to in this section as the 'Program') to improve the quality of cancer care.

''(b) PROGRAM.—In carrying out the Program the Secretary shall—

''(1) establish guidelines regarding the design and implementation of comprehensive cancer control plans; and

''(2) award competitive grants to eligible entities to develop, update, implement, and evaluate comprehensive cancer control plans.

''(c) ELIGIBILITY.—An entity is eligible to receive assistance under the Program if such entity is a State health department, territory, Indian tribe, or tribal organization or its designee.

''(d) APPLICATION.—An eligible entity desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require, including—

''(1) a description of how assistance under such grant will be used to develop and implement comprehensive cancer control programs, including programs to monitor the quality of cancer care (which may include the use of quality of cancer care measures developed under section 417E);

''(2) a description of how the applicant will integrate its activities with academic institutions, nonprofit organizations, or other appropriate entities in planning and implementing comprehensive cancer control plans; and

''(3) a description of how activities carried out by the applicant will be evaluated.

''(e) USE OF FUNDS.—An entity shall use assistance received under this section to—

''(1) convene stakeholders, including stakeholders from the public, private, and nonprofit sectors, to determine priorities for the State, territory, or tribe involved;

''(2) develop, update, implement, or evaluate comprehensive cancer control plans;

''(3) assess disparities in cancer risk reduction, prevention, diagnosis, or quality of cancer care; and

''(4) develop and disseminate best practices, where appropriate, and evaluate the application of such practices as necessary.

''(f) DEFINITIONS.—In this section:

''(1) COMPREHENSIVE CANCER CONTROL PLAN.—The term 'comprehensive cancer control plan' means a plan developed with assistance provided under this section that provides for an integrated and coordinated approach to reducing the incidence, morbidity, and mortality of cancer, with a particular emphasis on preventing and controlling cancer among populations most at risk and reducing cancer disparities among underserved populations.

''(2) COMPREHENSIVE CANCER CONTROL PROGRAM.—The term 'comprehensive cancer control program' means a program to fulfill the comprehensive control plan.

''(3) QUALITY OF CANCER CARE.—The term 'quality of cancer care' has the meaning given such term in section 399AA.

''(4) INDIAN TRIBE; TRIBAL ORGANIZATION.—The terms 'Indian tribe' and 'tribal organization' have the meanings given such terms in subsections (b) and (c) of section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

''(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, such sums as may be necessary for each of fiscal years 2006 through 2010.''.

TITLE V—IMPROVING NAVIGATION AND SYSTEM COORDINATION

SEC. 501. ENHANCING CANCER CARE THROUGH IMPROVED NAVIGATION AND CANCER CARE COORDINATION.

Title III of the Public Health Service Act (42 U.S.C. 241 et seq.) is amended by adding at the end the following:

''PART R—CANCER PREVENTION AND TREATMENT

''SEC. 399AA. DEFINITIONS; AUTHORIZATION OF APPROPRIATIONS.

''(a) DEFINITIONS.—In this part:

''(1) CULTURALLY COMPETENT.—The term 'culturally competent', with respect to the manner in which health-related services, education, and training are provided, means providing the services, education, and training in the language and cultural context that is most appropriate for the individuals for whom the services, education, and training are intended.

''(2) HEALTH CENTER.—The term 'health center' has the meaning given such term in section 399E–1.

''(3) HEALTH DISPARITY POPULATION.—The term 'health disparity population' has the meaning given such term in section 903(d)(1).

''(4) HEALTH DISPARITIES RESEARCH.—The term 'health disparities research' means basic, clinical, and behavioral research on health conditions disproportionately affecting individuals from health disparity populations, including research to prevent, diagnose, and treat such conditions. Such health conditions shall include all diseases, disorders, and conditions affecting individuals from health disparity populations that are—

''(A) unique to, more serious, or more prevalent in such individuals;

''(B) for which the factors of medical risk or types of medical intervention may be different for such individuals, or for which it is unknown whether such factors or types are different for such individuals; or

''(C) with respect to which there has been insufficient research involving such individuals as subjects or insufficient data on such individuals.

''(5) HOSPICE CARE.—The term 'hospice care' has the meaning given such term in section 1861(dd)(1) of the Social Security Act (42 U.S.C. 1395x(dd)(1)).

''(6) HOSPICE PROGRAM.—The term 'hospice program' has the meaning given such term in section 1861(dd)(2) of the Social Security Act (42 U.S.C. 1395x(dd)(2)).

''(7) PALLIATIVE CARE.—The term 'palliative care' means comprehensive, interdisciplinary, coordinated, and appropriate care and services provided throughout all stages of disease, from the time of diagnosis to the end of life, relating to pain and other symptom management, including psychosocial needs, that seeks to improve quality of life and prevent and alleviate suffering for an individual and, if appropriate, that individual's family or caregivers.

''(8) QUALITY OF CANCER CARE.—The term 'quality of cancer care' means the provision of cancer-related, timely, evidence-based (whenever there is scientific evidence on the effectiveness of interventions), patient-centered care and services of individuals in a technically and culturally competent and appropriate manner, using effective communication and shared decisionmaking to improve clinical outcomes, survival, or quality of life which encompasses—

''(A) the various stages of care, including care and services provided to individuals with a family history of cancer, with an abnormal cancer screening test, or who are clinically diagnosed with cancer, beginning with risk reduction, prevention, and early detection through survivorship, remission, and end-of-life care, and including risk counseling, screening, diagnosis, treatment, followup care, monitoring, rehabilitation, and hospice care; and

''(B) appropriate care and services which should be provided throughout the continuum of care including palliative care and information on treatment options including information regarding clinical trials.

''(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this part, other than section 399FF, such sums as may be necessary for each of fiscal years 2006 through 2010.

''SEC. 399BB. ENHANCING CANCER CARE THROUGH IMPROVED NAVIGATION.

''(a) DEMONSTRATION PROJECTS.—The Secretary shall award competitive grants to eligible entities to develop, implement, and evaluate cancer case management programs to enhance the quality of cancer care through improved access and navigation.

''(b) ELIGIBILITY.—An entity is eligible to receive a grant under this section if such entity is a hospital; health center; an academic institution; a hospice program; a palliative care program, or a program offering a continuum of hospice care, palliative care, and other appropriate care to children and their families; a State health agency; an Indian Health Service hospital or clinic, Indian tribal health facility, or urban Indian facility; a nonprofit organization; a health plan; a primary care practice-based research network as defined by the Agency for Healthcare Research and Quality; a cancer center; or any other entity determined to be appropriate by the Secretary.

''(c) APPLICATION.—An eligible entity seeking a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require, including assurances that the eligible entity will—

''(1) target patient populations with an unequal burden of cancer through specific outreach activities;

''(2) coordinate culturally competent and appropriate care specified in observance of existing, relevant departmental guidelines, including a special emphasis on underserved populations and how their values and priorities influence screening and treatment decisions;

''(3) coordinate with relevant ombudsman programs and other existing coordination and navigation efforts and services, where possible; and

''(4) evaluate activities and disseminate findings including findings related to repeated difficulties in accessing navigation.

''(d) USE OF FUNDS.—An eligible entity shall use amounts received under a grant under this section to carry out programs in which—

''(1) trained individuals (such as representatives from the community, nurses, social workers, cancer survivors, physicians, or patient advocates) are assigned to act as contacts—

''(A) within the community; or

''(B) within the health care system,

to facilitate access to quality cancer care and cancer preventive services;

''(2) partnerships are created with community organizations (which may include cancer centers, hospitals, health centers, hospice programs, palliative care programs, health care providers, home care, nonprofit organizations, health plans, or other entities determined appropriate by the Secretary) to help facilitate access or to improve the quality of cancer care;

''(3) activities are conducted to coordinate cancer care and preventive services and referrals, including referrals to hospice programs, and palliative care programs; or

''(4) the grantee negotiates, mediates, or arbitrates on behalf of the patient with relevant entities to resolve issues that impede access to care.

''(e) MODELS.—Not later than 3 years after the date of enactment of this section, the Secretary shall develop or modify models to improve the navigation of cancer care for grantees under this section. The Secretary shall update such models as may be necessary to ensure that the best cancer case management practices are being utilized.

''SEC. 399CC. CANCER CARE COORDINATION.

''(a) DEMONSTRATION PROJECTS.—The Secretary shall award competitive grants to eligible entities to facilitate the development of a coordinated system to improve the quality of cancer care.

''(b) ELIGIBILITY.—An entity is eligible to receive a grant under this section if such entity is a hospital; a health center; an academic institution; a hospice program; a palliative care program; a program offering a continuum of hospice care, palliative care, and other appropriate care to children and their families; a State health agency; a nonprofit organization; a health plan; a primary care practice-based research network as defined by the Agency for Healthcare Research and Quality; a cancer center; or any other entity determined to be appropriate by the Secretary.

''(c) APPLICATION.—An eligible entity desiring a grant under this section shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

''(d) USE OF FUNDS.—An eligible entity shall use amounts received under a grant under this section to improve coordination of the quality of cancer care, by—

''(1) creating partnerships and enhancing collaboration with health care providers (which may include cancer centers, hospitals, health centers, hospice programs, health care providers, experts in palliative care, preventive service providers) to improve the provision of quality of cancer care;

''(2) developing best practices for the quality of cancer care coordination (with special emphasis provided to those cancers that have low survival rates or individuals with advanced disease), including the development of model systems; and

''(3) evaluating overall activities to identify optimal designs and essential components for cancer practices and models to improve the coordination of cancer care services and activities.

''(e) DISSEMINATION.—The Secretary shall disseminate findings made as a result of activities conducted under this section to the public in coordination with the Agency for Healthcare Research and Quality, the Centers for Medicare & Medicaid Services, or other appropriate Federal agencies.''.

TITLE VI—ESTABLISHING PROGRAMS IN PALLIATIVE CARE

SEC. 601. PROGRAMS TO IMPROVE PALLIATIVE CARE.

Part R of title III of the Public Health Service Act (as added by section 501), is further amended by adding at the end the following:

''SEC. 399DD. PROGRAMS TO IMPROVE PALLIATIVE CARE.

''(a) DEMONSTRATION PROJECTS.—The Secretary shall award competitive grants to eligible entities to develop, implement, and evaluate model programs for the delivery of palliative care throughout all stages of disease for individuals with cancer (with a special emphasis on children) and their families.

''(b) ELIGIBILITY.—An entity is eligible to receive a grant under this section if such entity is a hospital; an academic institution; a hospice program; a palliative care program; a program offering a continuum of hospice care, palliative care, and other appropriate care to children and their families; a nonprofit organization; a State health agency; a health center; a cancer center; or any other entity determined to be appropriate by the Secretary.

''(c) APPLICATION.—An eligible entity desiring a grant under this section shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

''(d) USE OF FUNDS.—An entity shall use amounts received under a grant under this section to—

''(1) integrate palliative care with such entities as academic institutions, community organizations, hospice programs, hospitals, cancer patient and survivorship organizations, health care providers, cancer centers, or other entities determined appropriate by the Secretary;

''(2) conduct outreach and education activities to encourage the dissemination of evidence-based clinical best practices relating to palliative care;

''(3) increase public awareness, including outreach campaigns, particularly to underserved populations;

''(4) disseminate evidence-based information to health care providers and individuals with cancer and their families regarding available palliative care programs and services;

''(5) provide and evaluate education and training programs in palliative care for health care providers, including—

''(A) establishing pilot training programs (including faculty training programs) in medicine, including oncology (including pediatric oncology), family medicine, psychiatry, psychology, pain, nursing, pharmacology, physical therapy, occupational therapy, social work, and other relevant disciplines; or

''(B) developing, implementing, and evaluating pilot training programs for the staff of hospices, nursing homes, hospitals, home health agencies, outpatient care clinics, and other entities determined appropriate by the Secretary;

''(6) design or implement model palliative care programs for individuals with cancer and their families including improving access to clinical trials, where appropriate;

''(7) develop and evaluate pilot programs to address the special needs of children or other underserved populations and their families in palliative care programs;

''(8) conduct demonstration projects to enhance or develop online support networks for individuals with cancer and their families, including those networks for individuals who are homebound, and develop other methods to reach underserved cancer patients; or

''(9) determine whether strategies developed for palliative care for individuals with cancer and their families would be applicable to individuals with other diseases.

''(e) DISSEMINATION.—The Secretary shall disseminate findings made as a result of activities conducted under this section to the public in coordination with the Director of the Agency for Healthcare Research and Quality, the Administrator of the Centers for Medicare & Medicaid Services, and the heads other appropriate Federal agencies.''.

TITLE VII—ESTABLISHING SURVIVORSHIP PROGRAMS

SEC. 701. PROGRAMS FOR SURVIVORSHIP.

Subpart 1 of Part C of title IV of the Public Health Service Act (42 U.S.C. 285 et seq.) (as amended by section 101), is further amended by adding at the end the following:

''SEC. 417F. PROGRAMS FOR SURVIVORSHIP.

''(a) DEMONSTRATION PROJECTS.—The Secretary shall conduct and support research regarding the unique health challenges associated with cancer survivorship and carry out demonstration projects to develop and implement post-treatment public health programs and services including followup care and monitoring to support and improve the long-term quality of life for cancer survivors, including children.

''(b) ELIGIBILITY.—An entity is eligible to receive a competitive grant under this section if such entity is an academic institution, nonprofit organization, State health agency, cancer center, health center, or other entity determined to be appropriate by the Secretary.

''(c) APPLICATION.—An entity desiring a grant under this section shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

''(d) USE OF FUNDS.—An entity shall use amounts received under a grant under this section to plan, implement, and evaluate demonstration projects that—

''(1) design protocols for followup care, monitoring, and other survivorship programs (including peer support and mentor programs);

''(2) increase public awareness about appropriate followup care, monitoring and other survivorship programs (including peer support and mentor programs) by disseminating information to health care providers and survivors and their families; and

''(3) support programs to improve the quality of life among cancer survivors, referenced by the quality of cancer care measures developed under section 417E (where appropriate), with particular emphasis on underserved populations, including children.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, such sums as may be necessary for each of fiscal years 2006 through 2010.''.

SEC. 702. CANCER CONTROL PROGRAMS.

Section 412 of the Public Health Service Act (42 U.S.C. 285a–1) is amended—

(1) in the matter preceding paragraph (1), by striking ''cancer and for rehabilitation and counseling respecting cancer.'' and inserting ''cancer and for survivorship, rehabilitation, and counseling respecting cancer.'';

(2) in paragraph (1)(B), by striking ''and the families of cancer patients'' and inserting ''the families of cancer patients, and cancer survivors''; and

(3) in paragraph (3), by striking ''diagnosis, and treatment and control of cancer'' and inserting ''diagnosis, treatment, survivorship programs, and control of cancer.''.

TITLE VIII—PROGRAMS FOR END-OF-LIFE CARE

SEC. 801. PROGRAMS FOR END-OF-LIFE CARE.

Part R of title III of the Public Health Service Act (as amended by section 601), is further amended by adding the following:

''SEC. 399EE. PROGRAMS FOR END-OF-LIFE CARE.

''(a) DEMONSTRATION PROJECTS.—The Secretary shall award competitive grants to eligible entities to develop, implement, and evaluate evidence-based programs for the delivery of quality of cancer care during the end-of-life to individuals with cancer (with a special emphasis on children) and their families.

''(b) ELIGIBILITY.—An entity is eligible to receive a grant under this section if such entity is a hospital; an academic institution; a hospice program; a palliative care program; a program offering a continuum of hospice care, palliative care, and other appropriate

care to children and their families; a nonprofit organization; a State health agency; a health center; a cancer center; or any other entity determined to be appropriate by the Secretary.

''(c) APPLICATION.—An entity desiring a grant under this section shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

''(d) USE OF FUNDS.—An entity shall use amounts received under a grant under this section to—

''(1) integrate palliative care or end-of-life care programs with entities including academic institutions, community organizations, hospice programs, hospitals, cancer patient and survivorship organizations, health care providers, cancer centers, or other entities determined appropriate by the Secretary;

''(2) conduct outreach and education activities to encourage the dissemination of evidence-based clinical best practices relating to end-of-life care;

''(3) increase public awareness, including outreach campaigns, particularly to underserved populations;

''(4) disseminate information to health care providers and individuals with cancer and their families regarding available end-of-life programs, including hospice programs;

''(5) provide and evaluate education and training in end-of-life care for health care providers, including—

''(A) establishing pilot training programs (including faculty training programs) in medicine including oncology (including pediatric oncology), family medicine, psychiatry, psychology, pain, nursing, pharmacology and social work, and other disciplines; or

''(B) developing, implementing, and evaluating pilot training programs for the staff of hospices, nursing homes, hospitals, home health agencies, outpatient care clinics, and other entities determined appropriate by the Secretary;

''(6) design or implement model end-of-life care programs for individuals with cancer and their families including improving access to clinical trials where appropriate;

''(7) develop and evaluate pilot programs to address the special needs of children or other underserved populations and their families in end-of-life programs;

''(8) integrate palliative care and hospice care activities in the delivery of end-of-life care; or

''(9) determine whether strategies developed for end-of-life care for individuals with cancer and their families would be applicable to individuals with other diseases.

''(e) DISSEMINATION.—The Secretary shall disseminate findings made as a result of activities conducted under this section to the public in coordination with the Director of the Agency for Healthcare Research and Quality, the Administrator of the Centers for Medicare & Medicaid Services, and the heads of other appropriate Federal agencies.''.

TITLE IX—DEVELOPING TRAINING CURRICULA

SEC. 901. CURRICULUM DEVELOPMENT.

Part R of title III of the Public Health Service Act (as amended by section 801), is further amended by adding at the end the following:

''SEC. 399FF. CURRICULUM DEVELOPMENT.

''(a) IN GENERAL.—The Secretary shall award competitive grants for the development of curricula for health care provider training regarding the assessment, monitoring, improvement, and delivery of quality of cancer care.

''(b) ELIGIBILITY.—To be eligible to receive a grant under this section, an entity shall be an academic institution, nonprofit organization, cancer center, health center, medical school, or other entity determined appropriate by the Secretary.

''(c) APPLICATION.—An entity desiring a grant under this section shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

''(d) USE OF FUNDS.—An entity shall use amounts received under a grant under this subsection to—

''(1) evaluate methods of delivery of the quality of cancer care, including palliative care, hospice care, end-of-life care, or cancer survivorship by health care providers;

''(2) develop curricula concerning the delivery of quality of cancer care including palliative care, hospice care, end-of-life care, or cancer survivorship; and

''(3) provide recommendations for training protocols for medical and nursing education, fellowships, and continuing education in quality of cancer care including palliative care, hospice care, survivorship, or end-of-life care for health care providers.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, such sums as may be necessary for each of fiscal years 2006 through 2010.''.

SEC. 902. CANCER CARE WORKFORCE AND TRANSLATIONAL RESEARCH.

(a) CANCER CONTROL PROGRAMS.—Section 412 of the Public Health Service Act (42 U.S.C. 285a–1) is amended—

(1) by striking ''The Director of the Institute'' and inserting the following:

''(a) IN GENERAL.—The Director of the Institute'';

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

''(2) annual and long-term training goals to assure an adequate and diverse cancer care workforce including—

''(A) preparing and implementing a plan to provide assistance to health professionals in health professions experiencing the most severe shortages including the provision of grants, scholarships, fellowships, post-doctoral stipends, or loans to eligible individuals to increase the cancer care workforce; and

''(B) educating students of health professions and health professionals in—

''(i) effective methods for the prevention and early detection of cancer;

''(ii) the identification of individuals with a high risk of developing cancer;

''(iii) improved methods of patient referral to appropriate centers for early diagnosis and treatment of cancer;

''(iv) methods to deliver culturally competent care; and

''(v) other appropriate methods for providing quality of cancer care; and''; and

(3) by adding at the end the following:

''(b) COORDINATION WITH EXISTING PROGRAMS.—In carrying out the activities under subsection (a)(2), the Director of the Institute shall coordinate with existing programs, including programs at the Health Resources and Services Administration, to prevent duplication.''.

(b) NATIONAL CANCER RESEARCH AND DEMONSTRATION CENTERS.—Section 414(b) of the Public Health Service Act (42 U.S.C. 285a–3(b)) is amended by striking paragraph (3) and inserting the following:

''(3) clinical training (including training for allied health professionals), loan forgiveness or post-doctoral stipends for bench researchers, continuing education for health professionals and allied health professionals, and information programs for the public regarding cancer; and''.

(c) TRANSLATIONAL CANCER RESEARCH.—Subpart 1 of part C of title IV of the Public Health Service Act (42 U.S.C. 285 et seq.) is amended by inserting after section 414 the following:

''SEC. 414A. TRANSLATIONAL CANCER RESEARCH.

''(a) IN GENERAL.—The Director of the Institute, in collaboration with the Director of the Agency for Healthcare Research and Quality shall enter into cooperative agreements with, and make grants to, public or nonprofit entities to conduct multidisciplinary, translational cancer research.

''(b) USE OF FUNDS.—

''(1) IN GENERAL.—The Director of the Institute may use funds provided under this section to establish networks and partnerships to link community cancer providers to programs funded under this section.

''(2) CONSTRUCTION OF NEW FACILITIES.—Funds provided under this section shall not be used for the construction of new facilities.

''(c) STRATEGIC PLAN.—Not later than October 1, 2006, the Director of the Institute shall develop and implement a strategic plan, in collaboration with entities performing translational research, for identifying, expanding, and disseminating the results of translational cancer research to health care providers.

''(d) DUTIES.—An entity receiving a grant under this section shall—

''(1) conduct research with the potential to improve the prevention, diagnosis, and treatment of cancer and to improve the quality of cancer care, including palliation;

''(2) conduct clinical research studies on promising cancer treatments including clinical trials; and

''(3) evaluate tests, techniques, or technologies in individuals being evaluated for the presence of cancer.

''(e) DEFINITION OF TRANSLATIONAL CANCER RESEARCH.—As used in this section, the term 'translational cancer research' means scientific laboratory and clinical research and testing necessary to transform scientific or medical discoveries into new approaches, products, or processes that can assist in preventing, diagnosing, or controlling cancer.''

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 417B(a) of the Public Health Service Act (42 U.S.C. 285a–8(a)) is amended by striking ''1996'' and inserting ''2010''.

TITLE X—BREAST AND CERVICAL CANCER

SEC. 1001. WAIVERS RELATING TO GRANTS FOR PREVENTIVE HEALTH MEASURES WITH RESPECT TO BREAST AND CERVICAL CANCERS.

(a) IN GENERAL.—Section 1503 of the Public Health Service Act (42 U.S.C. 300m) is amended by adding at the end the following:

''(d) WAIVER OF SERVICES REQUIREMENT ON DIVISION OF FUNDS.—

''(1) IN GENERAL.—The Secretary may waive the requirements under paragraphs (1) and (4) of subsection (a) if—

''(A)(i) the State involved will use the waiver to leverage private funds to supplement each of the services or activities described in paragraphs (1) and (2) of section 1501(a); or

''(ii) the application of such requirement would result in a barrier to the enrollment of qualifying women;

''(B) the Secretary finds that granting such a waiver to a State will not reduce the number of women in the State that receive each of the services or activities described in paragraphs (1) and (2) of section 1501(a), including making available screening procedures for both breast and cervical cancers; and

''(C) the Secretary finds that granting such a waiver to a State will not adversely affect the quality of each of the services or activities described in paragraphs (1) and (2) of section 1501(a).

''(2) DURATION OF WAIVER.—

''(A) IN GENERAL.—In granting waivers under paragraph (1), the Secretary—

''(i) shall grant such waivers for a period of 2 years; and

''(ii) upon request of a State, may extend a waiver for additional 2-year periods in accordance with subparagraph (B).

''(B) ADDITIONAL PERIODS.—The Secretary, upon the request of a State that has received a waiver under paragraph (1), shall, at the end of each 2-year waiver period described in subparagraph (A), review performance under the waiver and may extend the waiver for an additional 2-year period if the Secretary determines that—

''(i)(I) without an extension of the waiver, there will be a barrier to the enrollment of qualifying women; or

''(II) the State requesting such extended waiver will use the waiver to leverage private funds to supplement each of the services or activities described in paragraphs (1) and (2) of section 1501(a);

''(ii) the waiver has not, and will not, reduce the number of women in the State that receive each of the services or activities described in paragraphs (1) and (2) of section 1501(a); and

''(iii) the waiver has not, and will not, result in lower quality in the State of each of the services or activities described in paragraphs (1) and (2) of section 1501(a).

''(3) REPORTING REQUIREMENT.—The Secretary shall include as part of the evaluations and reports required under section 1508, the following:

''(A) A description of the total amount of dollars leveraged annually from private entities in States receiving a waiver under paragraph (1) and how these amounts were used.

''(B) With respect to States receiving a waiver under paragraph (1), a description of the percentage of the grant that is expended on providing each of the services or activities described in paragraphs (1) and (2) and paragraphs (3) through (6) of section 1501(a).

''(C) A description of the number of States receiving waivers under paragraph (1) annually.

''(D) With respect to States receiving a waiver under paragraph (1), a description of the number of women receiving services under paragraphs (1), (2), and (3) of section 1501(a) in programs before and after the granting of such waiver.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 1510(a) of the Public Health Service Act (42 U.S.C. 300n-5(a)) is amended by striking ''$50,000,000'' and all that follows through the period, and inserting ''such sums as may be necessary for each of fiscal years 2004 through 2009.''.

TITLE XI—COLORECTAL CANCER

SEC. 1101. PROGRAMS TO IMPROVE COLORECTAL CANCER SCREENING.

Title XV of the Public Health Service Act (42 U.S.C. 300k et seq.) is amended by adding at the end the following:

''SEC. 1511. COLORECTAL CANCER SCREENING DEMONSTRATION PROJECT.

''(a) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall award competitive grants to public and nonprofit private entities to enable such entities to establish demonstration programs pursuant to the general authority of title III to carry out colorectal screening activities including—

''(1) screening asymptomatic individuals as determined by the Secretary in accordance with category A or B recommendation rating of the U.S. Preventive Service Task Force or as otherwise determined by the Secretary;

''(2) providing appropriate case management and referrals for medical treatment of individuals screened pursuant to this section;

''(3) establishing activities to improve the education, training, and skills of health professionals (including allied health professionals) in the detection and control of colorectal cancer, as a part of their participation in the screening program established under the grant;

''(4) evaluating the programs under this section through appropriate surveillance or program monitoring activities;

''(5) developing and disseminating findings derived through such evaluations and outcomes data collection; and

''(6) promoting the benefits of and participation in the colorectal cancer screening program established under the grant.

''(b) REQUIREMENTS.—

''(1) PRIORITY.—To be eligible for a grant under subsection (a), an entity shall agree with respect to activities and services under the grant to target low-income—

''(A) individuals who are at least 50 years of age; or

''(B) individuals at high risk for colorectal cancer (as defined in section 1861(pp)(2) of the Social Security Act (42 U.S.C. 1395x(pp)(2))).

''(2) RELATIONSHIP TO ITEMS AND SERVICES UNDER OTHER PROGRAMS.—To be eligible for a grant under subsection (a), an entity shall agree that grant funds will not be expended to make payments for any item or service to the extent that payment has been made, or can reasonably be expected to be made, with respect to such item or service—

''(A) under any State compensation program, under an insurance policy, or under any Federal or State health benefits program; or

''(B) by an entity that provides health service on a prepaid basis.

''(3) RECORDS AND AUDITS.—To be eligible for a grant under subsection (a), an entity shall agree that the entity will—

''(A) establish such fiscal control and fund accounting procedures as may be necessary to ensure proper disbursal of, and accounting for, amounts received under this section; and

''(B) provide agreed upon annual reports to the Secretary or the Comptroller of the United States for the purposes of auditing the expenditures by the entity.

''(4) REPORTS.—To be eligible for a grant under subsection (a), an entity shall agree to submit to the Secretary such reports as the Secretary determines appropriate.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, such sums as may be necessary for each of fiscal years 2005 through 2009.''.

TITLE XII—CONDUCTING REPORTS

SEC. 1201. STUDIES AND REPORTS BY THE INSTITUTE OF MEDICINE.

(a) CONTRACT.—The Secretary shall enter into a contract with the Institute of Medicine to—

(1) evaluate Federal and State activities relating to comprehensive cancer control programs and activities;

(2) evaluate the quality of cancer care (including palliative care, end-of-life care, and survivorship) that medicare and medicaid beneficiaries receive and the extent to which medicare and medicaid coverage and reimbursement policies affect access to quality cancer care;

(3) evaluate data from the Centers for Medicare & Medicaid Services and other agencies on volume-outcome relationships;

(4) evaluate access to clinical trials and the relationship of such access to the quality of cancer care, especially with respect to health disparity populations; and

(5) assess existing gaps in and impediments to the quality of cancer care, including gaps in data, research and translation, seamless patient care and navigation, palliative care, and care provided to underserved populations.

(b) REPORTS.—

(1) IN GENERAL.—Not later than 4 years after the date of enactment of this Act, the Institute of Medicine shall submit to the Secretary of Health and Human Services a report containing information on the evaluation conducted under paragraphs (1) through (5) of subsection (a), including data collected at the State level through contracts with appropriate organizations as designated by the Institute of Medicine.

(2) 8 YEARS.—Not later than 8 years after the date of enactment of this Act, the Institute of Medicine shall submit to the Secretary of Health and Human Services a report containing information and recommendations on the areas described in subsection (a), including data collected from relevant demonstration projects.

(3) REPORTS.—The Secretary of Health and Human Services shall submit the reports described in paragraphs (1) and (2) to the relevant committees of Congress.

(c) DEFINITIONS.—

(1) PALLIATIVE CARE; QUALITY OF CANCER CARE.—The terms 'palliative care' and 'quality of cancer care' have the meanings given such terms in section 399AA of the Public Health Service Act.

(2) COMPREHENSIVE CANCER CONTROL PROGRAM.—The term 'comprehensive cancer control program' has the meaning given such term in section 320B of the Public Health Service Act.

(3) HEALTH DISPARITY POPULATION AND HEALTH DISPARITIES RESEARCH.—The terms ''health disparity population'' and ''health disparities research'' have the meanings given such terms in section 399AA of the Public Health Service Act.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, such sums as may be necessary for each of fiscal years 2006 through 2010.

Mr. KENNEDY. Mr. President, it is a privilege to join my colleague Senator BILL FRIST in introducing this bipartisan legislation to improve the prevention and treatment of cancer. The Quality of Care for Individuals with Cancer Act is a result of the combined efforts of many in the cancer community, including patients, families, cancer survivors, and health providers. Its goal is to see that as many of our fellow citizens as possible are able to obtain state-of-the-art cancer care.

The Nation's continuing investment in medical research in the past decade has led to many new and innovative options in cancer treatment and prevention. We all want to believe that when a loved one or someone we know is diagnosed with cancer, they will benefit from the latest and most effective treatments. Unfortunately, that is often not the case.

Many cancer patients receive the wrong care, too little care, or even too much care. Colon cancer is 85 percent curable if it is detected early through screening. Yet today less than half of all Americans who should be screened for colon cancer are actually screened. If we do not act to correct these problems, over a quarter of a million parents, sons and daughters, will die from this curable cancer in the next 5 years.

Much more can be done to extend the reach of high-quality cancer care and

reduce this burden of unnecessary suffering and premature death. New discoveries of science can be brought much more quickly from the research laboratory to the bedside of the patient and to the practice of medicine in all communities.

Our bill will help assure that the care of cancer patients is coordinated from diagnosis through successful treatment. The quality of end of life care will be significantly improved. Needed programs will be established to meet the ongoing needs of cancer survivors and their families.

Health care provider training will make the latest in cancer care available through improved education and networking. Patients will have access to providers who know how to deliver the most effective cancer treatment at the right time and in the right way.

Today, the best in medical research is too often not available to treat and cure many different types of cancer, especially leukemia, breast cancer, and prostate cancer. The treatments will vary for each patient, but the standard of excellence in cancer care should be widely available to all. Enactment of this legislation will bring that day closer, and I look forward to its enactment, its implementation, and the benefits it will bring to so many of our fellow citizens in the years ahead.

By Mr. INHOFE:

S. 2772. A bill to promote the development of the emerging commercial human space flight industry, to extend the liability indemnification regime for the commercial space transportation industry, to authorize appropriations for the Office of the Associate Administrator for Commercial Space Transportation, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. INHOFE. Mr. President, I rise today to proudly introduce the Space Commercial Human Ascent Serving Expeditions Act also known as the Space CHASE Act.

Because Oklahoma has significant history in aviation, I believe it is well positioned to be a leading State in the up-and-coming commercial space industry.

Since 1910, beginning with Charles F. Willard who only flew a few hundred yards in a south Oklahoma City field, Oklahomans have been flying.

The following year, Clyde Cessna, an automobile dealer from Enid who later formed the Cessna Aircraft Company, flew his mono-wing airplane near Jet, OK.

Such early flights in Oklahoma continued and in 1929 perhaps one of the most notable aviation events occurred in Waynoka, OK, where Charles Lindbergh stopped on the first transcontinental passenger air and rail service.

By 1931, Wiley Post, from Maysville, OK, gained international recognition when he flew around the world in a little over 8 days. In July 1991, I had the honor of recreating Post's trip on its 60th anniversary.

Oklahoma's aviation history does not stop there. On November 2, 1929, 26 licensed women pilots founded what was known as the 99 Club, or the Ninety-Nines. It was called so at the suggestion of its first president, Amelia Earheart, because of the 117 licensed women pilots in America who were contacted about joining the club, only 99 actually joined. The South Central Section of the 99 Club comprising several States including Oklahoma, has through the years, issued several publications and in 1962, Mary Lester of the Oklahoma Chapter created a new version of the Club's publication, the Ninety-Nine News. Today, the 99 club is an international organization of licensed women pilots from 35 countries, with its international headquarters at Will Rogers World Airport in Oklahoma City.

In 1999, the Oklahoma State Legislature established the Oklahoma Space Industry Development Authority OSIDA to create a commercial spaceport that will ''expand and economically develop the space frontier with advanced spacecraft operating facilities.'' Furthermore, OSIDA's mission is to carry out this vision with ''. . . deliberate and forceful . . . planning and development of spaceport facilities, launch systems and projects, and to successfully promote and stimulate the creation of space commerce, education and space related industries in Oklahoma.''

In March of 2001, I appealed to NASA, on behalf of the Oklahoma Space Industry Development Authority, to receive nearly a quarter of a million dollars in grant money. Part of this grant is paid for the opening of the Oklahoma Spaceport. My efforts to build a space industry in Oklahoma are coming to fruition with that March 2002 launch of ''Dark Sky Station,'' from the Spaceport in Burns Flat. The rest of the money from the NASA grant went to nine other organizations around the State, dedicated to providing space-related education.

I applaud OSIDA for this aggressive economic plan and, as a result, know of 15 companies that have entered into Memoranda of Understanding with OSIDA: Armadillo Aerospace; Space Development; XCOR Aerospace; Zero Gravity; Pioneer Rocketplane; Vela Technology; Rocketplane, Ltd.; JP Aerospace; TGV Rockets; JP Skylaunch; Space Adventures; Jim Schouten Enterprises; Universal Spaceliners; Takeoff Technologies; and Space Assets.

Oklahoma is also home to business done by other such companies and entities as: Beyond-Earth Enterprises, which is helping to revitalize the passion of space travel by providing payload launch capabilities at affordable rates; the Global Space League, Inc., a 501(c)3 nonprofit institution which takes science experiments from students, kindergarten through university level, to remote places normally accessible only to professional scientists; and HighShips, which is in the business of developing innovative lighter-than-air flying vehicles.

Several communities in southwestern Oklahoma stand to either benefit from, take part in, or have synergies with commercial space development including: Burns Flat which boasts the third longest runway in North America, Sayre, Frederick, Elk City, Hobart and Altus Air Force Base. I look forward to working with these communities in the future, such as with Oklahoma House District 63 Representative Don Armes.

I encourage any and all companies and individuals who would like to become involved in the commercial space industry to come to southwestern Oklahoma. Oklahoma welcomes space industries with these features; Tax and Financial Incentives, Oklahoma Quality Job Program: Quarterly cash payments of 5% of new payroll for 10 years; Investment Tax Credit: Credit equal 1% of the investment in depreciable property for 5 years-doubles in this Enterprise zone; Sales/Use Tax Refund: Refunds tax paid on construction materials in new manufacturing facility; Property Tax Exemptions: 5-year abatement on 100 percent of property tax on new investment in manufacturing space; Sales/Use Tax Exemption: Available for machinery and equipment used in manufacturing, including property consumed; Accelerated Federal Property Depreciations: Provides approximately 40 percent shorter recovery period for depreciable property on Indian land.

Training Incentives: Vocational Technology School free to employees; customized assistance in employee screening; job training partnership program.

Financing: Oklahoma Finance Authority low cost loans; venture capital program facilitated by the agency; bonding by the agency; business financial assistance.

Site Specifics: existing available buildings: Hangars, office space, maintenance, warehouses; over 13,500 feet runway, ramp space; 3,000 acres of open space; utilities, infrastructure in place; rail spur, major Interstate Highway access; more than 340 days of clear skies; polar and ISS orbit launch windows available; no environmental issues; site geology supports any type of construction.

Please come to Oklahoma to advance commercial space exploration and avail yourself of Oklahoma's benefits.

Coming from Oklahoma's distinguished aviation heritage and innovative activity in the aerospace sector, as well as my experience as a commercially licensed pilot instructor, I rise today to introduce what I believe is a bill to benefit current and future aerospace companies in Oklahoma and throughout our entire Nation.

This legislation came to fruition after I facilitated many negotiations between the Federal Aviation Authority, the House Science Subcommittee

on Space and Aeronautics, the Senate Commerce Committee, aerospace companies and the Oklahoma Space Industrial Development Authority.

My language adds to H.R. 3752, the Commercial Space Launch Amendments Act of 2004, which updates the Commercial Space Launch Act of 1984, by accounting for a new class of sub-orbital launch vehicles that use hybrid technology—a combination of rocket and jet engines—to create a fair approach to future civilian suborbital flights.

In this legislation to advance the commercial space community, I have successfully covered hybrid aerospace vehicles.

By defining a sub-orbital vehicle as a rocket-propelled vehicle, ''in whole or in part, intended for flight on a sub-orbital trajectory, and whose thrust is greater than its lift for the majority of the rocket-powered portion of its ascent,'' aerospace companies will now face less regulation than with previous definitions for this type of vehicle.

Under my language, the FAA's Office of Commercial Space Transportation will now have sole regulation authority for sub-orbital hybrid vehicles, and will now be appropriately considered and licensed as launch vehicles. By this classification, aerospace companies such as Rocketplane, which utilizes hybrid technology, will now avoid being forced to go through a lengthy two-step licensing process formerly required for both launch vehicles and commercial aircraft and will have the opportunity to be licensed to carry civilian passengers much more quickly.

In addition to the definition of suborbital flight, I am also proud of the indemnification and insurance provisions of this legislation which make it possible for small companies to enter into this business field, and am happy to create the new ''experimental permit'' framework.

I know that my colleagues, House Science Space and Aeronautics Subcommittee Chairman ROHRABACHER and Committee Chairman BOEHLERT, and their aide, Timothy Hughes, have worked diligently to update the Commercial Space Launch Act of 1984 by introducing and passing H.R. 3752.

I particularly want to thank my fellow Oklahoman and House Science Committee member FRANK LUCAS for requesting my involvement in this legislation, along with requests from Oklahoma State Senator Gilmer Capps, Oklahoma State Representative Jack Bonny, Oklahoma Lieutenant Governor Mary Fallon, and the Oklahoma Space Industry Development Authority, Congressman LUCAS' colloquy with Chairman BOEHLERT on the floor the House of Representatives on March 4, 2004, speaks of his interest in ensuring that this very commercial space legislation include hybrid vehicles that fly a bit like rockets and a bit like airplanes:

Mr. Boehlert. Mr. Chairman, I yield such time as he may consume to the gentleman from Oklahoma (Mr. Lucas) for the purposes of a colloquy.

Mr. Lucas of Oklahoma. Mr. Chairman, I appreciate the gentleman from New York (Mr. Boehlert) and the gentleman from Tennessee (Mr. Gordon) bringing this important bill to the floor, because the emerging commercial human space flight industry presents tremendous opportunities for my State of Oklahoma and our Nation as a whole. I am particularly appreciative of this bill's intent to ease the regulatory burdens for entrepreneurs who are developing new suborbital reusable launch vehicles.

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

Mr. Lucas of Oklahoma. I yield to the gentleman from New York.

Mr. Boehlert. Mr. Chairman, I thank the gentleman for his kind words. He is correct in stating that this legislation seeks to put in place sufficient Federal regulation to protect the general public while also promoting this important new industry.

Mr. Lucas of Oklahoma. As you know, Mr. Chairman, some suborbital reusable launch vehicles that will be used in commercial human space flight activities may have some attributes normally associated with airplanes as well as many attributes of rockets. My hope is that such hybrid vehicles would not have to be regulated under two separate regimes. What are the chairman's views on this matter?

Mr. Boehlert. I thank the gentleman for that question.

This is a very important issue on which we have worked extensively with industry and the executive branch in developing this bill. As currently drafted, H.R. 3752 incorporates definitions promulgated by the Federal Aviation Administration to distinguish between suborbital rockets, which are under the jurisdiction of FAA's Associate Administrator for Commercial Space Transport, and other aerospace vehicles which are regulated by another part of the FAA. That said, I would be happy to keep working with the gentleman from Oklahoma (Mr. Lucas) and other interested parties as the bill moves forward to revisit the important issue of how best to regulate hybrid vehicles that are engaged in commercial human space flight.

Mr. Lucas of Oklahoma. I thank the chairman and I look forward to continuing to work with him and our colleagues in the other body to see if we can create a single regime for hybrid commercial space flight vehicles.

While I realize H.R. 3752 creates fairness in regulation for the newly emerging civilian space flight industry, I believe my language takes it a step further by ensuring all companies entering this field have a level licensing playing field including those using hybrid technologies.

These are exciting times for this field of human endeavor. We are currently in the middle of a competition for the ANSARI X PRIZE. This competition is a courageous effort to refocus society's attention on the last frontier—space. To win the $10 million ANSARI X PRIZE, the successful team will launch a craft carrying at least three people to an altitude of at least 100 km, 62.5 miles, return safely to Earth, then repeat it with the same craft within 2 weeks.

With pilot Mike Melvill, the Burt Rutan team made a flight on June 21, 2004, but control problems prevented the repeat flight within the 2 weeks.

This brilliant concept of the Ansari X Prize exemplifies the excellence that can be achieved through an incentivized approach rather than a governmental mandate or punitive approach. Incentivize and safely get government out of the way is the philosophy of my bill. Tempt not only the pocketbook but the vision of anyone who has the creativity and imagination to pursue it.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 415—TO AUTHORIZE THE PRODUCTION OF RECORDS BY THE PERMANENT SUBCOMMITTEE ON INVESTIGATIONS OF THE COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. FRIST (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 415

Whereas, during the 106th and 107th Congresses, the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs conducted an investigation into money laundering activities in the U.S. financial services sector, including examinations of money laundering activities in private banking, correspondent banking, and the securities industry;

Whereas, by agreement to Senate Resolution 77, 107th Congress, the Senate authorized the Chairman and Ranking Minority Member of the Subcommittee, acting jointly, to provide to law enforcement officials, legislative bodies, regulatory agencies, and other entities or individuals duly authorized by federal, state, or foreign governments, records of the Subcommittee's investigation into the use of correspondent banking for the purpose of money laundering;

Whereas, during the present Congress, the Subcommittee has been conducting a followup to its earlier money laundering investigation to evaluate the enforcement and effectiveness of key statutory anti-money laundering provisions, using Riggs Bank of the District of Columbia as a case history;

Whereas, the Subcommittee is asking authorization to provide records of its followup investigation in response to requests from law enforcement officials, legislative bodies, regulatory agencies, and foreign agencies and officials;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate is needed for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That the Chairman and Ranking Minority Member of the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs, acting jointly, are authorized to provide to law enforcement officials, legislative bodies, regulatory agencies, and other entities or individuals duly authorized by federal, state, or foreign governments, records of the Subcommittee's case study investigation into the enforcement and effectiveness of statutory anti-money laundering provisions.

SENATE RESOLUTION 416—CONGRATULATING THE CALIFORNIA STATE UNIVERSITY, FULLERTON BASEBALL TEAM ON WINNING THE 2004 COLLEGE WORLD SERIES

Mrs. FEINSTEIN (for herself and Mrs. BOXER) submitted the following resolution; which was considered and agreed to:

S. RES. 416

Whereas on June 27, 2004, the California State University, Fullerton (''Fullerton'') Titans won the 2004 College World Series;

Whereas the 3 to 2 victory completed a 2 to 0 sweep of the heavily favored Texas Longhorns;

Whereas the Fullerton team opened the season with 15 wins and 16 losses, then continued on to win 32 of the next 38 games, finishing with 47 wins and 22 losses in the regular season;

Whereas the Fullerton team won with the superlative pitching of Jason Windsor, who threw a complete game and was named Most Outstanding Player of the College World Series;

Whereas Kurt Suzuki broke a 2 and 20 slump with the game winning RBI single;

Whereas the Fullerton roster also includes Joe Turgeon, Justin Turner, Clark Hardman, Mark Carroll, Blake Davis, Brett Pill, Ricky Romero, J.D. McCauley, Mike Martinez, Neil Walton, Ronnie Prettyman, Eric Hale, Evan McArthur, Brandon Tripp, Shawn Scobee, Scott Sarver, Bobby Andrews, Felipe Garcia, Ryan Schreppel, Danny Dorn, Armando Carrasco, Jon Wilhite, Nolan Bruyninckx, Lauren Gagnier, John Curtis, Evan Myrick, Dustin Miller, Vance Otake, Eric Echevarria, P.J. Pilittere, Sergio Pedroza, Geoff Tesmer, John Estes, Mark Davidson, and Vinnie Pestano;

Whereas Fullerton Coach George Horton was competing against his mentor, former Fullerton coach Augie Garrido, who led the Titans to 3 previous national championships;

Whereas the coaching staff of George Horton, Dave Serrano, Rick Vanderhook, and Chad Baum deserve much credit for the accomplishments of their team;

Whereas the Fullerton baseball team has won national championships in 1979, 1984, 1995, and 2004, making it the only team to win a national championship in each of the past 4 decades;

Whereas the students, alumni, faculty, and supporters of Fullerton are to be congratulated for their commitment and pride in their institution: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the California State University, Fullerton Titans on their College World Series championship;

(2) recognizes the achievements of the team;

(3) requests that the President recognize the outstanding accomplishments of the team; and

(4) directs the Secretary of the Senate to make available a copy of this resolution to California State University, Fullerton for appropriate display and to transmit an enrolled copy of this resolution to the 2004 California State University, Fullerton team.

SENATE RESOLUTION 417—CONGRATULATING THE UNIVERSITY OF CALIFORNIA AT LOS ANGELES WOMEN'S SOFTBALL TEAM ON WINNING THE 2004 NATIONAL COLLEGIATE ATHLETIC ASSOCIATION CHAMPIONSHIP

Mrs. FEINSTEIN (for herself and Mrs. BOXER) submitted the following resolution; which was considered and agreed to:

S. RES. 417

Whereas on May 31, 2004, the University of California at Los Angeles (''UCLA'') women's softball team won the 2004 National Collegiate Athletic Association (''NCAA'') championship;

Whereas the 3 to 1 victory completed another UCLA softball title run, this time over the in-State rival, the California Bears;

Whereas the victory marked UCLA's tenth NCAA title in team history;

Whereas the UCLA women's softball team ended the season with an impressive 47 to 9 mark;

Whereas UCLA trailed 1 to 0 for the first 5 innings, before Claire Sua tied the game with a solo home run;

Whereas freshman pinch hitter Kristen Dedmon hit a crucial 2–RBI single to give UCLA the lead;

Whereas senior pitcher Keira Goerl became just the second pitcher in NCAA Division I history to win multiple title games;

Whereas the UCLA roster also includes Caitlin Benyi, Jaisa Creps, Lisa Dodd, Andrea Duran, Alissa Eno, Tara Henry, Ashley Herrera, Whitney Holum, Julie Hoshizaki, Jodie Legaspi, Stephanie Ramos, Nicole Sandberg, Amanda Simpson, Shana Stewart, Michelle Turner, and Emily Zaplatosch;

Whereas the coaching staff of Sue Enquist, Kelly Inouye-Perez, and Gina Vecchione deserve much credit for the accomplishments of their team;

Whereas the UCLA team is the first team to defend its NCAA title since 1997;

Whereas UCLA has won 10 of a possible 23 NCAA Division I softball championships; and

Whereas the students, alumni, faculty, and supporters of UCLA are to be congratulated for their commitment and pride in their institution: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the University of California at Los Angeles Bruins on winning the 2004 National Collegiate Athletic Association Championship;

(2) recognizes the achievements of the team;

(3) requests that the President recognize the outstanding accomplishments of the team; and

(4) directs the Secretary of the Senate to make available a copy of this resolution to University of California at Los Angeles for appropriate display and to transmit an enrolled copy of this resolution to the 2004 University of California at Los Angeles women's softball team.

SENATE RESOLUTION 418—DESIGNATING SEPTEMBER 2004 AS ''NATIONAL PROSTATE CANCER AWARENESS MONTH''

Mr. SESSIONS (for himself, Mr. REID, Mr. ALLEN, Mr. BAYH, Mr. BROWNBACK, Mr. BUNNING, Mr. BURNS, Mr. CAMPBELL, Mr. CORZINE, Mr. CRAPO, Mr. DAYTON, Mr. DODD, Mr. FEINGOLD, Mr. GRASSLEY, Mr. INOUYE, Mr. JOHNSON, Mr. KOHL, Mr. LAUTENBERG, Mr. LIEBERMAN, Mr. MILLER, Mr. NELSON of Florida, Mr. SARBANES, Mr. SHELBY, AND Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

S. RES. 418

Whereas countless families in the United States live with prostate cancer;

Whereas 1 in 6 men in the United States will be diagnosed with prostate cancer in his lifetime;

Whereas over the past decade, prostate cancer has been the most commonly diagnosed non-skin cancer and the second most common cancer killer of men in the United States;

Whereas over 230,000 men in the United States will be diagnosed with prostate cancer and 29,900 men in the United States will die of prostate cancer in 2004, according to American Cancer Society estimates;

Whereas 30 percent of new cases occur in men under the age of 65;

Whereas a man in the United States turns 50 years old about every 14 seconds, increasing the occurrence of cancer and, particularly, of prostate cancer;

Whereas African-American males suffer a prostate cancer incidence rate as much as 60 percent higher than White males and have double the mortality rates;

Whereas obesity is a significant predictor of prostate cancer severity and death;

Whereas if a man in the United States has 1 family member diagnosed with prostate cancer, he has double the risk of prostate cancer, if he has 2 family members with such diagnosis, he has 5 times the risk, and if he has 3 family members with such diagnosis, he has a 97-percent risk of prostate cancer;

Whereas screening by both digital rectal examination and prostate specific antigen blood test can diagnose the disease in earlier and more treatable stages and reduce prostate cancer mortality;

Whereas ongoing research promises to further improvements in prostate cancer prevention, early detection, and treatments; and

Whereas educating people in the United States, including health care providers, about prostate cancer and early detection strategies is crucial to saving men's lives and preserving and protecting families: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 2004 as ''National Prostate Cancer Awareness Month'';

(2) declares that the Federal Government has a responsibility to—

(A) raise awareness about the importance of screening methods and treatment of prostate cancer;

(B) increase research funding that is commensurate with the burden of the disease so that the causes of prostate cancer, and improved screening, treatments, and a cure for prostate cancer, may be discovered; and

(C) continue to consider ways for improving the access to, and quality of, health care services for detecting and treating prostate cancer; and

(3) requests that the President issue a proclamation calling on the people of the United States, interested groups, and affected persons to—

(A) promote awareness of prostate cancer;

(B) take an active role in the fight to end the devastating affects of prostate cancer on individuals, their families, and the economy; and

(C) observe the month of September 2004 with appropriate ceremonies and activities.

SENATE RESOLUTION 419—EXPRESSING THE SENSE OF THE SENATE WITH RESPECT TO THE CONTINUITY OF GOVERNMENT AND THE SMOOTH TRANSITION OF EXECUTIVE POWER

Mr. CORNYN submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 419

Whereas members of the Senate, regardless of political party affiliation, agree that the American people deserve a Government that is failsafe and foolproof, and that terrorists should never have the ability to disrupt the operations of the Government;

Whereas continuity of governmental operations in the wake of a catastrophic terrorist attack remains a pressing issue of national importance before the United States Congress;

Whereas, at a minimum, terrorists should never have the ability, by launching a terrorist attack, to change the political party that is in control of the Government, regardless of which party is in power;

Whereas, whenever control of the White House shall change from one political party to another, the outgoing President and the incoming President should work together, and with the Senate to the extent determined appropriate by the Senate, to ensure a smooth transition of executive power, in the interest of the American people;

Whereas, under the current presidential succession statute in section 19 of title 3, United States Code, the members of the cabinet, defined as the heads of the statutory executive departments under section 101 of title 5, United States Code, fall within the line of succession to the presidency;

Whereas, during previous presidential transition periods, the incoming President has had to serve with cabinet members from the prior administration, including subcabinet officials from the prior administration acting as cabinet members, for at least some period of time;

Whereas the Constitution vests the appointment power of executive branch officials in the President, by and with the advice and consent of the Senate, and nothing in this resolution is intended to alter either the constitutional power of the President or the constitutional function of the Senate with regard to the confirmation of presidential nominees;

Whereas an incoming President cannot exercise the constitutional powers of the President, in order to ensure a smooth transition of Government, until noon on the 20th day of January, pursuant to the terms of the twentieth amendment to the Constitution;

Whereas cooperation between the incoming and the outgoing President is therefore the only way to ensure a smooth transition of Government;

Whereas Congress throughout history has acted consistently and in a bipartisan fashion to encourage measures to ensure the smooth transition of executive power from one President to another, such as through the enactment of the Presidential Transition Act of 1963 (3 U.S.C. 102 note; Public Law 88–277) and subsequent amendments;

Whereas Congress has previously concluded that ''[t]he national interest requires'' that ''the orderly transfer of the executive power in connection with the expiration of the term of office of a President and the inauguration of a new President . . . be accomplished so as to assure continuity in the faithful execution of the laws and in the conduct of the affairs of the Federal Government, both domestic and foreign'' under the Presidential Transition Act of 1963 (3 U.S.C. 102 note; Public Law 88–277);

Whereas Congress has further concluded that ''[a]ny disruption occasioned by the transfer of the executive power could produce results detrimental to the safety and well-being of the United States and its people'' under the Presidential Transition Act of 1963 (3 U.S.C. 102 note; Public Law 88–277); and

Whereas Congress has previously expressed its intent ''that appropriate actions be authorized and taken to avoid or minimize any disruption'' and ''that all officers of the Government so conduct the affairs of the Government for which they exercise responsibility and authority as (1) to be mindful of problems occasioned by transitions in the office of the President, (2) to take appropriate lawful steps to avoid or minimize disruptions that might be occasioned by the transfer of the executive power, and (3) otherwise to promote orderly transitions in the office of President'' under the Presidential Transition Act of 1963 (3 U.S.C. 102 note; Public Law 88–277): Now, therefore, be it

Resolved, that it is the sense of the Senate that during the period preceding the end of a term of office in which a President will not be serving a succeeding term—

(1) that President should consider submitting the nominations of individuals to the Senate who are selected by the President-elect for offices that fall within the line of succession;

(2) the Senate should consider conducting confirmation proceedings and votes on the nominations described under paragraph (1), to the extent determined appropriate by the Senate, between January 3 and January 20 before the Inauguration; and

(3) that President should consider agreeing to sign and deliver commissions for all approved nominations on January 20 before the Inauguration to ensure continuity of Government.

Mr. CORNYN. Mr. President, yesterday I rose to address this body in support of a Senate resolution on a profoundly nonpartisan issue. As President Bush and the United States government continue their fight to protect the American way of life in the war against terrorism, they have also been fighting another battle to protect American ideals and principles—a battle against human trafficking and slavery. Most Americans would be shocked to learn that the institution of slavery—an institution that hundreds of thousands of Americans shed precious blood to destroy—continues to persist today—not just around the world, but hidden in communities across America. This is a new fight against an old evil. It is the most fundamental civil rights issue of our time.

I was pleased to work with my lead Democrat co-sponsor, Senator SCHUMER, as well as with Senators GRAHAM of South Carolina, LEAHY, and CLINTON, to introduce and obtain full Senate approval of Senate Resolution 414. That resolution expressed strong support for the Justice Department's recent efforts to combat human trafficking, under the leadership of the Civil Rights Division. The resolution noted that the Justice Department recently held its first-ever National Conference on Human Trafficking in Tampa, Florida, where it announced a new comprehensive model state anti-trafficking law. The resolution encouraged states to consider adopting such laws where they do not currently exist.

Today, I rise in support of a Senate resolution on another profoundly nonpartisan issue—the preservation of our system of government in the wake of a catastrophic terrorist attack. Just as most Americans would be shocked to learn about the incidence of forced labor and sexual servitude in communities across the country, I believe most Americans would be shocked to learn that our laws are profoundly inadequate to ensure continuity of governmental operations in the wake of a catastrophic terrorist attack.

I have spent a great deal of time and energy this past year on the issue of continuity of government. Last September, I chaired two hearings to examine continuity of government problems in the two political branches of government. On September 9, I chaired a hearing of the Senate Judiciary Committee to examine continuity problems in the Congress, and on September 16, Senator LOTT and I co-chaired a joint hearing of the Senate Rules and Judiciary Committees to look at problems in our system of Presidential succession.

These are not partisan issues. These are imminently nonpartisan issues, and so I was pleased to work on those hearings with my distinguished colleagues on the other side of the aisle—Senator LEAHY, the ranking member of the Senate Judiciary Committee, and Senator FEINGOLD, the ranking member of the Senate Judiciary Subcommittee on the Constitution, Civil Rights, and Property Rights, which I am honored to chair.

In November, I introduced Senate Joint Resolution 23, a proposed constitutional amendment to ensure continuity of Congress. Constitutional legal experts across the political spectrum have recognized that our current laws are inadequate to ensure continuity of Congressional operations in the wake of a catastrophic terrorist attack, and that only a constitutional amendment can ensure that the American people will never have to suffer under martial law.

The constitutional amendment I introduced implements the recommendations of the bipartisan blue ribbon Continuity of Government Commission, sponsored by the American Enterprise Institute and the Brookings Institution. That commission is led by two of our nation's truly most distinguished American statesmen—its honorary co-chairmen, former Presidents Jimmy Carter and Gerald Ford—as well as by its two distinguished co-chairmen, former Senator Alan Simpson and former White House Counsel Lloyd Cutler. The commission is comprised of former high-ranking government officials of both parties, and ably staffed by Norman Ornstein, John Fortier, and Thomas Mann.

I know that there are sharp divisions in the House over what kinds of continuity measures to adopt—whether

emergency interim appointments are appropriate and necessary, or if expedited special elections alone are sufficient. It is important to recognize that my amendment takes no position in that debate. My amendment would not compel either chamber of Congress to adopt any particular methodology for redressing continuity problems. It would simply empower Congress to adopt legislation to guarantee continuity of Congressional operations—power that Congress does not currently possess. It is modeled after Article II of the Constitution, which empowers Congress to adopt legislation to provide for continuity of the Presidency.

On January 27 of this year, I chaired a hearing of the Senate Judiciary Committee so that legal experts could examine the need for Senate Joint Resolution 23. And on that same day, I introduced implementing legislation (S. 2031), entitled the Continuity of the Senate Act of 2004. Continuity problems affect both the House and the Senate. Indeed, the Senate arguably faces the most dire problem of all—if a majority of Senators are incapacitated, Congress could be disabled for as long as four years, the amount of time it takes to elect a new majority of Senators. The Continuity of the Senate Act of 2004 would implement the constitutional amendment proposed by Senate Joint Resolution 23. It would simply empower each state to adopt continuity measures for their senators in case of incapacity—following the model of the 17th Amendment with respect to Senate vacancies. I am pleased that Senators DODD and LOTT agreed to serve as original co-sponsors of this legislation. After all, they are the ranking Democrat and Republican, respectively, on the Senate Rules Committee—the committee that would have jurisdiction to consider the Continuity of the Senate Act, in the event that the constitutional amendment I have proposed is approved by two-thirds of the Congress and three-fourths of the states.

On May 13, I convened a meeting of the Senate Judiciary Subcommittee on the Constitution, Civil Rights and Property Rights—the subcommittee that possesses jurisdiction over constitutional amendments. I am pleased that the subcommittee approved Senate Joint Resolution 23 on a bipartisan vote. I am particularly pleased that the resolution was supported by my distinguished colleague, the subcommittee's ranking Democrat, Senator FEINGOLD. I know from working with him these past several months that he is no fan of constitutional amendments. And of course, everyone in this chamber agrees that the Constitution should not be amended casually. Yet he recognized—as have constitutional legal experts across the political spectrum—that the only way to ensure continuity of Congressional operations is a constitutional amendment. I look forward to working with Senator HATCH, the chairman of the Senate Judiciary Committee, in coming weeks and months so that the full committee can consider the merits of, and the need for, Senate Joint Resolution 23.

Of course, Congress is not the only institution that faces serious problems of continuity of operations. Our laws are also inadequate with respect to Presidential succession. Article II of the Constitution gives Congress the power to enact laws to address Presidential succession—just as my proposed constitutional amendment would give Congress such power with respect to continuity of Congress. Yet legal experts across the political spectrum have written that the current Presidential succession statute is unconstitutional and unworkable.

Accordingly, I introduced legislation in February, right before President's Day, to reform the Presidential succession statute (S. 2073). That same day, I also introduced a Senate resolution (S. Con. Res. 89) to establish a protocol for ensuring proper transition between an outgoing President and a newly elected President. Both measures were cosponsored by Senator LOTT, the chairman of the Rules Committee, which exercises jurisdiction over such matters.

I am pleased to introduce a more robust version of that same resolution today for the Senate's consideration, in the form of a Senate resolution that requires the consent of only this body. It is an important step to ensuring that, no matter what, at a minimum, terrorists will never be able to determine, by launching a terrorist strike, which party controls the White House.

Imagine if you will that it is January 20, the inauguration date for a new incoming President. The sun is shining, and the American people are watching. The new President and Vice President sit on the center platform just steps away from the Capitol Rotunda, joined by American and foreign dignitaries. Leaders of both Houses of Congress sit nearby as well. It is a beautiful day—but as national security and continuity of government experts have long recognized, it is also a window of vulnerability. If terrorists launched a successful strike on Inauguration Day, it could wipe out not only our new President, but also the first three people who are in the line of Presidential succession under our current Presidential succession statute—the Vice President, the Speaker of the House, and the President pro tempore of the Senate.

What happens next?

Well, imagine that the election of the prior year had resulted in a change of political party control of the White House. During previous Presidential transition periods, a new incoming President has had to serve with Cabinet members from the prior administration—including sub-Cabinet officials from the prior administration acting as Cabinet members—for at least some period of time. That means that, in the event of a successful inaugural day attack, the official who could rise to become Acting President, perhaps serving for four full years, could very well be a member of the outgoing administration—indeed, a member of the political party that the American people expelled from office at the most recent election.

The resolution I introduce today would help prevent this from happening. As the resolution acknowledges, members of the Senate, regardless of political party affiliation, agree that the American people deserve a Government that is failsafe and foolproof. We agree that terrorists should never have the ability to disrupt the operations of the Government. We agree that continuity of governmental operations in the wake of a catastrophic terrorist attack remains a pressing issue of national importance before the United States Congress. And we agree that, at a minimum, terrorists should never have the ability, by launching a terrorist attack, to change the political party that is in control of the Government—a principle that applies regardless of which party is in power.

An incoming President, of course, cannot exercise the constitutional powers of the President, in order to ensure a smooth transition of Government, until noon on the 20th day of January, pursuant to the terms of the Twentieth Amendment of the Constitution. Accordingly, cooperation between the incoming and the outgoing President is the only way to ensure a smooth transition of government.

Whenever control of the White House shall change from one political party to another, the outgoing President and the incoming President should work together, and with the Senate to the extent deemed appropriate by the Senate, to ensure a smooth transition of executive power, in the interest of the American people. Accordingly, the resolution establishes a non-binding protocol—a protocol with three parts.

First, the resolution states that an outgoing President should consider submitting the nominations of individuals to the Senate who are selected by the President-elect for offices that fall within the line of succession. Under the current Presidential succession statute (3 U.S.C. §19), that means the members of the Cabinet, defined as the heads of the statutory executive departments (5 U.S.C. §101).

Second, the resolution provides that the Senate should consider conducting confirmation proceedings and votes on Cabinet nominations, to the extent deemed appropriate by the Senate, between January 3 and January 20 before the Inauguration. Of course, nothing in the resolution purports to alter the constitutional powers of either the President or the Senate, and indeed, nothing in this resolution could constitutionally do so.

And third, the resolution encourages the outgoing President to consider agreeing to sign and deliver commissions for all approved nominations on January 20 before the Inauguration—all to ensure continuity of government.

I am pleased that this resolution has received such strong support amongst experts in the fields of continuity of government and constitutional law. This is a truly nonpartisan effort, so I am particularly pleased that the resolution is so enthusiastically supported by constitutional legal experts such as Walter Dellinger, Cass Sunstein, Laurence Tribe, Michael Gerhardt, and Howard Wasserman. Rather than repeat their words here, I will simply ask unanimous consent that their letters be included in the CONGRESSIONAL RECORD at the close of my remarks.

Throughout history, Congress has acted consistently and in a bipartisan fashion to encourage measures to ensure the smooth transition of Executive power from one President to another. I think, for example, of the Presidential Transition Act of 1963, and its subsequent amendments. In that Act, Congress concluded that ''[t]he national interest requires'' that ''the orderly transfer of the executive power in connection with the expiration of the term of office of a President and the inauguration of a new President . . . be accomplished so as to assure continuity in the faithful execution of the laws and in the conduct of the affairs of the Federal Government, both domestic and foreign.'' Congress further concluded that ''[a]ny disruption occasioned by the transfer of the executive power could produce results detrimental to the safety and well-being of the United States and its people.'' Accordingly, Congress expressed its intent ''that appropriate actions be authorized and taken to avoid or minimize any disruption'' and ''that all officers of the Government so conduct the affairs of the Government for which they exercise responsibility and authority as (1) to be mindful of problems occasioned by transitions in the office of President, (2) to take appropriate lawful steps to avoid or minimize disruptions that might be occasioned by the transfer of the executive power, and (3) otherwise to promote orderly transitions in the office of President.''

Close cooperation between an incoming President and an outgoing President is the only way to ensure a smooth transition of government. So this evening, just days away from the first of our nation's two great political conventions, I am pleased to introduce a resolution to ensure continuity of government during a unique window of vulnerability—the Presidential inaugural period. And I look forward to further debate and discussion on other legislation to ensure the continuity of our national government.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

HARVARD UNIVERSITY,
Cambridge, MA, July 22, 2004.

Hon. JOHN CORNYN,
Chairman, U.S. Senate Judiciary Subcommittee on the Constitution, Civil Rights & Property Rights, Washington, DC.

DEAR SENATOR CORNYN: I am writing to commend you for drafting the Resolution whose text you have shared with me expressing the sense of the Senate with respect to continuity of government and the smooth transition of Executive power. I write not as a friend and supporter of Senators Kerry and Edwards, whose election this November to the presidency and vice presidency I believe you know I strongly favor, but as a citizen of this nation and, for more than 30 years, a professor of constitutional law who is devoted to the success of its government of, by, and for the people,

The Resolution I have read is a non-binding measure that creates no obligations or rights and imposes no restrictions. For this reason among others, it is fully consistent with the Constitution of the United States. Unlike some such non-binding measures, however, this one seems to me extremely wise. It entails no posturing, and the recommendations it makes for the transition from an incumbent president's administration to that of a newly elected president who is not the incumbent—a situation I fervently hope we will confront between November 2, 2004, and January 20, 2005—seem to me not only sensible but potentially crucial, especially during a period of our history when fanatic international terrorism threatens to disrupt our political and governmental processes. The recommendations are such that a non-partisan, good-government perspective would commend this Resolution to the entire Senate, and I strongly support its adoption.

Yours truly,

LAURENCE TRIBE.

UNIVERSITY OF CHICAGO LAW SCHOOL,
Chicago, IL, July 22, 2004.

Senator JOHN CORNYN,
Chairman, Senate Subcommittee on the Constitution, Civil Rights, and Property Rights, Senate Committee on the Judiciary, U.S. Senate, Washington, DC.

DEAR SENATOR CORNYN: I am writing to express support, from the standpoint of constitutional structure and good governance, for the proposed resolution involving continuity in government, which would contain the following language:

''Resolved, that it is the sense of the Senate that during the period preceding the end of a term of office in which a President will not be serving a succeeding term—

(1) that President should consider submitting the nominations of individuals to the Senate who are selected by the President-elect for offices that fall within the line of succession;

(2) the Senate should consider conducting confirmation proceedings and votes on the nominations described under paragraph (1), to the extent deemed appropriate by the Senate, between January 3 and January 20 before the Inauguration; and

(3) that President should consider agreeing to sign and deliver commissions for all approved nominations on January 20 before the Inauguration, to ensure continuity of Government''

The significant advantage of the suggested process is that in the event of terrorist attack or other large-scale disruption, it would reduce the risk that there would be ''gaps'' in the personnel and operation of the Executive Branch. If the process operates as suggested, then there would be no period in which certain high-level offices (those that fall within the line of succession) lack personnel of the President's choosing. A disadvantage of the suggested process is that it would put perhaps unwelcome time pressure on both the President-elect and the Senate—while also putting the sitting President in a mildly awkward position. Nonetheless, the text of the Resolution is not rigid (''should consider''), and there are large virtues, for the President-elect and the Senate alike, of providing an early, expeditious process for ensuring that the President's Cabinet is in place. The process thus promises to reduce a serious danger without compromising important structural values.

One of the most central goals of our constitutional system is to create an energetic and unitary executive branch, one that is capable of prompt and expeditious action. See The Federalist No. 70; E. Corwin, The President—Office and Powers 3–30 (1957). This resolution, at once bipartisan and nonpartisan, would serve to promote that goal under contemporary conditions.

Sincerely,

CASS R. SUNSTEIN.

O'MELVENY & MYERS LLP,
Washington, DC, July 22, 2004.

Re: ''Smooth Transition'' Proposed Legislation.

Hon. JOHN CORNYN,
U.S. Senate,
Washington, DC.

DEAR SENATOR CORNYN: On rare occasions a suggestion comes along that is truly a good government idea. The ''smooth transition'' resolution you have proposed is a premier example. It is a simple idea that would strengthen our government, regardless of party and regardless of ideology. To have the outgoing President, in his final weeks in office, submit to the Senate the nominations of those individuals the new President-elect has chosen for the cabinet is not merely a convenience: it is essential in an era in which our government must be ever vigilant.

I served in the White House in February, March and April of 1993. As you will recall, the position of Attorney General was not filled in a timely fashion. In my view this resulted in serious mistakes being made, as the President turned to the White House staff for advice and legal opinions that would have come from the Department of Justice had there been a functioning Attorney General. Because of the great and steady influence of career lawyers at Justice, the advice from that Department is generally more solid and consistent over time than a President receives when he has to rely on the White House to carry out duties that should be performed by the Attorney General. So I know first hand how important it is to have new Department Heads in place at the moment the new President is sworn in to office.

Your amendment does more than facilitate the smooth functioning of government. It sets the right tone at a time when so many partisan battles divide us in spirit. Our parties should compete vigorously on policy and present alternative visions and plans to the American people. But then we should facilitate rather than inhibit the capacity of the prevailing party to do the job the American people have chosen them to do. This is a sentiment I expressed four years ago in the pages of The Wall Street Journal as the new administration of President George W. Bush came to power. I am taking the liberty of including a copy of ''The Wrong Way to Oppose'' from the Journal for January 10, 2001. I wish I had thought of your idea and included it in that piece.

I hope your resolution is adopted with great bi-partisan support. Best wishes to you.

Very truly yours,

WALTER E. DELLINGER,
of O'Melveny & Myers LLP.

THE COLLEGE OF WILLIAM & MARY
SCHOOL OF LAW,
Williamsburg, VA, July 22, 2004.

Hon. JOHN CORNYN,
U.S. Senate, Committee on the Judiciary, Subcommittee on the Constitution, Civil Rights, and Property Rights, Washington, DC.

DEAR SENATOR CORNYN: I write to express my support for the resolution you are introducing suggesting that the President and Senate should each consider taking particular actions later this year to ensure a smooth transition and the continuity of government. I share your concerns about possibly crippling attacks against our government by terrorists and your efforts to ameliorate the effects of any such attacks. I believe your proposed resolution expresses a noble ideal for the President and the Senate to work together as smoothly and quickly as possible to ensure that the administration is fully staffed and operational during the critical period after the 2004 presidential election and before Inauguration Day in January 2005.

I appreciate that resolutions on presidential nominations touch upon extremely sensitive constitutional terrain. The Appointments Clause of the Constitution vests the President with the authority to nominate certain high-ranking officials, and presidents have fiercely protected this prerogative from encroachment by the Senate. The Appointments Clause also vests the Senate with the authority to provide its ''Advice and Consent'' on presidential nominations, and the Senate has defended this authority from interference by any other branch. I believe your resolution has merit in part because it accords due respect for the respective appointments authorities of the President and the Senate. It is non-binding. It does not require either branch to do anything it prefers not to do. It shows due respect for the autonomy of the President and the Senate in exercising their respective authorities over federal appointments. Separation of powers problems arise when one branch encroaches upon, or seeks to usurp, the authority of another branch. But, to its credit, the resolution avoids such problems by both acknowledging that its purpose is not to ''alter the constitutional power of the President or the constitutional function of the Senate with regard to the confirmation of Presidential nominations'' and by calling upon the President and the Senate merely to ''consider'' taking certain actions later this year—the President in possibly nominating the President-elect's nominees for cabinet and other offices requiring confirmation, and the Senate in considering holding confirmation proceedings and votes on these nominations prior to the Inaugural.

I understand that the President-Elect may not be able, for whatever reason, to nominate all the people he would like by his inaugural. I also understand that the Senate may not be able, for whatever reason, to act as quickly as either the President-Elect or resolution suggests it ought to in taking final action upon his nominations. I also understand that Presidents-Elect's nominees sometimes run into troubles in confirmation proceedings, and there is no way to prevent at least some impasses from occurring. But your resolution does not require either the President or the Senate to do anything in particular; it merely expresses a noble ideal shared by those voting for it.

I believe that this resolution, like your proposed constitutional amendment S.J. Res. 23, should be commended for its nonpartisanship. I share your hope for a smooth transition and continuity of the government for whoever wins this November.

Very truly yours,

MICHAEL J. GERHARDT,
Arthur B. Hanson Professor of Law.

FLORIDA INTERNATIONAL UNIVERSITY,
Miami, FL, July 22, 2004.

Hon. JOHN C. CORNYN,
U.S. Senate,
Washington, DC.

DEAR SENATOR CORNYN: I write in support of your Sense-of-Senate Resolution, proposing a new informal practice for nominating and confirming Cabinet officials when the White House changes party hands. The Resolution urges an outgoing President to nominate, and the new Senate to hold hearings and confirm, some or all of the President-elect's Cabinet prior to the January 20 Inauguration.

Thomas Jefferson's ascension to the presidency has been labeled the Revolution of 1800 in part because it marked one of the first peaceful and orderly transfers of executive power. The continued peaceful and orderly transfer of executive power between political parties and ideologies has become a hallmark of the American constitutional order.

However, the Inauguration ceremony that attends this orderly transfer of power, with leaders of all three branches of the federal government present, marks one of two periods in which presidential succession and continuity is uniquely vulnerable to terrorist attack. The other vulnerable period is when the President addresses a Joint Session of Congress. And the safety valve used then—having one person in the line of presidential succession, whether the Vice President or a Cabinet member, outside of Washington—is not available in the Inauguration scenario. The only people in the line of presidential succession not present at the January 20 ceremony are Cabinet Secretaries (or perhaps only deputies acting as secretary) remaining from the outgoing administration. It would be inconsistent with the expressed will of the People if a terrorist event on January 20, 2004 left the nation (only to use the next possible example of this scenario) not with four years of a President Kerry and Vice President Edwards, but with four years of Acting President Rumsfeld.

The proposal addresses this problem by ensuring that the Cabinet members in the line of succession during the handover of power on noon on January 20 will be the handpicked policy surrogates of the incoming President, those who had been chosen to help the new President exercise executive power and represent the national electoral constituency. Should tragedy strike the Inauguration, the executive branch that emerges conforms politically and ideologically with the public will expressed the previous November. The acting president would be of the same political party and policy commitments as the person just chosen by the People through the Electoral College.

I emphasize several aspects of the proposed practice. First, it urges the Senate to hold hearings and floor votes ''to the extent feasible.'' This practice does not short-circuit the Senate's advice-and-consent role or rigorous vetting of the President-elect's Cabinet. It commands that the Senate take best efforts in the two-plus weeks between January 3 and Inauguration Day to confirm the new Cabinet, particularly some or all of the high-profile positions at the top of the Departments of State, Treasury, Defense, Justice, and Homeland Security. Second, it urges the outgoing President to sign and deliver Commissions to the new Secretaries on the morning of January 20, prior to the ceremony. Until that point, the lame-duck President still acts in the event of emergencies with the counsel of his own Cabinet.

Finally, the Resolution must be considered in light of the Presidential Succession Act of 2004, S. 2073, 108th Cong. (2004), which (properly, both as a constitutional and policy matter) removes legislative officers from the line of presidential succession. The practice created by the Resolution, in connection with the proposed changes to the succession statute, thus provides the only way to ensure a popularly and politically justifiable method of presidential succession in the event of an Inauguration Day tragedy.

This informal practice benefits both political parties and the American People as a whole, ensuring a smooth transition whenever executive power transfers between parties. In fact, the partisan cooperation inherent in the practice (an outgoing President of one party nominating the policy support of his successor) may ease the political rancor in the wake of a heated election. This plan deserves the support of both parties and should be passed.

Thank you for your time. Best of luck in your efforts.

Cordially,

HOWARD M. WASSERMANN.

SENATE CONCURRENT RESOLUTION 131—CALLING ON THE GOVERNMENT OF SAUDI ARABIA TO CEASE SUPPORTING RELIGIOUS IDEOLOGIES THAT PROMOTE HATRED, INTOLERANCE, VIOLENCE, AND OTHER ABUSES OF INTERNATIONALLY RECOGNIZED HUMAN RIGHTS AND URGING THE GOVERNMENT OF THE UNITED STATES TO PROMOTE RELIGIOUS FREEDOM IN SAUDI ARABIA

Mr. SCHUMER (for himself and Ms. COLLINS) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 131

Whereas the Department of State's Country Reports on Human Rights Practices for 2003 concluded that human rights conditions remain poor in the Kingdom of Saudi Arabia;

Whereas the Department of State's International Religious Freedom Report for 2003 concluded that religious freedom does not exist in Saudi Arabia;

Whereas in a report on Saudi Arabia published in May 2003, the United States Commission on International Religious Freedom has found that religious freedom does not exist in Saudi Arabia and has concluded that the Government of Saudi Arabia forcefully limits the public practice or expression of religion to the Wahhabi interpretation of Islam;

Whereas the Government of Saudi Arabia severely restricts non-Wahhabi places of worship and denies non-Wahhabi clerics entry into the country;

Whereas security forces of the Government of Saudi Arabia continue to abuse and torture detainees and prisoners, including individuals held on account of their religious beliefs or practices;

Whereas religious law is interpreted and enforced in Saudi Arabia in a manner that affects every aspect of the lives of women in Saudi Arabia and results in serious violations of the human rights of such women;

Whereas the Government of Saudi Arabia severely limits the freedom of movement of women and discriminates against women in education, employment, access to healthcare, marriage, and inheritance, among other things;

Whereas the religious police in Saudi Arabia, known as the ''Mutawaa'', arbitrarily raid private homes and exercise broadly defined, vague powers, including the ability to use physical force and detain individuals without due process;

Whereas the Mutawaa intimidate, harass, abuse, and detain citizens and foreigners of both sexes;

Whereas, although the Government of Saudi Arabia has publicly affirmed that all residents of Saudi Arabia have the liberty to worship in private, for several years, and as recently as the fall of 2003, Shi'a clerics have been arrested, imprisoned, and tortured for expressing their religious views and some foreign workers have been arrested, detained, tortured, and deported for worshipping in private;

Whereas offensive and discriminatory language has been found in school textbooks sponsored by Saudi Arabia, sermons in mosques, and articles and commentary in the media about Jews, Christians, and other non-Muslims;

Whereas, in March 2004, the Government of Saudi Arabia detained and imprisoned several democratic reformers for criticizing the strict religious environment and the slow pace of reform in Saudi Arabia;

Whereas the Government of Saudi Arabia, which enjoys access to the United States media, refuses to allow the transmission of Radio Sawa, which promotes values of democracy, tolerance, and respect for human rights, in Saudi Arabia;

Whereas the Government of Saudi Arabia funds mosques, university chairs, Islamic study centers, and religious schools known as madrassas, all over the world, in at least 30 countries;

Whereas there have been several reports that some members of extremist and militant groups that promote intolerance, and in some cases violence, in the Middle East, Eastern Europe, Central and South Asia, and Africa have been trained as clerics in Saudi Arabia;

Whereas there have been a growing number of reports that funding originating in Saudi Arabia, including, in some cases, from individuals and organizations associated with the Government of Saudi Arabia and the royal family, has been used to finance religious schools and other activities that allegedly support religious intolerance, and, in some cases, violence, associated with certain Islamic militant and extremist organizations in several parts of the world;

Whereas in response to an April 2004 request of the Committee on Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives, the Comptroller General of the United States is undertaking a study to determine what the Government of the United States is doing to identify, monitor, and counter the influence of funding and support from Saudi Arabia for individuals, organizations, and institutions that advocate violence, intolerance, or religious extremism outside of Saudi Arabia; and

Whereas the Government of Saudi Arabia has made public statements pledging political, economic, and educational reforms and the improved treatment of foreign residents, but it does not appear that such pledges are being carried out is Saudi Arabia: Now, therefore, be it

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

(1) calls on the Government of the Kingdom of Saudi Arabia—

(A) to stop providing funding for religious activities that promote hatred, violence, and human rights violations;

(B) to stop providing diplomatic status to Islamic clerics and educators teaching outside of Saudi Arabia who are not legally entitled to such status;

(C) to close any Islamic affairs section of an embassy of Saudi Arabia that has been responsible for propagating intolerance;

(D) to uphold the international commitments made by Saudi Arabia by respecting and protecting the human rights of citizens and foreigners of both sexes in Saudi Arabia;

(E) to ratify and fully comply with international human rights instruments and cooperate with United Nations human rights mechanisms, and, in particular, to sign, ratify, and implement the International Covenant on Civil and Political Rights done at New York December 16, 1966;

(F) to immediately implement promised judicial, political, economic, and educational reforms;

(G) to cease messages of hatred, intolerance, or incitement to violence against non-Wahhabi Muslims and non-Muslim religious groups in the educational curricula and textbooks, mosques, and media controlled by the Government of Saudi Arabia;

(H) to permit the establishment of independent, nongovernmental organizations to advance human rights and to promote tolerance in Saudi Arabia, and to take action to create an independent human rights commission for the same purposes;

(I) to safeguard the freedom of non-Muslims, and of those Muslims who do not follow the Wahhabi interpretation of Islam, to worship in private in Saudi Arabia;

(J) to permit non-Wahhabi places of worship, such as churches, to function openly in special compounds or zones for foreigners or in unadorned buildings designated for this purpose; and

(K) to permit the broadcasting of Radio Sawa throughout Saudi Arabia; and

(2) urges the President—

(A) in both public and private fora, to raise concerns at the highest levels with the Government of Saudi Arabia regarding the ongoing and repeated violations of internationally recognized human rights, including the right to freedom of religion or belief, in Saudi Arabia;

(B) to designate Saudi Arabia a country of particular concern under section 402(b)(1)(A) of the International Religious Freedom Act of 1998 (22 U.S.C. 6442(b)(1)(A)) for the systematic, ongoing, and egregious violations of religious freedom occurring in Saudi Arabia;

(C) to encourage the Government of Saudi Arabia to expeditiously implement the publicly stated plans for judicial, political, economic, and educational reform in Saudi Arabia;

(D) to encourage the Government of Saudi Arabia to cease any funding of efforts to propagate outside of Saudi Arabia any religious ideology that explicitly promotes hate, intolerance, and other human rights violations, including violence;

(E) to request that the Government of Saudi Arabia provide an accounting of what kinds of support from Saudi Arabia go to religious schools, mosques, centers of learning, and other religious organizations globally, including in the United States, and the names of such institutions;

(F) to develop and expand specific initiatives and programs in Saudi Arabia to advance human rights, including religious freedom, the rights of women, and the rule of law, including, the Greater Middle East Initiative, and the Department of State's Middle East Partnership Initiative, Middle East Democracy Fund, and Human Rights and Democracy Fund, international broadcasting, including overcoming obstacles to broadcasting Radio Sawa throughout Saudi Arabia, and other public diplomacy programs; and

(G) to provide an unclassified report to Congress on the efforts of the Government of the United States to raise concerns regarding human rights, including religious freedom, with the Government of Saudi Arabia, and the results of such efforts and the results of any initiative or program described in subparagraph (F).

SENATE CONCURRENT RESOLUTION 132—AFFIRMING THE SUPPORT OF CONGRESS FOR PRESERVING THE IMAGE OF ALEXANDER HAMILTON ON THE FACE OF $10 FEDERAL RESERVE NOTES BECAUSE OF HIS STANDING AS ONE OF THE UNITED STATES' MOST INFLUENTIAL FOUNDING FATHERS

Mr. LAUTENBERG (for himself, Mr. CORZINE, Mr. SCHUMER, and Mrs. CLINTON) submitted the following concurrent resolution; which was referred to the Committee on Banking, Housing, and Urban Affairs:

S. CON. RES. 132

Whereas Alexander Hamilton helped found and shape the United States by dedicating his life to serve distinguished careers as an American revolutionary soldier and statesman;

Whereas in 1772, Alexander Hamilton arrived in New York as a student from the West Indian Island of Nevis;

Whereas in 1781, Lieutenant Colonel Alexander Hamilton of the Continental Army led a regiment of New York troops in the Battle of Yorktown, the decisive and final major battle in the Revolutionary War;

Whereas Alexander Hamilton served as a strong voice in the Continental Congress and as an influential force as a New York Delegate to the Constitutional Convention of 1787;

Whereas Alexander Hamilton joined James Madison and John Jay to write a majority of the Federalist Papers that urged the people of New York to ratify the Constitution;

Whereas from 1789 to 1795, Alexander Hamilton served in President George Washington's Administration as the first Secretary of the Treasury and established the first Bank of the United States to manage trade and finance;

Whereas Alexander Hamilton's innovative mind created public credit, a circulating medium, and the financial framework of the United States;

Whereas Alexander Hamilton proposed the creation of the Revenue Marines, today known as the Coast Guard, a branch of the military that Congress created to secure the revenue of the United States against contraband;

Whereas Alexander Hamilton exercised his vision for the United States to establish a strong domestic manufacturing base; and

Whereas Alexander Hamilton is known as the ''Father of Paterson'' for his championing of the Society for Establishing Useful Manufactures (SUM), a group that founded Paterson, New Jersey in 1791, and established it as one of the first industrial centers of the United States: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress affirms its support for preserving the image of Alexander Hamilton on the face of $10 Federal reserve notes because of his standing as one of the United States most influential founding fathers.

Mr. LAUTENBERG. Mr. President, I rise today to submit a Senate concurrent resolution which affirms the support of Congress for preserving the image of Alexander Hamilton on the $10 bill. Alexander Hamilton is a Founding Father of our Nation. He was a Lieutenant Colonel in the Revolutionary War, a voice in the Continental

Congress, and a delegate to the Constitutional Convention. He authored more than 50 of the 85 ''Federalist Papers.'' He organized the Revenue Marines, known today as the Coast Guard, and played a crucial role in the creation of the U.S. Navy. And Alexander Hamilton is the creator of one of America's first industrial and manufacturing centers, in Paterson, NJ.

Alexander Hamilton was also America's first Secretary of the Treasury and the founder of the first United States Bank. He is responsible for the financial system that our country maintains today. He created the first bank, the first tax system, the first budget, and a strong currency. He had a vision for establishing the economic viability of our fledgling country based on banking, investment, manufacturing, industry, and commerce. We are an economic superpower and a model for the rest of the world in large part because of Alexander Hamilton.

When we look to the Founding Fathers who played significant roles in the formation of America, we see that among them, George Washington has a monument in our Nation's Capital, and his image is on the $1 bill and the quarter deservedly so. Thomas Jefferson also has an impressive memorial in Washington, the main building of the Library of Congress is named after him, and his image is on the $2 bill and the nickel—again, deservedly so. Alexander Hamilton's image is on the $10 bill—and it should remain on the $10 bill. There is perhaps no other American more responsible for the fact that we have a $10 bill.

Of course, Washington and Jefferson were our first and third Presidents. Many of our other Presidents have been or will be appropriately memorialized in some fashion. For instance, our 40th President, Ronald Reagan, has had Washington National Airport and the second largest Federal building in the country, only the Pentagon is bigger, named after him. The headquarters of the Central Intelligence Agency at Langley, VA, has been named after our 41st President, George H. W. Bush. One of the four office buildings for the U.S. House of Representatives has been named after our 38th President, Gerald Ford. And the Old Executive Office Building—right next to the White House—has been named after our 34th President, Dwight Eisenhower.

We stand in a Senate Chamber steeped in history; in a country quite conscious and proud of its birth. We revere those individuals such as Washington, Jefferson, and Hamilton who were present at the creation of our great Nation and helped to establish the democracy we enjoy as a birthright. It is our duty to uphold their legacy and preserve their image. Alexander Hamilton played an instrumental role in our triumph in the Revolutionary War, the birth of our democracy, and the establishment of our financial system. His image must, at the very least, remain on the $10 bill. There have been many Presidents, and there will be many more. But there will be no more Founding Fathers.

SENATE CONCURRENT RESOLUTION 133—DECLARING GENOCIDE IN DARFUR, SUDAN

Mr. BROWNBACK (for himself, Mr. CORZINE, Mr. KOHL, Ms. LANDRIEU, Mr. JOHNSON, Mr. LEVIN, Mr. DURBIN, Mr. FEINGOLD, Mr. LAUTENBERG, Ms. MIKULSKI, Mrs. DOLE, Mrs. BOXER, Mr. LIEBERMAN, Mr. ENZI, Mr. LEAHY, Mr. BYRD, Mr. FITZGERALD, and Mr. SMITH) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 133

Whereas Article 1 of the Convention on the Prevention and Punishment of the Crime of Genocide (signed at Paris on December 9, 1948) states that ''the Contracting Parties confirm that genocide, whether committed in time of peace or in time of war, is a crime under international law which they undertake to prevent and to punish'';

Whereas Article 2 of the Convention on the Prevention and Punishment of the Crime of Genocide declares that ''in the present Convention, genocide means any of the following acts committed with the intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such: (a) killing members of the group; (b) causing serious bodily or mental harm to members of the group; (c) deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; (d) imposing measures intended to prevent births within the group; and (e) forcibly transferring children of the group to another group'';

Whereas Article 3 of the Convention on the Prevention and Punishment of the Crime of Genocide affirms that ''[the] following acts shall be punishable: (a) genocide; (b) conspiracy to commit genocide; (c) direct and public incitement to commit genocide; (d) attempt to committed genocide; and (e) complicit in genocide'';

Whereas in Darfur, Sudan, an estimated 30,000 innocent civilians have been brutally murdered, more than 130,000 people have been forced from their homes and have fled to neighboring Chad, and more than 1,000,000 people have been internally displaced; and

Whereas in March 2004 the United Nations Resident Humanitarian Coordinator stated: ''[T]he war in Darfur started off in a small way last year but it has progressively gotten worse. A predominant feature of this is that the brunt is being borne by civilians. This includes vulnerable women and children . . . The violence in Darfur appears to be particularly directed at a specific group based on their ethnic identity and appears to be systemized.'': Now, therefore, be it

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

(1) declares that the atrocities unfolding in Darfur, Sudan, are genocide;

(2) reminds the Contracting Parties to the Convention on the Prevention and Punishment of the Crime of Genocide (signed at Paris on December 9, 1948), particularly the Government of Sudan, of their legal obligations under the Convention;

(3) declares that the Government of Sudan, as a Contracting Party, has violated the Convention on the Prevention and Punishment of the Crime of Genocide;

(4) deplores the failure of the United Nations Human Rights Commission to take appropriate action with respect to the crisis in Darfur, Sudan, particularly the failure by the Commission to support United States–sponsored efforts to strongly condemn gross human rights violations committed in Darfur, and calls upon the United Nations and the United Nations Secretary General to assert leadership by calling the atrocities being committed in Darfur by their rightful name: ''genocide'';

(5) calls on the member states of the United Nations, particularly member states from the African Union, the Arab League, and the Organization of the Islamic Conference, to undertake measures to prevent the genocide in Darfur, Sudan, from escalating further, including the imposition of targeted means against those responsible for the atrocities;

(6) commends the Administration's leadership in seeking a peaceful resolution to the conflict in Darfur, Sudan, and in addressing the ensuing humanitarian crisis, including the visit of Secretary of State Colin Powell to Darfur in June 2004 to engage directly in efforts to end the genocide, and the provision of nearly $140,000,000 to date in bilateral humanitarian assistance through the United States Agency for International Development;

(7) commends the President for appointing former Senator John Danforth as Envoy for Peace in Sudan on September 6, 2001, and further commends the appointment of Senator Danforth as United States Ambassador to the United Nations;

(8) calls on the Administration to continue to lead an international effort to stop genocide in Darfur, Sudan;

(9) calls on the Administration to impose targeted means, including visa bans and the freezing of assets, against officials and other individuals of the Government of Sudan, as well as Janjaweed militia commanders, who are responsible for war crimes and crimes against humanity in Darfur, Sudan; and

(10) calls on the United States Agency for International Development to establish a Darfur Resettlement, Rehabilitation, and Reconstruction Fund so that those individuals driven off their land may return and begin to rebuild their communities.

SENATE CONCURRENT RESOLUTION 134—EXPRESSING THE SENSE OF THE CONGRESS THAT THE PARTHENON MARBLES SHOULD BE RETURNED TO GREECE

Mr. FITZGERALD (for himself, Mr. LIEBERMAN, and Mr. SARBANES) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON RES. 134

Whereas the Parthenon was built on the hill of the Acropolis in Athens, Greece in the mid-fifth century B.C. under the direction of the Athenian statesman Pericles and the design of the sculptor Phidias.

Whereas the Parthenon is the ultimate expression of the artistic genius of Greece, the preeminent symbol of the Greek cultural heritage—its art, architecture, and democracy—and of the contributions that modern Greeks and their forefathers have made to civilization;

Whereas the Parthenon has served as a place of worship for ancient Greeks, Orthodox Christians, Roman Catholics, and Muslims;

Whereas the Parthenon has been adopted by imitation by the United States in many preeminent public buildings, including the Lincoln Memorial;

Whereas over 100 pieces of the Parthenon's sculptures—now known as the Parthenon Marbles—were removed from the Parthenon under questionable circumstances between 1801 and 1816 by Thomas Bruce, seventh Earl of Elgin, while Greece was still under Ottoman rule;

Whereas the removal of the Parthenon Marbles, including their perilous voyage to Great Britain and their careless storage there for many years greatly endangered the Marbles;

Whereas the Parthenon Marbles were removed to grace the private home of Lord Elgin, who transferred the Marbles to the British Museum only after severe personal economic misfortunes;

Whereas the sculptures of the Parthenon were designed as an integral part of the structure of the Parthenon temple; the carvings of the friezes, pediments, and metopes are not merely statuary, movable decorative art, but are integral parts of the Parthenon, which can best be appreciated if all the Parthenon Marbles are reunified.

Whereas the Parthenon is a universal symbol of culture, democracy, and freedom, making the Parthenon Marbles of concern not only to Greece but to all the world;

Whereas, since obtaining independence in 1830, Greece has sought the return of the Parthenon Marbles;

Whereas the return of the Parthenon Marbles would be a profound demonstration by the United Kingdom of its appreciation and respect for the Parthenon and classical art;

Whereas returning the Parthenon Marbles to Greece would be a gesture of good will on the part of the British Parliament, and would set no legal precedent, nor in any other way affect the ownership or disposition of other objects in museums in the United States or around the world;

Whereas the United Kingdom should return the Parthenon Marbles in recognition that the Parthenon is part of the cultural heritage of the entire world and, as such, should be made whole;

Whereas Greece would provide care for the Parthenon Marbles equal or superior to the care provided by the British Museum, especially considering the irreparable harm caused by attempts by the museum to remove the original color and patina of the Marbles with abrasive cleaners;

Whereas Greece is constructing a new, permanent museum in full view of the Acropolis to house all the Marbles, protected from the elements in a safe, climate-controlled environment;

Whereas Greece has pledged to work with the British government to negotiate mutually agreeable conditions for the return of the Parthenon Marbles;

Where the people of Greece have a greater, ancient bond to the Parthenon Marbles, which were in Greece for over 2,200 years of the over 2,430-year history of the Parthenon;

Whereas the British people support the return of the Parthenon Marbles, as reflected in several recent polls;

Whereas a resolution signed by a majority of members of the European Parliament urged the British government to return the Parthenon Marbles to their natural setting in Greece;

Whereas the British House of Commons Select Committee on Culture, Media and Sport is to be commended for examining the issue of the disposition of the Parthenon Marbles in hearings held in 2000; and

Whereas Athens, Greece—birthplace of the Olympics—was selected as the host city of the Olympics Games in 2004, and the Parthenon Marbles should returned to their home in Athens in 2004; Now, therefore, be it

Resolved, by the Senate (the House of Representatives concurring), That it is the sense of the Congress that the Government of the United Kingdom should enter into negotiations with the Government of Greece as soon as possible to facilitate the return of the Parthenon Marbles to Greece.

SENATE CONCURRENT RESOLUTION 135—AUTHORIZING THE PRINTING OF A COMMEMORATIVE DOCUMENT IN MEMORY OF THE LATE PRESIDENT OF THE UNITED STATES, RONALD WILSON REAGAN

Mr. FRIST (for himself and Mr. DASCHLE) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 135

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. COMMEMORATIVE DOCUMENT AUTHORIZED.

A commemorative document in memory of the late President of the United States, Ronald Wilson Reagan, consisting of the eulogies and encomiums for Ronald Wilson Reagan, as expressed in the Senate and the House of Representatives, together with the texts of the state funeral ceremony at the United States Capitol Rotunda, the national funeral service held at the Washington National Cathedral, Washington, District of Columbia, and the interment ceremony at the Ronald Reagan Presidential Library, Simi Valley, California, shall be printed as a Senate document, with illustrations and suitable binding.

SEC. 2. PRINTING OF DOCUMENT.

In addition to the usual number of copies printed, there shall be printed the lesser of—

(1) 32,500 copies of the commemorative document, of which 22,150 copies shall be for the use of the House of Representatives and 10,350 copies shall be for the use of the Senate; or

(2) such number of copies of the commemorative document that does not exceed a production and printing cost of $1,000,000, with distribution of the copies to be allocated in the same proportion as described in paragraph (1).

AMENDMENTS SUBMITTED AND PROPOSED

SA 3567. Mr. ROBERTS submitted an amendment intended to be proposed by him to the bill S. 2386, to authorize appropriations for fiscal year 2005 for intelligence and intelligence-related activities of the United States Government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; which was ordered to lie on the table.

SA 3568. Mr. FRIST (for Mr. GREGG) proposed an amendment to the bill S. 720 to amend title IX of the Public Health Service Act to provide for the improvement of patient safety and to reduce the incidence of events that adversely effect patient safety.

SA 3569. Mr. FRIST (for Mr. KYL (for himself, Mrs. FEINSTEIN, Mr. LUGAR, and Mr. BIDEN)) proposed an amendment to the concurrent resolution S. Con. Res. 81, expressing the concern of Congress over Iran's development of the means to produce nuclear weapons.

SA 3570. Mr. FRIST (for Mr. KYL) proposed an amendment to the concurrent resolution S. Con. Res. 81, supra.

SA 3571. Mr. FRIST (for Mr. KYL) proposed an amendment to the concurrent resolution S. Con. Res. 81, supra.

SA 3572. Mr. FRIST (for Mr. KYL (for himself, Mrs. FEINSTEIN, Mr. LUGAR, and Mr. BIDEN)) proposed an amendment to the concurrent resolution H. Con. Res. 398, expressing the concern of Congress over Iran's development of the means to produce nuclear weapons.

SA 3573. Mr. FRIST (for Mr. KYL (for himself and Mrs. FEINSTEIN)) proposed an amendment to the concurrent resolution H. Con. Res. 398, supra.

SA 3574. Mr. FRIST (for Mr. KYL (for himself and Mrs. FEINSTEIN)) proposed an amendment to the concurrent resolution H. Con. Res. 398, supra.

SA 3575. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 849, to provide for a land exchange in the State of Arizona between the Secretary of Agriculture and Yavapai Ranch Limited Partnership; which was referred to the Committee on Energy and Natural Resources.

TEXT OF AMENDMENTS

SA 3567. Mr. ROBERTS submitted an amendment intended to be proposed by him to the bill S. 2386, to authorize appropriations for fiscal year 2005 for intelligence and intelligence-related activities of the United States Government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; which was ordered to lie on the table; as follows:

On page 30, strike lines 10 through 16.

SA 3568. Mr. FRIST (for Mr. GREGG) submitted an amendment intended to be proposed by him to the bill S. 720, to amend title IX of the Public Health Service Act to provide for the improvement of patient safety and to reduce the incidence of events that adversely effect patient safety; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Patient Safety and Quality Improvement Act of 2004''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress makes the following findings:

(1) In 1999, the Institute of Medicine released a report entitled To Err is Human that described medical errors as the eighth leading cause of death in the United States, with as many as 98,000 people dying as a result of medical errors each year.

(2) To address these deaths and injuries due to medical errors, the health care system must identify and learn from such errors so that systems of care can be improved.

(3) In their report, the Institute of Medicine called on Congress to provide legal protections with respect to information reported for the purposes of quality improvement and patient safety.

(4) The Health, Education, Labor, and Pensions Committee of the Senate held 4 hearings in the 106th Congress and 1 hearing in the 107th Congress on patient safety where experts in the field supported the recommendation of the Institute of Medicine for congressional action.

(5) Myriad public and private patient safety initiatives have begun. The Quality Interagency Coordination Taskforce has recommended steps to improve patient safety that may be taken by each Federal agency

involved in health care and activities relating to these steps are ongoing.

(6) The research on patient safety unequivocally calls for a learning environment, rather than a punitive environment, in order to improve patient safety.

(7) Voluntary data gathering systems are more supportive than mandatory systems in creating the learning environment referred to in paragraph (6) as stated in the Institute of Medicine's report.

(8) Promising patient safety reporting systems have been established throughout the United States and the best ways to structure and use these systems are currently being determined, largely through projects funded by the Agency for Healthcare Research and Quality.

(9) Many organizations currently collecting patient safety data have expressed a need for legal protections that will allow them to review protected information and collaborate in the development and implementation of patient safety improvement strategies. Currently, the State peer review protections are inadequate to allow the sharing of information to promote patient safety.

(b) PURPOSES.—It is the purpose of this Act to—

(1) encourage a culture of safety and quality in the United States health care system by providing for legal protection of information reported voluntarily for the purposes of quality improvement and patient safety; and

(2) ensure accountability by raising standards and expectations for continuous quality improvements in patient safety.

SEC. 3. AMENDMENTS TO PUBLIC HEALTH SERVICE ACT.

Title IX of the Public Health Service Act (42 U.S.C. 299 et seq.) is amended—

(1) in section 912(c), by inserting '', in accordance with part C,'' after ''The Director shall'';

(2) by redesignating part C as part D;

(3) by redesignating sections 921 through 928, as sections 931 through 938, respectively;

(4) in 934(d) (as so redesignated), by striking the second sentence and inserting the following: ''Penalties provided for under this section shall be imposed and collected by the Secretary using the administrative and procedural processes used to impose and collect civil money penalties under section 1128A of the Social Security Act (other than subsections (a) and (b), the second sentence of subsection (f), and subsections (i), (m), and (n)), unless the Secretary determines that a modification of procedures would be more suitable or reasonable to carry out this subsection and provides for such modification by regulation.'';

(5) in section 938(1) (as so redesignated), by striking ''921'' and inserting ''931''; and

(6) by inserting after part B the following:

''PART C—PATIENT SAFETY IMPROVEMENT

''SEC. 921. DEFINITIONS.

''In this part:

''(1) NON-IDENTIFIABLE INFORMATION.—

''(A) IN GENERAL.—The term 'non-identifiable information' means, with respect to information, that the information is presented in a form and manner that prevents the identification of a provider, a patient, or a reporter of patient safety data.

''(B) IDENTIFIABILITY OF PATIENT.—For purposes of subparagraph (A), the term 'presented in a form and manner that prevents the identification of a patient' means, with respect to information that has been subject to rules promulgated pursuant to section 264(c) of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d–2 note), that the information has been de-identified so that it is no longer individually identifiable health information as defined in such rules.

''(2) PATIENT SAFETY DATA.—

''(A) IN GENERAL.—The term 'patient safety data' means—

''(i) any data, reports, records, memoranda, analyses (such as root cause analyses), or written or oral statements that are—

''(I) collected or developed by a provider for reporting to a patient safety organization, provided that they are reported to the patient safety organization within 60 days;

''(II) requested by a patient safety organization (including the contents of such request), if they are reported to the patient safety organization within 60 days;

''(III) reported to a provider by a patient safety organization; or

''(IV) collected by a patient safety organization from another patient safety organization, or developed by a patient safety organization;

that could result in improved patient safety, health care quality, or health care outcomes; or

''(ii) any deliberative work or process with respect to any patient safety data described in clause (i).

''(B) LIMITATION.—

''(i) COLLECTION.—If the original material from which any data, reports, records, memoranda, analyses (such as root cause analyses), or written or oral statements referred to in subclause (I) or (IV) of subparagraph (A)(i) are collected and is not patient safety data, the act of such collection shall not make such original material patient safety data for purposes of this part.

''(ii) SEPARATE DATA.—The term 'patient safety data' shall not include information (including a patient's medical record, billing and discharge information or any other patient or provider record) that is collected or developed separately from and that exists separately from patient safety data. Such separate information or a copy thereof submitted to a patient safety organization shall not itself be considered as patient safety data. Nothing in this part, except for section 922(f)(1), shall be construed to limit—

''(I) the discovery of or admissibility of information described in this subparagraph in a criminal, civil, or administrative proceeding;

''(II) the reporting of information described in this subparagraph to a Federal, State, or local governmental agency for public health surveillance, investigation, or other public health purposes or health oversight purposes; or

''(III) a provider's recordkeeping obligation with respect to information described in this subparagraph under Federal, State, or local law.

''(3) PATIENT SAFETY ORGANIZATION.—The term 'patient safety organization' means a private or public entity or component thereof that is currently listed by the Secretary pursuant to section 924(c).

''(4) PATIENT SAFETY ORGANIZATION ACTIVITIES.—The term 'patient safety organization activities' means the following activities, which are deemed to be necessary for the proper management and administration of a patient safety organization:

''(A) The conduct, as its primary activity, of efforts to improve patient safety and the quality of health care delivery.

''(B) The collection and analysis of patient safety data that are submitted by more than one provider.

''(C) The development and dissemination of information to providers with respect to improving patient safety, such as recommendations, protocols, or information regarding best practices.

''(D) The utilization of patient safety data for the purposes of encouraging a culture of safety and of providing direct feedback and assistance to providers to effectively minimize patient risk.

''(E) The maintenance of procedures to preserve confidentiality with respect to patient safety data.

''(F) The provision of appropriate security measures with respect to patient safety data.

''(G) The utilization of qualified staff.

''(5) PERSON.—The term 'person' includes Federal, State, and local government agencies.

''(6) PROVIDER.—The term 'provider' means—

''(A) a person licensed or otherwise authorized under State law to provide health care services, including—

''(i) a hospital, nursing facility, comprehensive outpatient rehabilitation facility, home health agency, hospice program, renal dialysis facility, ambulatory surgical center, pharmacy, physician or health care practitioner's office, long term care facility, behavior health residential treatment facility, clinical laboratory, or health center; or

''(ii) a physician, physician assistant, nurse practitioner, clinical nurse specialist, certified registered nurse anesthetist, certified nurse midwife, psychologist, certified social worker, registered dietitian or nutrition professional, physical or occupational therapist, pharmacist, or other individual health care practitioner; or

''(B) any other person specified in regulations promulgated by the Secretary.

''SEC. 922. PRIVILEGE AND CONFIDENTIALITY PROTECTIONS.

''(a) PRIVILEGE.—Notwithstanding any other provision of Federal, State, or local law, patient safety data shall be privileged and, subject to the provisions of subsection (c)(1), shall not be—

''(1) subject to a Federal, State, or local civil, criminal, or administrative subpoena;

''(2) subject to discovery in connection with a Federal, State, or local civil, criminal, or administrative proceeding;

''(3) disclosed pursuant to section 552 of title 5, United States Code (commonly known as the Freedom of Information Act) or any other similar Federal, State, or local law;

''(4) admitted as evidence or otherwise disclosed in any Federal, State, or local civil, criminal, or administrative proceeding; or

''(5) utilized in a disciplinary proceeding against a provider.

''(b) CONFIDENTIALITY.—Notwithstanding any other provision of Federal, State, or local law, and subject to the provisions of subsections (c) and (d), patient safety data shall be confidential and shall not be disclosed.

''(c) EXCEPTIONS TO PRIVILEGE AND CONFIDENTIALITY.—Nothing in this section shall be construed to prohibit one or more of the following uses or disclosures:

''(1) Disclosure by a provider or patient safety organization of relevant patient safety data for use in a criminal proceeding only after a court makes an in camera determination that such patient safety data contains evidence of a wanton and criminal act to directly harm the patient.

''(2) Voluntary disclosure of non-identifiable patient safety data by a provider or a patient safety organization.

''(d) PROTECTED DISCLOSURE AND USE OF INFORMATION.—Nothing in this section shall be construed to prohibit one or more of the following uses or disclosures:

''(1) Disclosure of patient safety data by a person that is a provider, a patient safety organization, or a contractor of a provider or patient safety organization, to another such person, to carry out patient safety organization activities.

''(2) Disclosure of patient safety data by a provider or patient safety organization to

grantees or contractors carrying out patient safety research, evaluation, or demonstration projects authorized by the Director.

''(3) Disclosure of patient safety data by a provider to an accrediting body that accredits that provider.

''(4) Voluntary disclosure of patient safety data by a patient safety organization to the Secretary for public health surveillance if the consent of each provider identified in, or providing, such data is obtained prior to such disclosure. Nothing in the preceding sentence shall be construed to prevent the release of patient safety data that is provided by, or that relates solely to, a provider from which the consent described in such sentence is obtained because one or more other providers do not provide such consent with respect to the disclosure of patient safety date that relates to such nonconsenting providers. Consent for the future release of patient safety data for such purposes may be requested by the patient safety organization at the time the data is submitted.

''(5) Voluntary disclosure of patient safety data by a patient safety organization to State or local government agencies for public health surveillance if the consent of each provider identified in, or providing, such data is obtained prior to such disclosure. Nothing in the preceding sentence shall be construed to prevent the release of patient safety data that is provided by, or that relates solely to, a provider from which the consent described in such sentence is obtained because one or more other providers do not provide such consent with respect to the disclosure of patient safety date that relates to such nonconsenting providers. Consent for the future release of patient safety data for such purposes may be requested by the patient safety organization at the time the data is submitted.

''(e) CONTINUED PROTECTION OF INFORMATION AFTER DISCLOSURE.—

''(1) IN GENERAL.—Except as provided in paragraph (2), patient safety data that is used or disclosed shall continue to be privileged and confidential as provided for in subsections (a) and (b), and the provisions of such subsections shall apply to such data in the possession or control of—

''(A) a provider or patient safety organization that possessed such data before the use or disclosure; or

''(B) a person to whom such data was disclosed.

''(2) EXCEPTION.—Notwithstanding paragraph (1), and subject to paragraph (3)—

''(A) if patient safety data is used or disclosed as provided for in subsection (c)(1), and such use or disclosure is in open court, the confidentiality protections provided for in subsection (b) shall no longer apply to such data; and

''(B) if patient safety data is used or disclosed as provided for in subsection (c)(2), the privilege and confidentiality protections provided for in subsections (a) and (b) shall no longer apply to such data.

''(3) CONSTRUCTION.—Paragraph (2) shall not be construed as terminating or limiting the privilege or confidentiality protections provided for in subsection (a) or (b) with respect to data other than the specific data used or disclosed as provided for in subsection (c).

''(f) LIMITATION ON ACTIONS.—

''(1) PATIENT SAFETY ORGANIZATIONS.—Except to enforce disclosures pursuant to subsection (c)(1), no action may be brought or process served against a patient safety organization to compel disclosure of information collected or developed under this part whether or not such information is patient safety data unless such information is specifically identified, is not patient safety data, and cannot otherwise be obtained.

''(2) PROVIDERS.—An accrediting body shall not take an accrediting action against a provider based on the good faith participation of the provider in the collection, development, reporting, or maintenance of patient safety data in accordance with this part. An accrediting body may not require a provider to reveal its communications with any patient safety organization established in accordance with this part.

''(g) REPORTER PROTECTION.—

''(1) IN GENERAL.—A provider may not take an adverse employment action, as described in paragraph (2), against an individual based upon the fact that the individual in good faith reported information—

''(A) to the provider with the intention of having the information reported to a patient safety organization; or

''(B) directly to a patient safety organization.

''(2) ADVERSE EMPLOYMENT ACTION.—For purposes of this subsection, an 'adverse employment action' includes—

''(A) loss of employment, the failure to promote an individual, or the failure to provide any other employment-related benefit for which the individual would otherwise be eligible; or

''(B) an adverse evaluation or decision made in relation to accreditation, certification, credentialing, or licensing of the individual.

''(h) ENFORCEMENT.—

''(1) PROHIBITION.—Except as provided in subsections (c) and (d) and as otherwise provided for in this section, it shall be unlawful for any person to negligently or intentionally disclose any patient safety data, and any such person shall, upon adjudication, be assessed in accordance with section 934(d).

''(2) RELATION TO HIPAA.—The penalty provided for under paragraph (1) shall not apply if the defendant would otherwise be subject to a penalty under the regulations promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d-2 note) or under section 1176 of the Social Security Act (42 U.S.C. 1320d-5) for the same disclosure.

''(3) EQUITABLE RELIEF.—

''(A) IN GENERAL.—Without limiting remedies available to other parties, a civil action may be brought by any aggrieved individual to enjoin any act or practice that violates subsection (g) and to obtain other appropriate equitable relief (including reinstatement, back pay, and restoration of benefits) to redress such violation.

''(B) AGAINST STATE EMPLOYEES.—An entity that is a State or an agency of a State government may not assert the privilege described in subsection (a) unless before the time of the assertion, the entity or, in the case of and with respect to an agency, the State has consented to be subject to an action as described by this paragraph, and that consent has remained in effect.

''(i) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to—

''(1) limit other privileges that are available under Federal, State, or local laws that provide greater confidentiality protections or privileges than the privilege and confidentiality protections provided for in this section;

''(2) limit, alter, or affect the requirements of Federal, State, or local law pertaining to information that is not privileged or confidential under this section;

''(3) alter or affect the implementation of any provision of section 264(c) of the Health Insurance Portability and Accountability Act of 1996 (Public Law 104–191; 110 Stat. 2033), section 1176 of the Social Security Act (42 U.S.C. 1320d-5), or any regulation promulgated under such sections;

''(4) limit the authority of any provider, patient safety organization, or other person to enter into a contract requiring greater confidentiality or delegating authority to make a disclosure or use in accordance with subsection (c) or (d); and

''(5) prohibit a provider from reporting a crime to law enforcement authorities, regardless of whether knowledge of the existence of, or the description of, the crime is based on patient safety data, so long as the provider does not disclose patient safety data in making such report.

''SEC. 923. PATIENT SAFETY NETWORK OF DATABASES.

''(a) IN GENERAL.—The Secretary shall maintain a patient safety network of databases that provides an interactive evidence-based management resource for providers, patient safety organizations, and other persons. The network of databases shall have the capacity to accept, aggregate, and analyze nonidentifiable patient safety data voluntarily reported by patient safety organizations, providers, or other persons.

''(b) NETWORK OF DATABASE STANDARDS.—The Secretary may determine common formats for the reporting to the patient safety network of databases maintained under subsection (a) of nonidentifiable patient safety data, including necessary data elements, common and consistent definitions, and a standardized computer interface for the processing of such data. To the extent practicable, such standards shall be consistent with the administrative simplification provisions of Part C of title XI of the Social Security Act.

''SEC. 924. PATIENT SAFETY ORGANIZATION CERTIFICATION AND LISTING.

''(a) CERTIFICATION.—

''(1) INITIAL CERTIFICATION.—Except as provided in paragraph (2), an entity that seeks to be a patient safety organization shall submit an initial certification to the Secretary that the entity intends to perform the patient safety organization activities.

''(2) DELAYED CERTIFICATION OF COLLECTION FROM MORE THAN ONE PROVIDER.—An entity that seeks to be a patient safety organization may—

''(A) submit an initial certification that it intends to perform patient safety organization activities other than the activities described in subparagraph (B) of section 921(4); and

''(B) within 2 years of submitting the initial certification under subparagraph (A), submit a supplemental certification that it performs the patient safety organization activities described in subparagraphs (A) through (F) of section 921(4).

''(3) EXPIRATION AND RENEWAL.—

''(A) EXPIRATION.—An initial certification under paragraph (1) or (2)(A) shall expire on the date that is 3 years after it is submitted.

''(B) RENEWAL.—

''(i) IN GENERAL.—An entity that seeks to remain a patient safety organization after the expiration of an initial certification under paragraph (1) or (2)(A) shall, within the 3-year period described in subparagraph (A), submit a renewal certification to the Secretary that the entity performs the patient safety organization activities described in section 921(4).

''(ii) TERM OF RENEWAL.—A renewal certification under clause (i) shall expire on the date that is 3 years after the date on which it is submitted, and may be renewed in the same manner as an initial certification.

''(b) ACCEPTANCE OF CERTIFICATION.—Upon the submission by an organization of an initial certification pursuant to subsection (a)(1) or (a)(2)(A), a supplemental certification pursuant to subsection (a)(2)(B), or a renewal certification pursuant to subsection

(a)(3)(B), the Secretary shall review such certification and—

''(1) if such certification meets the requirements of subsection (a)(1), (a)(2)(A), (a)(2)(B), or (a)(3)(B), as applicable, the Secretary shall notify the organization that such certification is accepted; or

''(2) if such certification does not meet such requirements, as applicable, the Secretary shall notify the organization that such certification is not accepted and the reasons therefor.

''(c) LISTING.—

''(1) IN GENERAL.—Except as otherwise provided in this subsection, the Secretary shall compile and maintain a current listing of patient safety organizations with respect to which the Secretary has accepted a certification pursuant to subsection (b).

''(2) REMOVAL FROM LISTING.—The Secretary shall remove from the listing under paragraph (1)—

''(A) an entity with respect to which the Secretary has accepted an initial certification pursuant to subsection (a)(2)(A) and which does not submit a supplemental certification pursuant to subsection (a)(2)(B) that is accepted by the Secretary;

''(B) an entity whose certification expires and which does not submit a renewal application that is accepted by the Secretary; and

''(C) an entity with respect to which the Secretary revokes the Secretary's acceptance of the entity's certification, pursuant to subsection (d).

''(d) REVOCATION OF ACCEPTANCE.—

''(1) IN GENERAL.—Except as provided in paragraph (2), if the Secretary determines (through a review of patient safety organization activities) that a patient safety organization does not perform one of the patient safety organization activities described in subparagraph (A) through (F) of section 921(4), the Secretary may, after notice and an opportunity for a hearing, revoke the Secretary's acceptance of the certification of such organization.

''(2) DELAYED CERTIFICATION OF COLLECTION FROM MORE THAN ONE PROVIDER.—A revocation under paragraph (1) may not be based on a determination that the organization does not perform the activity described in section 921(4)(B) if—

''(A) the listing of the organization is based on its submittal of an initial certification under subsection (a)(2)(A);

''(B) the organization has not submitted a supplemental certification under subsection (a)(2)(B); and

''(C) the 2-year period described in subsection (a)(2)(B) has not expired.

''(e) NOTIFICATION OF REVOCATION OR REMOVAL FROM LISTING.—

''(1) SUPPLYING CONFIRMATION OF NOTIFICATION TO PROVIDERS.—Within 15 days of a revocation under subsection (d)(1), a patient safety organization shall submit to the Secretary a confirmation that the organization has taken all reasonable actions to notify each provider whose patient safety data is collected or analyzed by the organization of such revocation.

''(2) PUBLICATION.—Upon the revocation of an acceptance of an organization's certification under subsection (d)(1), or upon the removal of an organization from the listing under subsection (c)(2), the Secretary shall publish notice of the revocation or removal in the Federal Register.

''(f) STATUS OF DATA AFTER REMOVAL FROM LISTING.—

''(1) NEW DATA.—With respect to the privilege and confidentiality protections described in section 922, data submitted to an organization within 30 days after the organization is removed from the listing under subsection (c)(2) shall have the same status as data submitted while the organization was still listed.

''(2) PROTECTION TO CONTINUE TO APPLY.—If the privilege and confidentiality protections described in section 922 applied to data while an organization was listed, or during the 30-day period described in paragraph (1), such protections shall continue to apply to such data after the organization is removed from the listing under subsection (c)(2).

''(g) DISPOSITION OF DATA.—If the Secretary removes an organization from the listing as provided for in subsection (c)(2), with respect to the patient safety data that the organization received from providers, the organization shall—

''(1) with the approval of the provider and another patient safety organization, transfer such data to such other organization;

''(2) return such data to the person that submitted the data; or

''(3) if returning such data to such person is not practicable, destroy such data.

''SEC. 925. TECHNICAL ASSISTANCE.

''The Secretary, acting through the Director, may provide technical assistance to patient safety organizations, including convening annual meetings for patient safety organizations to discuss methodology, communication, data collection, or privacy concerns.

''SEC. 926. PROMOTING THE INTEROPERABILITY OF HEALTH CARE INFORMATION TECHNOLOGY SYSTEMS.

''(a) DEVELOPMENT.—Not later than 36 months after the date of enactment of the Patient Safety and Quality Improvement Act of 2004, the Secretary shall develop or adopt voluntary standards that promote the electronic exchange of health care information.

''(b) UPDATES.—The Secretary shall provide for the ongoing review and periodic updating of the standards developed under subsection (a).

''(c) DISSEMINATION.—The Secretary shall provide for the dissemination of the standards developed and updated under this section.

''SEC. 927. AUTHORIZATION OF APPROPRIATIONS.

''There is authorized to be appropriated such sums as may be necessary to carry out this part.''.

SEC. 4. STUDIES AND REPORTS.

(a) IN GENERAL.—The Secretary of Health and Human Services shall enter into a contract (based upon a competitive contracting process) with an appropriate research organization for the conduct of a study to assess the impact of medical technologies and therapies on patient safety, patient benefit, health care quality, and the costs of care as well as productivity growth. Such study shall examine—

(1) the extent to which factors, such as the use of labor and technological advances, have contributed to increases in the share of the gross domestic product that is devoted to health care and the impact of medical technologies and therapies on such increases;

(2) the extent to which early and appropriate introduction and integration of innovative medical technologies and therapies may affect the overall productivity and quality of the health care delivery systems of the United States; and

(3) the relationship of such medical technologies and therapies to patient safety, patient benefit, health care quality, and cost of care.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary of Health and Human Services shall prepare and submit to the appropriate committees of Congress a report containing the results of the study conducted under subsection (a).

SA 3569. Mr. FRIST (for Mr. KYL (for himself, Mrs. FEINSTEIN, Mr. LUGAR, and Mr. BIDEN)) proposed an amendment to the concurrent resolution S. Con. Res. 81, expressing the concern of Congress over Iran's development of the means to produce nuclear weapons; as follows:

Strike all after the resolving clause and insert the following:

That Congress—

(1) condemns—

(A) the failure of the Government of Iran for nearly two decades to report material, facilities, and activities to the International Atomic Energy Agency (IAEA) in contravention of its obligations under its Safeguards Agreement; and

(B) Iran's continuing deceptions and falsehoods to the IAEA and the international community about its nuclear programs and activities;

(2) concurs with the conclusion reached in the Department of State's Annual Report on Adherence to and Compliance with Arms Control and Non-Proliferation Agreements and Commitments that Iran is pursuing a program to develop nuclear weapons;

(3) urges the President to provide to the IAEA whatever financial, material, or intelligence resources are necessary to enable the IAEA it to fully investigate Iran's nuclear activities;

(4) calls upon all states party to the Treaty on the Non-Proliferation of Nuclear Weapons, done at Washington, London, and Moscow July 1, 1968, and entered into force March 5, 1970 (hereafter in this resolution referred to as the ''Nuclear Non-Proliferation Treaty''), including the United States, to use appropriate means to prevent Iran from acquiring nuclear weapons, including the suspension of all nuclear and other cooperation with Iran, including the provision of dual use items, until Iran fully implements the Additional Protocol to its Safeguards Agreement with the IAEA (hereafter in this resolution referred to as the ''Additional Protocol'') and is clearly in compliance with its obligations under the Nuclear Non-Proliferation Treaty;

(5) declares that Iran, through its many breaches during the past 18 years of its Safeguards Agreement with the IAEA, has forfeited the right to be trusted with the development of a full nuclear fuel cycle, especially with uranium conversion and enrichment and plutonium reprocessing technology, equipment, and facilities;

(6) declares that the revelations of Iran's nondisclosure of additional enrichment and nuclear-weapons-applicable research activities, as detailed in the reports of February 24, 2004, and June 1, 2004, by the Director General of the IAEA, together with the statement by the Government of Iran that it will not disclose other research programs, constitute ample evidence of Iran's continuing policy of noncompliance with the letter and spirit of its obligations under its Safeguards Agreement and the Additional Protocol;

(7) recognizes, in contrast with Iran's behavior, the positive example of Libya's decision to renounce and dismantle its nuclear weapons program and to provide full, complete, and transparent disclosure of all its nuclear activities, which has enabled the IAEA to rapidly understand and verify with high confidence the extent and scope of Libya's program and has led to the establishment of direct diplomatic relations with Libya, the gradual lifting of U.S. sanctions, and the establishment of cooperative programs between the United States and Libya;

(8) foresees a similar future for Iran, once that country renounces and dismantles its

weapons of mass destruction and long-range ballistic missile programs and renounces its support for international terrorist organizations;

(9) notes the assistance that the United States has provided to southeastern Iran since the Bam earthquake on December 26, 2003;

(10) calls upon Iran to immediately and permanently cease all efforts to acquire sensitive nuclear fuel cycle capabilities, in particular all uranium enrichment activities, including importing, manufacturing, and testing of related equipment;

(11) urges Iran to comply with its international commitments and to rescind its decisions—

(A) to manufacture and construct centrifuges;

(B) to produce feed material that could be used in those centrifuges; and

(C) to construct a heavy-water moderated reactor that could be used for plutonium production;

(12) calls upon Iran to honor its stated commitments and legal obligations—

(A) to grant IAEA inspectors prompt, full and unrestricted access;

(B) to cooperate fully with the investigation of its nuclear activities; and

(C) to demonstrate a new openness and honesty about all its nuclear programs;

(13) welcomes the June 26, 2004, declaration at the United States–E.U. Summit in Shannon, Ireland, in which the European Union and the United States pledged to implement United Nations Security Council Resolution 1540, which identifies actions states should take—

(A) to stop the proliferation of weapons of mass destruction;

(B) to establish new measures in accordance with the G8 Action Plan on Non-Proliferation, announced June 9, 2004, at the G8 Summit in Sea Island, Georgia; and

(C) to preserve the integrity of the Nuclear Non-Proliferation Treaty;

(14) urges close cooperation between the United States and the European Union in accordance with the reaffirmation in their June 26, 2004, declaration of ''the IAEA Board of Governors' Iran resolutions, which deplore Iran's insufficient cooperation and call on Iran, inter alia, to cooperate fully and in a timely and proactive manner, with IAEA investigation of its nuclear programme and suspend all enrichment-related and reprocessing activities'';

(15) calls upon the members of the European Union not to resume discussions with Iran on multilateral trade agreements until the IAEA Director General reports that Iran has suspended all nuclear weapons development activity, and not to implement such trade agreements until Iran has verifiably and permanently ceased all nuclear weapons development activity, including a permanent cessation of uranium conversion and enrichment and plutonium reprocessing activities;

(16) further calls upon the members of the European Union to undertake such additional measures, including imposing sanctions and sponsoring an IAEA Board of Governors report on non-compliance pursuant to Article XII of the IAEA Statute, as may be necessary to persuade Iran to cease all nuclear weapons development activity and to fulfill its obligations and commitments to the IAEA;

(17) in light of ongoing revelations of the noncompliance of the Government of Iran regarding its obligations under the Nuclear Non-Proliferation Treaty and pledges to the IAEA, and in light of the consequent and ongoing questions and concerns of the IAEA, the United States, and the international community regarding Iran's nuclear activities—

(A) urges Japan to ensure that Japanese commercial entities not proceed with the development of Iran's Azadegan oil field;

(B) urges France and Malaysia to ensure that French and Malaysian commercial entities not proceed with their agreement for further cooperation in expanding Iran's liquid natural gas production field;

(C) calls on all countries to intercede with their commercial entities to ensure that these entities refrain from or suspend all investment and investment-related activities that support Iran's energy industry; and

(D) calls on Member States of the United Nations to prevent the Government of Iran from continuing to pursue and develop programs or facilities that could be used in a nuclear weapons program and to end all nuclear cooperation with Iran, including the provision of dual use items, until Iran complies fully with its Safeguards Agreement with the IAEA and its obligations under the Nuclear Non-Proliferation Treaty;

(18) deplores any effort by any country to provide nuclear power-related assistance to Iran at this time, and calls upon Russia—

(A) to use all appropriate means to urge Iran to meet fully its obligations and commitments to the IAEA; and

(B) to suspend nuclear cooperation with Iran and not conclude a nuclear fuel supply agreement for the Bushehr reactor that would enter into force before Iran has verifiably and permanently ceased all nuclear weapons development activity, including a permanent cessation of uranium conversion and enrichment and plutonium reprocessing activities;

(19) calls upon the governments of the countries whose nationals and corporations are implicated in assisting Iranian nuclear activities, including Pakistan, Malaysia, the United Arab Emirates, and Germany—

(A) to fully investigate such assistance;

(B) to grant the IAEA all necessary access to individuals, sites, and information related to the investigations;

(C) to take all appropriate action against such nationals and corporations under the laws of those countries; and

(D) to immediately review and rectify their export control laws, regulations, and practices in order to prevent further assistance to countries pursuing nuclear programs that could support the development of nuclear weapons;

(20) urges the IAEA Board of Governors, in accordance with Article XII of the IAEA Statute—

(A) to report to the United Nations Security Council that Iran has been in noncompliance with its agreements with the IAEA; and

(B) as appropriate, to specify areas in which Iran continues to be in noncompliance with its agreements with the IAEA or with the Nuclear Non-Proliferation Treaty, or in which its compliance is uncertain;

(21) urges the United Nations Security Council, bearing in mind its decision in Resolution 1540 that the ''proliferation of nuclear, chemical and biological weapons, as well as their means of delivery, constitutes a threat to international peace and security,'' to consider measures necessary—

(A) to support the inspection efforts by the IAEA; and

(B) to prevent Iran from further engaging in clandestine nuclear activities;

(22) further urges the United Nations Security Council, immediately upon receiving any report from the IAEA regarding the continuing non-compliance of Iran with its obligations, to address the threat to international peace and security posed by Iran's nuclear weapons program and take such action as may be necessary under Article 39, Article 40, and Article 41 of the Charter of the United Nations;

(23) urges the United Nations Security Council, the Nuclear Suppliers Group, the Zangger Committee, and other relevant international entities to declare that non-nuclear-weapon states under the Nuclear Non-Proliferation Treaty that commit significant violations of their safeguards agreements regarding uranium enrichment or plutonium reprocessing or engage in activities intended to support a military nuclear program thereby forfeit their right under the Nuclear Non-Proliferation Treaty to engage in nuclear fuel-cycle activities;

(24) further urges the United Nations Security Council, the Nuclear Suppliers Group, the Zangger Committee, the International Atomic Energy Agency, other relevant international entities, and all states party to the Nuclear Non-Proliferation Treaty, including the United States, to seek consensus, no later than the 2005 Nuclear Non-Proliferation Treaty Review Conference in Geneva, Switzerland, on the best and most equitable means to limit the right of non-nuclear weapons states to engage in those nuclear fuel cycle activities that could contribute to the development of nuclear weapons, while providing those states assured and affordable access to—

(A) nuclear reactor fuel and other materials used in peaceful nuclear activities; and

(B) spent fuel management; and

(25) urges the President to keep Congress fully and currently informed concerning the matters addressed in this resolution.

SA 3570. Mr. FRIST (for Mr. KYL) proposed an amendment to the concurrent resolution S. Con. Res. 81, expressing the concern of Congress over Iran's development of the means to produce nuclear weapons; as follows:

Whereas it is the policy of the United States to oppose, and urgently to seek the agreement of other nations also to oppose, any transfer to Iran of any goods or technology, including dual-use goods or technology, wherever that transfer could contribute to its acquiring chemical, biological, or nuclear weapons;

Whereas the United Nations Security Council decided, in United Nations Security Council Resolution 1540, that ''all States shall refrain from providing any form of support to non-State actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical, or biological weapons and their means of delivery'';

Whereas the United States has imposed sanctions numerous times on persons and entities transferring equipment and technical data to Iran to assist its weapons of mass destruction programs;

Whereas on January 1, 1968, Iran signed the Treaty on the Non-Proliferation of Nuclear Weapons, done at Washington, London, and Moscow July 1, 1968, and entered into force March 5, 1970 (the ''Nuclear Non-Proliferation Treaty'');

Whereas Iran, as a party to the Nuclear Non-Proliferation Treaty as a non-nuclear weapons state, is obligated never to develop or acquire nuclear weapons;

Whereas Iran did not declare to the International Atomic Energy Agency (IAEA) the existence of the Natanz Pilot Fuel Enrichment Plant and the production-scale Fuel Enrichment Facility under construction at Natanz until February 2003, after the existence of the plant and facility was revealed by an opposition group;

Whereas it is estimated that the Natanz Pilot Fuel Enrichment Plant could produce

enough highly enriched uranium for a nuclear weapon every year-and-a-half to two years;

Whereas it is estimated that the Natanz Fuel Enrichment Facility could, when completed, produce enough highly enriched uranium for as many as 25 to 30 nuclear weapons per year;

Whereas, in his report of June 6, 2003, the Director General of the IAEA stated that Iran had failed to meet its obligations under its Safeguards Agreement with the IAEA to report all nuclear material imported into Iran—specifically, the importation of uranium hexafluoride, uranium tetrafluoride and uranium dioxide in 1991—the processing and use of that material, and the facilities involved in the use and processing of the material;

Whereas the IAEA Director General stated in the same report that Iran had produced uranium metal and was building a uranium metal processing facility, despite the fact that neither its light water reactors nor its planned heavy water reactors require uranium metal for fuel;

Whereas the IAEA Board of Governors urged Iran in June 2003 to promptly rectify its failures to meet its obligations under its Safeguards Agreement, not to introduce nuclear material into the Natanz Pilot Fuel Enrichment Plant, and to cooperate fully with the Agency in resolving questions about its nuclear activities;

Whereas the IAEA Director General reported to the Board of Governors of the IAEA in August 2003 that Iran had failed to disclose additional nuclear activities as required by its Safeguards Agreement and continued to fail to resolve questions about its undeclared uranium enrichment activities, including those raised by the detection of two types of highly enriched uranium particles at the Natanz Pilot Fuel Enrichment Plant;

Whereas on August 19, 2003, after earlier denials, Iran admitted in a letter that it had carried out uranium conversion experiments in the early 1990's, experiments that included bench scale preparation of uranium compounds and that should have been disclosed to the IAEA in accordance with its obligations under its Safeguards Agreement;

Whereas the IAEA Board of Governors on September 12, 2003, called on Iran to suspend all further uranium enrichment and any plutonium reprocessing activities, disclose all its nuclear activities, and cooperate fully with the IAEA, and to sign, ratify, and fully implement the Additional Protocol between Iran and the IAEA for the application of safeguards (the ''Additional Protocol'') to strengthen investigation of all nuclear activities within Iran, and requested all third countries to cooperate closely and fully with the IAEA in resolving questions about Iran's nuclear program;

Whereas IAEA inspectors and officials continued to confront Iran with discrepancies in its explanations of its nuclear activities;

Whereas on October 21, 2003, Iran and the Foreign Ministers of France, Germany, and the United Kingdom issued a joint statement in which Iran indicated that it had decided to suspend all uranium enrichment and reprocessing activities as defined by the IAEA;

Whereas the Governments of France, Germany, and the United Kingdom promised a dialogue with Iran to ease Iran's access to modern technologies and supplies in a range of areas once certain international concerns regarding Iran are fully resolved;

Whereas, in a subsequent letter on October 23, 2003, Iran further admitted that it had tested uranium enrichment centrifuges at the Kalaye Electric Company between 1998 and 2002 using its previously undeclared imported uranium hexafluoride;

Whereas in that same letter, Iran admitted that it had a laser uranium enrichment program, in which it used 30 kilograms of uranium not previously declared to the IAEA, another violation of its Safeguards Agreement;

Whereas Iran indicated initially that its laser enrichment program had achieved uranium enrichment levels of slightly more than 3 percent, but the Director General's report of June 1, 2004, states that the IAEA later learned that Iran ''had been able to achieve average enrichment levels of 8 percent to 9 percent, with some samples of up to approximately 15 percent'';

Whereas the June 1, 2004, report states also that Iran's declaration of October 21, 2003, failed to include information that should have been provided, including the fact that ''some samples from'' the laser uranium enrichment project ''had been sent for assessment to the supplier's laboratory'';

Whereas, in its letter of October 23, 2003, Iran also admitted that it had irradiated 7 kilograms of uranium dioxide targets and reprocessed them to extract plutonium, another violation of its legal obligation to disclose such activities under its Safeguards Agreement;

Whereas Iran told the IAEA on November 10, 2003, that it would sign and ratify the Additional Protocol and would act in accordance with the Additional Protocol pending its entry-into-force;

Whereas, on November 10, 2003, Iran further informed the IAEA Director General that it had decided to suspend all enrichment and reprocessing activities in Iran, not to produce feed material for enrichment processes, and not to import enrichment related items;

Whereas the IAEA, through its investigative and forensic activities in Iran and elsewhere, has uncovered and confronted Iran about numerous lies concerning its nuclear activities;

Whereas the Director General of the IAEA reported to the IAEA Board of Governors on November 10, 2003, that Iran has concealed many aspects of its nuclear activities from the IAEA, in breach of its obligations under its Safeguards Agreement;

Whereas, despite Iran's subsequent pledge to, once again, fully disclose all of its nuclear activities to the IAEA, the Director General of the IAEA, in a February 24, 2004, report, found that Iran continued to engage in deception regarding its nuclear activities, including failing to disclose a more sophisticated enrichment program using more advanced enrichment centrifuge technology imported from foreign sources, and providing incomplete and unsupported explanations about experiments to create a highly toxic isotope of polonium that outside experts say is useful as a neutron initiator in nuclear weapons;

Whereas the Director General's reports of February 24, 2001, and June 1, 2004, stated that environmental samples from one room at the Kalaye Electric Company workshop and from equipment that had been present in that workshop showed more than trace quantities of uranium enriched to 36 percent U–235, despite finding only negligible traces of this on imported centrifuge components, and that the types of uranium contamination at that workshop differed from those found at Natanz, which would appear to contradict Iran's assertion that the source of contamination at both sites is imported centrifuge components and perhaps also its assertion that it has not enriched uranium to more than 1.2 percent U–235 using centrifuge technology;

Whereas the Director General stated in the June 1, 2004, report, that ''the contamination is different on domestic and imported centrifuges,'' that ''it is unlikely'' that the 36 percent U–235 contamination was due to components acquired from Iran's principal supplier country, and that ''important information about the P–2 centrifuge programme has frequently required repeated requests, and in some cases continues to involve changing or contradictory information'';

Whereas these deceptions by Iran are continuing violations of Iran's Safeguards Agreement and of Iran's previous assurances to the IAEA and the international community of full transparency;

Whereas despite Iran's commitment to the IAEA and to France, Germany, and the United Kingdom that it would suspend uranium enrichment activities, it has repeatedly emphasized that this suspension is temporary and continued to manufacture and, until April 2004, to import, uranium enrichment centrifuge parts and equipment, allowing it to resume and expand its uranium enrichment activities whenever it chooses;

Whereas the statements on February 25, 2004, of Hassan Rowhani, Secretary of the Supreme National Security Council of Iran, that Iran was not required to reveal to the IAEA its research into more sophisticated ''P2'' uranium enrichment centrifuges, and that Iran has other projects which it has no intention of declaring to the IAEA, are contrary to—

(1) Iran's commitment to the IAEA in an October 16, 2003, letter from the Vice President of Iran and the President of Iran's Atomic Energy Organization that Iran would present a ''full picture of its nuclear activities'' and ''full transparency'';

(2) Iran's commitment to the foreign ministers of the United Kingdom, France, and Germany of October 21, 2003, to full transparency and to resolve all outstanding issues; and

(3) its statement to the IAEA's Board of Governors of September 12, 2003, of its commitment to full transparency and to ''leave no stone unturned'' to assure the IAEA of its peaceful objectives;

Whereas Libya received enrichment equipment and technology, and a nuclear weapons design, from the same nuclear black market that Iran has used, raising the question of whether Iran, as well, received a nuclear weapon design that it has refused to reveal to international inspectors;

Whereas the Russian Federation has announced that it will soon conclude an agreement to supply Iran with enriched nuclear fuel for the Bushehr nuclear power reactor, which, if implemented, would undercut the international effort to persuade Iran to cease its nuclear weapons development program;

Whereas the IAEA Board of Governors' resolution of March 13, 2004, which was adopted unanimously, noted with ''serious concern that the declarations made by Iran in October 2003 did not amount to the complete and final picture of Iran's past and present nuclear programme considered essential by the Board's November 2003 resolution,'' and also noted that the IAEA has discovered that Iran had hidden more advanced centrifuge associated research, manufacturing, and testing activities, two mass spectrometers used in the laser enrichment program, and designs for hot cells to handle highly radioactive materials;

Whereas the same resolution also noted ''with equal concern that Iran has not resolved all questions regarding the development of its enrichment technology to its current extent, and that a number of other questions remain unresolved, including the sources of all HEU contamination in Iran; the location, extent and nature of work undertaken on the basis of the advanced centrifuge design; the nature, extent, and purpose of activities involving the planned

heavy-water reactor; and evidence to support claims regarding the purpose of polonium-210 experiments'';

Whereas Hassan Rowhani on March 13, 2004, declared that IAEA inspections would be indefinitely suspended as a protest against the IAEA Board of Governors' resolution of March 13, 2004, and while Iran subsequently agreed to readmit inspectors to one site by March 29, 2004, and to others in mid-April, 2004, including four workshops belonging to the Defence Industries Organization, this suspension calls into serious question Iran's commitment to full transparency about its nuclear activities;

Whereas Iran informed the IAEA on April 29, 2004, of its intent to produce uranium hexafluoride in amounts that the IAEA concluded would constitute production of feed material for uranium centrifuges and wrote in a letter of May 18, 2004, that its suspension of all uranium enrichment activities ''does not include suspension of production of UF6,'' which contradicted assurances provided in its letter of November 10, 2003;

Whereas the IAEA Board of Governors' resolution of June 18, 2004, which was also adopted unanimously, ''deplores'' the fact that ''Iran's cooperation has not been as full, timely and proactive as it should have been'' and ''underlines that, with the passage of time, it is becoming ever more important that Iran work proactively to enable the Agency to gain a full understanding of Iran's enrichment programme by providing all relevant information, as well as by providing prompt access to all relevant places, data and persons'';

Whereas the same resolution also expresses regret that Iran's suspension ''commitments have not been comprehensively implemented and calls on Iran immediately to correct all remaining shortcomings'';

Whereas the same resolution also calls on Iran, as further confidence-building measures, voluntarily to reconsider its decision to begin production testing at the Uranium Conversion Facility and its decision to start construction of a research reactor moderated by heavy water, as the reversal of those decisions would make it easier for Iran to restore international confidence undermined by past reports of undeclared nuclear activities in Iran;

Whereas Iran then announced its decision to resume production of centrifuge components, notwithstanding both the IAEA Board of Governors resolution of September 12, 2003, which called on Iran ''to suspend all further uranium enrichment-related activities,'' and Iran's voluntary suspension of all uranium enrichment activities pursuant to its agreement of October 21, 2003, with the foreign ministers of the United Kingdom, France, and Germany;

Whereas Iran's pattern of deception and concealment in dealing with the IAEA, the Foreign Ministers of France, Germany, and the United Kingdom, and the international community, its receipt from other countries of the means to enrich uranium, its use of sources who provided a nuclear weapon design to another country, its production of centrifuge components at Defence Industries Organization workshops, and its repeated breaches of its Safeguards Agreement suggest strongly that Iran has also violated its legal obligation under article II of the Nuclear Non-Proliferation Treaty not to acquire or seek assistance in acquiring nuclear weapons; and

Whereas the maintenance or construction by Iran of unsafeguarded nuclear facilities or uranium enrichment or reprocessing facilities will continue to endanger the maintenance of international peace and security and threaten United States national interests: Now, therefore, be it

SA 3571. Mr. FRIST (for Mr. KYL) proposed an amendment to the concurrent resolution S. Con. Res. 81, expressing the concern of Congress over Iran's development of the means to produce nuclear weapons; as follows:

Amend the title so as to read: ''Expressing the concern of Congress over Iran's development of the means to produce nuclear weapons.''.

SA 3572. Mr. FRIST (for Mr. KYL (for himself, Mrs. FEINSTEIN, Mr. LUGAR, and Mr. BIDEN)) proposed an amendment to the concurrent resolution H. Con. Res. 398, expressing the concern of Congress over Iran's development of the means to produce nuclear weapons; as follows:

Strike all after the resolving clause and insert the following:

That Congress—

(1) condemns—

(A) the failure of the Government of Iran for nearly two decades to report material, facilities, and activities to the International Atomic Energy Agency (IAEA) in contravention of its obligations under its Safeguards Agreement; and

(B) Iran's continuing deceptions and falsehoods to the IAEA and the international community about its nuclear programs and activities;

(2) concurs with the conclusion reached in the Department of State's Annual Report on Adherence to and Compliance with Arms Control and Non-Proliferation Agreements and Commitments that Iran is pursuing a program to develop nuclear weapons;

(3) urges the President to provide to the IAEA whatever financial, material, or intelligence resources are necessary to enable the IAEA it to fully investigate Iran's nuclear activities;

(4) calls upon all states party to the Treaty on the Non-Proliferation of Nuclear Weapons, done at Washington, London, and Moscow July 1, 1968, and entered into force March 5, 1970 (hereafter in this resolution referred to as the ''Nuclear Non-Proliferation Treaty''), including the United States, to use appropriate means to prevent Iran from acquiring nuclear weapons, including the suspension of all nuclear and other cooperation with Iran, including the provision of dual use items, until Iran fully implements the Additional Protocol to its Safeguards Agreement with the IAEA (hereafter in this resolution referred to as the ''Additional Protocol'') and is clearly in compliance with its obligations under the Nuclear Non-Proliferation Treaty;

(5) declares that Iran, through its many breaches during the past 18 years of its Safeguards Agreement with the IAEA, has forfeited the right to be trusted with the development of a full nuclear fuel cycle, especially with uranium conversion and enrichment and plutonium reprocessing technology, equipment, and facilities;

(6) declares that the revelations of Iran's nondisclosure of additional enrichment and nuclear-weapons-applicable research activities, as detailed in the reports of February 24, 2004, and June 1, 2004, by the Director General of the IAEA, together with the statement by the Government of Iran that it will not disclose other research programs, constitute ample evidence of Iran's continuing policy of noncompliance with the letter and spirit of its obligations under its Safeguards Agreement and the Additional Protocol;

(7) recognizes, in contrast with Iran's behavior, the positive example of Libya's decision to renounce and dismantle its nuclear weapons program and to provide full, complete, and transparent disclosure of all its nuclear activities, which has enabled the IAEA to rapidly understand and verify with high confidence the extent and scope of Libya's program and has led to the establishment of direct diplomatic relations with Libya, the gradual lifting of U.S. sanctions, and the establishment of cooperative programs between the United States and Libya;

(8) foresees a similar future for Iran, once that country renounces and dismantles its weapons of mass destruction and long-range ballistic missile programs and renounces its support for international terrorist organizations;

(9) notes the assistance that the United States has provided to southeastern Iran since the Bam earthquake on December 26, 2003;

(10) calls upon Iran to immediately and permanently cease all efforts to acquire sensitive nuclear fuel cycle capabilities, in particular all uranium enrichment activities, including importing, manufacturing, and testing of related equipment;

(11) urges Iran to comply with its international commitments and to rescind its decisions—

(A) to manufacture and construct centrifuges;

(B) to produce feed material that could be used in those centrifuges; and

(C) to construct a heavy-water moderated reactor that could be used for plutonium production;

(12) calls upon Iran to honor its stated commitments and legal obligations—

(A) to grant IAEA inspectors prompt, full and unrestricted access;

(B) to cooperate fully with the investigation of its nuclear activities; and

(C) to demonstrate a new openness and honesty about all its nuclear programs;

(13) welcomes the June 26, 2004, declaration at the United States–E.U. Summit in Shannon, Ireland, in which the European Union and the United States pledged to implement United Nations Security Council Resolution 1540, which identifies actions states should take—

(A) to stop the proliferation of weapons of mass destruction;

(B) to establish new measures in accordance with the G8 Action Plan on Non-Proliferation, announced June 9, 2004, at the G8 Summit in Sea Island, Georgia; and

(C) to preserve the integrity of the Nuclear Non-Proliferation Treaty;

(14) urges close cooperation between the United States and the European Union in accordance with the reaffirmation in their June 26, 2004, declaration of ''the IAEA Board of Governors' Iran resolutions, which deplore Iran's insufficient cooperation and call on Iran, inter alia, to cooperate fully and in a timely and proactive manner, with IAEA investigation of its nuclear programme and suspend all enrichment-related and reprocessing activities'';

(15) calls upon the members of the European Union not to resume discussions with Iran on multilateral trade agreements until the IAEA Director General reports that Iran has suspended all nuclear weapons development activity, and not to implement such trade agreements until Iran has verifiably and permanently ceased all nuclear weapons development activity, including a permanent cessation of uranium conversion and enrichment and plutonium reprocessing activities;

(16) further calls upon the members of the European Union to undertake such additional measures, including imposing sanctions and sponsoring an IAEA Board of Governors report on non-compliance pursuant to Article XII of the IAEA Statute, as may be necessary to persuade Iran to cease all nuclear weapons development activity and to

fulfill its obligations and commitments to the IAEA;

(17) in light of ongoing revelations of the noncompliance of the Government of Iran regarding its obligations under the Nuclear Non-Proliferation Treaty and pledges to the IAEA, and in light of the consequent and ongoing questions and concerns of the IAEA, the United States, and the international community regarding Iran's nuclear activities—

(A) urges Japan to ensure that Japanese commercial entities not proceed with the development of Iran's Azadegan oil field;

(B) urges France and Malaysia to ensure that French and Malaysian commercial entities not proceed with their agreement for further cooperation in expanding Iran's liquid natural gas production field;

(C) calls on all countries to intercede with their commercial entities to ensure that these entities refrain from or suspend all investment and investment-related activities that support Iran's energy industry; and

(D) calls on Member States of the United Nations to prevent the Government of Iran from continuing to pursue and develop programs or facilities that could be used in a nuclear weapons program and to end all nuclear cooperation with Iran, including the provision of dual use items, until Iran complies fully with its Safeguards Agreement with the IAEA and its obligations under the Nuclear Non-Proliferation Treaty;

(18) deplores any effort by any country to provide nuclear power-related assistance to Iran at this time, and calls upon Russia—

(A) to use all appropriate means to urge Iran to meet fully its obligations and commitments to the IAEA; and

(B) to suspend nuclear cooperation with Iran and not conclude a nuclear fuel supply agreement for the Bushehr reactor that would enter into force before Iran has verifiably and permanently ceased all nuclear weapons development activity, including a permanent cessation of uranium conversion and enrichment and plutonium reprocessing activities;

(19) calls upon the governments of the countries whose nationals and corporations are implicated in assisting Iranian nuclear activities, including Pakistan, Malaysia, the United Arab Emirates, and Germany—

(A) to fully investigate such assistance;

(B) to grant the IAEA all necessary access to individuals, sites, and information related to the investigations;

(C) to take all appropriate action against such nationals and corporations under the laws of those countries; and

(D) to immediately review and rectify their export control laws, regulations, and practices in order to prevent further assistance to countries pursuing nuclear programs that could support the development of nuclear weapons;

(20) urges the IAEA Board of Governors, in accordance with Article XII of the IAEA Statute—

(A) to report to the United Nations Security Council that Iran has been in noncompliance with its agreements with the IAEA; and

(B) as appropriate, to specify areas in which Iran continues to be in noncompliance with its agreements with the IAEA or with the Nuclear Non-Proliferation Treaty, or in which its compliance is uncertain;

(21) urges the United Nations Security Council, bearing in mind its decision in Resolution 1540 that the ''proliferation of nuclear, chemical and biological weapons, as well as their means of delivery, constitutes a threat to international peace and security,'' to consider measures necessary—

(A) to support the inspection efforts by the IAEA; and

(B) to prevent Iran from further engaging in clandestine nuclear activities;

(22) further urges the United Nations Security Council, immediately upon receiving any report from the IAEA regarding the continuing non-compliance of Iran with its obligations, to address the threat to international peace and security posed by Iran's nuclear weapons program and take such action as may be necessary under Article 39, Article 40, and Article 41 of the Charter of the United Nations;

(23) urges the United Nations Security Council, the Nuclear Suppliers Group, the Zangger Committee, and other relevant international entities to declare that non-nuclear-weapon states under the Nuclear Non-Proliferation Treaty that commit significant violations of their safeguards agreements regarding uranium enrichment or plutonium reprocessing or engage in activities intended to support a military nuclear program thereby forfeit their right under the Nuclear Non-Proliferation Treaty to engage in nuclear fuel-cycle activities;

(24) further urges the United Nations Security Council, the Nuclear Suppliers Group, the Zangger Committee, the International Atomic Energy Agency, other relevant international entities, and all states party to the Nuclear Non-Proliferation Treaty, including the United States, to seek consensus, no later than the 2005 Nuclear Non-Proliferation Treaty Review Conference in Geneva, Switzerland, on the best and most equitable means to limit the right of non-nuclear weapons states to engage in those nuclear fuel cycle activities that could contribute to the development of nuclear weapons, while providing those states assured and affordable access to—

(A) nuclear reactor fuel and other materials used in peaceful nuclear activities; and

(B) spent fuel management; and

(25) urges the President to keep Congress fully and currently informed concerning the matters addressed in this resolution.

SA 3573. Mr. FRIST (for Mr. KYL (for himself and Mrs. FEINSTEIN)) proposed an amendment to the concurrent resolution H. Con. Res. 398, expressing the concern of Congress over Iran's development of the means to produce nuclear weapons; as follows:

Whereas it is the policy of the United States to oppose, and urgently to seek the agreement of other nations also to oppose, any transfer to Iran of any goods or technology, including dual-use goods or technology, wherever that transfer could contribute to its acquiring chemical, biological, or nuclear weapons;

Whereas the United Nations Security Council decided, in United Nations Security Council Resolution 1540, that ''all States shall refrain from providing any form of support to non-State actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical, or biological weapons and their means of delivery'';

Whereas the United States has imposed sanctions numerous times on persons and entities transferring equipment and technical data to Iran to assist its weapons of mass destruction programs;

Whereas on January 1, 1968, Iran signed the Treaty on the Non-Proliferation of Nuclear Weapons, done at Washington, London, and Moscow July 1, 1968, and entered into force March 5, 1970 (the ''Nuclear Non-Proliferation Treaty'');

Whereas Iran, as a party to the Nuclear Non-Proliferation Treaty as a non-nuclear weapons state, is obligated never to develop or acquire nuclear weapons;

Whereas Iran did not declare to the International Atomic Energy Agency (IAEA) the existence of the Natanz Pilot Fuel Enrichment Plant and the production-scale Fuel Enrichment Facility under construction at Natanz until February 2003, after the existence of the plant and facility was revealed by an opposition group;

Whereas it is estimated that the Natanz Pilot Fuel Enrichment Plant could produce enough highly enriched uranium for a nuclear weapon every year-and-a-half to two years;

Whereas it is estimated that the Natanz Fuel Enrichment Facility could, when completed, produce enough highly enriched uranium for as many as 25 to 30 nuclear weapons per year;

Whereas, in his report of June 6, 2003, the Director General of the IAEA stated that Iran had failed to meet its obligations under its Safeguards Agreement with the IAEA to report all nuclear material imported into Iran—specifically, the importation of uranium hexafluoride, uranium tetrafluoride and uranium dioxide in 1991—the processing and use of that material, and the facilities involved in the use and processing of the material;

Whereas the IAEA Director General stated in the same report that Iran had produced uranium metal and was building a uranium metal processing facility, despite the fact that neither its light water reactors nor its planned heavy water reactors require uranium metal for fuel;

Whereas the IAEA Board of Governors urged Iran in June 2003 to promptly rectify its failures to meet its obligations under its Safeguards Agreement, not to introduce nuclear material into the Natanz Pilot Fuel Enrichment Plant, and to cooperate fully with the Agency in resolving questions about its nuclear activities;

Whereas the IAEA Director General reported to the Board of Governors of the IAEA in August 2003 that Iran had failed to disclose additional nuclear activities as required by its Safeguards Agreement and continued to fail to resolve questions about its undeclared uranium enrichment activities, including those raised by the detection of two types of highly enriched uranium particles at the Natanz Pilot Fuel Enrichment Plant;

Whereas on August 19, 2003, after earlier denials, Iran admitted in a letter that it had carried out uranium conversion experiments in the early 1990's, experiments that included bench scale preparation of uranium compounds and that should have been disclosed to the IAEA in accordance with its obligations under its Safeguards Agreement;

Whereas the IAEA Board of Governors on September 12, 2003, called on Iran to suspend all further uranium enrichment and any plutonium reprocessing activities, disclose all its nuclear activities, and cooperate fully with the IAEA, and to sign, ratify, and fully implement the Additional Protocol between Iran and the IAEA for the application of safeguards (the ''Additional Protocol'') to strengthen investigation of all nuclear activities within Iran, and requested all third countries to cooperate closely and fully with the IAEA in resolving questions about Iran's nuclear program;

Whereas IAEA inspectors and officials continued to confront Iran with discrepancies in its explanations of its nuclear activities;

Whereas on October 21, 2003, Iran and the Foreign Ministers of France, Germany, and the United Kingdom issued a joint statement in which Iran indicated that it had decided to suspend all uranium enrichment and reprocessing activities as defined by the IAEA;

Whereas the Governments of France, Germany, and the United Kingdom promised a

dialogue with Iran to ease Iran's access to modern technologies and supplies in a range of areas once certain international concerns regarding Iran are fully resolved;

Whereas, in a subsequent letter on October 23, 2003, Iran further admitted that it had tested uranium enrichment centrifuges at the Kalaye Electric Company between 1998 and 2002 using its previously undeclared imported uranium hexafluoride;

Whereas in that same letter, Iran admitted that it had a laser uranium enrichment program, in which it used 30 kilograms of uranium not previously declared to the IAEA, another violation of its Safeguards Agreement;

Whereas Iran indicated initially that its laser enrichment program had achieved uranium enrichment levels of slightly more than 3 percent, but the Director General's report of June 1, 2004, states that the IAEA later learned that Iran ''had been able to achieve average enrichment levels of 8 percent to 9 percent, with some samples of up to approximately 15 percent'';

Whereas the June 1, 2004, report states also that Iran's declaration of October 21, 2003, failed to include information that should have been provided, including the fact that ''some samples from'' the laser uranium enrichment project ''had been sent for assessment to the supplier's laboratory'';

Whereas, in its letter of October 23, 2003, Iran also admitted that it had irradiated 7 kilograms of uranium dioxide targets and reprocessed them to extract plutonium, another violation of its legal obligation to disclose such activities under its Safeguards Agreement;

Whereas Iran told the IAEA on November 10, 2003, that it would sign and ratify the Additional Protocol and would act in accordance with the Additional Protocol pending its entry-into-force;

Whereas, on November 10, 2003, Iran further informed the IAEA Director General that it had decided to suspend all enrichment and reprocessing activities in Iran, not to produce feed material for enrichment processes, and not to import enrichment related items;

Whereas the IAEA, through its investigative and forensic activities in Iran and elsewhere, has uncovered and confronted Iran about numerous lies concerning its nuclear activities;

Whereas the Director General of the IAEA reported to the IAEA Board of Governors on November 10, 2003, that Iran has concealed many aspects of its nuclear activities from the IAEA, in breach of its obligations under its Safeguards Agreement;

Whereas, despite Iran's subsequent pledge to, once again, fully disclose all of its nuclear activities to the IAEA, the Director General of the IAEA, in a February 24, 2004, report, found that Iran continued to engage in deception regarding its nuclear activities, including failing to disclose a more sophisticated enrichment program using more advanced enrichment centrifuge technology imported from foreign sources, and providing incomplete and unsupported explanations about experiments to create a highly toxic isotope of polonium that outside experts say is useful as a neutron initiator in nuclear weapons;

Whereas the Director General's reports of February 24, 2001, and June 1, 2004, stated that environmental samples from one room at the Kalaye Electric Company workshop and from equipment that had been present in that workshop showed more than trace quantities of uranium enriched to 36 percent U–235, despite finding only negligible traces of this on imported centrifuge components, and that the types of uranium contamination at that workshop differed from those found at Natanz, which would appear to contradict Iran's assertion that the source of contamination at both sites is imported centrifuge components and perhaps also its assertion that it has not enriched uranium to more than 1.2 percent U–235 using centrifuge technology;

Whereas the Director General stated in the June 1, 2004, report, that ''the contamination is different on domestic and imported centrifuges,'' that ''it is unlikely'' that the 36 percent U–235 contamination was due to components acquired from Iran's principal supplier country, and that ''important information about the P–2 centrifuge programme has frequently required repeated requests, and in some cases continues to involve changing or contradictory information'';

Whereas these deceptions by Iran are continuing violations of Iran's Safeguards Agreement and of Iran's previous assurances to the IAEA and the international community of full transparency;

Whereas despite Iran's commitment to the IAEA and to France, Germany, and the United Kingdom that it would suspend uranium enrichment activities, it has repeatedly emphasized that this suspension is temporary and continued to manufacture and, until April 2004, to import, uranium enrichment centrifuge parts and equipment, allowing it to resume and expand its uranium enrichment activities whenever it chooses;

Whereas the statements on February 25, 2004, of Hassan Rowhani, Secretary of the Supreme National Security Council of Iran, that Iran was not required to reveal to the IAEA its research into more sophisticated ''P2'' uranium enrichment centrifuges, and that Iran has other projects which it has no intention of declaring to the IAEA, are contrary to—

(1) Iran's commitment to the IAEA in an October 16, 2003, letter from the Vice President of Iran and the President of Iran's Atomic Energy Organization that Iran would present a ''full picture of its nuclear activities'' and ''full transparency'';

(2) Iran's commitment to the foreign ministers of the United Kingdom, France, and Germany of October 21, 2003, to full transparency and to resolve all outstanding issues; and

(3) its statement to the IAEA's Board of Governors of September 12, 2003, of its commitment to full transparency and to ''leave no stone unturned'' to assure the IAEA of its peaceful objectives;

Whereas Libya received enrichment equipment and technology, and a nuclear weapons design, from the same nuclear black market that Iran has used, raising the question of whether Iran, as well, received a nuclear weapon design that it has refused to reveal to international inspectors;

Whereas the Russian Federation has announced that it will soon conclude an agreement to supply Iran with enriched nuclear fuel for the Bushehr nuclear power reactor, which, if implemented, would undercut the international effort to persuade Iran to cease its nuclear weapons development program;

Whereas the IAEA Board of Governors' resolution of March 13, 2004, which was adopted unanimously, noted with ''serious concern that the declarations made by Iran in October 2003 did not amount to the complete and final picture of Iran's past and present nuclear programme considered essential by the Board's November 2003 resolution,'' and also noted that the IAEA has discovered that Iran had hidden more advanced centrifuge associated research, manufacturing, and testing activities, two mass spectrometers used in the laser enrichment program, and designs for hot cells to handle highly radioactive materials;

Whereas the same resolution also noted ''with equal concern that Iran has not resolved all questions regarding the development of its enrichment technology to its current extent, and that a number of other questions remain unresolved, including the sources of all HEU contamination in Iran; the location, extent and nature of work undertaken on the basis of the advanced centrifuge design; the nature, extent, and purpose of activities involving the planned heavy-water reactor; and evidence to support claims regarding the purpose of polonium-210 experiments'';

Whereas Hassan Rowhani on March 13, 2004, declared that IAEA inspections would be indefinitely suspended as a protest against the IAEA Board of Governors' resolution of March 13, 2004, and while Iran subsequently agreed to readmit inspectors to one site by March 29, 2004, and to others in mid-April, 2004, including four workshops belonging to the Defence Industries Organization, this suspension calls into serious question Iran's commitment to full transparency about its nuclear activities;

Whereas Iran informed the IAEA on April 29, 2004, of its intent to produce uranium hexafluoride in amounts that the IAEA concluded would constitute production of feed material for uranium centrifuges and wrote in a letter of May 18, 2004, that its suspension of all uranium enrichment activities ''does not include suspension of production of UF6,'' which contradicted assurances provided in its letter of November 10, 2003;

Whereas the IAEA Board of Governors' resolution of June 18, 2004, which was also adopted unanimously, ''deplores'' the fact that ''Iran's cooperation has not been as full, timely and proactive as it should have been'' and ''underlines that, with the passage of time, it is becoming ever more important that Iran work proactively to enable the Agency to gain a full understanding of Iran's enrichment programme by providing all relevant information, as well as by providing prompt access to all relevant places, data and persons'';

Whereas the same resolution also expresses regret that Iran's suspension ''commitments have not been comprehensively implemented and calls on Iran immediately to correct all remaining shortcomings'';

Whereas the same resolution also calls on Iran, as further confidence-building measures, voluntarily to reconsider its decision to begin production testing at the Uranium Conversion Facility and its decision to start construction of a research reactor moderated by heavy water, as the reversal of those decisions would make it easier for Iran to restore international confidence undermined by past reports of undeclared nuclear activities in Iran;

Whereas Iran then announced its decision to resume production of centrifuge components, notwithstanding both the IAEA Board of Governors resolution of September 12, 2003, which called on Iran ''to suspend all further uranium enrichment-related activities,'' and Iran's voluntary suspension of all uranium enrichment activities pursuant to its agreement of October 21, 2003, with the foreign ministers of the United Kingdom, France, and Germany;

Whereas Iran's pattern of deception and concealment in dealing with the IAEA, the Foreign Ministers of France, Germany, and the United Kingdom, and the international community, its receipt from other countries of the means to enrich uranium, its use of sources who provided a nuclear weapon design to another country, its production of centrifuge components at Defence Industries Organization workshops, and its repeated breaches of its Safeguards Agreement suggest strongly that Iran has also violated its

legal obligation under article II of the Nuclear Non-Proliferation Treaty not to acquire or seek assistance in acquiring nuclear weapons; and

Whereas the maintenance or construction by Iran of unsafeguarded nuclear facilities or uranium enrichment or reprocessing facilities will continue to endanger the maintenance of international peace and security and threaten United States national interests: Now, therefore, be it

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SA 3574. Mr. FRIST (for Mr. KYL (for himself and Mrs. FEINSTEIN)) proposed an amendment to the concurrent resolution H. Con. Res. 398, expressing the concern of Congress over Iran's development of the means to produce nuclear weapons; as follows:

Amend the title so as to read: ''Expressing the concern of Congress over Iran's development of the means to produce nuclear weapons.''

SA 3575. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 849, to provide for a land exchange in the State of Arizona between the Secretary of Agriculture and Yavapai Ranch Limited partnership; which was referred to the Committee on Energy and Natural Resources; 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 ''Northern Arizona Land Exchange and Verde River Basin Partnership 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—NORTHERN ARIZONA LAND EXCHANGE

Sec. 101. Findings and purpose.
Sec. 102. Definitions.
Sec. 103. Land exchange.
Sec. 104. Exchange valuation, appraisals, and equalization.
Sec. 105. Miscellaneous provisions.
Sec. 106. Status and management of land after exchange.
Sec. 107. Conveyance of additional land.

TITLE II—VERDE RIVER BASIN PARTNERSHIP

Sec. 201. Findings and purpose.
Sec. 202. Definitions.
Sec. 203. Verde River Basin Partnership.
Sec. 204. Verde River Basin studies.
Sec. 205. Verde River Basin Partnership final report.
Sec. 206. Memorandum of understanding.
Sec. 207. Effect.

TITLE I—NORTHERN ARIZONA LAND EXCHANGE

SEC. 101. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) the Prescott National Forest in Yavapai County, Arizona includes approximately 170 square miles of parcels of Federal land and private land intermingled in a checkerboard pattern;

(2) the Federal land is administered by the Secretary of Agriculture as National Forest System land;

(3) the private land is owned by the Yavapai Ranch Limited Partnership and the Northern Yavapai, L.L.C.;

(4) portions of the private land within the checkerboard area (including the land located in or near the Pine Creek watershed, Juniper Mesa Wilderness Area, Haystack Peak, and the Luis Maria Baca Float No. 5) possess attributes valuable for public management, use, and enjoyment, including—

(A) outdoor recreation;

(B) stands of old growth pine and juniper;

(C) wildlife habitat;

(D) cultural and archaeological resources; and

(E) scenic vistas;

(5) the checkerboard ownership pattern of private land and Federal land within the Prescott National Forest impedes sound and efficient management and use of the intermingled National Forest System land;

(6) acquisition by the United States of certain parcels of land through a land exchange with Yavapai Ranch Limited Partnership and the Northern Yavapai, L.L.C., for addition to Prescott National Forest would serve the public objectives of—

(A) acquiring private land that meets the criteria for inclusion in the National Forest System;

(B) consolidating a large area of National Forest System land to allow—

(i) permanent public access, use, and enjoyment of the land; and

(ii) efficient management of the land;

(C) minimizing cash outlays by the United States to achieve the objectives described in subparagraphs (A) and (B); and

(D) reducing administrative costs to the United States through—

(i) elimination of approximately 350 miles of boundary between private land and the Federal parcels; and

(ii) reduction of right-of-way, special use, and other permit processing and issuance for roads and other facilities on National Forest System land;

(7) additional parcels of National Forest System land within Yavapai County, Arizona have been identified for inclusion in the land exchange because the parcels—

(A) have lost their forest character;

(B) meet the National Forest Plan criteria for exchange; and

(C) are managed under special use permits and leases for a variety of purposes (including municipal water treatment facilities, sewage treatment facilities, city parks, camps, and airport-related facilities) that—

(i) limit the usefulness of the parcels for general National Forest System purposes; but

(ii)(I) are to be conveyed by the Yavapai Ranch Limited Partnership, to the third-party permit or lease holders in accordance with agreements acceptable to all parties to the agreements; or

(II) are to be purchased directly from the Secretary in accordance with this Act; and

(8) the exchange and conveyance of the Federal land should not result in adverse impacts on existing water users, State water right holders, or the Verde River.

(b) PURPOSE.—The purpose of this title is to authorize, direct, and facilitate—

(1) an equal value exchange of Federal land and non-Federal land between the United States, Yavapai Ranch Limited Partnership, and the Northern Yavapai, L.L.C.; and

(2) the conveyance of portions of certain parcels of the Federal land for community and other uses.

SEC. 102. DEFINITIONS.

In this title:

(1) CAMP.—The term ''camp'' means Camp Pearlstein, Friendly Pines, Patterdale Pines, Pine Summit, Sky Y, and YoungLife Lost Canyon camps in the State of Arizona.

(2) FEDERAL LAND.—The term ''Federal land'' means the land described in section 103(a)(2).

(3) MANAGEMENT PLAN.—The term ''Management Plan'' means the land and resource management plan for Prescott National Forest.

(4) NON-FEDERAL LAND.—The term ''non-Federal land'' means the land described in section 103(b)(2).

(5) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

(6) YAVAPAI RANCH.—The term ''Yavapai Ranch'' means—

(A) the Yavapai Ranch Limited Partnership, an Arizona Limited Partnership; and

(B) the Northern Yavapai, L.L.C., an Arizona Limited Liability Company.

SEC. 103. LAND EXCHANGE.

(a) CONVEYANCE OF FEDERAL LAND BY THE UNITED STATES.—

(1) IN GENERAL.—On receipt of an offer from Yavapai Ranch to convey the non-Federal land that complies with the requirements of this Act and that is acceptable to the Secretary, the Secretary shall convey to Yavapai Ranch by deed acceptable to Yavapai Ranch, subject to easements, rights-of-way, utility lines, and any other valid encumbrances on the Federal land in existence on the date of enactment of this Act and any other reservations that may be agreed to by the Secretary and Yavapai Ranch, all right, title, and interest of the United States in and to the Federal land described in paragraph (2).

(2) DESCRIPTION OF FEDERAL LAND.—The Federal land referred to in paragraph (1) shall consist of the following:

(A) Certain land comprising approximately 15,300 acres located in Yavapai County, Arizona, as generally depicted on the map entitled ''Yavapai Ranch-Ranch Area Federal Lands'', dated April 2002.

(B) Certain land in the Coconino National Forest, Coconino County Arizona—

(i) comprising approximately 1,500 acres located in Coconino National Forest, Coconino County, Arizona, as generally depicted on the map entitled ''Flagstaff Federal Lands-Airport Parcel'', dated April 2002; and

(ii) comprising approximately 28.26 acres in 2 separate parcels, as generally depicted on the map entitled ''Flagstaff Federal Lands—Wetzel School and Mt. Elden Parcels'', dated September 2002.

(C) Certain land referred to as Williams Airport, Williams golf course, Williams Sewer, Buckskinner Park, Williams Railroad, and Well parcels numbers 2, 3, and 4, comprising approximately 950 acres, located in Kaibab National Forest, Coconino County, Arizona, as generally depicted on the map entitled ''Williams Federal Lands'', dated April 2002.

(D) Certain land comprising approximately 2,200 acres located in Prescott National Forest, Yavapai County, Arizona, as generally depicted on the map entitled ''Camp Verde Federal Land—General Crook Parcel'', dated April 2002.

(E) Certain Forest Service land comprising approximately 237.5 acres located in Kaibab National Forest, Coconino County, Arizona, as generally depicted on the map entitled ''Younglife Lost Canyon'', dated April 2002.

(F) Certain Forest Service land comprising approximately 200 acres located in Prescott National Forest, Yavapai County, Arizona, and including Friendly Pines, Patterdale Pines, Camp Pearlstein, Pine Summit, and Sky Y, as generally depicted on the map entitled ''Prescott Federal Lands—Summer Youth Camp Parcels'', dated April 2002.

(G) Perpetual easements reserved by the United States that—

(i) run with and benefit land owned by or conveyed to Yavapai Ranch across certain land of the United States;

(ii) are for the purposes of—

(I) operating, maintaining, repairing, improving, and replacing electric power lines or water pipelines (including related storage tanks, valves, pumps, and hardware); and

(II) providing rights of reasonable ingress and egress necessary for the activities described in subclause (I);

(iii) are 20 feet in width; and

(iv) are located 10 feet on either side of each line depicted on the map entitled ''YRLP Acquired Easements for Water Lines'', dated April 2002.

(3) PERMITS.—Permits or other legal occupancies of the Federal land by third parties in existence on the date of transfer of the Federal land to Yavapai Ranch shall be addressed in accordance with—

(A) part 254.15 of title 36, Code of Federal Regulations (or any successor regulation); and

(B) other applicable laws (including regulations).

(4) CONDITION ON CONVEYANCE OF CAMP VERDE PARCEL.—

(A) IN GENERAL.—To conserve water in the Verde Valley, Arizona, and to minimize the adverse impacts from future development of the parcels described in paragraph (2)(D) on current and future users of water and holders of water rights in existence on the date of enactment of this Act and the Verde River and National Forest System land retained by the United States, the United States shall limit in perpetuity the use of water on each parcel by reserving conservation easements that—

(i) run with the land;

(ii) prohibit golf course development on the parcel;

(iii) require that public parks and greenbelts on the parcel be watered with treated effluent;

(iv) limit total post-exchange water use to not more than 700 acre-feet of water per year; and

(v) except for water supplied to the parcel by municipal water service providers or private water companies, require that any water used for the parcel not be withdrawn from wells perforated in the saturated Holocene alluvium of the Verde River.

(B) RECORDATION.—The conservation easements described in subparagraph (A) shall be recorded in the title to each parcel described in paragraph (2)(D) that is conveyed by the Secretary to Yavapai Ranch.

(C) SUBSEQUENT CONVEYANCE.—

(i) IN GENERAL.—On acquisition of title to the parcel described in paragraph (2)(D), Yavapai Ranch may convey all or a portion of the interest of Yavapai Ranch in the parcel to 1 or more successors-in-interest.

(ii) WATER USE APPORTIONMENT.—A conveyance under clause (i) shall, in accordance with the terms described in subparagraph (A), include a recorded and binding agreement on the quantity of water available for use on the parcel or portion of the parcel conveyed, as determined by Yavapai Ranch.

(D) ENFORCEMENT.—The Secretary shall offer to enter into a memorandum of understanding with a political subdivision of the State, as designated by the Director of Arizona Department of Water Resources, that authorizes the political subdivision to enforce the terms described in subparagraph (A) in any manner provided by law.

(E) LIABILITY.—

(i) IN GENERAL.—Any action for a breach of a term of a conservation easement described in subparagraph (A) shall be against the owner of the parcel or portion of the parcel, at the time of the breach, whose action or failure to act has resulted in the breach.

(ii) HOLD HARMLESS.—To the extent that the United States or a successor-in-interest to the United States no longer holds title to a parcel or any portion of a parcel described in paragraph (2)(D), the United States and any successor-in-interest shall be held harmless from damages or injuries attributable to any breach of a term of a conservation easement described in subparagraph (A) by a subsequent successor-in-interest if the United States or the successor-in-interest did not contribute to the breach.

(5) APPLICABLE LAW.—In accordance with section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)), the United States shall reserve an easement in any land transferred to Yavapai Ranch.

(b) CONVEYANCE OF NON-FEDERAL LAND BY YAVAPAI RANCH.—

(1) IN GENERAL.—On receipt of title to the Federal land, Yavapai Ranch shall simultaneously convey to the United States, by deed acceptable to the Secretary and subject to any encumbrances in existence on April 1, 2002, all right, title, and interest of Yavapai Ranch in and to the non-Federal land.

(2) DESCRIPTION OF NON-FEDERAL LAND.—The non-Federal land referred to in paragraph (1) consists of approximately 35,000 acres of non-Federal land located within the boundaries of Prescott National Forest, as generally depicted on the map entitled ''Yavapai Ranch Non-Federal Lands'', dated April 2002.

(3) EASEMENTS.—

(A) IN GENERAL.—The conveyance of non-Federal land to the United States under paragraph (1) shall be subject to the reservation of—

(i) perpetual and unrestricted easements that run with and benefit the land retained by Yavapai Ranch for—

(I) the operation, maintenance, repair, improvement, development, and replacement of not more than 3 wells in existence on the date of enactment of this Act;

(II) related storage tanks, valves, pumps, and hardware; and

(III) pipelines to points of use; and

(ii) easements for reasonable ingress and egress to accomplish the purposes of the easements described in clause (i).

(B) EXISTING WELLS.—

(i) IN GENERAL.—Each easement for an existing well shall be—

(I) 40 acres in area; and

(II) to the maximum extent practicable—

(aa) centered on the existing well; and

(bb) located in the same square mile section of land.

(ii) LIMITATION.—Within each 40-acre easement described in clause (i), the United States and any permitees or licensees of the United States—

(I) may take any actions that are necessary to use the water from the well; but

(II) may not undertake, without the written consent of Yavapai Ranch, any activity that materially interferes with the use of the wells by Yavapai Ranch.

(iii) RESERVATION OF WATER FOR THE UNITED STATES.—The United States shall be entitled to ½ the production of each existing well, not to exceed a total of 3,100,000 gallons of water annually, for watering wildlife and stock and for other National Forest System purposes from the 3 wells.

(C) REASONABLE ACCESS.—Each easement for ingress and egress shall be at least 20 feet in width.

(D) LOCATION.—The locations of the easements and wells shall be the locations generally depicted on a map entitled ''YRLP Reserved Easements for Water Lines and Wells'', dated April 2002.

(c) LAND TRANSFER PROBLEMS.—

(1) FEDERAL LAND.—If any parcel of Federal land (or a portion of a Federal parcel) cannot be conveyed to Yavapai Ranch because of the presence of hazardous materials or if the proposed title to a parcel of Federal land (or a portion of a Federal parcel) is unacceptable to Yavapai Ranch because of the presence of threatened or endangered species, cultural or historic resources, unpatented mining claims, or other third party rights under public land laws—

(A) the parcel of Federal land or portion of the parcel shall be excluded from the exchange; and

(B) the non-Federal land shall be adjusted in accordance with section 104(c).

(2) NON-FEDERAL LAND.—If any parcel of non-Federal land (or a portion of a non-Federal parcel) cannot be conveyed to the United States because of the presence of hazardous materials or if the proposed title to a parcel or a portion of the parcel is unacceptable to the Secretary—

(A) the parcel of non-Federal land or portion of the parcel shall be excluded from the exchange; and

(B) the Federal land shall be adjusted in accordance with section 104(c).

(d) CONVEYANCE OF FEDERAL LAND TO CITIES AND CAMPS.—

(1) SUBSEQUENT CONVEYANCE.—If, after completion of the appraisals of Federal land and non-Federal land under section 104(b), but before the completion of the exchange, Yavapai Ranch, the cities of Flagstaff, Williams, and Camp Verde, Arizona, and the owners of the camps enter into an agreement for Yavapai Ranch to convey to the cities and the owners of the camps the parcels of Federal land or portions of parcels located in or near the cities or camps, Yavapai Ranch shall, on acquisition of the Federal land, convey to the cities and the owners of the camps the parcels or portions identified in the agreement in accordance with the terms of the agreement.

(2) DIRECT CONVEYANCE.—

(A) IN GENERAL.—If Yavapai Ranch, the cities referred to in paragraph (1), and the owners of the camps have not entered into an agreement in accordance with paragraph (1), the Secretary—

(i) shall, on notification by Yavapai Ranch, the cities, or camps, delete the parcel or any portion of the parcel from the exchange to provide the United States with manageable post-exchange land and boundaries; and

(ii) may, without further administrative or environmental analyses or appraisal and in accordance with any terms and conditions that the Secretary may require, convey to the cities or camps all right, title, and interest of the United States in and to the parcel or portion of the parcel for consideration in an amount determined under subparagraph (B).

(B) CONSIDERATION.—In exchange for a parcel or portion of a parcel acquired under subparagraph (A), the cities or camps shall pay to the Secretary the fair market value of the parcel, as determined by an independent appraisal.

(C) DISPOSITION OF PROCEEDS.—The Secretary shall deposit the proceeds of a sale under subparagraph (A) in a special account in the fund established under Public Law 90–171 (commonly known as the ''Sisk Act'') (16 U.S.C. 484a).

(D) USE.—Amounts deposited under subparagraph (A) shall be available to the Secretary, without further appropriation, until expended, for the acquisition of land in the State of Arizona for National Forest System purposes, including the land authorized for exchange under this title.

SEC. 104. EXCHANGE VALUATION, APPRAISALS, AND EQUALIZATION.

(a) EQUAL VALUE EXCHANGE.—The value of the non-Federal and Federal land to be exchanged under this title—

(1) shall be equal, as determined by the Secretary, based on the appraisals conducted under subsection (b); or

(2) shall be equalized in accordance with subsection (c).

(b) APPRAISALS.—

(1) IN GENERAL.—The value of the Federal land and non-Federal land shall be determined by appraisals using the appraisal standards in—

(A) the Uniform Appraisal Standards for Federal Land Acquisitions, fifth edition (December 20, 2000); and

(B) the Uniform Standards of Professional Appraisal Practice.

(2) APPROVAL.—In accordance with part 254.9(a)(1) of title 36, Code of Federal Regulations (or any successor regulation), the appraiser shall be—

(A) acceptable to the Secretary and Yavapai Ranch; and

(B) a contractor, the clients of which shall be the Secretary and Yavapai Ranch.

(3) REQUIREMENTS.—During the appraisal process the appraiser shall—

(A) consider the effect on value of the Federal land or non-Federal land because of the existence of encumbrances on each parcel, including—

(i) permitted uses on Federal land that cannot be reasonably terminated before the appraisal; and

(ii) facilities on Federal land that cannot be reasonably removed before the appraisal; and

(B) determine the value of each parcel of Federal land and non-Federal land (including the value of each individual section of the intermingled Federal and non-Federal land of the Yavapai Ranch) as an assembled transaction consistent with the applicable provisions of parts 254.5 and 254.9(b)(1)(v) of title 36, Code of Federal Regulations (or any successor regulation).

(4) DISPUTE RESOLUTION.—A dispute relating to the appraised values of the Federal land or non-Federal land following completion of the appraisal shall be processed in accordance with—

(A) section 206(d) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(d)); and

(B) part 254.10 of title 36, Code of Federal Regulations (or any successor regulation).

(5) AVAILABILITY.—In accordance with the policy of the Forest Service, and to ensure the timely and full disclosure of the appraisals to the public, the appraisals approved by the Secretary—

(A) shall be provided by the Secretary to—

(i) the cities of Flagstaff, Williams, and Camp Verde, Arizona; and

(ii) the owners of the camps; and

(B) shall be available for public inspection in—

(i) the Offices of the Supervisors for Prescott, Coconino, and Kaibab National Forests; and

(ii) public libraries in the cities referred to in subparagraph (A)(i).

(c) EQUALIZATION OF VALUES.—

(1) IN GENERAL.—To achieve an equal value exchange of Federal land and non-Federal land, the Secretary and Yavapai Ranch shall adjust the acreage of the Federal land and non-Federal land in accordance with paragraphs (2) and (3) until, to the maximum extent practicable, the value is equal.

(2) SURPLUS OF FEDERAL LAND.—

(A) IN GENERAL.—If, after any adjustments are made to the non-Federal land or Federal land under subsection (c) or (d) of section 103, the final appraised value of the Federal land exceeds the final appraised value of the non-Federal land, the Federal land and non-Federal land shall be adjusted in accordance with subparagraph (B) until, to the maximum extent practicable, the value is equal.

(B) ADJUSTMENTS.—Adjustments under subparagraph (A) shall be made in accordance with the following order:

(i) By deleting—

(I) 2 portions of the Camp Verde parcel, comprising a total of approximately 630 acres, consisting of—

(aa) a portion of the Camp Verde parcel, comprising approximately 316 acres, located in Prescott National Forest, and more particularly described as lots 1, 5, and 6 of section 26, the NENE ¼ portion of section 26, and the N½N½ portion of section 27, T. 14 N., R. 4 E., Gila and Salt River Base and Meridian, Yavapai County, Arizona; and

(bb) a portion of the Camp Verde parcel, comprising approximately 314 acres, located in Prescott National Forest, and more particularly described as lots 2, 7, 8, and 9 of section 26, the SE¼NE¼ portion of section 26, and the S½N½ of section 27, T. 14 N., R. 4 E., Gila and Salt River Base and Meridian, Yavapai County, Arizona; and

(II) lots 5 through 7 of section 36, T. 14 N., R. 4 E., Gila and Salt River Base and Meridian, Yavapai County, Arizona.

(ii) Beginning at the south boundary of section 31, T. 20 N., R. 5 W., Gila and Salt River Base and Meridian, Yavapai County, Arizona, and sections 33 and 35, T. 20 N., R. 6 W., Gila and Salt River Base and Meridian, Yavapai County, by adding to the non-Federal land to be conveyed to the United States in ⅛ section increments (E–W 64th line) while deleting from the conveyance to Yavapai Ranch Federal land in the same incremental portions of section 32, T. 20 N., R. 5 W., Gila and Salt River Base and Meridian, Yavapai County, Arizona, and sections 32, 34, and 36, in T. 20 N., R. 6 W., Gila and Salt River Base and Meridian, Yavapai County, Arizona, to establish a linear and continuous boundary that runs east to west across the sections.

(iii) By deleting the Williams Sewer parcel, comprising approximately 20 acres, located in Kaibab National Forest, and more particularly described as the E½NW¼SE¼ portion of section 21, T. 22 N., R. 2 E., Gila and Salt River Base and Meridian, Coconino County, Arizona.

(iv) By deleting the Williams railroad parcel, located in the Kaibab National Forest, and more particularly described as—

(I) the W½SW¼ portion of section 26, T. 22 N., R. 2 E., Gila and Salt River Base and Meridian, Coconino County, Arizona, excluding any portion northeast of the southwestern right-of-way line of the Burlington Northern and Santa Fe Railway (Seligman Subdivision), comprising approximately 30 acres;

(II) the NE¼NW¼, the N½SE¼NW¼, the SE¼SE¼NW¼, the NE¼, the SE¼SW¼, and the SE¼ portions of section 27, T. 22 N., R. 2 E., Gila and Salt River Base and Meridian, Coconino County, Arizona, excluding any portion north of the southern right-of-way of Interstate 40 and any portion northeast of the southwestern right-of-way line of the Burlington Northern and Santa Fe Railway (Seligman Subdivision), any portion south of the northern right-of-way of the Burlington Northern and Santa Fe Railway (Phoenix Subdivision), and any portion within Exchange Survey No. 677, comprising approximately 220 acres;

(III) the NE¼NE¼ portion of section 34, T. 22 N., R. 2 E., Gila and Salt River Base and Meridian, Coconino County, Arizona, excluding any portion southwest of the northeastern right-of-way line of the Burlington Northern and Santa Fe Railway (Phoenix Subdivision), comprising approximately 2 acres; and

(IV) the N½ portion of section 35, T. 22 N., R. 2 E., Gila and Salt River Base and Meridian, Coconino County, Arizona, excluding any portion north of the southern right-of-way line of the Burlington Northern and Santa Fe Railway (Seligman Subdivision) and any portion south of the northern right-of-way of the Burlington Northern and Santa Fe Railway (Phoenix Subdivision), comprising approximately 60 acres.

(v) By deleting the Buckskinner Park parcel, comprising approximately 50 acres, located in Kaibab National Forest, and more particularly described as the SW¼SW¼, and the S½S½NW¼SW¼ portions of section 33, T. 22 N., R. 2 E., Gila and Salt River Base and Meridian, Coconino County, Arizona.

(vi) By deleting the Wetzel school parcel, comprising approximately 10.89 acres, located in Coconino National Forest, and more particularly described as lot 9 of section 11, T. 21 N., R. 7 E., Gila and Salt River Base and Meridian, Coconino County, Arizona.

(vii) By deleting the Mt. Eldon parcel, comprising approximately 17.21 acres, located in Coconino National Forest, and more particularly described as lot 7 of section 7, T. 21 N., R. 8 E., Gila and Salt River Base and Meridian, Coconino County, Arizona.

(C) MODIFICATIONS.—The descriptions of land and acreage provided in clauses (ii), (iii), and (vii) of subparagraph (B) may be modified to conform with a survey approved by the Bureau of Land Management.

(3) SURPLUS OF NON-FEDERAL LAND.—

(A) IN GENERAL.—If, after any adjustments are made to the non-Federal land or Federal land under subsection (c) or (d) of section 103, the final appraised value of the non-Federal land exceeds the final appraised value of the Federal land, the Federal land and non-Federal land shall be adjusted in accordance with subparagraph (B) until the value is equal.

(B) ADJUSTMENTS.—An adjustment referred to in subparagraph (A) shall be accomplished by beginning at the east boundary of section 30, T. 20 N., R. 6 W., Gila and Salt River Base and Meridian, Yavapai County, Arizona, and adding to the Federal land in ⅛ section increments (N–S 64th line) and lot lines across the section, while deleting in the same increments portions of sections 19 and 31, T. 20 N., R. 6 W., Gila and Salt River Base and Meridian, Yavapai County, Arizona, to establish a linear and continuous boundary that runs north to south across the sections.

(d) CASH EQUALIZATION.—

(1) IN GENERAL.—After the values of the non-Federal and Federal land are equalized to the maximum extent practicable under subsection (c), any balance due the Secretary or Yavapai Ranch shall be paid—

(A) through cash equalization payments under section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)); or

(B) in accordance with standards established by the Secretary and Yavapai Ranch.

(2) LIMITATION.—

(A) ADJUSTMENTS.—If the value of the Federal land exceeds the value of the non-Federal land by more than $50,000, the Secretary and Yavapai Ranch shall, by agreement, delete additional Federal land from the exchange until the value of the Federal land and non-Federal land is equal to the maximum extent practicable.

(B) DEPOSIT.—Any amounts received by the United States under this title—

(i) shall be deposited in a fund established under Public Law 90–171 (16 U.S.C. 484a) (commonly known as the ''Sisk Act''); and

(ii) shall be available, without further appropriation, for the acquisition of land or interests in land for National Forest System purposes in the State of Arizona.

SEC. 105. MISCELLANEOUS PROVISIONS.

(a) REVOCATION OF ORDERS.—Any public orders withdrawing any of the Federal land from appropriation or disposal under the public land laws are revoked to the extent necessary to permit disposal of the Federal land.

(b) WITHDRAWAL OF FEDERAL LAND.—The Federal land is withdrawn from all forms of

entry and appropriation under the public land laws, including the mining and mineral leasing laws and the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.), until the date on which the exchange of Federal land and non-Federal land is completed.

(c) SURVEYS, INVENTORIES, AND CLEARANCES.—Before completing the exchange of Federal land and non-Federal land under this title, the Secretary shall carry out land surveys and preexchange inventories, clearances, reviews, and approvals relating to hazardous materials, threatened and endangered species, cultural and historic resources, and wetlands and floodplains.

(d) COSTS OF IMPLEMENTING THE EXCHANGE.—

(1) IN GENERAL.—In accordance with part 254.7(a) of title 36, Code of Federal Regulations (or any successor regulation), and forest service policy, the costs of implementing the exchange of Federal land and non-Federal land shall be shared equally by the Secretary and Yavapai Ranch.

(2) CREDITS.—Any costs incurred by Yavapai Ranch for cultural or historic resource surveys before the date of enactment of this Act or for independent third party contractors under subsection (f) shall be credited against the amount required to be paid by Yavapai Ranch under paragraph (1).

(3) INELIGIBLE REIMBURSEMENTS.—No amount paid by Yavapai Ranch under this subsection shall be eligible for reimbursement under section 206(f) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(f)).

(e) TIMING.—It is the intent of Congress that the exchange of Federal land and non-Federal land directed by this title be completed not later than 18 months after the date of enactment of this Act.

(f) CONTRACTORS.—If the Secretary lacks adequate staff or resources to complete the exchange by the date specified in subsection (e), the Secretary or Yavapai Ranch shall contract with independent third party contractors, subject to the mutual agreement of the Secretary and Yavapai Ranch, to carry out any activities necessary to complete the exchange by that date.

SEC. 106. STATUS AND MANAGEMENT OF LAND AFTER EXCHANGE.

(a) IN GENERAL.—Non-Federal land acquired by the United States under this title—

(1) shall become part of the Prescott National Forest; and

(2) shall be administered by the Secretary in accordance with—

(A) this title;

(B) the laws (including regulations) applicable to the National Forest System; and

(C) other authorized uses of the National Forest System.

(b) MANAGEMENT PLAN.—

(1) IN GENERAL.—Acquisition of the non-Federal land under this title shall not require a revision or amendment to the Management Plan.

(2) AMENDMENT OR REVISION.—If the Management Plan is amended or revised after the date of acquisition of non-Federal land under this title, the Management Plan shall be amended to reflect the acquisition of the non-Federal land.

(c) POST-EXCHANGE MANAGEMENT OF CERTAIN LAND.—

(1) IN GENERAL.—On acquisition by the United States, the non-Federal land acquired by the United States and any adjoining National Forest System land shall be managed in accordance with—

(A) paragraphs (2) through (5); and

(B) the laws (including regulations) generally applicable to National Forest System land.

(2) GRAZING.—Each area located in the Yavapai Ranch grazing allotment as of the date of enactment of this Act, may as determined to be appropriate by the Secretary—

(A) remain in the Yavapai Ranch grazing allotment; and

(B) continue to be subject to grazing in accordance with the laws (including regulations) generally applicable to domestic livestock grazing on National Forest System land.

(3) EASEMENTS.—

(A) IN GENERAL.—On completion of the land exchange under this title, the Secretary and Yavapai Ranch shall grant each other at no charge reciprocal easements for ingress, egress, and utilities across, over, and through—

(i)(I) the routes depicted on the map entitled ''Road and Trail Easements—Yavapai Ranch Area'' dated April 2002; and

(II) any other inholdings retained by the United States or Yavapai Ranch; or

(ii) any relocated routes that are agreed to by the Secretary and Yavapai Ranch.

(B) REQUIREMENTS.—An easement described in subparagraph (A)—

(i) shall be unlimited, perpetual, and nonexclusive in nature; and

(ii) shall run with and benefit the land of the grantee.

(C) RIGHTS OF GRANTEE.—The rights of the grantee shall extend to—

(i) any successors-in-interest, assigns, and transferees of Yavapai Ranch; and

(ii) in the case of the Secretary, members of the general public, as determined to be appropriate by the Secretary.

(4) TIMBER HARVESTING.—

(A) IN GENERAL.—After the completion of the exchange of land under this title, except as provided in subparagraph (B), timber harvesting for commodity production shall be prohibited on the Federal land acquired.

(B) EXCEPTIONS.—Timber harvesting may be conducted on the Federal land acquired under this title if the Secretary determines that timber harvesting is necessary—

(i) to prevent or control fires, insects, and disease through forest thinning or other forest management techniques;

(ii) to protect or enhance grassland habitat, watershed values, native plants, trees, and wildlife species; or

(iii) to improve forest health.

(5) WATER IMPROVEMENTS.—Nothing in this title prohibits the Secretary from authorizing or constructing new water improvements in accordance with the laws (including regulations) applicable to water improvements on National Forest System land for—

(A) the benefit of domestic livestock or wildlife management; or

(B) the improvement of forest health or forest restoration.

(d) MAPS.—

(1) IN GENERAL.—The Secretary and Yavapai Ranch may correct any minor errors in the maps of, legal descriptions of, or encumbrances on the Federal land or non-Federal land.

(2) DISCREPANCY.—In the event of any discrepancy between a map and legal description, the map shall prevail unless the Secretary and Yavapai Ranch agree otherwise.

(3) AVAILABILITY.—All maps referred to in this title shall be on file and available for inspection in the Office of the Supervisor, Prescott National Forest, Prescott, Arizona.

(e) EFFECT.—Nothing in this title precludes, prohibits, or otherwise restricts Yavapai Ranch from subsequently granting, conveying, or otherwise transferring title to the Federal land after its acquisition of the Federal land.

SEC. 107. CONVEYANCE OF ADDITIONAL LAND.

(a) IN GENERAL—The Secretary shall convey to an individual or entity that represents the majority of landowners with encroachments on the lot by quitclaim deed the parcel of land described in subsection (b).

(b) DESCRIPTION OF LAND.—The parcel of land referred to in subsection (a) is lot 8 in section 11, T. 21 N., R. 7 E., Gila and Salt River Base and Meridian, Coconino County, Arizona.

(c) AMOUNT OF CONSIDERATION.—In exchange for the land described in subsection (b), the individual or entity acquiring the land shall pay to the Secretary consideration in the amount of—

(1) $2500; plus

(2) any costs of re-monumenting the boundary of land.

(d) TIMING.—

(1) IN GENERAL.—Not later than 90 days after the date on which the Secretary receives a power of attorney executed by the individual or entity acquiring the land, the Secretary shall convey to the individual or entity the land described in subsection (b).

(2) LIMITATION.—If, by the date that is 270 days after the date of enactment of this Act, the Secretary does not receive the power of attorney described in paragraph (1)—

(A) the authority provided under this section shall terminate; and

(B) any conveyance of the land shall be made under Public Law 97–465 (16 U.S.C. 521c et seq.).

TITLE II—VERDE RIVER BASIN PARTNERSHIP

SEC. 201. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) the majority of the parcels of Federal land and non-Federal land described in title I are located in the upper and middle portions of the Verde River Basin, Arizona;

(2) the Verde River is a vital resource that—

(A) provides water for community and other uses within the Verde River Basin and Phoenix, Arizona;

(B) recharges area groundwater aquifers; and

(C) sustains highly valued riparian habitat;

(3) approximately 40.5 miles of the Lower Verde River have been designated as a national wild and scenic river with reserved water rights to maintain flows in the River necessary for recreational and environmental purposes;

(4) water withdrawals affect available water supplies and baseflow throughout the Verde River Basin because of the hydrologic connection between surface water and groundwater resources within the entire Basin;

(5) the significant population growth over the past decade in Yavapai County in the Verde River Basin has been accompanied by an increase in water use in the County;

(6) the proposed development of the parcels of Federal land to be acquired under title I would further increase demands on limited water supplies;

(7) the Department of the Interior report entitled ''Water 2025: Preventing Crises and Conflict in the West'' identified portions of the Verde River Basin as areas in which existing water supplies are not adequate to meet increasing water demands;

(8) significant declines in groundwater levels in portions of the Verde Valley have caused water supply problems, including water quality degradation;

(9) it is essential to the interests of the Federal Government, the State of Arizona, and local communities in the State to determine the long-term availability of water supplies in the Verde Valley before the transfer and private development of Federal land in the area; and

(10) the Upper San Pedro Partnership in the Sierra Vista subwatershed in the State serves as a model of collaborative, science-

based water resource planning and management.

(b) PURPOSE.—The purpose of this title is to authorize assistance for a collaborative and science-based water resource planning and management partnership for the Verde River Basin in the State of Arizona, consisting of members that represent—

(1) Federal, State, and local agencies; and

(2) economic, environmental, and community water interests in the Verde River Basin.

SEC. 202. DEFINITIONS.

In this title:

(1) DIRECTOR.—The term ''Director'' means the Director of the Arizona Department of Water Resources.

(2) PARTNERSHIP.—The term ''Partnership'' means the Verde River Basin Partnership.

(3) PLAN.—The term ''plan'' means the plan for the Verde River Basin required by section 204(a)(1).

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

(5) STATE.—The term ''State'' means the State of Arizona.

(6) VERDE RIVER BASIN.—The term ''Verde River Basin'' means the land area designated by the Arizona Department of Water Resources as encompassing surface water and groundwater resources, including drainage and recharge areas with a hydrologic connection to the Verde River.

(7) WATER BUDGET.—The term ''water budget'' means the accounting of—

(A) the quantities of water leaving the Verde River Basin—

(i) as discharge to the Verde River and tributaries;

(ii) as subsurface outflow;

(iii) as evapotranspiration by riparian vegetation;

(iv) as surface evaporation; and

(v) for human consumption; and

(B) the quantities of water replenishing the Verde River Basin by precipitation, infiltration, and subsurface inflows.

SEC. 203. VERDE RIVER BASIN PARTNERSHIP.

(a) IN GENERAL.—The Secretary may assist the Director and the Yavapai Water Advisory Council by participating in the establishment of a Verde River Basin Partnership to provide science-based and collaborative water resource planning and management activities relating to the Verde River Basin.

(b) MEMBERSHIP.—It is the intent of Congress that the Partnership be composed of Federal, State, and local members with responsibilities, expertise, and interests pertaining to water resource planning and management.

(c) AUTHORIZATION OF APPROPRIATIONS.—On establishment of the Partnership, there are authorized to be appropriated to the Secretary and the Secretary of the Interior such sums as are necessary to carry out the activities of the Partnership for each of fiscal years 2005 through 2009.

SEC. 204. VERDE RIVER BASIN STUDIES.

(a) STUDIES.—

(1) IN GENERAL.—The Partnership shall prepare a plan for the conduct of water resource studies in the Verde River Basin that identifies—

(A) the primary study objectives to fulfill water resource planning and management needs for the Verde River Basin; and

(B) the water resource studies, hydrologic models, surface and groundwater monitoring networks, and other analytical tools helpful in the identification of long-term water supply management options within the Verde River Basin.

(2) REQUIREMENTS.—At a minimum, the plan shall—

(A) include a list of specific studies and analyses that are needed to support Partnership planning and management decisions;

(B) identify any ongoing or completed water resource or riparian studies that are relevant to water resource planning and management for the Verde River Basin;

(C) describe the estimated cost and duration of the proposed studies and analyses; and

(D) designate as a study priority the compilation of a water budget analysis for the Verde Valley, including the Camp Verde parcel described in section 103(a)(2)(D).

(b) VERDE VALLEY WATER BUDGET ANALYSIS.—

(1) IN GENERAL.—Not later than 14 months after the date of enactment of this Act, the Director of the U.S. Geological Survey, in cooperation with the Director, shall prepare and submit to the Partnership a report that provides a water budget analysis of the portion of the Verde River Basin within the Verde Valley.

(2) COMPONENTS.—The report submitted under paragraph (1) shall include—

(A) a summary of the information available on the hydrologic flow regime for the portion of the Middle Verde River from the Clarkdale streamgauging station to the city of Camp Verde at United States Geological Survey Stream Gauge 09506000;

(B) with respect to the portion of the Middle Verde River described in subparagraph (A), estimates of—

(i) the inflow and outflow of surface water and groundwater;

(ii) annual consumptive water use; and

(iii) changes in groundwater storage; and

(C) an analysis of the potential long-term consequences of various water use scenarios on groundwater levels and Verde River flows.

(c) PRELIMINARY REPORT AND RECOMMENDATIONS.—.

(1) IN GENERAL.—Not later than 16 months after the date of enactment of this Act, using the information provided in the report submitted under subsection (b) and any other relevant information, the Partnership shall submit to the Secretary, the Governor of Arizona, and representatives of the Verde Valley communities, a preliminary report that sets forth the findings and recommendations of the Partnership regarding the long-term available water supply within the Verde Valley (including the Camp Verde parcel described in section 103(a)(2)(D)), taking into account the long-term consequences analyzed under subsection (b)(2)(C).

(2) INCLUSIONS.—To the maximum extent practicable, the recommendations submitted under paragraph (1) shall include, with respect to the Camp Verde parcel described in section 103(a)(2)(D)—

(A) proposed development scenarios on the parcel that are compatible with long-term available water supply estimates; and

(B) designation of any portions of the parcel that should be retained as open space or otherwise managed for aquifer recharge or baseflow maintenance.

SEC. 205. VERDE RIVER BASIN PARTNERSHIP FINAL REPORT.

Not later than 4 years after the date of enactment of this Act, the Partnership shall submit to the Secretary and the Governor of Arizona a final report that—

(1) includes a summary of the results of any water resource assessments conducted under this title in the Verde River Basin;

(2) identifies any areas in the Verde River Basin that are determined to have groundwater deficits or other current or potential water supply problems;

(3) identifies long-term water supply management options for communities and water resources within the Verde River Basin; and

(4) identifies water resource analyses and monitoring needed to support the implementation of management options.

SEC. 206. MEMORANDUM OF UNDERSTANDING.

The Secretary (acting through the Chief of the Forest Service) and the Secretary of the Interior, shall enter into a memorandum of understanding authorizing the United States Geological Survey to access Forest Service land (including stream gauges, weather stations, wells, or other points of data collection on the Forest Service land) to carry out this title.

SEC. 207. EFFECT.

Nothing in this title diminishes or expands State or local jurisdiction, responsibilities, or rights with respect to water resource management or control.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will be held on Thursday, September 16, 2004, at 10 a.m. in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the current status of the Hard Rock Mining Industry in America. The hearing would provide a status and trend analysis, a review of domestic mineral reserves, a summary on exploration investments and current production as well as permitting and reclamation issues.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150.

For further information, please contact Dick Bouts at 202–224–7545 or Amy Millet at 202–224–8276.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on July 22, 2004, at 9:30 a.m., in open session to receive testimony on the Department of the Army Inspector General Report on Detention Operation Doctrine and Training.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Thursday, July 22, 2004, at 10 a.m., to conduct an oversight hearing on ''Regulation N.M.S. and Developments in Market Structure.''

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

COMMITTEE ON FINANCE

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Thursday, July 22, 2004, at 10 a.m., to hear testimony on The Role of Higher Education Financing in Strengthening U.S. Competitiveness in a Global Economy.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, July 22, 2004, at 9:30 a.m. to hold a hearing on Iraq Post-Transition.

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

COMMITTEE ON GOVERNMENTAL AFFIARS

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Thursday, July 22, 2004, at 3:30 p.m., to consider the nomination of Allen Weinstein to be Archivist of the United States, National Archives and Records Administration.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing entitled ''Terror Attacks: Are We Prepared?'' during the session of the Senate on Thursday, July 22, 2004, at 10 a.m. in SD–430.

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

COMMITTEE ON THE JUDICIARY

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to continue its markup on Thursday, July 22, 2004, at 10:30 a.m. in Dirksen Senate Office Building room 226.

Agenda

I. Nominations: Claude A. Allen, to be U.S. Circuit Judge for the Fourth Circuit; David E. Nahmias, of Georgia, to be United States Attorney for the Northern District of Georgia; Ricardo H. Hinojosa, to be Chair of the United States Sentencing Commission; Michael O'Neill, to be a Member of the United States Sentencing Commission; Ruben Castillo, to be a Member of the United States Sentencing Commission; and William Sanchez, to be Special Counsel for Immigration-Related Unfair Employment Practice.

II. Legislation: S. 1635, L–1 Visa (Intracompany Transferee) Reform Act of 2003, Chambliss; S. 1700, Advancing Justice through DNA Technology Act of 2003, Hatch, Biden, Specter, Leahy, DeWine, Feinstein, Kennedy, Schumer, Durbin, Kohl, Edwards; S. 2396, Federal Courts Improvement Act of 2004, Hatch, Leahy, Chambliss, Durbin, Schumer; and H.R. 1417, to amend title 17, United States Code, to replace copyright arbitration royalty panels with Copyright Royalty Judges Act of 2003, Smith–TX, Berman–CA, Conyers–MI.

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

COMMITTEE ON THE JUDICIARY

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on Thursday, July 22, 2004, at 2 p.m. on ''Protecting Innovation and Art while Preventing Piracy'' in the Dirksen Senate Office Building room 226.

Witness List

Panel I: The Honorable Marybeth Peters, Register of Copyrights, United States Copyright Office.

Panel II: Mr. Gary Shapiro, President and Chief Executive Officer, Consumer Electronics Association; Mr. Robert Holleyman, President and Chief Executive Officer, Business Software Alliance; Mr. Andrew Greenberg, Vice-Chairman, Intellectual Property Committee, IEEE–USA; Mr. Kevin McGuiness, Executive Director and General Counsel, NetCoalition; and Mr. Mitch Bainwol, Chairman and Chief Executive Officer, Recording Industry Association of America.

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

JOINT ECONOMIC COMMITTEE

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Joint Economic Committee be authorized to conduct a hearing in room 628 of the Dirksen Senate Office Building, Thursday, July 22, 2004, from 10 a.m. to 12:30 p.m.

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

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs be authorized to meet on Thursday, July 22, 2004, at 9 a.m., for a hearing entitled ''Buyer Beware: The Danger of Purchasing Pharmaceuticals Over the Internet.''

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on July 22, 2004, at 2:30 p.m., to hold a hearing on intelligence matters.

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

SUBCOMMITTEE ON NATIONAL PARKS

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Subcommittee on National Parks of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, July 22, at 2:30 p.m.

The purpose of the hearing is to conduct oversight on the implementation of the National Parks Air Tour Management Act of 2000, Public Law 106–181.

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

SUBCOMMITTEE ON SCIENCE, TECHNOLOGY, AND SPACE

Mr. ALEXANDER. Mr. President, I ask unanimous consent that Subcommittee on Science, Technology, and Space be authorized to meet on Thursday, July 22, 2004, at 2:30 p.m. on the subject of Saturn.

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

PRIVILEGE OF THE FLOOR

Mr. INOUYE. Mr. President, I ask unanimous consent that privilege of the floor be granted to Ellen Forster during consideration of this legislation.

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

HIGHWAY ACT EXTENSION

Mr. FRIST. I ask unanimous consent that the Senate proceed to consideration of H.R. 4916, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 4916) providing extension of highway, highway safety, transit, and other programs funded out of the Highway Trust Fund.

There being no objection, the Senate proceeded to consider the bill.

SURFACE TRANSPORTATION

Mr. WARNER. Mr. President, I respectfully request if the chairman of the Committee on Environment and Public Works, Senator INHOFE, would engage in a colloquy with me on the impact of the several Surface Transportation extension bills on the so-called ''donor'' States. As the chairman is well aware, TEA–21 contains a fundamental principle of fairness for donor States which guarantees that no State will receive less than a 90.5 percent rate of return of their gas tax contributions to the Highway trust fund. In the preceding extension bills for fiscal year 2004, this matter was not addressed because it was expected that a full surface transportation reauthorization bill would be enacted this year. I know my chairman has worked tirelessly to pass a new transportation bill, but regrettably we have not completed our work.

As we face the end of the fiscal year, the multiple highway extension bills have not followed the TEA–21 Minimum Guarantee program and the result is that, to date, many States will not receive the 90.5 percent guarantee in fiscal year 2004. I am particularly concerned because again this temporary extension bill does not follow the TEA–21 formula.

I appreciate the chairman's diligence on this matter and I am aware that some funding remains in fiscal year

2004 which may be used to correct this problem. I would like to ask the chairman if my understanding of this situation is correct, and would be grateful for the chairman's view of this matter.

Mr. INHOFE. The Senator from Virginia is correct that the several transportation extension bills enacted this year require that the next legislation we enact must address the ''donor'' State issue for fiscal year 2004. I remain committed to guaranteeing that all States receive a minimum of 90.5 percent rate of return for their trust fund contributions in fiscal year 2004. As some funding remains in the fiscal year, I am committed to maintaining the Minimum Guarantee program for this year so that no State receives less than a 90.5 percent return on their trust fund contributions.

Mr. FRIST. I ask unanimous consent the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

Mr. REID. Mr. President, I will speak very briefly. People watching sometimes wonder what is going on in the quorum call. This is hours' worth of quorum call right here. It took only 20 seconds to read it. It is one reason we have the quorum calls.

No objection.

Mr. FRIST. Many hours, many hours.

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

The bill (H.R. 4916) was read the third time and passed.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. FRIST. As in executive session, I ask unanimous consent that at 5 p.m. on Tuesday, September 7, the Senate proceed to executive session for the consideration en bloc of Calendar Nos. 791 and 792; provided further that the time until 5:30 be equally divided between the chairman and the ranking member or their designees.

I further ask consent at 5:30 the Senate proceed to a vote on the confirmation of No. 791, the nomination of Virginia Maria Hernandez Covington, to be followed immediately by a vote on the confirmation of No. 792, the nomination of Michael Schneider, Sr.

I further ask immediately following the vote, the President immediately be notified of the Senate's action and proceed to Calendar No. 787, the nomination of Michael Watson.

Mr. REID. No objection.

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

Mr. FRIST. Mr. President, in consultation with the Democratic leader, what we did with that unanimous consent would allow two judges to be voted on at 5:30, with the expectation that the third, which is Mr. Michael Watson, be confirmed by voice vote after that.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on today's Executive Calendar: 695, 796, 803, 804, 810, 811, and 812, and all nominations on the Secretary's desk. I further ask consent that the nomination of John Miller, PN 1763, be discharged from the Foreign Relations Committee, and the Senate proceed to its consideration. I further ask unanimous consent that the nominations be confirmed en bloc, the motion to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

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

The nominations considered and confirmed en bloc are as follows:

NOMINATIONS

THE JUDICIARY

John O. Colvin, of Virginia, to be a Judge of the United States Tax Court for a term of fifteen years. (Reappointment)

DEPARTMENT OF THE TREASURY

Charles L. Kolbe, of Iowa, to be a Member of the Internal Revenue Service Oversight Board for the remainder of the term expiring September 14, 2004.

CENTRAL INTELLIGENCE

Larry C. Kindsvater, of Virginia, to be Deputy Director of Central Intelligence for Community Management.

DEPARTMENT OF HOMELAND SECURITY

David M. Stone, of Virginia, to be an Assistant Secretary of Homeland Security.

IN THE COAST GUARD

The following named officers for appointment in the United States Coast Guard to the grade indicated under title 14, U.S.C., section 271:

To be rear admiral

Read Adm. (lh) Dale G. Gabel, 0000
Rear Adm. (lh) Jeffrey M. Garrett, 0000
Rear Adm. (lh) Stephen W. Rochon, 0000

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Captain Samuel P. De Bow, Jr., NOAA for appointment to the grade of Rear Admiral (O–8), while serving in a position of importance and responsibility as Director, NOAA Corps and Director, Office of Marine and Aviation Operations, National Oceanic and Atmospheric Administration, under the provisions of Title 33, United States Code, Section 3028(d)(1).

Captain Richard R. Behn, NOAA for appointment to the grade of Rear Admiral (O–7), while serving in a position of importance and responsibility as Director, Marine and Aviation Operations Centers, National Oceanic and Atmospheric Administration, under the provisions of Title 33, United States Code, Section 3028(d)(1).

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE COAST GUARD

PN1557 COAST GUARD nomination of Craig S. Toomey, which was received by the Senate and appeared in the Congressional Record of April 29, 2004.

PN1791 COAST GUARD nomination of Laurie J. Mosier, which was received by the Senate and appeared in the Congressional Record of July 8, 2004.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

PH1646 NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION nominations (163) beginning Michael S. Abbott, and ending David J. Zezula, which nominations were received by the Senate and appeared in the Congressional Record of May 18, 2004.

DEPARTMENT OF STATE

John Ripin Miller, of Washington, to be Director of the Office to Monitor and Combat Trafficking, with the rank of Ambassador at Large.

UNANIMOUS AGREEMENT—EXECUTIVE CALENDAR

Mr. FRIST. As in executive session, I ask unanimous consent that during the upcoming adjournment of the Senate, all nominations remain status quo with the exception of Deborah P. Majoras to be a Federal Trade Commissioner, (PN 1613) and Jon D. Leibowitz, (PN 1496).

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

Mr. FRIST. I thank everyone for their cooperation in getting these agreements for the judges, as well as confirming some important timely nominations, such as the Assistant Secretary of Homeland Security, Mr. Stone. There are a number of other nominations that remain on the calendar, including a number of diplomatic positions which include the Ambassador to Qatar, the Ambassador to Estonia, several representatives to the United Nations. I was prepared to ask consent for these, although I will withhold that request, but I would ask my colleagues on the other side to look at these nominations and see if there is a way to allow us to proceed to these ambassadorships. I will not belabor the point this evening, but there are so many additional nominations we have that are pending and that we should have acted upon. I hope they will give those every consideration.

Today, more have been reported out, several Commerce Department nominations, Albert Frink, Brett Palmer, Benjamin Wu. These will be added to the growing list of nominations now available. These people deserve action from the Senate.

Mr. REID. Mr. President, I briefly say it should be noted in the Executive Calendar we just approved there is not a single member of the minority in this. We have tried to show our good faith. We have received the assurance of the majority leader and others in the administration that we will work to release some of the people we want through, people nominated by Senator DASCHLE. We are going to work to try to do a good job as soon as we get back.

I want the record also to reflect that Admiral Stone was approved tonight, with the Transportation Security Agency. That simply would not have happened but for the good work of Senator ENSIGN who worked very hard on that, working to get this man's name

cleared. But for him, that would not have been done tonight.

MEASURES PLACED ON THE CALENDAR—S. 2704 AND S. 2714

Mr. FRIST. I understand there are two bills at the desk which are due for a second reading.

The PRESIDING OFFICER. The clerk will read the bills for a second time.

The legislative clerk read as follows:

A bill (S. 2704) to amend title XIX and XXI of the Social Security Act to provide States with the option to cover certain legal immigrants under the Medicaid and State children's health insurance programs.

A bill (S. 2714) to amend part D of title XVIII of the Social Security Act, as added by the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, to provide for negotiation of fair prices for Medicare prescription drugs.

Mr. FRIST. I object to further proceedings on the measures en bloc at this time.

The PRESIDING OFFICER. The bills will be placed on the calendar.

DECLARING GENOCIDE IN DARFUR, SUDAN

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 133, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 133) declaring genocide in Darfur, Sudan.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. CORZINE. Mr. President, today the Senate is taking historic action, stating clearly that the atrocities occurring in Darfur are genocide, reminding the world of its obligations under the Genocide Convention, and calling on the administration to lead an international effort to stop the genocide. This resolution, which I introduced with my colleague, SAM BROWNBACK, has broad, bipartisan support, and its unanimous approval by the U.S. Senate sends a powerful message—that this body will not remain silent as genocide occurs.

The situation remains, as U.N. officials have called it, ''the world's worst humanitarian catastrophe.'' At least 30,000 have been killed. Mr. President, 1.2 million have been violently displaced from their villages, of whom 200,000 have fled to Chad. The potential death toll is horrifying. Andrew Natsios, Administrator of the U.S. Agency for International Development, has predicted that 300,000 will die this year, even in an ''optimistic'' scenario in which humanitarian assistance is provided, and that up to one million are at risk.

This disaster is the result of the deliberate policies of the Government of Sudan and the ''janjaweed'' militias under its control. Earlier this week, Human Rights Watch reported how Sudanese government documents themselves prove Khartoum's complicity. Those documents describe, in plain terms, the government's military support for the militias—its, quote ''loyalist tribes''—and its policy of tolerating the abuse of civilians by the militias.

What has been the result? Janjaweed militias, along with Sudanese forces, have engaged in systematic attacks against civilians in Darfur. As recently confirmed by U.S. Government satellite photographs, villages have been burnt to the ground. Livestock and food stock have been destroyed, and water sources poisoned. Humanitarian assistance has been denied. Militias have murdered civilians and abducted children.

Just this week, on Monday, Amnesty International issued a report describing how rape has been used as a weapon of war in Darfur. Amnesty described how women and girls as young as 8 have been raped and abducted, often with the involvement or acquiescence of Sudanese authorities. Janjaweed militia have raped women in public, in front of their families, with the intent of adding humiliation to the violence. Amnesty reports gang rapes, rapes of pregnant women, and torture and killings in the context of sexual violence. Darfurian women, who are often reluctant to talk about these experiences, nonetheless described how they were abducted and held captive during the day, when militia members were looting villages, so that they could be raped at night. Amnesty reported how rapes have occurred during attacks on villages, during the flight of civilians, and in the camps, all with total impunity. Not a single member of the janjaweed or the Sudanese armed forces have been charged with committing rape or abducting civilians.

In addition to stopping this violence, we must act now to prevent death from starvation and disease. Hundreds of thousands of civilians are currently crowded into camps, where conditions are simply stated, horrendous. Humanitarian organizations now estimate that nearly half of the internationally displaced civilians in Darfur have inadequate food and shelter, that 61 percent lack sufficient water, and that 87 percent lack adequate sanitation. Many of the camps are off limits to international relief workers, and much of the countryside is inaccessible as well.

The rains are adding to the obstacles presented to the humanitarian organizations. So, too, is the lack of security created by the militias and Sudanese forces. The result may be a complete break in the food pipeline, and the deaths of hundreds of thousands. As U.N. Under Secretary General for Humanitarian Affairs Jan Egelan said last week, ''We are now in this moment of truth, which will last for some weeks.''

Along with my colleague, Senator BROWNBACK, I have introduced a resolution declaring the situation in Darfur to be genocide. Why is this so? To begin with, it is undisputed that the murders, rapes, abductions of children, displacements and denial of humanitarian assistance have been directed at particular ethnic groups, specifically the ethnically African groups—the Fur, Zagahwa, and Massalit. Both the U.S. and the U.N. have stated that ''ethnic cleansing'' is occurring. The U.S. Ambassador for War Crimes, Pierre-Richard Prosper, has said that there are ''indicators of genocide.''

What does the Genocide Convention of 1948 state? It defines genocide as killing, causing serious bodily harm, and deliberately inflicting conditions of life calculated to bring about its physical destruction—all of which have occurred in Darfur—committed with intent to destroy, in whole or in part, a national ethnical, racial or religious group. The Convention does not require that a certain number have died before it is genocide, only that the acts are occurring.

This declaration is important because of our obligation—and that of the world—to stop genocide before it is too late. After all, the full name of the Genocide Convention is the ''Convention on the Prevention and Punishment of the Crime of Genocide.'' Article I of the Convention states that the contracting parties ''undertake to prevent and punish'' genocide. The United States and every other permanent member of the U.N. Security Council is a party to the Genocide Convention.

The Genocide Convention arose out of the horror of the Holocaust, in a moment of history in which the world vowed never again to permit this evil. But the world has spoken much more recently. In late January 2004, 55 governments participated in the Stockholm International Forum, ''Preventing Genocide; Threats and Responsibilities.'' Those governments, which included the U.S., the U.K., France and Russia, declared, quote:

The Holocaust . . . challenged the foundations of human civilization . . . We are committed to shouldering our responsibility to protect groups identified as potential victims of genocide, mass murder or ethnic cleansing, drawing upon the range of tools at our disposal to prevent such atrocities in accordance with international law and fully upholding the Convention on the Prevention and Punishment of the Crime of Genocide.

This was this January. What do these words mean without action? More words, mere condemnations are not sufficient. Nor is humanitarian assistance possible without real intervention. The lack of food, water and sanitation have reached critical levels. But the problem is caused, and compounded, by the lack of security. As Jan Egelan said last week, quote ''The number one problem now is lack of security. Our trucks are looted, our humanitarian workers are threatened and attacked.''

We must find ways to stop this catastrophe. This resolution calls on the President to lead an international effort to stop this genocide. In my view,

to be effective, we must take whatever actions are necessary, including armed intervention, to save the hundreds of thousands of lives that are at stake. I have called for a U.N.-authorized multinational force, as well as the provision of assistance to the African Union's critically important, but thus far, inadequate mission.

In the end, the only thing that will matter is whether we have saved these lives, whether we have done whatever it takes to stop this genocide. This resolution is a powerful statement. But it must also serve as an impetus to the administration and to the rest of the world to act. Morally and legally, we have no other option.

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 concurrent resolution (S. Con. Res. 133) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. CON. RES. 133

Whereas Article 1 of the Convention on the Prevention and Punishment of the Crime of Genocide (signed at Paris on December 9, 1948) states that ''the Contracting Parties confirm that genocide, whether committed in time of peace or in time of war, is a crime under international law which they undertake to prevent and to punish'';

Whereas Article 2 of the Convention on the Prevention and Punishment of the Crime of Genocide declares that ''in the present Convention, genocide means any of the following acts committed with the intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such: (a) killing members of the group; (b) causing serious bodily or mental harm to members of the group; (c) deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; (d) imposing measures intended to prevent births within the group; and (e) forcibly transferring children of the group to another group'';

Whereas Article 3 of the Convention on the Prevention and Punishment of the Crime of Genocide affirms that ''[the] following acts shall be punishable: (a) genocide; (b) conspiracy to commit genocide; (c) direct and public incitement to commit genocide; (d) attempt to committed genocide; and (e) complicit in genocide'';

Whereas in Darfur, Sudan, an estimated 30,000 innocent civilians have been brutally murdered, more than 130,000 people have been forced from their homes and have fled to neighboring Chad, and more than 1,000,000 people have been internally displaced; and

Whereas in March 2004 the United Nations Resident Humanitarian Coordinator stated: ''[T]he war in Darfur started off in a small way last year but it has progressively gotten worse. A predominant feature of this is that the brunt is being borne by civilians. This includes vulnerable women and children . . . The violence in Darfur appears to be particularly directed at a specific group based on their ethnic identity and appears to be systemized.'': Now, therefore, be it

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

(1) declares that the atrocities unfolding in Darfur, Sudan, are genocide;

(2) reminds the Contracting Parties to the Convention on the Prevention and Punishment of the Crime of Genocide (signed at Paris on December 9, 1948), particularly the Government of Sudan, of their legal obligations under the Convention;

(3) declares that the Government of Sudan, as a Contracting Party, has violated the Convention on the Prevention and Punishment of the Crime of Genocide;

(4) deplores the failure of the United Nations Human Rights Commission to take appropriate action with respect to the crisis in Darfur, Sudan, particularly the failure by the Commission to support United States–sponsored efforts to strongly condemn gross human rights violations committed in Darfur, and calls upon the United Nations and the United Nations Secretary General to assert leadership by calling the atrocities being committed in Darfur by their rightful name: ''genocide'';

(5) calls on the member states of the United Nations, particularly member states from the African Union, the Arab League, and the Organization of the Islamic Conference, to undertake measures to prevent the genocide in Darfur, Sudan, from escalating further, including the imposition of targeted means against those responsible for the atrocities;

(6) commends the Administration's leadership in seeking a peaceful resolution to the conflict in Darfur, Sudan, and in addressing the ensuing humanitarian crisis, including the visit of Secretary of State Colin Powell to Darfur in June 2004 to engage directly in efforts to end the genocide, and the provision of nearly $140,000,000 to date in bilateral humanitarian assistance through the United States Agency for International Development;

(7) commends the President for appointing former Senator John Danforth as Envoy for Peace in Sudan on September 6, 2001, and further commends the appointment of Senator Danforth as United States Ambassador to the United Nations;

(8) calls on the Administration to continue to lead an international effort to stop genocide in Darfur, Sudan;

(9) calls on the Administration to impose targeted means, including visa bans and the freezing of assets, against officials and other individuals of the Government of Sudan, as well as Janjaweed militia commanders, who are responsible for war crimes and crimes against humanity in Darfur, Sudan; and

(10) calls on the United States Agency for International Development to establish a Darfur Resettlement, Rehabilitation, and Reconstruction Fund so that those individuals driven off their land may return and begin to rebuild their communities.

CONDEMNING THE ATTACK ON THE AMIA JEWISH COMMUNITY CENTER IN BUENOS AIRES, ARGENTINA, IN JULY 1994

Mr. FRIST. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of S. Con. Res. 126 and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 126) condemning the attack on the AMIA Jewish Community Center in Buenos Aires, Argentina, in July 1994, and expressing the concern of the United States regarding the continuing, decade-long delay in the resolution of this case.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, all with no intervening action or debate, and that any statements relating to this matter be printed in the RECORD.

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

The concurrent resolution (S. Con. Res. 126) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 126

Whereas on July 18, 1994, 85 innocent people were killed and 300 were wounded when the Argentine Jewish Mutual Association (referred to in this resolution as the ''AMIA'') was bombed in Buenos Aires, Argentina;

Whereas that attack showed the same cowardice and utter disregard for human life as the attacks on the United States on September 11, 2001;

Whereas the United States welcomes Argentine President Nestor Kirchner's political will to pursue the investigation of the AMIA bombing, as demonstrated by his Executive order opening the archives of Argentina's Secretariat for State Intelligence (referred to in this resolution as ''SIDE'') and by his decisions to raise the AMIA cause to national status, and to emphasize that there is no statute of limitations for those responsible for this attack;

Whereas it is reported that considerable evidence links the attack to the terrorist group Hizballah, which is based in Lebanon, supported by the Government of the Syrian Arab Republic, and sponsored by the Government of the Islamic Republic of Iran;

Whereas the decade since the bombing has been marked by efforts to minimize the international connection to this terrorist attack;

Whereas in March 2003, an Argentine judge issued arrest warrants for 4 officials of the Government of the Islamic Republic of Iran who are believed to have been involved in planning or carrying out the attack against AMIA and requested that the International Criminal Police Organization apprehend them;

Whereas the 4 indicted Iranians are Ali Fallahian, a former minister of security and intelligence; Mohsen Rabbani, a former cultural attache at the Iranian Embassy in Buenos Aires; Ali Balesh-Abadi, an Iranian diplomat; and Ali Akbar Parvaresh, a former minister of education;

Whereas Hadi Soleimanpour, Iran's Ambassador to Argentina in the 1990s, also has an international arrest warrant pending against him by Argentine authorities for his suspected primary role in the AMIA bombing;

Whereas it is reported that suicide bomber Ibrahim Hussein Berro, a Lebanese citizen, carried out the attack on AMIA;

Whereas it has been reported that contact was made by the Iranian embassy in Buenos Aires to Ibrahim Hussein Berro, who lived in a mosque in Canuelas, Argentina, in the days before the AMIA bombing;

Whereas Argentine officials have acknowledged that there was negligence in the initial phases of the investigation into the 1994

bombing, including the destruction or disappearance of material evidence;

Whereas the first major criminal trial regarding the bombing did not begin until September 2001, and those who are currently on trial are former policemen and civilians who are accused of playing roles only in the procurement and delivery of the vehicle that was used in the bombing;

Whereas the judge who had presided since 2001 over the investigation and trial related to the AMIA bombing was removed in December 2003 due to charges that he bribed a key witness in the AMIA case;

Whereas the new trial judge, Rodolfo Canicoba Corral, deals with many other important cases and has few supporting staff;

Whereas on March 17, 1992, terrorists bombed the Embassy of Israel in Buenos Aires, Argentina, killing 29 people and injuring more than 200, and the perpetrators of the attack also remain at large;

Whereas an inability to extradite suspected Islamic militants and Iranian officials has debilitated the efforts of the Government of Argentina to prosecute masterminds and planners of the 1994 AMIA bombing;

Whereas evidence indicates that the tri-border area where the borders of Argentina, Paraguay, and Brazil meet is suspected of harboring organizations that support terrorism and engage in drug and arms smuggling and an assorted array of other illicit, revenue-raising activities;

Whereas the Government of Argentina supports the 1996 Declaration of Lima to Prevent, Combat and Eliminate Terrorism, which refers to terrorism as a ''serious form of organized and systematic violence that is intended to generate chaos and fear among the population, results in death and destruction, and is a reprehensible criminal activity'';

Whereas the Government of Argentina supports the 1998 Commitment of Mar del Plata, which calls terrorist acts ''serious common crimes that erode peaceful and civilized coexistence, affect the rule of law and the exercise of democracy, and endanger the stability of democratically elected constitutional governments and their socioeconomic development of our countries'';

Whereas the Government of Argentina actively supports the development of the Three Plus One Counterterrorism Dialogue with Brazil, Paraguay, and the United States;

Whereas the Government of Argentina was successful in enacting a law on cooperation from defendants in terrorist matters, a law that will be helpful in pursuing full prosecution in the 1994 AMIA bombing and other terrorist cases; and

Whereas the Second Specialized Conference on Terrorism held in Mar del Plata, Argentina on November 23 and November 24, 1998, concluded with the adoption of the Commitment of Mar del Plata, calling for the establishment within the Organization of American States (referred to in this resolution as ''OAS'') of an Inter-American Committee Against Terrorism (referred to in this resolution as ''CICTE''): Now, therefore, be it

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

(1) reiterates its strongest condemnation of the 1994 attack on the AMIA Jewish Community Center in Buenos Aires, Argentina, and honors the victims of this heinous act;

(2) expresses its sympathy to the relatives of the victims, who have waited 10 years without justice for the loss of their loved ones, and may have to wait even longer for justice to be served;

(3) underscores the concern of the United States regarding the continuing, decade-long delay in the proper resolution of this case;

(4) strongly urges the Government of Argentina to continue to dedicate and provide the resources necessary for its judicial system and intelligence agencies to investigate all areas of the AMIA case, including by implementing Argentine President Nestor Kirchner's Executive order mandating the opening of the archives of the SIDE of Argentina, and to prosecute with due haste those who are responsible for the bombing;

(5) calls upon the international community to cooperate fully with the investigation, including by making information, witnesses, and suspects available for review and questioning by the appropriate Argentine authorities;

(6) encourages the President to direct United States law enforcement agencies to provide support and cooperation, if requested, to the Government of Argentina, for the purposes of deepening and expanding the investigation into this bombing and suspected activities in support of terrorism in the tri-border area where the borders of Argentina, Paraguay, and Brazil meet;

(7) encourages the President to direct the United States Representative to the OAS to—

(A) seek support from OAS member countries for the creation of a special task force of the CICTE to assist, as requested by the Government of Argentina, in the investigation of all aspects of the 1994 AMIA terrorist attack; and

(B) urge OAS member countries to designate Hizballah as a terrorist organization if they have not already done so;

(8) stresses the need for international pressure on the Government of the Islamic Republic of Iran and the Government of the Syrian Arab Republic to extradite for trial individuals and government officials who are accused of planning or perpetrating the AMIA attack, and to immediately, unconditionally, and permanently cease any and all assistance to terrorists; and

(9) desires a lasting, warm relationship between the United States and Argentina that is built, in part, on mutual abhorrence of terrorism and commitments to peace, stability, and democracy in the Western Hemisphere.

URGING THE GOVERNMENT OF UKRAINE TO ENSURE A DEMOCRATIC, TRANSPARENT, AND FAIR ELECTION PROCESS FOR THE PRESIDENTIAL ELECTION ON OCTOBER 31, 2004

Mr. FRIST. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of S. Con. Res. 106 and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 106) urging the Government of Ukraine to ensure a democratic, transparent, and fair election process for the presidential election on October 31, 2004.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. CAMPBELL. Mr. President, I rise to urge passage of S. Con. Res. 106, a bipartisan resolution calling upon the Government of Ukraine to ensure a democratic, transparent and fair election process for the presidential elections scheduled to be held in late October. This resolution, by encouraging fair, open and transparent elections, is a concrete expression of the commitment of the U.S. Congress to the Ukrainian people.

The resolution underscores that an election process and the establishment of a genuinely democratic political system consistent with Ukraine's freely undertaken OSCE commitments is a prerequisite for Ukraine's full integration into the Western community of nations as an equal member, including into NATO. The October elections will be vital in determining Ukraine's course for years to come. They present the Ukrainian authorities with a real opportunity to demonstrate their commitment to OSCE principles and values.

As cochairman of the Helsinki Commission, I would point out that Ukrainian President Leonid Kuchma recently cosigned a Declaration with Russia and leaders of several other independent former Soviet states criticizing the OSCE for focusing too much attention on human rights and democratization. While disappointing, this diatribe is not surprising given the fact that under President Kuchma's leadership, Ukraine's record in such as media freedoms, elections, the rule of law and corruption has moved in the wrong direction. It is up to the OSCE states, including Ukraine, to implement their freely undertaken OSCE commitments and to take corrective measures if necessary—something I hope the Ukrainian authorities will be mindful of in the run-up to the elections.

Ukraine's pre-election environment has already been decidedly problematic and of great concern to the United States and the international community. The pending resolution, S. Con. Res. 106, focuses squarely on key problem areas, including increasing control and manipulation of the media and attempts by national authorities to limit access to international broadcasting, including Radio Liberty. Among other concerns are the serious obstacles to free assembly and a free and fair political campaign as well as substantial irregularities in several recent elections, most notably, the mayoral election held in April in the western Ukrainian city of Mukacheve. This election was marred by intimidation, violence, fraud and manipulation of the vote count, electoral disruptions and irregularities.

According to the most recent report of the nonpartisan Ukrainian nongovernmental Committee of Voters of Ukraine:

There was no improvement in the political environment in June compared to April and May. Instead, CVU observed an increase in the number of cases of government pressure on the opposition designed to impede their activities. Potential candidates did not enjoy equal access to the media. . . . The level of criminal interference in the pre-election process remains very high, thus threatening free elections.

S. Con Res. 106 outlines those measures the Ukrainian authorities need to take—consistent with their own laws and international agreements—for a free, fair, open and transparent election process. The Ukrainian authorities at all levels, including the executive, legislative and judicial branches, need to ensure an election process that enables all of the candidates to compete on a level playing field. This includes the various ministries and agencies involved directly or indirectly in the elections process, as well as Ukraine's courts.

Ukraine's October presidential elections should be a watershed for the future direction of that country of great potential. Ukrainian authorities need to radically improve the election environment if there is to be hope for these elections to meet OSCE standards. By doing so, they will go a long way in restoring the trust of the citizens of Ukraine and strengthening Ukraine's independence and democracy.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be printed in the RECORD.

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

The concurrent resolution (S. Con. Res. 106) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 106

Whereas the establishment of a democratic, transparent, and fair election process for the 2004 presidential election in Ukraine and of a genuinely democratic political system are prerequisites for that country's full integration into the Western community of nations as an equal member, including into organizations such as the North Atlantic Treaty Organization (NATO);

Whereas the Government of Ukraine has accepted numerous specific commitments governing the conduct of elections as a participating State of the Organization for Security and Cooperation in Europe (OSCE), including provisions of the Copenhagen Document;

Whereas the election on October 31, 2004, of Ukraine's next president will provide an unambiguous test of the extent of the Ukrainian authorities' commitment to implement these standards and build a democratic society based on free elections and the rule of law;

Whereas this election takes place against the backdrop of previous elections that did not fully meet international standards and of disturbing trends in the current pre-election environment;

Whereas it is the duty of government and public authorities at all levels to act in a manner consistent with all laws and regulations governing election procedures and to ensure free and fair elections throughout the entire country, including preventing activities aimed at undermining the free exercise of political rights;

Whereas a genuinely free and fair election requires a period of political campaigning conducted in an environment in which neither administrative action nor violence, intimidation, or detention hinder the parties, political associations, and the candidates from presenting their views and qualifications to the citizenry, including organizing supporters, conducting public meetings and events throughout the country, and enjoying unimpeded access to television, radio, print, and Internet media on a non-discriminatory basis;

Whereas a genuinely free and fair election requires that citizens be guaranteed the right and effective opportunity to exercise their civil and political rights, including the right to vote and the right to seek and acquire information upon which to make an informed vote, free from intimidation, undue influence, attempts at vote buying, threats of political retribution, or other forms of coercion by national or local authorities or others;

Whereas a genuinely free and fair election requires government and public authorities to ensure that candidates and political parties enjoy equal treatment before the law and that government resources are not employed to the advantage of individual candidates or political parties;

Whereas a genuinely free and fair election requires the full transparency of laws and regulations governing elections, multiparty representation on election commissions, and unobstructed access by candidates, political parties, and domestic and international observers to all election procedures, including voting and vote-counting in all areas of the country;

Whereas increasing control and manipulation of the media by national and local officials and others acting at their behest raise grave concerns regarding the commitment of the Ukrainian authorities to free and fair elections;

Whereas efforts by the national authorities to limit access to international broadcasting, including Radio Liberty and the Voice of America, represent an unacceptable infringement on the right of the Ukrainian people to independent information;

Whereas efforts by national and local officials and others acting at their behest to impose obstacles to free assembly, free speech, and a free and fair political campaign have taken place in Donetsk, Sumy, and elsewhere in Ukraine without condemnation or remedial action by the Ukrainian Government;

Whereas numerous substantial irregularities have taken place in recent Ukrainian parliamentary by-elections in the Donetsk region and in mayoral elections in Mukacheve, Romny, and Krasniy Luch; and

Whereas the intimidation and violence during the April 18, 2004, mayoral election in Mukacheve, Ukraine, represent a deliberate attack on the democratic process: Now, therefore, be it

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

(1) acknowledges and welcomes the strong relationship formed between the United States and Ukraine since the restoration of Ukraine's independence in 1991;

(2) recognizes that a precondition for the full integration of Ukraine into the Western community of nations, including as an equal member in institutions such as the North Atlantic Treaty Organization (NATO), is its establishment of a genuinely democratic political system;

(3) expresses its strong and continuing support for the efforts of the Ukrainian people to establish a full democracy, the rule of law, and respect for human rights in Ukraine;

(4) urges the Government of Ukraine to guarantee freedom of association and assembly, including the right of candidates, members of political parties, and others to freely assemble, to organize and conduct public events, and to exercise these and other rights free from intimidation or harassment by local or national officials or others acting at their behest;

(5) urges the Government of Ukraine to meet its Organization for Security and Cooperation in Europe (OSCE) commitments on democratic elections and to address issues previously identified by the Office of Democratic Institutions and Human Rights (ODIHR) of the OSCE in its final reports on the 2002 parliamentary elections and the 1999 presidential elections, such as illegal interference by public authorities in the campaign and a high degree of bias in the media;

(6) urges the Ukrainian authorities to ensure—

(A) the full transparency of election procedures before, during, and after the 2004 presidential elections;

(B) free access for Ukrainian and international election observers;

(C) multiparty representation on all election commissions;

(D) unimpeded access by all parties and candidates to print, radio, television, and Internet media on a non-discriminatory basis;

(E) freedom of candidates, members of opposition parties, and independent media organizations from intimidation or harassment by government officials at all levels via selective tax audits and other regulatory procedures, and in the case of media, license revocations and libel suits, among other measures;

(F) a transparent process for complaint and appeals through electoral commissions and within the court system that provides timely and effective remedies; and

(G) vigorous prosecution of any individual or organization responsible for violations of election laws or regulations, including the application of appropriate administrative or criminal penalties;

(7) further calls upon the Government of Ukraine to guarantee election monitors from the ODIHR, other participating States of the OSCE, Ukrainian political parties, candidates' representatives, nongovernmental organizations, and other private institutions and organizations, both foreign and domestic, unobstructed access to all aspects of the election process, including unimpeded access to public campaign events, candidates, news media, voting, and post-election tabulation of results and processing of election challenges and complaints; and

(8) pledges its enduring support and assistance to the Ukrainian people's establishment of a fully free and open democratic system, their creation of a prosperous free market economy, their establishment of a secure independence and freedom from coercion, and their country's assumption of its rightful place as a full and equal member of the Western community of democracies.

EXPRESSING THE DEEP CONCERN OF CONGRESS REGARDING THE FAILURE OF THE ISLAMIC REPUBLIC OF IRAN TO ADHERE TO ITS OBLIGATIONS UNDER A SAFEGUARDS AGREEMENT WITH THE INTERNATIONAL ATOMIC ENERGY AGENCY

Mr. FRIST. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of S. Con. Res. 81 and that the Senate proceed to its immediate consideration.

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

will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 81) expressing the deep concern of Congress regarding the failure of the Islamic Republic of Iran to adhere to its obligations under a safeguards agreement with the International Atomic Energy Agency and the engagement by Iran in activities that appear to be designed to develop nuclear weapons.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the Kyl-Feinstein amendments at the desk be agreed to; the resolution, as amended, be agreed to; the preamble, as amended, be agreed to; the title amendment be agreed to; the motion to reconsider be laid upon the table; and that any statements relating to the resolution be printed in the RECORD.

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

The amendments (Nos. 3569 and 3570) were agreed to, as follows:

AMENDMENT NO. 3569

Strike all after the resolving clause and insert the following:

That Congress—

(1) condemns—

(A) the failure of the Government of Iran for nearly two decades to report material, facilities, and activities to the International Atomic Energy Agency (IAEA) in contravention of its obligations under its Safeguards Agreement; and

(B) Iran's continuing deceptions and falsehoods to the IAEA and the international community about its nuclear programs and activities;

(2) concurs with the conclusion reached in the Department of State's Annual Report on Adherence to and Compliance with Arms Control and Non-Proliferation Agreements and Commitments that Iran is pursuing a program to develop nuclear weapons;

(3) urges the President to provide to the IAEA whatever financial, material, or intelligence resources are necessary to enable the IAEA it to fully investigate Iran's nuclear activities;

(4) calls upon all states party to the Treaty on the Non-Proliferation of Nuclear Weapons, done at Washington, London, and Moscow July 1, 1968, and entered into force March 5, 1970 (hereafter in this resolution referred to as the ''Nuclear Non-Proliferation Treaty''), including the United States, to use appropriate means to prevent Iran from acquiring nuclear weapons, including the suspension of all nuclear and other cooperation with Iran, including the provision of dual use items, until Iran fully implements the Additional Protocol to its Safeguards Agreement with the IAEA (hereafter in this resolution referred to as the ''Additional Protocol'') and is clearly in compliance with its obligations under the Nuclear Non-Proliferation Treaty;

(5) declares that Iran, through its many breaches during the past 18 years of its Safeguards Agreement with the IAEA, has forfeited the right to be trusted with the development of a full nuclear fuel cycle, especially with uranium conversion and enrichment and plutonium reprocessing technology, equipment, and facilities;

(6) declares that the revelations of Iran's nondisclosure of additional enrichment and nuclear-weapons-applicable research activities, as detailed in the reports of February 24, 2004, and June 1, 2004, by the Director General of the IAEA, together with the statement by the Government of Iran that it will not disclose other research programs, constitute ample evidence of Iran's continuing policy of noncompliance with the letter and spirit of its obligations under its Safeguards Agreement and the Additional Protocol;

(7) recognizes, in contrast with Iran's behavior, the positive example of Libya's decision to renounce and dismantle its nuclear weapons program and to provide full, complete, and transparent disclosure of all its nuclear activities, which has enabled the IAEA to rapidly understand and verify with high confidence the extent and scope of Libya's program and has led to the establishment of direct diplomatic relations with Libya, the gradual lifting of U.S. sanctions, and the establishment of cooperative programs between the United States and Libya;

(8) foresees a similar future for Iran, once that country renounces and dismantles its weapons of mass destruction and long-range ballistic missile programs and renounces its support for international terrorist organizations;

(9) notes the assistance that the United States has provided to southeastern Iran since the Bam earthquake on December 26, 2003;

(10) calls upon Iran to immediately and permanently cease all efforts to acquire sensitive nuclear fuel cycle capabilities, in particular all uranium enrichment activities, including importing, manufacturing, and testing of related equipment;

(11) urges Iran to comply with its international commitments and to rescind its decisions—

(A) to manufacture and construct centrifuges;

(B) to produce feed material that could be used in those centrifuges; and

(C) to construct a heavy-water moderated reactor that could be used for plutonium production;

(12) calls upon Iran to honor its stated commitments and legal obligations—

(A) to grant IAEA inspectors prompt, full and unrestricted access;

(B) to cooperate fully with the investigation of its nuclear activities; and

(C) to demonstrate a new openness and honesty about all its nuclear programs;

(13) welcomes the June 26, 2004, declaration at the United States–E.U. Summit in Shannon, Ireland, in which the European Union and the United States pledged to implement United Nations Security Council Resolution 1540, which identifies actions states should take—

(A) to stop the proliferation of weapons of mass destruction;

(B) to establish new measures in accordance with the G8 Action Plan on Non-Proliferation, announced June 9, 2004, at the G8 Summit in Sea Island, Georgia; and

(C) to preserve the integrity of the Nuclear Non-Proliferation Treaty;

(14) urges close cooperation between the United States and the European Union in accordance with the reaffirmation in their June 26, 2004, declaration of ''the IAEA Board of Governors' Iran resolutions, which deplore Iran's insufficient cooperation and call on Iran, inter alia, to cooperate fully and in a timely and proactive manner, with IAEA investigation of its nuclear programme and suspend all enrichment-related and reprocessing activities'';

(15) calls upon the members of the European Union not to resume discussions with Iran on multilateral trade agreements until the IAEA Director General reports that Iran has suspended all nuclear weapons development activity, and not to implement such trade agreements until Iran has verifiably and permanently ceased all nuclear weapons development activity, including a permanent cessation of uranium conversion and enrichment and plutonium reprocessing activities;

(16) further calls upon the members of the European Union to undertake such additional measures, including imposing sanctions and sponsoring an IAEA Board of Governors report on non-compliance pursuant to Article XII of the IAEA Statute, as may be necessary to persuade Iran to cease all nuclear weapons development activity and to fulfill its obligations and commitments to the IAEA;

(17) in light of ongoing revelations of the noncompliance of the Government of Iran regarding its obligations under the Nuclear Non-Proliferation Treaty and pledges to the IAEA, and in light of the consequent and ongoing questions and concerns of the IAEA, the United States, and the international community regarding Iran's nuclear activities—

(A) urges Japan to ensure that Japanese commercial entities not proceed with the development of Iran's Azadegan oil field;

(B) urges France and Malaysia to ensure that French and Malaysian commercial entities not proceed with their agreement for further cooperation in expanding Iran's liquid natural gas production field;

(C) calls on all countries to intercede with their commercial entities to ensure that these entities refrain from or suspend all investment and investment-related activities that support Iran's energy industry; and

(D) calls on Member States of the United Nations to prevent the Government of Iran from continuing to pursue and develop programs or facilities that could be used in a nuclear weapons program and to end all nuclear cooperation with Iran, including the provision of dual use items, until Iran complies fully with its Safeguards Agreement with the IAEA and its obligations under the Nuclear Non-Proliferation Treaty;

(18) deplores any effort by any country to provide nuclear power-related assistance to Iran at this time, and calls upon Russia—

(A) to use all appropriate means to urge Iran to meet fully its obligations and commitments to the IAEA; and

(B) to suspend nuclear cooperation with Iran and not conclude a nuclear fuel supply agreement for the Bushehr reactor that would enter into force before Iran has verifiably and permanently ceased all nuclear weapons development activity, including a permanent cessation of uranium conversion and enrichment and plutonium reprocessing activities;

(19) calls upon the governments of the countries whose nationals and corporations are implicated in assisting Iranian nuclear activities, including Pakistan, Malaysia, the United Arab Emirates, and Germany—

(A) to fully investigate such assistance;

(B) to grant the IAEA all necessary access to individuals, sites, and information related to the investigations;

(C) to take all appropriate action against such nationals and corporations under the laws of those countries; and

(D) to immediately review and rectify their export control laws, regulations, and practices in order to prevent further assistance to countries pursuing nuclear programs that could support the development of nuclear weapons;

(20) urges the IAEA Board of Governors, in accordance with Article XII of the IAEA Statute—

(A) to report to the United Nations Security Council that Iran has been in noncompliance with its agreements with the IAEA; and

(B) as appropriate, to specify areas in which Iran continues to be in noncompliance

with its agreements with the IAEA or with the Nuclear Non-Proliferation Treaty, or in which its compliance is uncertain;

(21) urges the United Nations Security Council, bearing in mind its decision in Resolution 1540 that the ''proliferation of nuclear, chemical and biological weapons, as well as their means of delivery, constitutes a threat to international peace and security,'' to consider measures necessary—

(A) to support the inspection efforts by the IAEA; and

(B) to prevent Iran from further engaging in clandestine nuclear activities;

(22) further urges the United Nations Security Council, immediately upon receiving any report from the IAEA regarding the continuing non-compliance of Iran with its obligations, to address the threat to international peace and security posed by Iran's nuclear weapons program and take such action as may be necessary under Article 39, Article 40, and Article 41 of the Charter of the United Nations;

(23) urges the United Nations Security Council, the Nuclear Suppliers Group, the Zangger Committee, and other relevant international entities to declare that non-nuclear-weapon states under the Nuclear Non-Proliferation Treaty that commit significant violations of their safeguards agreements regarding uranium enrichment or plutonium reprocessing or engage in activities intended to support a military nuclear program thereby forfeit their right under the Nuclear Non-Proliferation Treaty to engage in nuclear fuel-cycle activities;

(24) further urges the United Nations Security Council, the Nuclear Suppliers Group, the Zangger Committee, the International Atomic Energy Agency, other relevant international entities, and all states party to the Nuclear Non-Proliferation Treaty, including the United States, to seek consensus, no later than the 2005 Nuclear Non-Proliferation Treaty Review Conference in Geneva, Switzerland, on the best and most equitable means to limit the right of non-nuclear weapons states to engage in those nuclear fuel cycle activities that could contribute to the development of nuclear weapons, while providing those states assured and affordable access to—

(A) nuclear reactor fuel and other materials used in peaceful nuclear activities; and

(B) spent fuel management; and

(25) urges the President to keep Congress fully and currently informed concerning the matters addressed in this resolution.

AMENDMENT NO. 3570

Strike the preamble and insert the following:

Whereas it is the policy of the United States to oppose, and urgently to seek the agreement of other nations also to oppose, any transfer to Iran of any goods or technology, including dual-use goods or technology, wherever that transfer could contribute to its acquiring chemical, biological, or nuclear weapons;

Whereas the United Nations Security Council decided, in United Nations Security Council Resolution 1540, that ''all States shall refrain from providing any form of support to non-State actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical, or biological weapons and their means of delivery'';

Whereas the United States has imposed sanctions numerous times on persons and entities transferring equipment and technical data to Iran to assist its weapons of mass destruction programs;

Whereas on January 1, 1968, Iran signed the Treaty on the Non-Proliferation of Nuclear Weapons, done at Washington, London, and Moscow July 1, 1968, and entered into force March 5, 1970 (the ''Nuclear Non-Proliferation Treaty'');

Whereas Iran, as a party to the Nuclear Non-Proliferation Treaty as a non-nuclear weapons state, is obligated never to develop or acquire nuclear weapons;

Whereas Iran did not declare to the International Atomic Energy Agency (IAEA) the existence of the Natanz Pilot Fuel Enrichment Plant and the production-scale Fuel Enrichment Facility under construction at Natanz until February 2003, after the existence of the plant and facility was revealed by an opposition group;

Whereas it is estimated that the Natanz Pilot Fuel Enrichment Plant could produce enough highly enriched uranium for a nuclear weapon every year-and-a-half to two years;

Whereas it is estimated that the Natanz Fuel Enrichment Facility could, when completed, produce enough highly enriched uranium for as many as 25 to 30 nuclear weapons per year;

Whereas, in his report of June 6, 2003, the Director General of the IAEA stated that Iran had failed to meet its obligations under its Safeguards Agreement with the IAEA to report all nuclear material imported into Iran—specifically, the importation of uranium hexafluoride, uranium tetrafluoride and uranium dioxide in 1991—the processing and use of that material, and the facilities involved in the use and processing of the material;

Whereas the IAEA Director General stated in the same report that Iran had produced uranium metal and was building a uranium metal processing facility, despite the fact that neither its light water reactors nor its planned heavy water reactors require uranium metal for fuel;

Whereas the IAEA Board of Governors urged Iran in June 2003 to promptly rectify its failures to meet its obligations under its Safeguards Agreement, not to introduce nuclear material into the Natanz Pilot Fuel Enrichment Plant, and to cooperate fully with the Agency in resolving questions about its nuclear activities;

Whereas the IAEA Director General reported to the Board of Governors of the IAEA in August 2003 that Iran had failed to disclose additional nuclear activities as required by its Safeguards Agreement and continued to fail to resolve questions about its undeclared uranium enrichment activities, including those raised by the detection of two types of highly enriched uranium particles at the Natanz Pilot Fuel Enrichment Plant;

Whereas on August 19, 2003, after earlier denials, Iran admitted in a letter that it had carried out uranium conversion experiments in the early 1990's, experiments that included bench scale preparation of uranium compounds and that should have been disclosed to the IAEA in accordance with its obligations under its Safeguards Agreement;

Whereas the IAEA Board of Governors on September 12, 2003, called on Iran to suspend all further uranium enrichment and any plutonium reprocessing activities, disclose all its nuclear activities, and cooperate fully with the IAEA, and to sign, ratify, and fully implement the Additional Protocol between Iran and the IAEA for the application of safeguards (the ''Additional Protocol'') to strengthen investigation of all nuclear activities within Iran, and requested all third countries to cooperate closely and fully with the IAEA in resolving questions about Iran's nuclear program;

Whereas IAEA inspectors and officials continued to confront Iran with discrepancies in its explanations of its nuclear activities;

Whereas on October 21, 2003, Iran and the Foreign Ministers of France, Germany, and the United Kingdom issued a joint statement in which Iran indicated that it had decided to suspend all uranium enrichment and reprocessing activities as defined by the IAEA;

Whereas the Governments of France, Germany, and the United Kingdom promised a dialogue with Iran to ease Iran's access to modern technologies and supplies in a range of areas once certain international concerns regarding Iran are fully resolved;

Whereas, in a subsequent letter on October 23, 2003, Iran further admitted that it had tested uranium enrichment centrifuges at the Kalaye Electric Company between 1998 and 2002 using its previously undeclared imported uranium hexafluoride;

Whereas in that same letter, Iran admitted that it had a laser uranium enrichment program, in which it used 30 kilograms of uranium not previously declared to the IAEA, another violation of its Safeguards Agreement;

Whereas Iran indicated initially that its laser enrichment program had achieved uranium enrichment levels of slightly more than 3 percent, but the Director General's report of June 1, 2004, states that the IAEA later learned that Iran ''had been able to achieve average enrichment levels of 8 percent to 9 percent, with some samples of up to approximately 15 percent'';

Whereas the June 1, 2004, report states also that Iran's declaration of October 21, 2003, failed to include information that should have been provided, including the fact that ''some samples from'' the laser uranium enrichment project ''had been sent for assessment to the supplier's laboratory'';

Whereas, in its letter of October 23, 2003, Iran also admitted that it had irradiated 7 kilograms of uranium dioxide targets and reprocessed them to extract plutonium, another violation of its legal obligation to disclose such activities under its Safeguards Agreement;

Whereas Iran told the IAEA on November 10, 2003, that it would sign and ratify the Additional Protocol and would act in accordance with the Additional Protocol pending its entry-into-force;

Whereas, on November 10, 2003, Iran further informed the IAEA Director General that it had decided to suspend all enrichment and reprocessing activities in Iran, not to produce feed material for enrichment processes, and not to import enrichment related items;

Whereas the IAEA, through its investigative and forensic activities in Iran and elsewhere, has uncovered and confronted Iran about numerous lies concerning its nuclear activities;

Whereas the Director General of the IAEA reported to the IAEA Board of Governors on November 10, 2003, that Iran has concealed many aspects of its nuclear activities from the IAEA, in breach of its obligations under its Safeguards Agreement;

Whereas, despite Iran's subsequent pledge to, once again, fully disclose all of its nuclear activities to the IAEA, the Director General of the IAEA, in a February 24, 2004, report, found that Iran continued to engage in deception regarding its nuclear activities, including failing to disclose a more sophisticated enrichment program using more advanced enrichment centrifuge technology imported from foreign sources, and providing incomplete and unsupported explanations about experiments to create a highly toxic isotope of polonium that outside experts say is useful as a neutron initiator in nuclear weapons;

Whereas the Director General's reports of February 24, 2001, and June 1, 2004, stated that environmental samples from one room

at the Kalaye Electric Company workshop and from equipment that had been present in that workshop showed more than trace quantities of uranium enriched to 36 percent U–235, despite finding only negligible traces of this on imported centrifuge components, and that the types of uranium contamination at that workshop differed from those found at Natanz, which would appear to contradict Iran's assertion that the source of contamination at both sites is imported centrifuge components and perhaps also its assertion that it has not enriched uranium to more than 1.2 percent U–235 using centrifuge technology;

Whereas the Director General stated in the June 1, 2004, report, that ''the contamination is different on domestic and imported centrifuges,'' that ''it is unlikely'' that the 36 percent U–235 contamination was due to components acquired from Iran's principal supplier country, and that ''important information about the P–2 centrifuge programme has frequently required repeated requests, and in some cases continues to involve changing or contradictory information'';

Whereas these deceptions by Iran are continuing violations of Iran's Safeguards Agreement and of Iran's previous assurances to the IAEA and the international community of full transparency;

Whereas despite Iran's commitment to the IAEA and to France, Germany, and the United Kingdom that it would suspend uranium enrichment activities, it has repeatedly emphasized that this suspension is temporary and continued to manufacture and, until April 2004, to import, uranium enrichment centrifuge parts and equipment, allowing it to resume and expand its uranium enrichment activities whenever it chooses;

Whereas the statements on February 25, 2004, of Hassan Rowhani, Secretary of the Supreme National Security Council of Iran, that Iran was not required to reveal to the IAEA its research into more sophisticated ''P2'' uranium enrichment centrifuges, and that Iran has other projects which it has no intention of declaring to the IAEA, are contrary to—

(1) Iran's commitment to the IAEA in an October 16, 2003, letter from the Vice President of Iran and the President of Iran's Atomic Energy Organization that Iran would present a ''full picture of its nuclear activities'' and ''full transparency'';

(2) Iran's commitment to the foreign ministers of the United Kingdom, France, and Germany of October 21, 2003, to full transparency and to resolve all outstanding issues; and

(3) its statement to the IAEA's Board of Governors of September 12, 2003, of its commitment to full transparency and to ''leave no stone unturned'' to assure the IAEA of its peaceful objectives;

Whereas Libya received enrichment equipment and technology, and a nuclear weapons design, from the same nuclear black market that Iran has used, raising the question of whether Iran, as well, received a nuclear weapon design that it has refused to reveal to international inspectors;

Whereas the Russian Federation has announced that it will soon conclude an agreement to supply Iran with enriched nuclear fuel for the Bushehr nuclear power reactor, which, if implemented, would undercut the international effort to persuade Iran to cease its nuclear weapons development program;

Whereas the IAEA Board of Governors' resolution of March 13, 2004, which was adopted unanimously, noted with ''serious concern that the declarations made by Iran in October 2003 did not amount to the complete and final picture of Iran's past and present nuclear programme considered essential by the Board's November 2003 resolution,'' and also noted that the IAEA has discovered that Iran had hidden more advanced centrifuge associated research, manufacturing, and testing activities, two mass spectrometers used in the laser enrichment program, and designs for hot cells to handle highly radioactive materials;

Whereas the same resolution also noted ''with equal concern that Iran has not resolved all questions regarding the development of its enrichment technology to its current extent, and that a number of other questions remain unresolved, including the sources of all HEU contamination in Iran; the location, extent and nature of work undertaken on the basis of the advanced centrifuge design; the nature, extent, and purpose of activities involving the planned heavy-water reactor; and evidence to support claims regarding the purpose of polonium-210 experiments'';

Whereas Hassan Rowhani on March 13, 2004, declared that IAEA inspections would be indefinitely suspended as a protest against the IAEA Board of Governors' resolution of March 13, 2004, and while Iran subsequently agreed to readmit inspectors to one site by March 29, 2004, and to others in mid-April, 2004, including four workshops belonging to the Defence Industries Organization, this suspension calls into serious question Iran's commitment to full transparency about its nuclear activities;

Whereas Iran informed the IAEA on April 29, 2004, of its intent to produce uranium hexafluoride in amounts that the IAEA concluded would constitute production of feed material for uranium centrifuges and wrote in a letter of May 18, 2004, that its suspension of all uranium enrichment activities ''does not include suspension of production of UF6,'' which contradicted assurances provided in its letter of November 10, 2003;

Whereas the IAEA Board of Governors' resolution of June 18, 2004, which was also adopted unanimously, ''deplores'' the fact that ''Iran's cooperation has not been as full, timely and proactive as it should have been'' and ''underlines that, with the passage of time, it is becoming ever more important that Iran work proactively to enable the Agency to gain a full understanding of Iran's enrichment programme by providing all relevant information, as well as by providing prompt access to all relevant places, data and persons'';

Whereas the same resolution also expresses regret that Iran's suspension ''commitments have not been comprehensively implemented and calls on Iran immediately to correct all remaining shortcomings'';

Whereas the same resolution also calls on Iran, as further confidence-building measures, voluntarily to reconsider its decision to begin production testing at the Uranium Conversion Facility and its decision to start construction of a research reactor moderated by heavy water, as the reversal of those decisions would make it easier for Iran to restore international confidence undermined by past reports of undeclared nuclear activities in Iran;

Whereas Iran then announced its decision to resume production of centrifuge components, notwithstanding both the IAEA Board of Governors resolution of September 12, 2003, which called on Iran ''to suspend all further uranium enrichment-related activities,'' and Iran's voluntary suspension of all uranium enrichment activities pursuant to its agreement of October 21, 2003, with the foreign ministers of the United Kingdom, France, and Germany;

Whereas Iran's pattern of deception and concealment in dealing with the IAEA, the Foreign Ministers of France, Germany, and the United Kingdom, and the international community, its receipt from other countries of the means to enrich uranium, its use of sources who provided a nuclear weapon design to another country, its production of centrifuge components at Defence Industries Organization workshops, and its repeated breaches of its Safeguards Agreement suggest strongly that Iran has also violated its legal obligation under article II of the Nuclear Non-Proliferation Treaty not to acquire or seek assistance in acquiring nuclear weapons; and

Whereas the maintenance or construction by Iran of unsafeguarded nuclear facilities or uranium enrichment or reprocessing facilities will continue to endanger the maintenance of international peace and security and threaten United States national interests: Now, therefore, be it

The title amendment (No. 3571) was agreed to, as follows:

AMENDMENT NO. 3571

Amend the title so as to read: ''Expressing the concern of Congress over Iran's development of the means to produce nuclear weapons.''.

The concurrent resolution (S. Con. Res. 81), as amended, was agreed to:

The preamble, as amended, was agreed to.

The concurrent resolution, with its preamble, reads as follows:

(The concurrent resolution will be printed in a future edition of the RECORD.)

IRAN'S DEVELOPMENT OF NUCLEAR WEAPONS

Mr. FRIST. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of H. Con. Res. 398 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 398) expressing the concern of Congress over Iran's development of the means to produce nuclear weapons.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the Kyl-Feinstein amendments at the desk be agreed to, the resolution, as amended, be agreed to, the preamble, as amended, be agreed, the title amendment be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the resolution be printed in the RECORD.

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

The amendments (Nos. 3572 and 3573) were agreed to.

(The amendments Nos. 3572 and 3573 are printed in today's RECORD under ''Text of Amendments.'')

The amendment (No. 3574) was agreed to as follows:

Amend the title so as to read: ''Expressing the concern of Congress over Iran's development of the means to produce nuclear weapons.''.

The concurrent resolution (H. Con. Res. 398), as amended, was agreed to.

The preamble, as amended, was agreed to.

The concurrent resolution, with its preamble, reads as follows:

(The resolution will be printed in a future edition of the RECORD.)

THE CALENDAR

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar Nos. 660 and 662 through 667 en bloc.

I ask unanimous consent that the bills be read the third time and passed, the motions to reconsider be laid upon the table en bloc, and any statements relating to the bills be printed in the RECORD.

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

PERRY B. DURYEA, JR. POST OFFICE

The bill (S. 2501) to designate the facility of the United States Postal Service located at 73 South Euclid Avenue in Montauk, New York, as the ''Perry B. Duryea, Jr. Post Office'' was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 2501

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

SECTION 1. PERRY B. DURYEA, JR. POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 73 South Euclid Avenue in Montauk, New York, shall be known and designated as the ''Perry B. Duryea, Jr. Post Office''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the Perry B. Duryea, Jr. Post Office.

GUARDIANS OF FREEDOM MEMORIAL POST OFFICE BUILDING

The bill (S. 2640) to designate the facility of the United States Postal Service located at 1050 North Hills Boulevard in Reno, Nevada, as the ''Guardians of Freedom Memorial Post Office Building'' and to authorize the installation of a plaque at such site, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 2640

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

SECTION 1. DESIGNATION OF GUARDIANS OF FREEDOM MEMORIAL POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Post Office located at 1050 North Hills Boulevard in Reno, Nevada, shall be known and designated as the ''Guardians of Freedom Memorial Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Guardians of Freedom Memorial Post Office Building''.

SEC. 2. INSTALLATION OF PLAQUE.

(a) AGREEMENT.—The Postmaster General may enter into an agreement with the Office of Veterans' Services of the State of Nevada under which the Office of Veterans' Services of the State of Nevada agrees—

(1) to install a plaque to be displayed at the Guardians of Freedom Memorial Post Office Building referred to in section 1(a); and

(2) to maintain and update such plaque, as appropriate and in accordance with subsections (b) and (c).

(b) INSCRIPTIONS.—

(1) DEDICATION.—The plaque installed pursuant to subsection (a) shall bear the following inscription: ''This post office building is dedicated in the memory of those men and women of the State of Nevada who have lost their lives while serving in the Armed Forces of the United States in the Global War on Terrorism and in Operation Iraqi Freedom.''.

(2) ADDITIONAL INFORMATION.—The plaque installed pursuant to subsection (a) shall also include with respect to the men and women of the Armed Forces referred to in paragraph (1) inscriptions containing the names, ranks, branches of service, hometowns, and dates of death of such men and women.

(c) EXPENDITURE OF COSTS.—The agreement referred to in subsection (a) shall provide that the Office of Veterans' Services of the State of Nevada shall have sole responsibility for the expenditure of all costs associated with the installation, maintenance, and updating of the plaque.

BEN NIGHTHORSE CAMPBELL POST OFFICE BUILDING

The bill (S. 2682) to designate the facility of the United States Postal Service located at 222 West 8th Street, Durango, Colorado, as the ''Ben Nighthorse Campbell Post Office Building'' was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 2682

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

SECTION 1. BEN NIGHTHORSE CAMPBELL POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 222 West 8th Street, Durango, Colorado, shall be known and designated as the ''Ben Nighthorse Campbell Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Ben Nighthorse Campbell Post Office Building''.

JAMES E. WORSHAM POST OFFICE

The bill (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, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

NEWELL GEORGE POST OFFICE BUILDING

The bill (H.R. 4222) to designate the facility of the United States Postal Service located at 550 Nebraska Avenue in Kansas City, Kansas, as the ''Newell George Post Office Building'' was considered, ordered to a third reading, read the third time, and passed.

VITILAS ''VETO'' REID POST OFFICE BUILDING

The bill (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'' was considered, ordered to a third reading, read the third time, and passed.

PERRY B. DURYEA, JR. POST OFFICE

The bill (H.R. 4427) to designate the facility of the United States Postal Service located at 73 South Euclid Avenue in Montauk, New York, as the ''Perry B. Duryea, Jr. Post Office'' was considered, ordered to a third reading, read the third time, and passed.

NATIONAL MUSEUM OF THE AMERICAN INDIAN

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 641, S.J. Res. 41.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 41) commemorating the opening of the National Museum of the American Indian.

There being no objection, the Senate proceeded to consider the joint resolution, which had been reported from the Committee on Indian Affairs with an amendment to strike all after the resolving clause and the preamble and insert the part printed in italic:

S.J. RES. 41

[Whereas the National Museum of the American Indian Act (20 U.S.C. 808 et seq.) established within the Smithsonian Institution the National Museum of the American Indian, and authorized the construction of a facility to house the National Museum of the American Indian on the National Mall in the District of Columbia;

[Whereas the National Museum of the American Indian officially opens on September 21, 2004; and

[Whereas the National Museum of the American Indian will be the only national museum devoted exclusively to the history and art of cultures indigenous to the Americas, and will give all Americans the opportunity to learn of the cultural legacy, historic grandeur, and contemporary culture of Native Americans: Now, therefore, be it]

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house the National Museum of the American Indian on the National Mall in the District of Columbia;

Whereas the National Museum of the American Indian officially opens on September 21, 2004; and

Whereas the National Museum of the American Indian will be the only national museum devoted exclusively to the history and art of cultures indigenous to the Americas, and will give all Americans the opportunity to learn of the cultural legacy, historic grandeur, and contemporary culture of Native Americans: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

[SECTION 1. NATIONAL MUSEUM OF THE AMERICAN INDIAN.

[Congress—

[(1) recognizes the important and unique contribution of Native Americans to the cultural legacy of the United States, both in the past and currently;

[(2) honors the cultural achievements of all Native Americans;

[(3) celebrates the official opening of the National Museum of the American Indian; and

[(4) encourages all Americans to take advantage of the resources of the National Museum of the American Indian to learn about the history and culture of Native Americans.]

SECTION 1. NATIONAL MUSEUM OF THE AMERICAN INDIAN.

Congress—

(1) recognizes the important and unique contribution of Native Americans to the cultural legacy of the United States, both in the past and currently;

(2) honors the cultural achievements of all Native Americans;

(3) celebrates the official opening of the National Museum of the American Indian; and

(4) requests the President to issue a proclamation encouraging all Americans to take advantage of the resources of the National Museum of the American Indian to learn about the history and culture of Native Americans.

Mr. FRIST. Mr. President, I ask unanimous consent that the committee amendments be agreed to, the preamble, as amended, be agreed to, the joint resolution be read the third time and passed, the motion to reconsider be laid upon the table, and any statements in relation to the joint resolution be printed in the RECORD.

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

The committee amendments were agreed to.

The joint resolution (S.J. Res. 41), as amended, was read the third time and passed, as follows:

(The joint resolution will be printed in a future edition of the RECORD.)

AUTHORIZING RECORD PRODUCTION BY PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. FRIST. I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 415, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 415) to authorize production of records by the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, from 1999 to 2001, the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs conducted an investigation into money laundering activities in the U.S. financial services sector, including private banking, correspondent banking, and the securities industry.

Following its investigation, the subcommittee received requests from various law enforcement and regulatory agencies, legislative bodies, and court-appointed officers, both here and abroad, for assistance in connection with their pending investigations into the use of correspondent banks for money laundering. By Senate Resolution 77 of the 107th Congress, agreed to on April 26, 2001, the Senate authorized the chairman and ranking member of the subcommittee, acting jointly, to provide investigative records, obtained by the subcommittee in the course of its investigation, in response to these requests.

Last year, the permanent subcommittee initiated a followup to its earlier investigation to evaluate the enforcement and effectiveness of key statutory anti-money laundering provisions, using Riggs Bank of the District of Columbia as a case history. The subcommittee held a hearing on the results of its investigation on July 15 of this year.

The subcommittee is seeking authority, like that granted in the 107th Congress, to respond to requests from law enforcement and other government agencies for access to investigative records obtained by the Subcommittee in the course of its recent investigation. This resolution would accordingly authorize the chairman and ranking member of the subcommittee, acting jointly, to provide copies of its investigative records from the Riggs Bank investigation in response to such requests.

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 any statements relating to this matter be printed in the RECORD.

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

The resolution (S. Res. 415) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 415

Whereas, during the 106th and 107th Congresses, the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs conducted an investigation into money laundering activities in the U.S. financial services sector, including examinations of money laundering activities in private banking, correspondent banking, and the securities industry;

Whereas, by agreement to Senate Resolution 77, 107th Congress, the Senate authorized the Chairman and Ranking Minority Member of the Subcommittee, acting jointly, to provide to law enforcement officials, legislative bodies, regulatory agencies, and other entities or individuals duly authorized by federal, state, or foreign governments, records of the Subcommittee's investigation into the use of correspondent banking for the purpose of money laundering;

Whereas, during the present Congress, the Subcommittee has been conducting a followup to its earlier money laundering investigation to evaluate the enforcement and effectiveness of key statutory anti-money laundering provisions, using Riggs Bank of the District of Columbia as a case history;

Whereas, the Subcommittee is seeking authorization to provide records of its followup investigation in response to requests from law enforcement officials, legislative bodies, regulatory agencies, and foreign agencies and officials;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate is needed for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That the Chairman and Ranking Minority Member of the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs, acting jointly, are authorized to provide to law enforcement officials, legislative bodies, regulatory agencies, and other entities or individuals duly authorized by federal, state, or foreign governments, records of the Subcommittee's case study investigation into the enforcement and effectiveness of statutory anti-money laundering provisions.

CALIFORNIA STATE UNIVERSITY, FULLERTON BASEBALL TEAM

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 416, submitted earlier today by Senators FEINSTEIN and BOXER.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 416) to congratulate the California State University, Fullerton baseball team on winning the 2004 College World Series.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and any statements relating to the resolution be printed in the RECORD, without intervening action or debate.

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

The resolution (S. Res. 416) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 416

Whereas on June 27, 2004, the California State University, Fullerton (''Fullerton'') Titans won the 2004 College World Series;

Whereas the 3 to 2 victory completed a 2 to 0 sweep of the heavily favored Texas Longhorns;

Whereas the Fullerton team opened the season with 15 wins and 16 losses, then continued on to win 32 of the next 38 games, finishing with 47 wins and 22 losses in the regular season;

Whereas the Fullerton team won with the superlative pitching of Jason Windsor, who threw a complete game and was named Most Outstanding Player of the College World Series;

Whereas Kurt Suzuki broke a 2 and 20 slump with the game winning RBI single;

Whereas the Fullerton roster also includes Joe Turgeon, Justin Turner, Clark Hardman, Mark Carroll, Blake Davis, Brett Pill, Ricky Romero, J.D. McCauley, Mike Martinez, Neil Walton, Ronnie Prettyman, Eric Hale, Evan McArthur, Brandon Tripp, Shawn Scobee, Scott Sarver, Bobby Andrews, Felipe Garcia, Ryan Schreppel, Danny Dorn, Armando Carrasco, Jon Wilhite, Nolan Bruyninckx, Lauren Gagnier, John Curtis, Evan Myrick, Dustin Miller, Vance Otake, Eric Echevarria, P.J. Pilittere, Sergio Pedroza, Geoff Tesmer, John Estes, Mark Davidson, and Vinnie Pestano;

Whereas Fullerton Coach George Horton was competing against his mentor, former Fullerton coach Augie Garrido, who led the Titans to 3 previous national championships;

Whereas the coaching staff of George Horton, Dave Serrano, Rick Vanderhook, and Chad Baum deserve much credit for the accomplishments of their team;

Whereas the Fullerton baseball team has won national championships in 1979, 1984, 1995, and 2004, making it the only team to win a national championship in each of the past 4 decades;

Whereas the students, alumni, faculty, and supporters of Fullerton are to be congratulated for their commitment and pride in their institution: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the California State University, Fullerton Titans on their College World Series championship;

(2) recognizes the achievements of the team;

(3) requests that the President recognize the outstanding accomplishments of the team; and

(4) directs the Secretary of the Senate to make available a copy of this resolution to California State University, Fullerton for appropriate display and to transmit an enrolled copy of this resolution to the 2004 California State University, Fullerton team.

CONGRATULATING THE UNIVERSITY OF CALIFORNIA AT LOS ANGELES WOMEN'S SOFTBALL TEAM

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 417, submitted earlier today by Senators FEINSTEIN and BOXER.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 417) congratulating the University of California at Los Angeles women's softball team on winning the 2004 National Collegiate Athletic Association Championship.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to, en bloc, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be printed in the RECORD, without intervening action or debate.

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

The resolution (S. Res. 417) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 417

Whereas on May 31, 2004, the University of California at Los Angeles (''UCLA'') women's softball team won the 2004 National Collegiate Athletic Association (''NCAA'') championship;

Whereas the 3 to 1 victory completed another UCLA softball title run, this time over the in-State rival, the California Bears;

Whereas the victory marked UCLA's tenth NCAA title in team history;

Whereas the UCLA women's softball team ended the season with an impressive 47 to 9 mark;

Whereas UCLA trailed 1 to 0 for the first 5 innings, before Claire Sua tied the game with a solo home run;

Whereas freshman pinch hitter Kristen Dedmon hit a crucial 2–RBI single to give UCLA the lead;

Whereas senior pitcher Keira Goerl became just the second pitcher in NCAA Division I history to win multiple title games;

Whereas the UCLA roster also includes Caitlin Benyi, Jaisa Creps, Lisa Dodd, Andrea Duran, Alissa Eno, Tara Henry, Ashley Herrera, Whitney Holum, Julie Hoshizaki, Jodie Legaspi, Stephanie Ramos, Nicole Sandberg, Amanda Simpson, Shana Stewart, Michelle Turner, and Emily Zaplatosch;

Whereas the coaching staff of Sue Enquist, Kelly Inouye-Perez, and Gina Vecchione deserve much credit for the accomplishments of their team;

Whereas the UCLA team is the first team to defend its NCAA title since 1997;

Whereas UCLA has won 10 of a possible 23 NCAA Division I softball championships; and

Whereas the students, alumni, faculty, and supporters of UCLA are to be congratulated for their commitment and pride in their institution: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the University of California at Los Angeles Bruins on winning the 2004 National Collegiate Athletic Association Championship;

(2) recognizes the achievements of the team;

(3) requests that the President recognize the outstanding accomplishments of the team; and

(4) directs the Secretary of the Senate to make available a copy of this resolution to University of California at Los Angeles for appropriate display and to transmit an enrolled copy of this resolution to the 2004 University of California at Los Angeles women's softball team.

NATIONAL PROSTATE CANCER AWARENESS MONTH

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 418, which was submitted earlier today by Senators SESSIONS, REID, and others.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 418) designating September 2004 as ''National Prostate Cancer Awareness Month''.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be printed in the RECORD.

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

The resolution (S. Res. 418) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 418

Whereas countless families in the United States live with prostate cancer;

Whereas 1 in 6 men in the United States will be diagnosed with prostate cancer in his lifetime;

Whereas over the past decade, prostate cancer has been the most commonly diagnosed non-skin cancer and the second most common cancer killer of men in the United States;

Whereas over 230,000 men in the United States will be diagnosed with prostate cancer and 29,900 men in the United States will die of prostate cancer in 2004, according to American Cancer Society estimates;

Whereas 30 percent of new cases occur in men under the age of 65;

Whereas a man in the United States turns 50 years old about every 14 seconds, increasing the occurrence of cancer and, particularly, of prostate cancer;

Whereas African-American males suffer a prostate cancer incidence rate as much as 60 percent higher than White males and have double the mortality rates;

Whereas obesity is a significant predictor of prostate cancer severity and death;

Whereas if a man in the United States has 1 family member diagnosed with prostate cancer, he has double the risk of prostate cancer, if he has 2 family members with such diagnosis, he has 5 times the risk, and if he has 3 family members with such diagnosis, he has a 97-percent risk of prostate cancer;

Whereas screening by both digital rectal examination and prostate specific antigen blood test can diagnose the disease in earlier and more treatable stages and reduce prostate cancer mortality;

Whereas ongoing research promises to further improvements in prostate cancer prevention, early detection, and treatments; and

Whereas educating people in the United States, including health care providers, about prostate cancer and early detection strategies is crucial to saving men's lives and preserving and protecting families: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 2004 as ''National Prostate Cancer Awareness Month'';

(2) declares that the Federal Government has a responsibility to—

(A) raise awareness about the importance of screening methods and treatment of prostate cancer;

(B) increase research funding that is commensurate with the burden of the disease so

that the causes of prostate cancer, and improved screening, treatments, and a cure for prostate cancer, may be discovered; and

(C) continue to consider ways for improving the access to, and quality of, health care services for detecting and treating prostate cancer; and

(3) requests that the President issue a proclamation calling on the people of the United States, interested groups, and affected persons to—

(A) promote awareness of prostate cancer;

(B) take an active role in the fight to end the devastating affects of prostate cancer on individuals, their families, and the economy; and

(C) observe the month of September 2004 with appropriate ceremonies and activities.

AUTHORIZING PRINTING OF A COMMEMORATIVE DOCUMENT

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 135, which is at the desk.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 135) authorizing the printing of a commemorative document in memory of the late President of the United States, Ronald Wilson Reagan.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the concurrent resolution be printed in the RECORD.

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

The concurrent resolution (S. Con. Res. 135) was agreed to, as follows:

S. CON. RES. 135

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. COMMEMORATIVE DOCUMENT AUTHORIZED.

A commemorative document in memory of the late President of the United States, Ronald Wilson Reagan, consisting of the eulogies and encomiums for Ronald Wilson Reagan, as expressed in the Senate and the House of Representatives, together with the texts of the state funeral ceremony at the United States Capitol Rotunda, the national funeral service held at the Washington National Cathedral, Washington, District of Columbia, and the interment ceremony at the Ronald Reagan Presidential Library, Simi Valley, California, shall be printed as a Senate document, with illustrations and suitable binding.

SEC. 2. PRINTING OF DOCUMENT.

In addition to the usual number of copies printed, there shall be printed the lesser of—

(1) 32,500 copies of the commemorative document, of which 22,150 copies shall be for the use of the House of Representatives and 10,350 copies shall be for the use of the Senate; or

(2) such number of copies of the commemorative document that does not exceed a production and printing cost of $1,000,000, with distribution of the copies to be allocated in the same proportion as described in paragraph (1).

RECOGNIZING MEMBERS OF AMVETS

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 308, which is at the desk.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 308) recognizing the Members of AMVETS for their service to the Nation and supporting the goal of AMVETS National Charter Day.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the concurrent resolution be printed in the RECORD.

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

The concurrent resolution (H. Con. Res. 308) was agreed to.

The preamble was agreed to.

THE CALENDAR

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar Nos. 647, 648, 649, and 650, en bloc, that the resolutions be agreed to, the preambles be agreed to, and the motions to reconsider be laid upon the table, all en bloc.

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

COMMENDING THE UNITED STATES INSTITUTE OF PEACE ON THE OCCASION OF ITS 20TH ANNIVERSARY

The concurrent resolution (S. Con. Res. 109) commending the United States Institute of Peace on the occasion of its 20th anniversary and recognizing the Institution for its contribution to international conflict resolution was considered and agreed to, as follows:

S. CON. RES. 109

Whereas the United States Institute of Peace (the Institute) was established by Congress in 1984 as an independent, nonpartisan Federal institution dedicated to the prevention, management, and peaceful resolution of international conflict;

Whereas the Institute fulfills its mandate from Congress through programs and projects that support peacemaking and the peaceful resolution of conflict abroad;

Whereas the Institute's broad congressional mandate has allowed the Institute to become a valued source of innovative ideas and practical policy analysis on peacemaking in zones of conflict around the world, thereby enhancing United States foreign policy;

Whereas the Institute is the result of long-term public interest and dedication from Senator Spark Matsunaga of Hawaii, Senator Jennings Randolph of West Virginia, Senator Mark Hatfield of Oregon, Senator Nancy Kassebaum of Kansas, Senator Claiborne Pell of Rhode Island, Representative Pat Williams of Montana, Representative Dante Fascell of Florida, Representative Dan Glickman of Kansas, Representative John Porter of Illinois, as well as Members of Congress today;

Whereas the Institute trains thousands of government officials, military and law enforcement personnel, humanitarian workers, and civic activists from the United States and abroad in the skills of professional peacemaking;

Whereas the Institute works to alleviate religious and ethnic strife through mediation, training programs, research, and opening of dialogue between and among religious factions;

Whereas the Institute promotes the development of the rule of law in post-conflict and transitional societies and provides assistance on constitution-drafting, judicial and police reform, law revision, and war crimes accountability;

Whereas the Institute examines the role of the media in international conflict including incitement and freedom of the press;

Whereas the Institute attracts new generations to the practice of peacemaking and has funded more than 150 graduate students as Peace Scholars specializing in the resolution and management of international conflict;

Whereas the Institute brings together practitioners and scholars from around the world as fellows in the distinguished Jennings Randolph Fellows Program to advance knowledge and to publish reports and books on topics related to the peaceful resolution of international conflict;

Whereas the Institute has trained hundreds of teachers and enhanced curricular materials related to international conflict, and has conducted educational seminars for thousands of educators at schools and universities around the country;

Whereas the Institute is strengthening curricula and instruction, from high school through graduate school, on the changing character of international conflict and nonviolent approaches to managing international disputes and has inspired the creation of dozens of courses and programs dedicated to these topics;

Whereas the Institute has made more than 1,500 grants totaling nearly $50,000,000 to individuals and nonprofit organizations in 48 States in support of educational, training, and research projects that have helped define and build the field of conflict prevention and conflict management in more than 64 foreign countries;

Whereas the Institute contributes to the advancement of conflict resolution education by awarding college scholarships to high school students through the annual National Peace Essay Contest, training and developing teaching guides for high school teachers, awarding grants to university students pursuing doctoral degrees in international conflict resolution, and awarding grants to universities and professors in the United States researching international conflict resolution;

Whereas the Institute works to bridge the divide with the Muslim world and facilitate cross cultural dialogue around the world, including in Russia and China;

Whereas the Institute's Balkans Initiative has made positive contributions to peacebuilding in that region including the facilitation of the Roundtable on Justice and Reconciliation in Bosnia and Herzegovina wherein key officials of the 3 ethnic groups—Croats, Serbs, and Muslims—came together to discuss war crimes;

Whereas the Institute has provided assistance to the Afghan judicial system by helping to locate, reproduce, translate, and distribute copies of Afghanistan's legal code, which was destroyed by the Taliban and facilitated discussions among the key institutions in the administration of criminal law and justice in Afghanistan;

Whereas the Institute assisted President Nelson Mandela with the development of South Africa's Truth and Reconciliation Commission that was instrumental in preventing post-apartheid bloodshed;

Whereas the Institute developed a detailed plan to handle accountability in the wake of the 1994 genocide in Rwanda, which became the basis for Rwandan Genocide Law, and assisted the Government of Rwanda in the implementation of the Law;

Whereas the Institute continues to work on the formation of a formal Israeli-Palestinian Joint Legal Committee to address legal issues and develop common approaches between the 2 different legal systems;

Whereas the Institute is committed to supporting religious coexistence and understanding in the Middle East, and elsewhere in the world;

Whereas the Institute has served as advisor and principal financial supporter of the Alexandria process, a group of prominent Muslim, Jewish, and Christian leaders from Israel, the Palestinian Authority, and Egypt, who in January 2002 produced the ''Alexandria Declaration'', a 7-point statement that calls, in the name of the 3 Abrahamic faiths, for the end to bloodshed in the Holy Land;

Whereas the Institute uses its convening power to bring together policymakers and experts on North Korea to discuss issues of security and proliferation on the Korean peninsula and develop policy recommendations;

Whereas the Institute is facilitating peace negotiations between the Government of the Philippines and the Moro Islamic Liberation Front—a Muslim insurgent group operating in the southern island of Mindanao;

Whereas the Institute is organizing programs in Iraq to strengthen the pillars of civil society and to contribute to stabilization and post-conflict peacebuilding, including training in conflict resolution for Iraqi security officials, orientation training for personnel from the United States, grantmaking to Iraqi organizations, collaboration with Iraqi universities, support for interethnic and interreligious dialogue, and assistance with rule of law issues; and

Whereas the Institute endeavors with the support of Congress in a public-private partnership to build a permanent headquarters on the National Mall as a working center on peace, education, training in conflict management skills, and the promotion of applied programs dedicated to resolution of international conflict: Now, therefore, be it

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

(1) recognizes the importance of the founding of the United States Institute of Peace (the Institute) as a national and international resource for peaceful conflict management and looks forward to continuing to gain from its knowledge, teaching, and practical applications of conflict management as a way to promote United States security and peace in the world;

(2) recognizes that the Institute has become an important national resource for educational, training, and applied programs in the prevention, management, and resolution of international conflict;

(3) acknowledges the Institute's contribution to building the Nation's capabilities for the prevention, management, and resolution of international conflict and the advancement of peace and conflict resolution education;

(4) expresses appreciation to the founding men and women of the Institute and the support from the people of the United States;

(5) congratulates the Institute on its 20th anniversary and on its achievements in fulfilling its mandate from Congress; and

(6) directs the Secretary of the Senate to make available an enrolled copy of this resolution to the Institute.

NATIONAL VETERANS AWARENESS WEEK

The resolution (S. Res. 401) designating the week of November 7 through November 13, 2004, as ''National Veterans Awareness Week'' to emphasize the need to develop educational programs regarding the contributions of veterans to the country was considered and agreed to, as follows:

S. RES. 401

Whereas tens of millions of Americans have served in the Armed Forces of the United States during the past century;

Whereas hundreds of thousands of Americans have given their lives while serving in the Armed Forces during the past century;

Whereas the contributions and sacrifices of the men and women who served in the Armed Forces have been vital in maintaining the freedoms and way of life enjoyed by the people of the United States;

Whereas the advent of the all-volunteer Armed Forces has resulted in a sharp decline in the number of individuals and families who have had any personal connection with the Armed Forces;

Whereas this reduction in familiarity with the Armed Forces has resulted in a marked decrease in the awareness by young people of the nature and importance of the accomplishments of those who have served in the Armed Forces, despite the current educational efforts of the Department of Veterans Affairs and the veterans service organizations;

Whereas the system of civilian control of the Armed Forces makes it essential that the future leaders of the Nation understand the history of military action and the contributions and sacrifices of those who conduct such actions; and

Whereas, on November 10, 2003, President George W. Bush issued a proclamation urging all the people of the United States to observe November 9 through November 15, 2003, as ''National Veterans Awareness Week'': Now, therefore, be it

Resolved,

SECTION 1. NATIONAL VETERANS AWARENESS WEEK.

(a) SENSE OF THE SENATE.—It is the sense of the Senate that the President should designate the week of November 7 through November 13, 2004, as ''National Veterans Awareness Week''.

(b) PROCLAMATION.—The Senate requests the President to issue a proclamation—

(1) designating the week of November 7 through November 13, 2004, as ''National Veterans Awareness Week'' for the purpose of emphasizing educational efforts directed at elementary and secondary school students concerning the contributions and sacrifices of veterans; and

(2) calling on the people of the United States to observe National Veterans Awareness Week with appropriate educational activities.

SMOKEY THE BEAR'S 60TH ANNIVERSARY

The resolution (S. Res. 404) designating August 9, 2004, as ''Smokey Bear's 60th Anniversary'' was considered and agreed to as follows:

S. RES. 404

Whereas Smokey Bear's service to the United States for 60 years has protected the Nation's forests above and beyond the call of duty;

Whereas Smokey Bear has been dedicated to educating Americans of all ages and particularly America's youth, the future stewards of our forests, about the need for vigilance concerning forest health and wildfires;

Whereas Smokey Bear's message of vigilance can also be applied to the need (1) to remove unnatural accumulations of hazardous fuels from the public forests of the United States; (2) to clear defensible space around homes and escape routes in the wildland-urban interface; and (3) to suppress forest fires that threaten communities or valuable natural resources;

Whereas the Smokey Bear campaign is the longest running public service campaign in the history of the United States;

Whereas Smokey Bear was the first individual animal ever to be honored on a postage stamp;

Whereas the Forest Service of the Department of Agriculture is committed to increasing public information and awareness about wildfires and forest protection;

Whereas the Forest Service of the Department of Agriculture is devoted to changing the public's behavior concerning wildfires in an effort to maintain and protect the natural resources and wildlife of the United States; and

Whereas the Forest Service of the Department of Agriculture, the National Association of State Foresters, and the Advertising Council have provided extraordinary support and dedication to the purpose and efforts of Smokey Bear: Now, therefore, be it

Resolved, That the Senate—

(1) designates August 9, 2004, as ''Smokey Bear's 60th Anniversary''; and

(2) requests that the President issue a proclamation calling upon the people of the United States to observe the day with appropriate ceremonies and activities.

NATIONAL MAMMOGRAPHY DAY

The resolution (S. Res. 407) designating October 15, 2004, as ''National Mammography Day'' was considered and agreed to as follows:

S. RES. 407

Whereas according to the American Cancer Society, in 2004, 215,990 women will be diagnosed with breast cancer and 40,110 women will die from this disease;

Whereas it is estimated that about 2,000,000 women were diagnosed with breast cancer in the 1990s, and that in nearly 500,000 of those cases, the cancer resulted in death;

Whereas African-American women suffer a 30 percent greater mortality from breast cancer than White women and more than a 100 percent greater mortality from breast cancer than women from Hispanic, Asian, and American Indian populations;

Whereas the risk of breast cancer increases with age, with a woman at age 70 having twice as much of a chance of developing the disease as a woman at age 50;

Whereas at least 80 percent of the women who get breast cancer have no family history of the disease;

Whereas mammograms, when operated professionally at a certified facility, can provide safe screening and early detection of breast cancer in many women;

Whereas mammography is an excellent method for early detection of localized breast cancer, which has a 5-year survival rate of more than 97 percent;

Whereas the National Cancer Institute and the American Cancer Society continue to recommend periodic mammograms; and

Whereas the National Breast Cancer Coalition recommends that each woman and her health care provider make an individual decision about mammography: Now, therefore, be it

Resolved, That the Senate—

(1) designates October 15, 2004, as ''National Mammography Day''; and

(2) requests that the President issue a proclamation calling upon the people of the United States to observe the day with appropriate programs and activities.

AMENDING TITLES III AND IV OF SOCIAL SECURITY ACT

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 3463, 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. 3463) to amend titles III and IV of the Social Security Act to improve the administration of unemployment taxes and benefits.

There being no objection, the Senate proceeded to consider the bill.

Mr. NICKLES. Mr. President, I rise in support of H.R. 3463, the SUTA Dumping Prevention Act of 2003. This bill cleared the House on July 14 by voice vote, and was held at the desk in the Senate to facilitate its quick passage. On July 15, I introduced a companion bill with Senator KENNEDY, S. 2662, and it is cosponsored by Senators GRASSLEY, BAUCUS, ENSIGN, LEVIN, GREGG and MURRAY.

SUTA stands for State Unemployment Tax Avoidance. This bill addresses employers who have lowered their State unemployment tax rate by changing their ''experience rating.'' Experience rating is used to determine an employer's unemployment tax rate. It means that companies who have laid off more workers are required to pay more in State unemployment taxes, and companies that have had fewer layoffs pay less. Experience rating provides several incentives for employers, including encouraging employers to maintain a stable workforce, and an incentive to contest claims when employees quit or are fired for cause.

This legislation cracks down on employers who intentionally avoid paying their fair share of State unemployment taxes. It prohibits shifting employees into shell companies with the sole purpose being to avoid paying the proper amount in unemployment taxes by changing their experience rating. H.R. 3463 ends this abusive practice by requiring States to deter tax rate manipulation and prevent SUTA dumping by requiring that tax rate-related unemployment experience be transferred with a business once it is transferred to another employer. It also imposes penalties when the law is violated.

SUTA dumping was first exposed in December 2002 by the Labor Department's Employment and Training Administration. Since then several States have enacted SUTA dumping legislation, including Arkansas, Maine, North Carolina and Washington. Though according to the General Accounting Office, three-fifths of State unemployment administrators indicated their State law is unable to combat the problem.

H.R. 3463 also includes language to make sure unemployment insurance payments are not fraudulently paid to people who have returned to work. The legislation includes a new hire database provision that authorizes States to access nationwide work history information to ensure that workers on a payroll are not also collecting an unemployment check.

The Congressional Budget Office estimates that H.R. 3463 will decrease the Federal deficit by $499 million over 5 years and $510 million over 10 years. The savings result from increased collections from employers who are currently engaging in SUTA dumping, and additional savings from eliminating fraudulent unemployment insurance payments to employed workers. The SUTA dumping provision will reduce the Federal deficit by $429 million over 10 years, and the new hire database provision by $81 million over 10 years.

These revenues will be added to unemployment trust funds, which include triggers that lower unemployment tax rates as trust fund balances rise. Enactment of H.R. 3463 promotes fairness and will lead to reduced tax rates for employers who are today overtaxed.

Mr. FRIST. 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. 3463) was read the third time and passed.

RECOGNIZING NATIONAL HISTORICALLY BLACK COLLEGES AND UNIVERSITIES

Mr. FRIST. I ask unanimous consent that the HELP Committee be discharged from further consideration of S. Res. 221 and that the Senate then proceed to its immediate consideration.

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

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 221) recognizing National Historically Black Colleges and Universities and the importance and accomplishments of historically Black colleges and universities.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. I ask unanimous consent that the resolution and preamble be agreed en bloc, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD, with the above occurring with no intervening action or debate.

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

The resolution (S. Res. 221) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 221

Whereas there are 105 historically Black colleges and universities in the United States;

Whereas historically Black colleges and universities are credited with making higher education financially attainable for individuals who otherwise may not have been able to afford postsecondary education;

Whereas historically Black colleges and universities have significant success rates.

Whereas historically Black colleges and universities provide a supportive social, cultural, and racial environment for people of color who are seeking a college education;

Whereas in the United States historically Black colleges and universities have educated 75 percent of all Blacks having Ph.D.s, 46 percent of all Black business executives, 50 percent of all Black engineers, and 80 percent of all Black Federal judges;

Whereas in the United States historically Black health professional schools have trained an estimated 40 percent of all Black dentists, 50 percent of all Black pharmacists, and 75 percent of all Black veterinarians;

Whereas in the United States historically Black colleges and universities have educated an estimated 50 percent of all Black attorneys and 75 percent of all Black military officers; and

Whereas historically Black colleges and universities have produced Members of the United States Congress, State legislators, writers, musicians, actors, engineers, journalists, teachers, scholars, judges, pilots, activists, business leaders, lawyers, and doctors: Now, therefore, be it

Resolved, That the Senate—

(1) fully supports the goals and ideals of National Historically Black Colleges and Universities;

(2) salutes and acknowledges historically Black colleges and universities and their presidents, faculties, staff, and trustees for their vigorous and persistent efforts in support of equal opportunity in higher education;

(3) commends the students who benefit from historically Black colleges and universities for their pursuit of academic excellence; and

(4) requests that the President issue a proclamation calling on the people of the United States and interested groups to conduct appropriate ceremonies, activities, and programs to demonstrate support for historically Black colleges and universities in the United States.

CONGRESSIONAL AWARDS GOLD MEDAL RECIPIENTS

Mr. FRIST. I ask unanimous consent that the Governmental Affairs Committee be discharged from further consideration of S. Res. 400 and the Senate

proceed to its immediate consideration.

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

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 400) recognizing the 2004 Congressional Awards Gold Medal Recipients.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be printed in the RECORD.

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

The resolution (S. Res. 400) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 400

Whereas today's youth are vital to the preservation of our country and will be the future bearers of the bright torch of democracy;

Whereas youth need positive direction as they transition into adulthood;

Whereas the United States needs increased numbers of community volunteers acting as positive influences on the Nation's youth;

Whereas the Congressional Awards program is committed to recognizing our Nation's most valuable asset, our youth, by encouraging them to set and accomplish goals in the areas of volunteer public service, personal development, physical fitness, and expedition/exploring;

Whereas more than 14,000 young people have been involved in the Congressional Awards program this year;

Whereas through the efforts of dedicated advisors across the country this year 176 students earned the Congressional Award Gold Medal; and

Whereas increased awareness of the program's existence will encourage youth throughout the Nation to become involved with the Congressional Awards: Now, therefore, be it

Resolved, That the Senate—

(1) Recognizes the 2004 Congressional Award Gold Medal recipients: Kori Agin-Batten, Elsbeth Allen, Noah Anderson, Geoffrey Patrick Arai, Kristyn Amour, Stephen Asker, Benjamin Jacob Ulrich Banwart, Elizabeth Barker, Robert G. Barnett, Christopher Belcher, Regina Bennis-Hartman, Samuel B. Blumberg, Christopher Bosch, Barrett Brandon, Blair Brandon, Brooke Brandon, Lindsey Buscemi, Adam M. Cain, Daniel Campis, Tina Cannon, Kent Cheung, Alexander Chun, Madeleine Clark, Sarah Clark, Michael Clontz, Michelle Coxe, Jeremy Crump, Kimberly Dahl, Dung Dam, Quoc Dam, Tri Dam, Kaitlin Davis, Deanna M. DeGregorio, Erin J. DeGroot, Katherine D. DeGroot, John Daniel DeJarnette, Clifton Michael Der Bing, Joshua W. Detherage, Christina Dodson, Matthew Doumar, Lindsay Madison Elgart, Marisa Enrico, Elizabeth Erratt, Julia Evans, Dewan Kazi Farhana, Amanda Feldman, Sarah Finch, Justin Floyd, Amanda Flynn, Richard Zachary Freed, Rigoberto Garcia, Yaneth Garcia-Lopez, Amanda Gersch, Cory Gibson, Anna Gorin, Arielle Gorin, Gina Marie Gormley, Daniel Grad, Tabitha Grad, Rebecca Marie Green, Megan Hanson, Nicole Hanson, Ryan Headley, John Baron Hoff, Jessica Honan, Laura Honan, Lindsey Howard, Harry Kline Howell III, Dermot Sean Hoyne, Daniel Hults, Manuel Ibarra, Angeles Jacobo, Jennifer Anne Jasper, Sarah Jennings, Tabitha Jennings, Tyler Jussel, Atul Kapila, Nikolas Kappy, Megan Kavanagh, Cristina Kavendek, Abbie Klinghoffer, Alexander J. Knihnicky, Ross Kozarsky, Jeffrey David Lambin, Andrew Langfield, Heather R. Leung-Van Hassel, Grace Lichlyter, Zachary Myles Lindsay, Jessica M. Link, Katherine Victoria Lugar, Ryan MacCluen, Raul Magdaleno, Raymond Malapero, Jonathan R. Mason, Rebecca N. Massicotte, Kelly McCormick, Benjamin McDonough, Alyssa McIntyre, Richelle Milburn, Sri Hari Miskin, Sarath Mom, Eric Moulton, Kathleen Mullins, Sarah Mullins, Carolina Munoz, Christine Murray, Kathleen Murray, Samuel Nassie, Douglas Neder, Matthew Neder, Patrick Novak, Ricardo Nunez, Maria Fatima Olvera-Santana, Sona Or, Lauren Pace, Colby Patchin, Emily C. Patchin, Jamin Patel, Elizabeth Philbin, Daniel R. Philbrick, Lauren Priori, Christy Pugh, Hannah Qualls, Sarah Raymond, Brett Rendina, Kristen N. Richter, Margarete Rosenkranz, Erin Rosen-Watson, Julie Rothfarb, Sarah Ann Rudoff, Maggie Salter, Stacia Scattolon, Jessinah Schaefer, Rachel Lyn Schmidt, Lindsay Schroeder, Megan Schroeder, Loni L. Schumacher, Magan Lindsey Scott, Mallory J. Selzer, Jessica Seppi, Anupriya Singhal, Elyssa Starr Sisko, Geoffrey Morgan Smith, Kayla Smith, Michael Smyth, Eric Snyder, Karin Marie Spindler, Georgia Stegall, Charles Strong, Jared Cameron Sullivan, Danielle Sutter, Creighton Lee Taylor, Matthew M. Thies, Sarah Tipton, Erick Todd, Elaine Trahan, Landon Trost, Christine Truesdell, Georgette Tzatzalos, Staff Sergeant Cornelio Umali, Lacey VanderBoegh, Katherine Warner, Emily J. Warren, Kate V. Warren, Brian Washakowski, Crystal-Mae Waugh, Elyse Weissman, Joanna Whitten, Brent Wright, Chantelle Wright, Trevor John Wright, Christopher Zaehringer, Brian Zobel, Christopher Zobel, and Matthew Zobel; and

(2) requests that the President issue a proclamation calling upon the people of the United States and interested groups to promote awareness of and volunteer involvement in the Congressional Awards program.

ENCOURAGING INCREASED INVOLVEMENT IN ASSISTING SENIOR CITIZENS

Mr. FRIST. I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 409 and that the Senate proceed to its immediate consideration.

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

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 409) encouraging increased involvement in service activities to assist senior citizens.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the resolution be printed in the RECORD.

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

The resolution (S. Res. 409) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 409

Whereas approximately 13,000,000 individuals in the United States have serious long-term health conditions that may force them to seek assistance with daily tasks;

Whereas 56 percent of the individuals in the United States with serious long-term health conditions are age 65 or older;

Whereas the percentage of the population over the age of 65 is expected to rise from 13 percent in 2004 to 20 percent in 2020;

Whereas the number of individuals entering the workforce and the number of health care professionals with geriatric training are not keeping pace with the changing demographics;

Whereas medicaid paid for 51 percent of total long-term care spending in 2002, as compared to the 15 percent of total long-term care spending paid by medicare;

Whereas the long-term care system of the United States, funded largely with Federal and State dollars, will have difficulty supporting the coming demographic shift;

Whereas 80 percent of seniors live at home or in community-based settings;

Whereas 3,900,000 people of the United States who are over age 65 receive long-term care assistance in home and community settings;

Whereas 65 percent of seniors who need long-term care rely exclusively on friends and family, and another 30 percent rely on a combination of paid caregivers and friends or family;

Whereas 15 percent of all seniors over the age of 65 suffer from depression;

Whereas studies have suggested that 25 to 50 percent of nursing home residents are affected by depression;

Whereas approximately 1,450,000 people live in nursing homes in the United States;

Whereas by 2018 there will be 3,600,000 seniors in need of a nursing home bed, which will be an increase of more than 2,000,000 from 2004;

Whereas as many as 60 percent of nursing home residents do not have regular visitors;

Whereas older patients with significant symptoms of depression have significantly higher health care costs than seniors who are not depressed;

Whereas people who are depressed tend to be withdrawn from their community, friends, and family;

Whereas the Corporation for National and Community Service (CNS) Senior Corps programs currently provide seniors with the opportunity to serve their communities through the Retired and Senior Volunteer Program, Foster Grandparent Program, and Senior Companion Program;

Whereas through the Senior Companion Program in particular, in the 2002 to 2003 program year, more than 17,000 low-income seniors volunteered their time assisting 61,000 frail elderly and homebound individuals who have difficulty completing daily tasks;

Whereas numerous volunteer organizations across the United States enable Americans of all ages to participate in similar activities;

Whereas Faith in Action, 1 volunteer organization, brings together 40,000 volunteers of many faiths to serve 60,000 homebound people with long-term health needs or disabilities across the country, 64 percent of whom are 65 years of age or older;

Whereas the thousands of volunteers that, through the Senior Companion Program and volunteer organizations nationwide, provide

companionship and assistance to frail elderly individuals and homebound seniors, deserve to be commended for their work;

Whereas the demand for these services outstrips the number of volunteers, and organizations are seeking to enlist more individuals in the United States in the volunteer effort;

Whereas companionship and assistance programs for seniors with long-term health needs offer many demonstrated benefits, such as: allowing frail elderly individuals to remain in their homes; enabling seniors to maintain independence for as long as possible; providing encouragement and friendship to lonely seniors; and providing relief to family caregivers;

Whereas regular visitation and assistance is the best way of assuring seniors that they have not been forgotten, and State and local recognition of regular visitation programs can call further attention to the importance of volunteering on an ongoing basis; and

Whereas a month dedicated to service for seniors and recognized across the United States will call attention to volunteer organizations serving seniors and provide a platform for recruitment efforts: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 2004 as ''Service for Seniors Month'';

(2) recognizes the need for companionship and assistance with daily tasks among seniors with long-term health conditions throughout the year, and encourages the people of the United States to volunteer regularly with homebound frail elderly or at a nursing home or long-term care facility;

(3) encourages volunteer organizations that offer companionship and assistance to seniors to incorporate ''Service for Seniors Month'' in their recruitment efforts;

(4) encourages individuals in the United States to volunteer in these service organizations in order to give back to a generation that sacrificed so much; and

(5) requests that the President issue a proclamation calling on the people of the United States and interested groups to observe ''Service for Seniors Month'' with appropriate ceremonies and activities that promote awareness of, and volunteer involvement service for, seniors with long-term health needs.

SUPPORTING THE GOALS AND IDEALS OF NATIONAL PURPLE HEART RECOGNITION DAY

Mr. FRIST. Mr. President, I ask unanimous consent the Armed Services Committee be discharged from further consideration of S. Con. Res. 112, and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 112) supporting the goals and ideals of National Purple Heart Recognition Day.

There being no objection, the Senate proceeded to consideration of the concurrent resolution.

Mr. FRIST. I ask unanimous consent the concurrent resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid on the table with no intervening action or debate, and any statements be printed in the RECORD.

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

The concurrent resolution (S. Con. Res. 112) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 112

Whereas the Purple Heart is the oldest military decoration in the world in present use;

Whereas the Purple Heart is awarded in the name of the President of the United States to members of the Armed Forces who are wounded in conflict with an enemy force or are wounded while held by an enemy force as prisoners of war, and posthumously to the next of kin of members of the Armed Forces who are killed in conflict with an enemy force or who die of a wound received in conflict with an enemy force;

Whereas the Purple Heart was established on August 7, 1782, during the Revolutionary War, when General George Washington issued an order establishing the Honorary Badge of Distinction, otherwise known as the Badge of Military Merit;

Whereas the award of the Purple Heart ceased with the end of the Revolutionary War, but was revived in 1932, the 200th anniversary of George Washington's birth, out of respect for his memory and military achievements; and

Whereas National Purple Heart Recognition Day is a fitting tribute to George Washington and to the more than 1,535,000 recipients of the Purple Heart, approximately 550,000 of whom are still living: Now, therefore, be it

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

(1) supports the goals and ideals of National Purple Heart Recognition Day;

(2) encourages all people of the United States to learn about the history of the Purple Heart and to honor its recipients; and

(3) requests that the President issue a proclamation calling on the people of the United States to conduct appropriate ceremonies, activities, and programs to demonstrate support for people who have been awarded the Purple Heart.

HONORING THE MEMBERS OF THE ARMY MOTOR TRANSPORT BRIGADE WHO DURING WORLD WAR II SERVED IN THE TRUCKING OPERATION KNOWN AS THE RED BALL EXPRESS FOR THEIR SERVICE AND CONTRIBUTION TO THE ALLIED ADVANCE FOLLOWING THE D-DAY INVASION OF NORMANDY, FRANCE

Mr. FRIST. I ask unanimous consent the Armed Services Committee be discharged from further consideration of H. Con. Res. 439, and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 439) honoring the members of the Army Motor Transport Brigade who during World War II served in the trucking operation known as the Red Ball Express for their service and contribution to the Allied advance following the D-Day invasion of Normandy, France.

There being no objection, the Senate proceeded to consideration of the concurrent resolution.

Mr. FRIST. I further ask unanimous consent the concurrent resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid on the table, all with no intervening action or debate, and any statements be printed in the RECORD.

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

The concurrent resolution (H. Con. Res. 439) was agreed to.

The preamble was agreed to.

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the majority leader, after consultation with the ranking member of the Senate Committee on Finance, pursuant to Public Law 106–170, announces the appointment of the following individual to serve as a member of the Ticket to Work and Work Incentives Advisory Panel: Thomas P. Golden of Tennessee.

AUTHORIZING THE MAJORITY LEADER OR ASSISTANT MAJORITY LEADER AND THE SENIOR SENATOR FROM VIRGINIA TO SIGN DULY ENROLLED BILLS OR JOINT RESOLUTIONS

Mr. FRIST. I ask unanimous consent that during the adjournment of the Senate, the majority leader or assistant majority leader and the senior Senator from Virginia be authorized to sign duly enrolled bills or joint resolutions.

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

AUTHORIZING COMMITTEES TO REPORT LEGISLATIVE AND EXECUTIVE MATTERS

Mr. FRIST. I ask unanimous consent that notwithstanding the Senate's adjournment, committees be authorized to report legislative and executive matters on Wednesday, August 25, from 10 a.m. to 12 noon.

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

AUTHORIZING APPOINTMENTS BY THE PRESIDENT OF THE SENATE, THE PRESIDENT OF THE SENATE PRO TEMPORE, AND THE MAJORITY AND MINORITY LEADERS

Mr. FRIST. I ask unanimous consent that notwithstanding the upcoming recess or adjournment of the Senate, the President of the Senate, The President pro tempore, and the majority and minority leaders be authorized to make appointments to commissions, committees, boards, conferences, or interparliamentary conferences authorized by law, by concurrent action of the two Houses, or by order of the Senate.

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

PROVIDING FOR CONDITIONAL ADJOURNMENT OR RECESS OF BOTH HOUSES OF CONGRESS

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 479 which is at the desk.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 479) providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the motion to reconsider be laid upon the table, with no intervening action or debate.

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

The concurrent resolution (H. Con. Res. 479) was agreed to, as follows:

H. CON. RES. 479

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Thursday, July 22, 2004, or Friday, July 23, 2004, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Tuesday, September 7, 2004, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on Thursday, July 22, 2004, Friday, July 23, 2004, or Saturday, July 24, 2004, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Tuesday, September 7, 2004, or at such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate whenever, in their opinion, the public interest shall warrant it.

ORDERS FOR TUESDAY, SEPTEMBER 7, 2004

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment under the provisions of H. Con. Res. 479 until 12 noon on Tuesday, September 7. I further ask unanimous consent that following the prayer and pledge the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period of morning business with statements only until 5 p.m., with the time equally divided in the usual form; provided that following morning business the Senate proceed to executive session as provided under the previous order.

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

PROGRAM

Mr. FRIST. Mr. President, for the information of all Senators, the next vote will occur at 5:30 p.m. on Tuesday, September 7. There will be at least two votes on district judges and a third judge is expected to be confirmed by voice vote.

We have a number of issues remaining when we return from the August break. In addition to the executive nominations, we must continue the appropriations process.

In addition, the Judiciary Committee reported a constitutional amendment regarding flag desecration, and we will want to debate that measure.

Having said that, there will be much work to do and there will be very little time to do it.

I wish everyone a safe and happy recess. I hope everyone has time over the next several weeks to recharge their batteries, for it will be a busy fall legislative period.

I thank everyone for their efforts and hard work throughout this time.

Mr. REID. Mr. President, will the distinguished majority leader allow me to call a quorum?

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDING ENHANCED BORDER SECURITY AND VISA ENTRY REFORM ACT OF 2002

Mr. FRIST. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration and the Senate now proceed to H.R. 4417, the Biometric Visa bill, 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.

Mr. REID. Mr. President, reserving the right to object, I want the RECORD to be spread with the fact that Senator FEINSTEIN has allowed this matter to pass. We have worked on the matter and she feels strongly about the CalFed bill. Numerous staff have worked on this for hours and hours today. Several times today we thought we had it done, and it didn't work out.

The distinguished majority leader and his staff indicated—I also want the RECORD to reflect this—that everything will be done when we get back to see if we can get this bill which the Senator from California feels so strongly about.

But again, this would not have happened but for the cooperation of the distinguished Senator from California, Senator FEINSTEIN.

No objection.

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

The bill (H.R. 4417) was read the third time and passed.

ADJOURNMENT UNTIL TUESDAY, SEPTEMBER 7, 2004

Mr. FRIST. Mr. President, finally, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the provisions of H. Con. Res. 479.

There being no objection, the Senate, at 11:46 p.m., adjourned until Tuesday, September 7, 2004, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate July 22, 2004:

COMMODITY FUTURES TRADING COMMISSION

SHARON BROWN-HRUSKA, OF VIRGINIA, TO BE A COMMISSIONER OF THE COMMODITY FUTURES TRADING COMMISSION FOR THE TERM EXPIRING APRIL 13, 2009. (REAPPOINTMENT)

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

JAMES S. SIMPSON, OF NEW YORK, TO BE A MEMBER OF THE ADVISORY BOARD OF THE SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION, VICE JAY C. EHLE.

DEPARTMENT OF ENERGY

KAREN ALDERMAN HARBERT, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF ENERGY (INTERNATIONAL AFFAIRS AND DOMESTIC POLICY), VICE VICKEY A. BAILEY.

INTER-AMERICAN DEVELOPMENT BANK

HECTOR E. MORALES, OF TEXAS, TO BE UNITED STATES EXECUTIVE DIRECTOR OF THE INTER-AMERICAN DEVELOPMENT BANK FOR A TERM OF THREE YEARS, VICE JOSE A. FOURQUET, RESIGNED.

INTERNATIONAL MONETARY FUND

ALAN GREENSPAN, OF NEW YORK, TO BE UNITED STATES ALTERNATE GOVERNOR OF THE INTERNATIONAL MONETARY FUND FOR A TERM OF FIVE YEARS. (REAPPOINTMENT)

THE JUDICIARY

CHRISTOPHER A. BOYKO, OF OHIO, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF OHIO, VICE PAUL R. MATIA, RETIRING.

DEPARTMENT OF JUSTICE

LISA GODBEY WOOD, OF GEORGIA, TO BE UNITED STATES ATTORNEY FOR THE SOUTHERN DISTRICT OF GEORGIA FOR THE TERM OF FOUR YEARS, VICE RICHARD S. THOMPSON, RESIGNED.

RICHARD B. ROPER III, OF TEXAS, TO BE UNITED STATES ATTORNEY FOR THE NORTHERN DISTRICT OF TEXAS FOR THE TERM OF FOUR YEARS, VICE JANE J. BOYLE, RESIGNED.

DEPARTMENT OF THE TREASURY

GREGORY FRANKLIN JENNER, OF OREGON, TO BE AN ASSISTANT SECRETARY OF THE TREASURY, VICE PAMELA F. OLSON, RESIGNED.

DEPARTMENT OF STATE

YOUSIF B. GHAFARI, OF MICHIGAN, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FIFTY-NINTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

JANE DEE HULL, OF ARIZONA, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FIFTY-NINTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

MARJORIE B. MEDINA, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

HENRY LEE EINSEL JR., 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

ROBERT L. MUNSON, 0000

DEPARTMENT OF ENERGY

JOHN S. SHAW, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF ENERGY (ENVIRONMENT, SAFETY AND HEALTH), VICE BEVERLY COOK, RESIGNED.

DEPARTMENT OF THE TREASURY

ANNA ESCOBEDO CABRAL, OF VIRGINIA, TO BE TREASURER OF THE UNITED STATES, VICE ROSARIO MARIN.

CONFIRMATIONS

Executive nominations confirmed by the Senate July 22, 2004:

DEPARTMENT OF ENERGY

JERALD S. PAUL, OF FLORIDA, TO BE PRINCIPAL DEPUTY ADMINISTRATOR, NATIONAL NUCLEAR SECURITY ADMINISTRATION.

DEPARTMENT OF DEFENSE

TINA WESTBY JONAS, OF VIRGINIA, TO BE UNDER SECRETARY OF DEFENSE (COMPTROLLER).

THE JUDICIARY

JOHN O. COLVIN, OF VIRGINIA, TO BE A JUDGE OF THE UNITED STATES TAX COURT FOR A TERM OF FIFTEEN YEARS.

DEPARTMENT OF THE TREASURY

CHARLES L. KOLBE, OF IOWA, TO BE A MEMBER OF THE INTERNAL REVENUE SERVICE OVERSIGHT BOARD FOR THE REMAINDER OF THE TERM EXPIRING SEPTEMBER 14, 2004.

CENTRAL INTELLIGENCE

LARRY C. KINDSVATER, OF VIRGINIA, TO BE DEPUTY DIRECTOR OF CENTRAL INTELLIGENCE FOR COMMUNITY MANAGEMENT.

DEPARTMENT OF HOMELAND SECURITY

DAVID M. STONE, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF HOMELAND SECURITY.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

CAPTAIN SAMUEL P. DE BOW, JR., NOAA FOR APPOINTMENT TO THE GRADE OF REAR ADMIRAL (O–8), WHILE SERVING IN A POSITION OF IMPORTANCE AND RESPONSIBILITY AS DIRECTOR, NOAA CORPS AND DIRECTOR, OFFICE OF MARINE AND AVIATION OPERATIONS, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, UNDER THE PROVISIONS OF TITLE 33, UNITED STATES CODE, SECTION 3028(D)(1).

CAPTAIN RICHARD R. BEHN, NOAA FOR APPOINTMENT TO THE GRADE OF REAR ADMIRAL (O–7), WHILE SERVING IN A POSITION OF IMPORTANCE AND RESPONSIBILITY AS DIRECTOR, MARINE AND AVIATION OPERATIONS CENTERS, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, UNDER THE PROVISIONS OF TITLE 33, UNITED STATES CODE, SECTION 3028(D)(1).

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. DOUGLAS M. PIERCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. DUNCAN J. MCNABB

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COLONEL YVES J. FONTAINE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIGADIER GENERAL DON T. RILEY

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. JERRY M. RIVERA

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. GREGORY J. HUNT

To be brigadier general

COL. JOSE M. VALLEJO

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. BANTZ J. CRADDOCK

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. JAMES L. CAMPBELL

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JOHN M. BROWN III

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. GLENN K. RIETH

DEPARTMENT OF DEFENSE

VALERIE LYNN BALDWIN, OF KANSAS, TO BE AN ASSISTANT SECRETARY OF THE ARMY.

DEPARTMENT OF STATE

JOHN RIPIN MILLER, OF WASHINGTON, TO BE DIRECTOR OF THE OFFICE TO MONITOR AND COMBAT TRAFFICKING, WITH THE RANK OF AMBASSADOR AT LARGE.

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. CORNELL A. WILSON, JR.

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. ROBERT D. PAPAK
COL. EUGENE G. PAYNE, JR.

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. RANDOLPH D. ALLES
COL. JOSEPH F. DUNFORD, JR.
COL. PAUL E. LEFEBVRE
COL. RICHARD P. MILLS
COL. MARTIN POST

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JAMES F. AMOS

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) RICHARD J. MAULDIN
REAR ADM. (LH) ANTHONY L. WINNS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. TIMOTHY J. MCGEE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) STEVEN L. ENEWOLD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) STANLEY D. BOZIN
REAR ADM. (LH) CHARLES T. BUSH
REAR ADM. (LH) JEFFREY B. CASSIAS
REAR ADM. (LH) WILLIAM D. CROWDER
REAR ADM. (LH) RICHARD K. GALLAGHER
REAR ADM. (LH) DAVID A. GOVE
REAR ADM. (LH) TIMOTHY L. HEELY
REAR ADM. (LH) GARY R. JONES
REAR ADM. (LH) JAMES D. KELLY
REAR ADM. (LH) THOMAS J. KILCLINE, JR.
REAR ADM. (LH) SAMUEL J. LOCKLEAR III
REAR ADM. (LH) JOSEPH MAGUIRE
REAR ADM. (LH) ROBERT T. MOELLER
REAR ADM. (LH) ROBERT D. REILLY, JR.
REAR ADM. (LH) JACOB L. SHUFORD
REAR ADM. (LH) PAUL S. STANLEY
REAR ADM. (LH) MILES B. WACHENDORF
REAR ADM. (LH) PATRICK M. WALSH

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be admiral

VICE ADM. TIMOTHY J. KEATING

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS VICE CHIEF OF NAVAL OPERATIONS, UNITED STATES NAVY, AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 601 AND 5035:

To be admiral

VICE ADM. JOHN B. NATHMAN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

VICE ADM. ROBERT F. WILLARD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

VICE ADM. ALBERT T. CHURCH III

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES COAST GUARD TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 271:

To be rear admiral

REAR ADM. (LH) DALE G. GABEL
REAR ADM. (LH) JEFFREY M. GARRETT
REAR ADM. (LH) STEPHEN W. ROCHON

AIR FORCE NOMINATIONS BEGINNING LORENA A. * BAILEY AND ENDING JASON P. * ZIMMERER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 12, 2004.

AIR FORCE NOMINATIONS BEGINNING RANDALL M. ASHMORE AND ENDING JAMES O. WOOTEN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 10, 2004.

AIR FORCE NOMINATION OF NORMAN L. WILLIAMS.

AIR FORCE NOMINATION OF THOMAS R. BIRD.

AIR FORCE NOMINATIONS BEGINNING REX A. HINESLEY AND ENDING JERI K. SOMERS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 8, 2004.

AIR FORCE NOMINATIONS BEGINNING PETER W. BICKEL AND ENDING WILLIAM D. TAYLOR, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 8, 2004.

AIR FORCE NOMINATIONS BEGINNING DONALD A. AHERN AND ENDING MICHAEL A. WOBBEMA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 8, 2004.

ARMY NOMINATIONS BEGINNING STEPHAN A. * ALKINS AND ENDING CLORINDA K. ZAWACKI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 16, 2004.

ARMY NOMINATIONS BEGINNING DOUGLAS R. DIXON AND ENDING THORPE C. WHITEHEAD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 16, 2004.

ARMY NOMINATIONS BEGINNING NANCY H. FIELDING AND ENDING TAMMY L. MIRACLE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 17, 2004.

ARMY NOMINATIONS BEGINNING BRIAN R. COPES AND ENDING DENNIS P. SIMONS, WHICH NOMINATIONS WERE

RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 17, 2004.

NAVY NOMINATION OF GERALD R. MANLEY.

NAVY NOMINATIONS BEGINNING BRIAN S. ADAMS AND ENDING JOHN M. ZUZICH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 24, 2004.

NAVY NOMINATIONS BEGINNING MYLES E. BROOKS, JR. AND ENDING JAMES E. WATTS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 8, 2004.

NAVY NOMINATIONS BEGINNING BILLY M. APPLETON AND ENDING MIL A. YI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 8, 2004.

NAVY NOMINATIONS BEGINNING CARLA M. ALBRITTON AND ENDING EDWARD L. ZAWISLAK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 8, 2004.

NAVY NOMINATIONS BEGINNING MICHAEL T. ACROMITE AND ENDING CRAIG M. ZELIG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 8, 2004.

NAVY NOMINATIONS BEGINNING TIMOTHY A. ACKERMAN AND ENDING TERRY D. WEBB, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 8, 2004.

NAVY NOMINATIONS BEGINNING STEVEN E. ALLEN AND ENDING SHARON M. WRIGHT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 8, 2004.

NAVY NOMINATIONS BEGINNING KRISTEN N. ATTERBURY AND ENDING MARY A. YONK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 8, 2004.

NAVY NOMINATIONS BEGINNING DAVID A. BERGER AND ENDING ERIN E. STONE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 8, 2004.

NAVY NOMINATIONS BEGINNING JOHN J. ADAMETZ AND ENDING BARNEY S. WILLIAMS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 8, 2004.

COAST GUARD NOMINATION OF CRAIG S. TOOMEY.

COAST GUARD NOMINATION OF LAURIE J. MOSIER.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION NOMINATIONS BEGINNING JOHN C. CLARY III AND ENDING ANDREW P. SEAMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 18, 2004.

EXTENSIONS OF REMARKS

HONORING THE REPUBLIC OF TRINIDAD AND TOBAGO ON THE OCCASION OF ITS 42ND INDEPENDENCE DAY CELEBRATION

HON. CHARLES B. RANGEL
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. RANGEL. Mr. Speaker, I rise today to recognize the Republic of Trinidad and Tobago as it celebrates the 42nd anniversary of its Independence.

Trinidad was settled in the late 1500s by the Spanish, who annihilated the indigenous Arawak and Carib Indian populations on the island. It remained under Spanish rule until the British, enticed by the sugar and cocoa plantations throughout the island, captured it in 1797.

Tobago had a more unsteady development, changing hands over 22 times as the French, Dutch, and British fought over to possess it. Tobago was finally ceded to Great Britain in 1814, and Trinidad and Tobago were incorporated into a single colony in 1888.

Valued for its sugar during the 19th Century, Trinidad became a key oil interest for the British the 20th Century. Oil was discovered in three areas in Trinidad, and oil exports to Britain increased steadily throughout the century, buoyed by the advent of the automobile and the conversion of the British Navy from coal to oil.

In 1941 Britain permitted the United States to establish military bases in Trinidad in exchange for 50 destroyers given to the British government. This began an important period in the country; the G.I.s brought American money and culture to the island, and the Trinidadian people were steadily pulled away from their traditional British loyalties. The Marines also helped construct numerous roads in Trinidad, including the important Northern Coast Road, which is still is functional today.

A nascent movement for independence was born in Trinidad and Tobago in the 1950s, when Eric Williams, a Ph.D. from Howard University, returned to his native country and founded the People's National Movement (PNM). The PNM prevailed in the 1956 national elections, and Dr. Williams became the chief minister of the country from 1956 to 1959, premier from 1959 to 1962, and prime minister from 1962 to 1981. It was Williams who led Trinidad and Tobago into full independence within the Commonwealth in 1962, and he is now considered the father of independent Trinidad and Tobago. Williams died while in office on March 29, 1981.

Trinidad and Tobago joined the United Nations and the Commonwealth immediately after its independence, and in 1967 it became the first Commonwealth country to join the Organization of American States (OAS).

Trinidad and Tobago has enjoyed cordial relations with the United States since independence. U.S. investment in Trinidad and Tobago is nearly two billion dollars, and Trinidad is the leading exporter of liquefied natural gas to the U.S. Trinidad is also active in the U.S.-initiated Summit of the Americas process and fully supports the establishment of the Free Trade Area of the Americas.

Further, many U.S. citizens and permanent residents call Trinidad and Tobago home, and keep strong cultural ties to their country of origin. Nearly 20,000 U.S. citizens visit Trinidad and Tobago for vacation or business every year, and over 2,700 American citizens are residents of the country. Americans celebrate the history and culture of Trinidad and Tobago with annual carnivals held in numerous cities across the U.S., with a major celebration occurring in Brooklyn every Labor Day.

A leading member of the Caribbean Community and Common Market (CARICOM) and the most industrialized nation in the Caribbean, Trinidad and Tobago has become a symbol of what Caribbean countries can achieve if they have the opportunities and wherewithal to become economically successful and socially stable.

As Trinidad and Tobago celebrates the 42nd anniversary of its independence, let us join in honoring the achievements of a country that overcame many obstacles to reach heights of prosperity and stability.

PAYING TRIBUTE TO EMERSON SCHOOL

HON. SCOTT McINNIS
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. McINNIS. Mr. Speaker, I rise today to pay tribute to Emerson School in Grand Junction, Colorado. This school has educated students from Grand Junction for over a century and I am proud to join my colleagues here today before this body of Congress and this nation in recognizing this tremendous institution.

The Emerson School is the oldest building still owned by the in Mesa County Valley School District 51 that is still standing. It was constructed in 1903 during the initial phases of Grand Junction's planning when the town fathers divided the area into quarters and set aside land in each one for a park and a school. Although the school went through some name changes, and is now being used for administration offices, it has for the majority of its existence been reserved for elementary school students.

Mr. Speaker, Emerson School is an institution in Grand Junction that has been used for the important role of educating the youth of Colorado. Their presence in Grand Junction has been a wonderful benefit to the community and the country as these young children go on to future aspirations throughout our great country. I am honored to recognize Emerson School before this body and this nation for their devotion and commitment to education. Congratulations on your celebration of a century of service and thank you for all your hard work and dedication.

HONORING BRANDON J. McDANIEL FOR HIS NAVY AND MARINE CORPS ACHIEVEMENT MEDAL

HON. RALPH M. HALL
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. HALL. Mr. Speaker, I rise today to recognize the honorable actions of Brandon J. McDaniel, for which he was duly awarded the Navy and Marine Corps Achievement Medal.

Corporal McDaniel received the award for superior performance of his duties as an avionics technician, Marine Attack Squadron 231, Detachment Bravo, Marine Aircraft Group 12, 1st Marine Aircraft Wing, U.S. Marine Corps Forces Pacific, on October 22, 2003. The 31st Marine Expeditionary Unit was tasked with providing defensive counter air support to Air Force One and the President of the United States during his October visit to Bali, Indonesia. After an AV–8B was forced to return to the ship due to a generator malfunction, Corporal McDaniel proactively removed key components from another AV–8B and when the disabled aircaft landed, he quickly removed the faulty components and reinstalled serviceable components, enabling the aircraft to be returned to the air within an hour.

His quick thinking and sound decision-making directly contributed to the success of the mission and protection of the President during his Far East tour. Corporal McDaniel's initiative and selfless devotion to duty exhibited the highest standards of the Marine Corps and Navy.

Mr. Speaker, I want to congratulate Corporal Brandon McDaniel on his medal and commend him for his professional achievement and outstanding service to our Nation.

THE INDIAN COUNTRY EDUCATIONAL EMPOWERMENT ACT

HON. STEPHANIE HERSETH
OF SOUTH DAKOTA
IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Ms. HERSETH. Mr. Speaker, today I am introducing the Indian Country Educational Empowerment Act of 2004. This Act will facilitate economic growth and development in Indian Country by dramatically increasing the incentives for individuals with advanced degrees to work within and for Indian Country.

I am deeply concerned by the fact that Native Americans continue to rank at the bottom of every indicator of social and economic well-being in America. Unemployment continues to average near 50 percent in Indian Country and hovers well over 90 percent on many Reservations. Indian Country continues to

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

have some of the highest rates of poverty, poorest health, highest mortality rates, and lowest levels of educational achievement in the United States.

A unique legal and political relationship exists between the United States and Indian tribes that is reflected in the Constitution, various treaties, Federal statutes, Supreme Court decisions, and executive agreements. This creates a responsibility for the federal government to facilitate and complement tribal governments' efforts to improve the quality of life for Native Americans and encourage economic development in Indian Country. This bill does just that.

Numerous external efforts at economic development in Indian Country have proven unsuccessful. The most successful efforts have been initiated from within native communities themselves. Economic development efforts that empower native communities and give them the tools to make their own decisions should be encouraged and pursued.

I believe that education and economic development go hand-in-hand in Indian Country. Indeed, higher education is a fundamental form of economic development. Yet, an uneducated workforce continues to be a cyclical obstacle to economic growth in Indian Country.

The cycle is vicious. Businesses are often unwilling to locate in to Indian Country because of the lack of an educated workforce and Native American youth see little value in an advanced degree because there are no jobs on the Reservation that would reward one. Those native youth that do obtain a higher education often do not return to their communities because there are no jobs.

Higher education is costly to attain. As college and graduate school costs continue to swell, students are increasingly shouldering high levels of debt to pay for a college education. In fact, thirty-nine percent of student borrowers now graduate with levels of debt that require monthly payments in excess of eight percent of their total monthly incomes.

Loan repayment assistance for higher education graduates choosing to work in Indian Country will help break this cycle of poverty and promote economic development. I urge my colleagues to support this important legislation.

PAYING TRIBUTE TO CAROLINE CRYER

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. TANCREDO. Mr. Speaker, all too often as I watch the evening news or open the paper, I am bombarded with stories of teens going down the wrong path. Today, I have the pleasure of celebrating a teen from my district, Caroline Cryer, who is excelling as an athlete and a student.

Caroline, who is the captain of the Cherry Creek lacrosse team, has been named All-American for the second-straight year. This past spring the senior was second in the state in assists (43) and points (101) after winning her third state championship in lacrosse. In addition, she was named both the Rocky Mountain News and Denver Post player-of-the-year and the Denver Post/Denver Athletic Club High School Student-Athlete of the Year.

Lacrosse is not the only sport Caroline has shown a talent for; she has excelled in both varsity field hockey and varsity basketball. She won a state championship in 2002 for varsity field hockey.

While participating in these extracurricular activities, Caroline has maintained a 3.76 GPA and graduated with the highest honor roll honors. She has decided to attend Duke University this fall, where she is sure to succeed after taking four college AP tests.

Mr. Speaker, with students like Caroline Cryer in our communities, the next generation promises to do great things. It is my distinct pleasure to honor Caroline here today, and wish her all the best in her future endeavors.

A SPECIAL TRIBUTE TO DAVID UETTERLING ON THE OCCASION OF HIS ELECTION TO STATE COMMANDER OF THE OHIO DISABLED AMERICAN VETERANS

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. GILLMOR. Mr. Speaker, it is my great pleasure to pay special tribute to Mr. David Uetterling of Defiance, Ohio on the occasion of his election as state commander of the Ohio Disabled American Veterans.

David Uetterling has a lifelong record of service to the people of Ohio and the people of America. David entered the United States Army in 1965 and served an 18-month tour of duty in Vietnam. David was injured while serving his country in Vietnam.

A resident of Defiance, Ohio, David has been a life member of the Disabled American Veterans Defiance Chapter 36 since 1982. He served 4 years as commander of the Defiance chapter. David has held various DAV offices at the state level and most recently served as bingo chairman and adjutant/treasurer.

During the 83rd Annual State Convention from June 10–12 in Dublin, Ohio, David Uetterling was unanimously elected state commander of the Ohio Disabled American Veterans, an organization comprised of more than 48,000 veterans. In addition to his service in the DAV, David is a member of the Veterans of Foreign Wars, AMVETS, ELKS, and American Legion.

Mr. Speaker, the service of our disabled veterans is vital to the people of the Fifth Congressional District of Ohio. David Uetterling has effectively displayed leadership to his community through service to the many veterans organizations in which he is involved. His passion to advance the issues that affect veterans most makes him a model citizen of the Fifth District.

Mr. Speaker, I ask my colleagues to join me in paying special tribute to David Uetterling. Our communities benefit greatly through his service. On behalf of the people of the Fifth District of Ohio, I am proud to recognize David Uetterling's great achievement. We wish David and his family all the best as we pay tribute to one of Ohio's finest citizens.

PAYING TRIBUTE TO MARK BURGET

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. MCINNIS. Mr. Speaker, it is my privilege to pay tribute to Mark Burget of Boulder, Colorado and his hard work to advance the goals of The Nature Conservancy. Recently, Mark announced he would be leaving his position as the Colorado Director of the Nature Conservancy and moving on to The Nature Conservancy Director of the Global Priority Group. As he moves on in his career, I am honored to recognize his accomplishments before this body of Congress and this nation.

Mark spent his childhood in Chester County, Pennsylvania. After receiving his bachelor's degree from Dartmouth College, and his master's in business and Juris Doctoris degree from the University of Virginia, he began his work for the Nature Conservancy in 1992. Soon after, he accepted the appointment as Colorado State Director for the Nature Conservancy. He was Colorado Director for eleven years, where he worked hard to protect 416,000 acres of natural land in Colorado. His new position with the Nature Conservancy will be the Director of the Global Priority Group, where he will work to identify and to act on the most urgent needs for conservation across the globe.

Mr. Speaker, Mike will serve The Nature Conservancy well in his new capacity. He has already done much to protect natural lands in the state of Colorado, and I am confident he will continue to build upon this proud legacy. I congratulate Mike on his new job and wish him all the best in his future endeavors.

TRIBUTE TO U.S. COAST GUARD CUTTER ''MACKINAW''

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. STUPAK. Mr. Speaker, I rise today to pay tribute to an extraordinary vessel stationed in my district. For the last 60 years, the U.S. Coast Guard cutter *Mackinaw* and her crew have sailed the northern Great Lakes, keeping these vital waters open and safe. On August 12, past and present crew members of the *Mackinaw* will gather in Cheboygan, Michigan to celebrate the ship they affectionately refer to as ''Big Mack'' or ''Queen of the Seas,'' and its six decades of service to the State of Michigan and the United States.

In 1941, the United States Congress authorized the construction of a new ice breaker for the Great Lakes. Three years later, on December 20, 1944, the *Mackinaw* was commissioned in Toledo, Ohio and made its maiden voyage to its new home, Cheboygan, Michigan. At 290 feet long, the *Mackinaw* was, and is, the largest and most powerful Coast Guard vessel on the Great Lakes.

Today, there are still men and women in Cheboygan who remember the *Mackinaw*'s arrival in their harbor when thousands gathered on Christmas Eve to welcome the new cutter to their city. Since then, the residents of

Cheboygan have taken enormous pride in the *Mackinaw* as the ship and her crew worked to keep shipping lanes open. In its first year of service, the ship opened waterways nearly six weeks ahead of schedule, which allowed vital cargo to reach its destination and kept our nation's war machine running at top capacity.

As the nation shifted to peacetime production, the *Mackinaw* kept up its wartime pace. It continued to break up ice several feet thick every spring to ensure the safe arrival of essential raw materials for the steel and auto industries of Pennsylvania, Ohio, Indiana, and Michigan. The *Mackinaw* has seen the extraordinary expansion of American industry, and made an extraordinary contribution to that expansion.

Mr. Speaker, my most fond memory of the *Mackinaw* is the bitterly cold winter of 1993–1994. During that winter, the *Mackinaw* showed her brute ice-breaking strength time and time again. The *Mackinaw* freed countless vessels from frozen icy impasses. She has rescued stranded boaters, provided safe passage, and even rescued animals in peril.

Staff of the *Mackinaw* so admire the vessel and the Cheboygan community that they gather every five years for a reunion of current and past shipmates.

Mr. Speaker, the *Mackinaw* and her crew have played a role not only in national and international commerce, but also in more local relationships. The crew of the *Mackinaw* has long been an important part of the community in Cheboygan, with members pitching in to fight fires, forming relationships with residents, and many even settling in Cheboygan after their retirement.

As we move closer to 2006 when this historic vessel is decommissioned and replaced with a new cutter *Mackinaw*, Mr. Speaker, I ask the House to join me in paying tribute to the U.S. Coast Guard cutter *Mackinaw* and her crews over the last 60 years. They deserve our deepest gratitude, and I wish them well when they gather next month to celebrate 60 years of fond memories.

PROPOSED AMERICAN HEALTH BENEFITS PROGRAM

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. LANGEVIN. Mr. Speaker, I rise today in support of a health care proposal that I am proud to introduce.

For years now, elected officials at all levels of government have struggled to address the nation's health-care crisis, and meet the ever-increasing demand for affordable health care. A significant part of the population lacks access to the most basic health coverage. In 2002, 43.6 million Americans were uninsured—80 percent of whom were members of working families. Closing this gap is one of the greatest domestic challenges our nation faces.

As health-insurance premiums rise each year, businesses face difficult decisions. To maintain the same level of coverage, they must either cover these extra costs or pass them along to employees. Many business owners confront an even starker choice: Decrease benefits or drop coverage altogether.

Those of us in Congress have a responsibility to ensure that no family is forced to go without health coverage. My proposal for meaningful health care reform requires a commitment from the government to act in the best interest of its citizens.

A national template for this type of coverage—one that every Member of Congress is intimately familiar with—already exists: the Federal Employee Health Benefits Program (FEHBP). Through the Office of Personnel Management (OPM), the federal government manages health insurance for more than 8 million federal employees, retirees and dependents. This program, composed of private insurance carriers, is administered by the federal government, which assumes responsibility for approving or disapproving carriers, negotiating benefit and rate changes, and auditing carriers' operations under the law. With incredibly low administrative costs and a below-average annual premium increase, the federal government has been able offer a wide variety of choices and protections to its employees and Members of Congress.

My legislation offers a framework for a system wherein all Americans are offered the opportunity to participate in an FEHBP-style program—called the American Health Benefits Program (AHBP). Under this design, all Americans not eligible for existing federal programs—such as TRICARE, Veterans Health Programs, Indian Health Services, Medicare and Medicaid will be required to participate. The government will provide a defined contribution toward every enrollee's premium and actively manage and regulate the process of informed consumer choice, motivating private insurance companies to produce a favorable combination of efficiency and equity. Plans will compete for enrollees on the basis of benefits as well as efficiency, service and price.

Employers will be relieved of the annual burden of having to negotiate new health care packages for their employees. They will continue to play a critical role in the health care system through a flat tax on payroll—which promises to be more stable and consistent than premiums offered to them by insurance companies.

It is time we started offering every American the kind of coverage and oversight that we, as Members of Congress, have come to rely upon. Health care is much more than an issue that polls well with voters. As elected officials, we must take the incremental steps needed to develop a universal health-care system that is affordable, high-quality and well managed.

I firmly believe that health care is a basic inalienable right of every American. If we work together to address this critical issue, I know we can realize this goal.

HONORING LUKE PALDER ON THE COMPLETION OF HIS INTERNSHIP

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. GORDON. Mr. Speaker, I rise today to honor Luke Palder on the completion of his internship. Luke has been a tremendous help to me and my staff while he has interned in my Washington, DC, office this summer.

This is Luke's second summer as an intern for a member of the House of Representatives, which is remarkable when you consider that Luke will begin his senior year of high school this fall.

Luke dedicates himself to excellence, and he commits himself fully to every project he undertakes. His internship in my office has been no exception. He has received the highest praise from constituents who have toured the U.S. Capitol with him. And he has proven himself to be a valuable addition to the office.

Luke treats everyone he meets with kindness and respect. With his dedication and determination, I am sure that he will be successful in every endeavor he pursues. I wish him all the best in the future.

PAYING TRIBUTE TO RAY DOMENICO

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. MCINNIS. Mr. Speaker, it is with a heavy heart that I rise today to honor Ray Domenico of Welby, Colorado. Ray recently passed away from a stomach illness at the age of seventy-four. He will be remembered as the consummate farmer and a true American patriot. It is my privilege to recognize the life and memory of Ray before this body of Congress and this nation.

Ray was born and raised on a farm in Welby, Colorado. Following high school, Ray enlisted in the United States Navy and proudly served our country on a destroyer during the Korean War. After returning from the war, Ray returned to his roots and worked on his family farm. Ray spent many hours out of the day cultivating both fruits and vegetables. He was known for his work ethic, and he instilled the ethic in his children by leading through example.

For Ray, family was the most important part of his life. When he returned home from the Korean War he married Agnes in 1954. Ray and Agnes had known each other for most of their lives, since Agnes grew up on the neighboring farm. The couple raised a large family of thirteen children, with an even larger second generation comprised of thirty-eight grandchildren.

Mr. Speaker, the Welby community will sorely miss Ray Domenico. Throughout the farm community, he will be known for his hard work and dedication to the cultivation of his crops. In this difficult time of bereavement, I wish to express my deepest condolences to his family and friends.

REMEMBERING ROY BURKE ''R.B.'' HEAD, JR.

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. HALL. Mr. Speaker, I am honored today to pay tribute to an outstanding citizen and beloved family man, the late Roy Burke Head, Jr., of Whitesboro, who passed away on April 7 at the age of 92. A stranger to none, he was affectionately known to his friends and family as R.B. or simply ''B.''

R.B. was a kind and generous man who devoted his life to his family, his community, and

his country. He served in the U.S. Army for 5 years and for 50 years worked as a buyer for the wholesale grocery firm, Tyler and Simpson. He retired to pursue his interests of cattle, photography and reading. R.B. also was active in his community, serving as an elder and church treasurer of the First Presbyterian Church. He was a longstanding member of Kiwanis Club—serving for almost 40 years and touting a perfect attendance record until the last few months of his life. He was an avid sports fan, and no distance was too great for him to travel to watch his grandchildren's sporting events.

R.B. also was a devoted family man. He leaves behind his loving wife of 61 years, Lucile Allen Head; his children Judith Anderson Reedy and husband Rick of Frisco, and Sally Burke Light and husband George of Collinsville; seven grandchildren; four great-grandchildren; brother Bill Head and wife Anne of Austin; sister-in-law Mary Ann Allen of Whitesboro and many other family members.

R.B. was a man of honor and integrity who was admired and respected by all those who knew him. He will long be remembered for his leadership, his compassion, and his enthusiasm for life. As we adjourn today, let us do so in memory of this outstanding citizen, Roy Burke Head, Jr.

A BILL TO EXTEND THE AUTHORITY OF THE ADVISORY COMMITTEE ON FORMER PRISONERS OF WAR

HON. STEPHANIE HERSETH

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Ms. HERSETH. Mr. Speaker, today I introduce a bill that authorizes a 6-year extension in authority for the Veterans Administration's (VA) Advisory Committee on Former Prisoners of War.

It is estimated that, since the American Revolution, more than 500,000 Americans have been captured and incarcerated as prisoners of war. Since World War I, more than 142,000 Americans—including 83 women—have been captured and interned as POWs. Not included in this figure are nearly 93,000 Americans who were lost in battle and whose whereabouts are unknown. Almost 16,000 POWs are currently in receipt of compensation for service-connected injuries, diseases, or illnesses from the Federal Government.

In 1981, Congress created the Advisory Committee on Former Prisoners of War (Committee). It is comprised of POWs from World War II, the Korean Conflict, Vietnam, and the Gulf War, as well as other individuals who are recognized authorities in such fields as psychiatry, psychology, internal medicine, nutrition, epidemiology, geriatrics, including persons knowledgeable about disabilities prevalent among former POWs, and disabled veterans.

The Committee advises the Secretary of Veterans Affairs on the administration of benefits under Title 38, United States Code, for veterans who are former prisoners of war and the needs of such veterans in the areas of service-connected compensation, health care and rehabilitation.

The Committee assesses the needs of former prisoners of war in the area of service-connected compensation, health care, and rehabilitation. It also reviews the VA programs and activities designed to meet such needs. Lastly, it develops such recommendations as it considers appropriate, including recommendations for administrative and legislative action. This committee then prepares biennial reports that are submitted to the Secretary on these issues.

The Committee plays an important role by ensuring that the concerns of America's former prisoners of war are heard and that their needs are met. I am very pleased to introduce this bill today and look forward to working with my colleagues to ensure swift passage of this legislation to allow the Committee to continue its important work.

PAYING TRIBUTE TO KENDAY KAMARA

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. TANCREDO. Mr. Speaker, hundreds of students graduate for colleges and universities everyday, on rare occasions there is a student that stands out. I would like to take a moment to recognize one student that has overcome great obstacles to earn his graduate degree and honors. Kenday Kamara was awarded the 2004 Graduate Student of the Year from the University of Phoenix.

Mr. Kamara's life in Sierra Leone was anything but peaceful. As a journalist for the Sierra Leone Digest, Mr. Kamara wrote an editorial appealing for the peaceful resolution to the conflict that was raging in his homeland. Such an act of expression would often go unnoticed here in America; however in Sierra Leone, Mr. Kamara and his family were tormented for this act. He finally received asylum in the United States in 1998, and was later reunited with his family here in 1999.

Mr. Speaker, it is my distinct pleasure to honor Mr. Kamara and his achievements here today, and wish him all the best in her future endeavors.

PAYING TRIBUTE TO MIKE O'NEILL

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. McINNIS. Mr. Speaker, to place your life in danger for the safety of your fellow citizens is an honorable and noble task, and our police officers do this on a regular basis. Commander Mike O'Neill of the Denver Police Department is one such hero, and after thirty-seven years of dedicated service, he recently announced his retirement. I would like to take this opportunity to thank him for the important role he has played in protecting the citizens of Colorado before this body of Congress and this nation.

At the point in Mike's youth when it came time to commit to his future and decide his vocation, he decided to become a police officer. The choice was obvious for him considering his father had also served as a police officer. In 1967, Mike joined the Denver Police Department working in the city's second district. During his thirty-seven year career, he has worked in units covering drugs and gangs, shifts covering night and day, and he has held positions as district commander, division chief and head of the police academy.

As he embarks on retirement, he finishes his career in patrolling the same district where he began. After over thirty years with the department, he can take pride in knowing he has carried on his family's proud legacy of commitment to serving others. In his retirement, he and his wife Suzy, another former police officer, can enjoy a more relaxing pace to their lives.

Mr. Speaker, Commander Mike O'Neill has shown tremendous leadership and honor throughout his career with the Denver Police Department. Mike consistently exhibited selflessness to put the safety of the people he served first and foremost. It is my pleasure to recognize his career before this body of Congress and this nation. I thank him for his hard work and commitment to his fellow citizens and wish him all the best in his future endeavors.

A SPECIAL TRIBUTE TO THE VAN WERT COUNTY HISTORICAL SOCIETY ON THE OCCASION OF ITS 50TH ANNIVERSARY

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. GILLMOR. Mr. Speaker, it is my great pleasure to pay special tribute to the Van Wert County Historical Society on the occasion of its fiftieth anniversary.

The Van Wert County Historical Society was born of the desire to preserve the history of a great county within the Fifth Congressional District of Ohio. The idea for a historical society first surfaced during Ohio's sesquicentennial in 1953. From overwhelming requests, members of the Van Wert Sesquicentennial Committee founded the Historical Society in 1954. While the Society was slow to start, a meeting on September 18, 1955, changed the course of history for the group. William Fosnaught, a local attorney and schoolteacher, presented the deed to a mansion which was donated to house the museum.

Since the 1955 donation of a mansion to the Historical Society, the group has expanded its grounds by adding a gazebo, barn, and log house, one-room schoolhouse, Conrail caboose and the annex building. In addition, the Historical Society boasts the only gazebo to be listed on the National Register of Historical Sites.

Mr. Speaker, what makes the Van Wert County Historical Society unique is that the mansion holds artifacts that represent the vast history of Van Wert County.

Mr. Speaker, I ask my colleagues to join me in paying special tribute to the Van Wert County Historical Society. Our communities are served well by having these societies to narrate history to future generations. However, it is the generous donations of artifacts and the volunteering of time by the people of Van Wert County which make the Historical Society a success. On behalf of the people of the

Fifth District of Ohio, I am proud to recognize this great achievement.

25TH ANNIVERSARY OF SISTER-CITY RELATIONSHIP BETWEEN MARQUETTE, MI AND YOKAICHI, JAPAN

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. STUPAK. Mr. Speaker, on August 13, 1979, the city of Marquette, MI, entered into a sister city relationship with Yokaichi, Shiga Prefecture, Japan. Since then, the relationship has flourished, and I would like to congratulate both cities on their upcoming 25th Anniversary of this sister-city bond.

In his September 12, 1992 remarks to the 102nd Congress, my predecessor, Congressman Robert Davis, praised these sister cities and included an extensive history of that relationship (E2819–2821). I would also like to highlight the history of the Marquette-Yokaichi sister-city program:

On September 12, 1956, President Dwight Eisenhower initiated the Sister City program to build close relationships and cultural understanding between people of different countries. President Eisenhower's theory: these new relationships could be a powerful force in promoting world peace and would help prevent misunderstandings between the governments of those countries.

On November 14, 1968, Michigan Governor George Romney and Shiga Prefecture's Gov. Kinichiro Nozaki initiated a Sister State relationship. This was followed by annual exchanges between these states and the encouragement to establish bonds between their cities.

When the cities of Marquette, Michigan and Yokaichi, Shiga, Japan signed their August 13, 1979 Sister City Agreement, its focus was directed to cultural exchanges with the intent of developing long-term friendships and understanding between the people of these two communities. Several actions have assisted its continued expansion and success:

Annual exchanges of formal delegations and several informal delegations have occurred since 1979.

Each delegate, visitor, student, teacher artist or other representative to his or her sister city is welcomed as a member of an extended family and stays with a host family that may include three generations in its household.

''Sister'' agreements were signed between the Rotary Clubs in 1979 and the Chambers of Commerce in 1983 of the two cities.

The two cities have also had many exchanges through their education programs. Northern Michigan University has offered an academic year scholarship to a student from Yokaichi since 1980 and several have returned to receive degrees there. The Japan Center for Michigan Universities, located twenty miles from Yokaichi, has offered scholarships to three Northern Michigan University students each academic year since 1989.

Marquette and Yokaichi school students exchange letters and the schools in each city teach their pupils about their Sister City. Michigan and Shiga initiated annual teacher exchange and government worker exchange programs in the early 1980's. Michigan and Shiga initiated a summer high school student exchange program in the 1990's.

Finally, over 100 Marquette or Yokaichi casual visitors have been welcomed to their sister city. More than 2,500 delegates, host family members, students, teachers, government officials and informal visitors have participated directly in the Marquette-Yokaichi partnership. With each exchange has come the opportunity to plant new seeds of friendship and understanding, many of which have become self-sustaining gardens that are freely shared with others in the community. With each exchange has come the opportunity to become a member of an extended family. And for many, it has become a life-changing experience.

Mr. Speaker, again I applaud the cities of Marquette and Yokaichi for their great success in building this special relationship through their sister-city status. I congratulate them on their 25th anniversary and I wish them continued success for the next twenty-five years.

CONGRATULATING MR. EDWARD J. MCELROY ON HIS ELECTION TO THE PRESIDENCY OF THE AMERICAN FEDERATION OF TEACHERS

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. LANGEVIN. Mr. Speaker, today I rise today to congratulate a longtime champion of public schools, Mr. Edward J. McElroy, on his recent election to the position of President of the American Federation of Teachers (AFT) second-largest teachers' union in the country. His longstanding commitment and leadership on education and the issues faced by working families will be of great value to AFT's 1.3 million members.

A former social studies and English teacher in my hometown of Warwick, R.I., Mr. McElroy earned his bachelor of arts degree from Providence College in Rhode Island. He has also done graduate work at the University of Rhode Island and Rhode Island College. His service in Rhode Island includes time spent as president of the Warwick Teachers Union, the Rhode Island Federation of Teachers and the Rhode Island AFL–CIO. The heart of Mr. McElroy's service has always been fighting for a stronger education system for our children. He has recognized that the best way to give children a chance for a better future and to provide a strong workforce is to provide every child with a strong education.

As president of the Rhode Island Federation of teachers, Mr. McElroy worked with the Rhode Island state legislature on the Michelson Act, which created collective bargaining for teachers in the state. On a national front, he has led efforts to strengthen and uphold financial and accountability requirements at every level of the union. He has been at the forefront of the AFT's initiatives to harness technology to support, inform and mobilize union members. For decades, Ed McElroy has displayed unwavering leadership and commitment to the teachers, paraprofessionals and school-related personnel, local, state and federal employees, higher education faculty and staff, nurses and healthcare professionals, and public schoolchildren of our Nation.

Personally, I have known Mr. McElroy for more than 20 years and have had the pleasure of working with him in his leadership positions, both in Rhode Island and more recently as the Secretary-Treasurer of the AFT. I am confident that he will bring tremendous dedication, professionalism and expertise to the position of President of the American Federation of Teachers.

HONORING WILLIAM POMEROY ON THE COMPLETION OF HIS INTERNSHIP

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. GORDON. Mr. Speaker, I rise today to recognize the many contributions William Pomeroy has made while interning in my Washington, D.C., office. Will, a fellow Middle Tennessean, has been a wonderful addition to the office and a great servant to the constituents of Tennessee's Sixth Congressional District.

But Will must return to Knoxville for his sophomore year at the University of Tennessee, where he is a member of the Young Democrats and the Delta Tau Delta fraternity.

During his internship, Will won over the entire staff with his ever-present eagerness and genuine interest in public affairs. He has attended briefings, addressed constituent concerns and served as a friendly and informative tour guide of the U.S. Capitol, providing visitors from Middle Tennessee with a personalized look at a national treasure.

I hope Will has enjoyed his internship as much as my staff and I have enjoyed his presence in the office. I wish him all the best in the future.

PAYING TRIBUTE TO RODNEY DAVIDSON, JR.

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. McINNIS. Mr. Speaker, I rise today to pay tribute to a dedicated volunteer fireman from La Junta, Colorado. Rodney Davidson Jr. is the recipient of the Volunteer Fireman of the Year award for his position as a role model for future firefighters. Rodney provides an invaluable service to his community and I am honored to recognize his accomplishments before this body of Congress and this nation.

Rodney has spent more than twenty years as a volunteer fireman with the John Fisher Hose Company. When he joined the company in 1984, he was following in the footsteps of his father who currently serves as fire chief and several other family members who served as volunteers. Rodney is the president of the company, an organization that is dedicated to recruiting volunteer fire fighters that dates back to 1883. He is also a certified pyrotechnician and helps with local fireworks displays every year.

Mr. Speaker, Rodney Davidson, Jr. is a dedicated volunteer that risks his own health and safety so that others may live. His work

has taken him away from his family and friends on several occasions and he has served as a role model offering leadership and guidance in his community. I am honored to recognize him today before this body and this nation for his devotion and commitment to aiding those in need. He serves as a valuable role model for all fire fighters. Congratulations on your award Rodney and I wish you all the best in your future endeavors.

HONORING FEDERAL JUDGE WILLIAM STEGER

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. HALL. Mr. Speaker, it is a distinct privilege to pay tribute to an outstanding member of the Judiciary and longtime U.S. District Judge for the Eastern District of Texas, Judge William Steger, who recently received the Justinian Award during Law Day festivities in Tyler. Judge Steger has served as a U.S. District Judge in East Texas for more than thirty years, culminating a career dedicated to the highest principles of ethics and justice in the profession of law.

Nominated by President Richard Nixon, Judge Steger began his judgeship on December 29, 1970, in the Eastern District of Texas, presiding in Beaumont and also holding court in Paris, Texarkana, Sherman and Marshall. He moved to the Tyler Federal courthouse, where he currently presides, in September 1978. He assumed Senior Active Status duty as U.S. District Judge on December 31, 1987, and since that time has closed approximately 6,500 cases.

Among his noteworthy rulings, Judge Steger in 1975 ruled that a private hospital, although receiving State and Federal support, was not prohibited from establishing policies denying use of its facilities for elective abortions. In 1980 he presided over one of the first cases applying the Racketeer Influenced and Corrupt Organizations Act, resulting in conviction of numerous county officials for offenses ranging from solicitation of murder to facilitation of gambling activity. Other cases resulted in convictions for illegal narcotics transactions—one of which resulted in the government seizing properties that were later auctioned for over $10,000,000 and deposited in the U.S. Treasury.

A 1950 graduate of Southern Methodist University Law School, Judge Steger engaged in the private practice of law in Longview from 1951 to 1953. In 1953 he was appointed by President Dwight D. Eisenhower as U.S. District Attorney in East Texas and remained in the post until 1959 when he resigned to enter private practice in Tyler. He was a partner in the firm of Wilson, Miller, Spivey and Steger from 1959 to 1970, until his appointment as U.S. District Judge.

From 1952 to 1970 Judge Steger was an active member of the Republican Party of Texas. In 1960 he was the Republican candidate for governor, and in 1962 he was the Republican nominee for U.S. Representative in the Third Congressional District, receiving 48 percent of the vote. He served as State Chairman of the Republican Party of Texas from 1969 to 1970.

Judge Steger was born in 1920 and attended public schools in Dallas. He graduated from Woodrow Wilson High School in 1938 and attended Baylor University from 1938 to 1941, when his pre-law studies were interrupted by World War II. Less than 24 hours after Pearl Harbor was attacked, Judge Steger withdrew from Baylor University and volunteered for service. He enlisted in the U.S. Army Air Corps on January 5, 1942, as cadet and received his Pilot Wings and Commission as 2nd Lieutenant on November 9, 1942. He flew 56 combat missions as a fighter pilot in Tunisia, Sicily and Italy and attained the rank of Captain. After being honorably discharged, he entered SMU Law School in 1948 and received his LLB Degree in 1950.

Judge Steger is married to his wonderful wife of 56 years, Ann Hollandsworth Steger. They had one child, Merritt Reed Steger, who passed away as a young man. Judge and Mrs. Steger have been active members of their community. ''Through his efforts, he's made a significant contribution to all aspects of life in Smith County and the State of Texas,'' said U.S. District Judge T. John Ward in presenting the Justinian Award to Judge Steger.

I also want to commend the Smith County Bar Association, the Smith County Bar Foundation, the Smith County Lawyer's Auxiliary, the Smith County Young Lawyers Association, the Tyler Area Association of Legal Professionals and Tyler Teen Court, Inc., who in conjunction with the American Bar Association, sponsor Law Day each year to honor local attorneys and civic leaders as well as students who participate in Teen Court and an essay and poster contest.

Mr. Speaker, it is a privilege to celebrate the life of this esteemed jurist and outstanding American who answered the call to service in World War II, serving with distinction in that endeavor, then dedicated his life to serving the cause of justice and defending the principles upon which this Nation was founded. I ask my colleagues in the House of Representatives to join me in paying tribute today to U.S. District Judge William Steger and to express our sincere appreciation for his service to his community, the State of Texas, and our Nation.

TRIBAL PARITY ACT

HON. STEPHANIE HERSETH

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Ms. HERSETH. Mr. Speaker, I am pleased to introduce today the Tribal Parity Act. This bill would fully compensate the Lower Brule Sioux Tribe and the Crow Creek Sioux Tribe in South Dakota for the lands that they lost as a result of the federal government's construction of the massive dams on the main stem of the Missouri River.

The 1944 Flood Control Act cost these tribes much in terms of lost land. It also took an enormous toll on the people of both tribes and their economies. It is critically important that we seek to fully reimburse these tribes for the lands they lost.

The Lower Brule Sioux Tribe and the Crow Creek Sioux Tribe are both constituent bands of the Great Sioux Nation. Both border on the Missouri River in central South Dakota and are connected by the Big Bend Dam.

Congress created a trust fund for the Crow Creek Sioux Tribe in 1996, and a separate trust fund for the Lower Brule Sioux Tribe in 1997. These trust funds sought to compensate the tribes for the value of their land that is now permanently inundated as a result of the construction of the Big Bend Dam. Unfortunately, the formula that the General Accounting Office used to calculate amount of compensation for both tribes was substantially different than the formulas that it has used to calculate damages for many other similarly situated tribes. The result was unfair and inadequate compensation funds for these tribes.

Parity for these tribes would mean an ability to actively work for the betterment of their communities. It would mean adequate roads and improved community facilities. It would mean better health care and newer schools. It would mean attracting commercial business and improving the local economy. Most importantly, it would mean a real chance for these tribes to provide future generations with the tools that so many of us take for granted.

I would ask all of my distinguished colleagues to support the Tribal Parity Act and work with me to enact legislation that would fairly and appropriately compensate members of the Lower Brule and Crow Creek Sioux Tribes. I ask you to do it because of the tremendous positive difference it would make in the lives of those affected—and because it is clearly the right and fair thing to do.

PAYING TRIBUTE TO FREDA POUNDSTONE

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. TANCREDO. Mr. Speaker, I rise today to recognize the dedicated and inspiring career of Freda Poundstone. Ms. Poundstone served as the first woman mayor of Greenwood Village, Colorado, and when her time as mayor came to an end, she continued to serve the community as a determined lobbyist for 36 years.

During her career, Ms. Poundstone worked diligently to strengthen her community. Her actions as mayor proved that Ms. Poundstone truly acted to serve the public, and this contributed to her many accomplishments. She faced many challenges, but did not hesitate to speak her mind and fight for what she thought was right. Her successes did not stop after serving as mayor, rather Ms. Poundstone became the first woman contract lobbyist in Colorado and furthered her accomplishments to include advocating successfully for the passage of three Constitutional Amendments.

Public officials who fulfill their duties with passion and allegiance as the former mayor

did provide an excellent example of true public service. Ms. Poundstone's retirement from lobbying will not mean the end of her service however, as she intends to remain active.

The contributions Ms. Poundstone has made to the Greenwood Village community have been invaluable, and she has truly helped to strengthen and develop the city into what it is today. I wish to thank her for her dedicated service and wish her the best of luck in her retirement.

TRIBUTE TO THE GRACE UNITED METHODIST CHURCH

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. STUPAK. Mr. Speaker, I rise today to congratulate a church in my district that recently celebrated a remarkable milestone. On July 2, the members of the Grace United Methodist Church in Houghton, Michigan celebrated their congregation's 150th anniversary. For the last century and a half, Grace United Methodist Church has been a place of worship, prayer and fellowship for the people of this community in Michigan's Upper Peninsula.

In 1854, the same year that the Village of Houghton was founded, Reverend Lewis W. Earl organized the Portage Lake Class, which would become today's Grace United Methodist Church. Three years later, the small congregation resolved ''to build a house of worship in Houghton,'' and construction began in the spring of 1859. Later that year, the structure, which was still being built, was moved to the corner lot that is the site of the present church, thanks to the generous gift of Mr. William Newcomb.

During the pastorate of Reverend C.V. Thompson from 1888 to 1893, the congregation decided to construct the elegant stone church building that is in use today. In June 1893, the completed church was dedicated with much ceremony. Several of the day's most prominent clergymen came to Houghton to give lectures or sermons as part of the dedication activities, including Reverend Earl Cranston, Reverend Joseph Frazer, Reverend Bishop Ninde, and Reverend A.R. Bartlett.

On the evening of November 24, 1916, tragedy struck as Grace Church was almost completely destroyed by fire. Fortunately, the red sandstone walls remained standing, which also protected the church's beautiful stained glass windows. While the members of Grace Church were understandably upset by this turn of events, the other churches of Houghton were quick to offer their assistance. As a result, services were held for several months in the Masonic Temple, and then for 2 years the congregation held joint services with the Presbyterian Church while Grace Church was being rebuilt.

Reconstruction of the church building was delayed by the start of World War I, and the congregation was not able to move back into its own church until 1918, when steps were taken to at least rebuild the basement level. Complete restoration of the church was finally achieved in 1924 when Reverend John E. Lewin worked tirelessly to raise the necessary funds and secure a loan from the Board of Home Missions and Church Extension of the Methodist Episcopal Church.

Mr. Speaker, much has changed in the Grace United Methodist Church's first 150 years. After the church recovered from the 1916 fire, it continued to make improvements and expansions to accommodate its growing congregation. It has also received the guidance and leadership of a number of pastors from its founding by Reverend Earl to the current pastor, Reverend Tom Anderson. But throughout these changes, the members of the Grace United Methodist Church have been true to their faith and to each other.

Mr. Speaker, I ask that the House join me in congratulating the Grace United Methodist Church and its members on their first 150 years as a community of faith, and in wishing them well in their next 150.

PAYING TRIBUTE TO LANDY TAYLOR

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. MCINNIS. Mr. Speaker, I rise today to pay tribute to a kind and caring individual from Montrose, Colorado who is brightening the spirits of American soldiers in Iraq. Landy Taylor is reminding our troops that we support them and their noble mission, and I am proud to join my colleagues here today before this body of Congress and this Nation in recognizing his tremendous generosity and good will.

After receiving an email from Duane Ziegler, the chief of the Montrose Regional Airport fire department who is serving in Iraq with the Colorado National Guard, about the tough battlefront conditions Landy decided to start Operation Sweet Tooth. He figured that candy would help lift the soldiers spirits and so he began to buy cases of candy, elk jerky, and other items and ship them off to the troops. Landy himself, is a former aviation executive and a veteran of the Army and wanted to be able to let our troops know of our Nation's support.

Since the initial shipment of more than seven thousand pieces of candy, Landy, and his wife Marta have shipped hundreds of pounds of candy and over 800 pounds of elk jerky. He often sends care packages daily and sometimes picks up the shipping costs of up to $300 a week out of his own pocket. Most of the candy and snacks that are shipped go to four different military hospitals in Baghdad where they are distributed to patients, soldiers and Iraqi children.

Mr. Speaker, Landy Taylor is a generous individual who is actively involved in lifting the spirits of our American soldiers and demonstrating how much we appreciate their efforts in Iraq. He has inspired other citizens and friends within his community to aid the troops and I am honored to recognize him today before this body and this Nation for his devotion and commitment to our American soldiers. Thank you for your generosity Landy, and I wish you all the best in your future endeavors.

HONORING HOWARD SNELL FOR HIS SERVICE AND DEDICATION TO OUR COUNTRY

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. HALL. Mr. Speaker, I am honored today to recognize an outstanding veteran of World War II who dedicated much of his life in service to our country—Howard Snell of Tyler.

Mr. Snell devoted 21 years to service in the U.S. Navy, moving through the ranks from cook to chief sonar technician. During that time, he engaged in 17 World War II battles, including the infamous attack on Pearl Harbor and the monumental showdown at Midway.

Now at the age of 81, Mr. Snell has found himself in the middle of another battle—with cancer. Yet in a display of his trademark determination, Mr. Snell was one of the proud veterans present at the May 29 dedication of the National World War II Memorial in Washington. He postponed his first round of chemotherapy so that he could attend the ceremony, fearing that starting the treatment before his trip would cause him to miss the dedication—and that was simply not an option for this World War II veteran who serves as an official of the national Survivors of Pearl Harbor Association.

Throughout his life, Mr. Snell has upheld the high standards of conduct befitting a soldier and a gentleman. As we adjourn today, it is my privilege to recognize such an outstanding American and veteran—Mr. Howard Snell—and wish him well as he fights another of life's battles.

PAYING TRIBUTE TO SIMON MAGHAKYAN

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. TANCREDO. Mr. Speaker, today, I have the pleasure of celebrating a young person from my district, Simon Hakob Maghakyan, who was elected executive vice president of the Sigma Phi Chapter of Phi Theta Kappa.

Phi Theta Kappa is the international honor society for two-year colleges. Membership is based on academic achievement and members are also provided opportunities for growth and development in scholarship, leadership, fellowship and service.

Simon is attending Arapahoe Community College with a major in general science, with plans to transfer to University of California at Los Angeles. Given his demonstrated dedication to academics and hard work, I have no doubt he will be successful in all of his endeavors.

Mr. Speaker, it is my distinct pleasure to honor Mr. Maghakyan here today, and wish him all the best in his future endeavors.

PAYING TRIBUTE TO INTERNATIONAL DECA COMPETITION WINNERS

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. TANCREDO. Mr. Speaker, I would like to highlight the accomplishments of three teams of high school students. These teams competed at the 2004 DECA International Career Development Conference held in Nashville Tennessee, where they placed first in the categories they competed in.

These high school DECA teams have worked throughout the year to prepare for the international competition by preparing projects, competing in preliminary competitions, and expanding their understanding of the business industry.

Hanna Cunnane, Noah Funderburk and Laura Sullivan, from Cherry Creek High School placed in the Hospitality and Recreation Marketing Research competition. Monica Kremer, Charles Fuller and Lauren Blood, also students at Cherry Creek High School placed in Food Marketing Research. The team of Jessica Watts and Jennifer Bracht from Highlands Ranch High School placed in the Travel and Tourism Marketing Management Team Decision Making category.

DECA, the Distributive Education Club of America, was organized in 1946 to bring opportunities in marketing and management closer to students. Since then, the club has grown to have over 180,000 members. The DECA International Career Development Conference is the culmination of the DECA year and brings together thirteen thousand students, advisors and businesspersons for competition and education.

Mr. Speaker, the accomplishments of these students are only the beginning of the contributions they will make in the future. I wish them all the best in their future endeavors.

A SPECIAL TRIBUTE TO KEITH E. HARMON ON THE OCCASION OF HIS ELECTION AS STATE COMMANDER OF OHIO FOR THE VETERANS OF FOREIGN WARS OF THE UNITED STATES OF AMERICA

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. GILLMOR. Mr. Speaker, it is my great pleasure to pay special tribute to an outstanding individual from Ohio's Fifth Congressional District. On Saturday, June 26, 2004 Mr. Keith E. Harman, of Delphos, Ohio, was elected and installed as the State Commander of Ohio for the Veterans of Foreign Wars of the United States of America for the 2004–2005 year.

A Vietnam Veteran, Keith Harman served his country with honor and distinction from 1967 to 1969 while attached to A Troop, 2/17th Air Cavalry, 101st Airborne Division as a crew chief and door gunner on a Huey helicopter. Keith's honors include the Vietnam Service Medal with two Bronze Stars, the Vietnam Campaign Medal, the Army Commendation Medal, the Republic of Vietnam Gallantry Cross with Palm Unit Citation Badge and the National Defense Service Medal.

Mr. Speaker, in 1983 Keith began his involvement in the VFW by becoming a Life Member of Post 3035 in Delphos, Ohio and in 1986, Keith was elected Post Commander of 3035. It was in this capacity that he embarked on a career of compassion, always wanting to assist veterans in need. Keith would hold the title of Commander of 3035 for three consecutive years until his election in 1990 to District 2 Commander, where he most recently served as Vice Commander of Ohio. In addition to his VFW duties, Keith has been involved in his fellow veterans' concerns by serving as the Van Wert County Veterans Service Officer for the past thirteen years.

As District 2 Commander, Keith has displayed great leadership by effectively communicating the mission at hand and adapting to the ever-changing world around him. Through his drive and leadership, Keith has worked tirelessly to increase the membership of the VFW, forge solid relationships with Ohio's communities, and advance the issues that affect veterans most.

Mr. Speaker, I ask my colleagues to join me in paying special tribute to Mr. Keith Harmon. Our communities are well served by having such honorable and giving citizens, like Keith, who care about their well being and stability. We wish Keith and his family all the best as we pay tribute to one of the Fifth District's finest citizens.

TRIBUTE TO THE BETHANY LUTHERAN CHURCH

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. STUPAK. Mr. Speaker, I rise today in recognition of a church in my district that has recently passed a remarkable milestone. On July 11, the members of the Bethany Lutheran Church in Isabella, Michigan celebrated their congregation's 100th anniversary. For a century, the Bethany Lutheran Church has been a place of worship, prayer, and fellowship for the people of this small farming community in Michigan's Upper Peninsula.

On July 11, 1904, what was then the Swedish Evangelical Lutheran Church held its first meeting at the home of John Wester in Isabella. This first service was conducted by a seminarian, J.J. Youngren, who used Matthew 5:20–26 for his sermon. Reflecting the heritage of the community, Swedish was the primary language of the congregation for its first twenty years.

On December 26, 1904, the church's first ordained pastor, Reverend K.M. Holmberg, held his first service, using John 1:1–14 as the basis for his sermon. The following spring, the church purchased a half acre of land from one of its members, Mr. Jacob Carlson, where the church building stands to this day. By 1906, the church's Secretary, Mr. Martin Nyquist, was planning for the church building, and construction began on May 31, 1908. The church architect and chief carpenter was Fred Magnuson.

Just over four years later, on July 14, 1912, the congregation attended the first service in the church's new home. Though there have been a number of improvements to the building, the congregation of the Bethany Lutheran Church still meets each Sunday in that original structure.

Mr. Speaker, much has changed in the Bethany Lutheran Church's first century. Always a small congregation, the church's membership has waxed and waned over the years from the original 39 members to the 17 of today. It has also received the guidance and leadership of a number of pastors from Reverend Holmberg to the current pastor, Reverend David Hueter. But throughout these changes, the members of the Bethany Lutheran Church have been true to their faith and to each other.

Mr. Speaker, I ask that the House join me in congratulating the Bethany Lutheran Church and its members on their first 100 years as a community of faith, and in wishing them well in their next 100.

PAYING TRIBUTE TO STEIN ERIKSON

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. McINNIS. Mr. Speaker I rise today to pay tribute to a renowned ski racer from Aspen, Colorado. Stein Erikson has been a great ambassador for the sport of skiing and inspires many Americans and ski enthusiasts around the world. I am privileged to stand before this body of Congress and this Nation to recognize his accomplishments and commitment to the sport of skiing.

Initially Stein moved to Aspen from Norway in 1958 and has been racing and instructing skiers ever since. Stein won a gold and silver medal in the giant slalom, and slalom for the Norwegian ski team in the 1952 Oslo Olympics and several medals from the 1950 and 1954 World Championships. He is best known however for his ski school instruction. He began teaching at Boyne Mountain, Michigan and then moved to Heavenly Valley, California before landing at Aspen Highlands in Snowmass ski school. Recently Stein was inducted into the Colorado Ski and Snowboard Hall of Fame for his many contributions to the sport over the years.

Stein is famous for his execution of an aerial somersault that has since been dubbed the X games of the early days in Aspen ski history. He was the first skier to perform a forward flip or Moby flip that helped to usher in the beginning of freestyle skiing. Stein, who was knighted by the King of Norway in 1997 for his contributions to his home country's favorite sport remains an active fixture in the American skiing scene. Not only did he ski every day last ski season but he can outpace many skiers half his age and his trademark Norwegian sweaters that he made popular fifty years ago continue to warm skiers today.

Mr. Speaker Stein Erikson is an internationally accomplished skier that has been a great ambassador for his sport and inspired many Americans to chase after their dreams. He has enriched the lives of the members of his Aspen community and I am honored to recognize his achievements before this body of Congress and this nation today. Congratulations on your induction Stein, and I wish you all the best in your future endeavors.

RESTORING DEMOCRACY TO THE UNITED STATES CONGRESS ACT OF 2004

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mrs. MALONEY. Mr. Speaker, the United States Congress should be a role model for democracies around the world. Instead, with votes that are extended up to three hours to change their outcome to allegations of bribery on the House Floor to the alleged stealing of computer files by a staffer, we are increasingly becoming a model of how not to run a democracy. That is why we am introducing the Restoring Democracy to the United States. This legislation sets forth ten changes that would ensure that the U.S. Congress will continue to be a beacon of democracy.

1. This legislation would limit the time of roll call votes to 17 minutes.

2. It would require conference committees to meet and vote before filing their conference report.

3. It would prohibit germaneness requirements for conference reports from being waived.

4. It would prohibit Members from calling the Capitol Police to have a Member removed from a room.

5. It would prohibit redistricting between censuses.

6. It would prohibit a vote on legislation unless it has been available in a searchable form online for more than 24 hours.

7. It would prohibit bribery on the House Floor.

8. It would prohibit the hacking into Member's computer files.

9. It would prohibit Committees from spending more than $25,000 a year on franked mail.

10. It would guarantee the Minority a minimum of one-third of the overall committee budget.

These ten measure would go a long way to ensure that democracy is upheld in the United States Congress. Unless we enact these safeguards, Members working together in a bipartisan manner will continue to see their work thwarted despite having a majority of Members in favor of their proposals. How many more abuses must there be before we say enough is enough? I urge all Member to support the Restoring Democracy to the U.S. Congress Act of 2004.

REMARKS BY JOHN BROWNE, GROUP CHIEF EXECUTIVE, BEYOND PETROLEUM (BP)

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. HALL. Mr. Speaker, I would like to submit the following speech that was delivered by Mr. John Browne, Group Chief Executive of Beyond Petroleum (BP) to the Washington Press Club on March 23, 2004 entitled, ''Energy—the Medium Term Outlook.''

The level of interest in energy issues and energy security has grown steadily over the last three years. A whole series of events have reminded people both of the importance of secure energy supplies in a modern economy and of the challenges involved in matching available supplies to growing global demand.

Concerns have been expressed—here in the U.S., in Europe and in many other parts of the world. BP is the largest producer of oil and gas here in the U.S., and the second largest private company in our sector in the world. We work in over 100 countries—exploring for, producing, distributing and selling oil and gas in areas ranging from Russia to Angola from Germany to China. So we hear the concerns expressed from many sides.

I want to try and separate the concerns which are real, and which need to be managed—from those which are false, and which need to be discarded before they distract us from the serious agenda. I want in particular to emphasize the point that ''self sufficiency'' can't be achieved through protectionism. Trade is essential and we have to ensure that trade can thrive. I'll talk about the U.S. position—and I'll try and set that position in its proper context—which is the global energy scene. And I'll focus on facts—because facts should be the basis of good policy.

At one level this is a very simple issue. It is about demand and supply. The demand for energy is driven by demography and economic performance. By the number of people who can afford to buy the energy they need. Today the world's population is estimated at 6.3 bn. That figure grows by almost 10,000 an hour. In ten years time there will be almost another 1 billion people on earth. 7.2 bn by 2015 according to the most authoritative estimates from the U.N. More and more of those people will be able to afford to buy the energy they need. Economic growth continues to extend prosperity to more people every year in China and India and in other emerging economies. The Chinese economy has quadrupled in size over the last twenty years and China is now the 2nd largest single consumer of energy in the world after the U.S.

Today the world will use some 190 million barrels of oil equivalent—that is expressing all the different forms of energy supply—natural gas, coal, nuclear and so on in terms of a common unit of measurement. That energy is used in homes, in industry, in offices, in power stations and in transportation. Technology is gradually making the use of that energy more efficient. The energy intensity of each extra point of GDP growth has fallen over the last thirty years and continues to fall. But the fall is gradual.

The combination of more people and more prosperity will mean that the demand for energy will rise. The most recent estimates of the International Energy Agency suggest that world energy demand will rise by a third to around 240 mbdoe by 2015.

How can that demand be met?

Some place their faith in renewable and alternative forms of energy supply. Power from the wind and the waves. Power from solar panels. We believe those are important sources of future supply. We in BP are investing in research and development work in photovoltaics—the technology which supports solar power—and at various other forms of alternative energy supply. One day one or more of those new sources will provide a significant proportion of global energy demand. But the evidence is that day is still a long time off.

Today all the renewable and alternative forms of energy supply provide just 2.5 per cent of world demand, the bulk of which currently comes from biomass. Solar power provides just 0.001 per cent. Or to put it another way—all the solar power in the world would meet Washington's energy needs for just 6 days per year. Research continues—here in the US and in many other countries. But in every case we are still at the stage of research and experimentation. We believe renewables will provide material supplies of energy in the long term. But the long term could be 20 or 30 or more years away. The estimate from the International Energy Agency is that in 2015 they will provide only 3.3 per cent of total demand.

What sources then will meet the demand?

Some people believe that the key lies in the potential of nuclear power. That is certainly possible. But it seems a remote possibility on the timescale of a decade. Nuclear currently supplies 7 per cent of world energy demand. The first generation of nuclear stations are reaching the end of their natural lives. Last year only 2 new nuclear stations were commissioned and public doubts both about safety and about the uncertain long term costs continue to constrain new investment. In the US, no new stations have been commissioned for over two decades while in Europe the forecasts suggest that on current trends nuclear capacity in Europe will decline rather than increase over the next ten years.

And that leaves hydrocarbons—coal, oil and gas—to meet the balance. The mix will vary from one country to another. China for instance will no doubt continue to use large volumes of coal but in terms of convenience, oil and gas seem set to remain the fuels of choice. In reality, energy security is about the supply of oil and gas to meet demand which could grow, again taking the IEA figures, to around 93 mbd of oil and 64 mbdoe of natural gas by 2015. That would represent a 20 per cent increase in oil demand from today's level and a 45 per cent increase in the consumption of gas.

Can the oil and gas industry meet that demand?

In physical terms the answer is clearly yes. The resources are there. The world holds some 1,000 bn bbl of oil which has been found but not yet produced, and some 5500 tcf of natural gas—also found but not yet produced. At current consumption rates that is 40 years of oil supply and 60 years of gas. In addition the US Geological Service estimates that some 800 bn bbl of oil and 4500 tcf of natural gas are yet to be found. So in terms of physical resources, energy security is within reach.

But I believe there are two fundamental elements of risk which we have to deal with to ensure that security. The first is environmental—the risk that as the evidence of impact of human activity on the world's climate mounts we will be forced to take dramatic and potentially damaging action to avert the danger. That is a risk for the medium and longer term—not for today but we believe that precautionary action now could avert the risk. We believe that it is possible to keep atmospheric concentrations of greenhouse gases below the level at which sustainability is threatened—which on the currently best available scientific evidence is around 500 to 550 parts per million. There are various available paths by which that can be achieved—and there will be no single solution. Different countries can make different contributions to the overall objective and if we can establish a legitimate trusted emissions trading system—linked regionally—I believe we can reduce the risk without imposing a major cost on the economy. The real risk in this area is if we do nothing until it is almost too late. At that point the costs could be much higher.

The other element of risk arises from the fact that supply and demand are not typically co-located. One of the key issues of energy security over the next decade will be the growing trade in both oil and gas which will be necessary to match supply to demand. By 2015 there will be at least four

major energy importing regions in the world. Europe, Japan, China and the United States. Europe will be importing around an estimated 80 per cent of its daily needs of both oil and gas. The US rather less—but still more than 65 percent of its oil and around 30 per cent of its gas. By 2015 trade will likely account for almost 70 per cent of world oil demand—some 64 mb/d—and 20 per cent of world gas demand.

Is that trade secure? Can the US and others rely on trade rather than retreating to a policy of self sufficiency with all the costs which that could involve in terms of the environment and competitiveness?

I think the answer to that is also yes, but we can't take anything for granted. Genuine energy security needs sustained, long term engagement and action by both the industry and by Government. The issue of security arises not so much from the growing volume of consumption or the required trade growth but because the resources needed to supply the world's growing demand are concentrated in a relatively limited number of countries.

There are a number of sources of supply to the world market. Let me mention just three. The Caspian, through the Baku to Ceyhan pipeline which is now under construction, is scheduled to be producing and exporting 300,000 barrels per day by the end of 2005. Trinidad is now exporting some 200,000 barrels oil equivalent per day in the form of natural gas and the expansion plans which are now being carried through should double that figure by 2006. Indonesia is likely to be producing 1.5 million barrels per day oil equivalent and exporting 800,000 bdoe of that by the end of this decade. But however important these activities and those in other countries are, the inescapable fact is that even with all those areas developed successfully, the bulk of world traded supplies of both oil and gas for the future will almost certainly come from just three regions. The Middle East, Russia and Africa.

Going back to the estimates published by the IEA—which represent a fair consensus of informed opinion—of the 64 mbd of oil likely to be traded in 2015, well over 80 per cent will come from those three areas. For natural gas the figure is around 50 per cent.

That is the global picture. What about the US?

US energy demand is now 46 mbdoe of which two thirds is provided by oil and natural gas. The forecasts suggest that oil and gas demand will continue to grow so that by 2015 the US will be using around 21 mbd of oil, mainly in transportation and around 13 mbdoe of natural gas. In terms of resources the US remains strong. The US has more domestic supplies than any of the other major importing regions.

Alaska continues to produce just short of 1 million barrels per day and though oil production is declining, technology is progressively expanding the commercial life of Prudhoe Bay. The real strength for the future though lies in the Gulf of Mexico—in the deep water, which is producing 1.5 million barrels per day and which looks set to produce as much as 2.7 mb per day from 2010 onwards.

The gas position is also strong. As well as gas in the lower 48, and in the deep water of the Gulf of Mexico, there are extensive supplies—perhaps as much as 100tcf in Alaska which are ready to be brought to market once the infrastructure is in place. That's a strong position—but the US will still need imports and will still look to the world market to supply the balance of its needs through the next two decades. The forecasts suggest that the US will be importing some 13 mbd of oil and 3 mbdoe/day of natural gas in 2015.

What conclusions can we draw from all that? What do we need to do today to ensure that this country and its trading partners in Europe and Asia and elsewhere enjoy sustainable energy security?

The first conclusion is that these are single global markets. Oil, and increasingly gas are traded internationally. Every area will seek to develop its own resources rationally, but there is a competitive limit to that—set by the cost of development. The cost of self sufficiency for any area would be prohibitive. Trade and open markets have the sustained development of world economy over the last half century and I believe they can and will continue to do so. That applies to energy as much as to any other product. Energy prices will be set by the international market, and prices will affect the economy and the export markets of every country in the world. Energy security can't be achieved in one country. To deny the reality of the global economy would be dangerous and costly.

Secondly, the growth in trade worldwide means that everyone has an interest in the development of the widest possible range of available supplies to limit dependence on any single country. It would be dangerous, economically and strategically, to allow a situation to develop in which the US or any other region was dependent totally or very substantially on countries in the Middle East or any other single producer. At the moment the US imports some 11 mbd of oil. But those imports come from 57 different countries and no one country supplies more than 17 per cent. That is a good position to maintain. And to do so the US has to maintain the open flow of investment—to ensure that the international industry can invest with confidence in exploration and development across a diverse set of countries.

The best estimate of the total investment required to generate the flow of supplies necessary to match demand in 2015 is $2,000 bn. That means that investment by the oil and gas industry will have to be even higher than the $160 bn per annum which has been the average over the last few years. In financial terms I don't doubt that those resources can be found. But each individual investment by each company will be dependent on the climate for investment in the country concerned. That is why we are doing so much to support the principle of transparency—to ensure that the revenues we generate are used wisely in the interests of the long term development of the countries in which we invest. Corruption is an enemy of development, an enemy of business [because it raises costs], and an enemy of energy security.

The third conclusion is that we have to ensure that the necessary resources and infrastructure are built. That applies here to projects such as the Alaskan gas pipeline which could bring 1 million barrels per day oil equivalent to market, and to the development of LNG terminals which can open up channels of imported supply from Trinidad and West Africa. But the same point applies internationally—because infrastructure is necessary to bring resources to market from areas such as the Caspian and Siberia. In all these areas investment now will bring greater security for the future. I want to use this occasion to thank the US Government—under two administrations—for their sustained support for the development of the Baku Tbilisi Ceyhan pipeline. The line which will enhance energy security for the world as a whole could not have been built without that support.

Fourth, we have to continue to develop technology—pushing the edge of what can be done with the resources we have. Extracting more, and using them more efficiently. That ranges from the Deep water, where we and others are now producing from fields in over 7,000 ft of water—two and a half times deeper than was possible ten years ago; to the progressive extension of recovery rates in Alaska; to the sort of work we have underway with our partners in the automobile sector to combine advances in lubricants, in fuels and in engine technology to lift the level of productivity in vehicles.

All those steps are necessary, and many if not most of them will start here in the US—because this is a world technological leader.

So to summarise:

We can't take energy security for granted, and we can't achieve it through protectionism. Demand is rising and the substitutes for oil and gas are a long way off. There is no physical shortage. Technological advances must be deployed both to increase the amount of energy which can be produced and to ensure that it is used with the maximum possible efficiency. Finally, and most importantly, the risks to energy security are political and cannot be resolved by the private sector alone. The private sector has a vital role to play—particularly international companies such as BP. We have to explore and invest in the development of diverse sources of supply and in the infrastructure to bring it to market. But as companies we work within a space defined by public policy decisions. Actions by Governments are crucial in keeping the market open to investment, and ensuring that trade continues to be free and open. Those actions will determine whether those of us in the private sector can make successful long term investments in the development of resources and infrastructure. Diversity of supply is crucial. If we want to avoid undue dependence on just one region such as the Middle East, we have to invest in technology and in trade—raising investment confidence to ensure that supplies and infrastructure are in place to bring oil and gas from areas such as Russia, West Africa and the Caspian. The challenge is to align the medium and long term perspective I have been describing with the inevitably shorter perspective of Government. That has always been the case but the need to achieve that alignment between the actions of the public and the private sector has never been more important than it is today. If we can achieve that alignment I believe we can ensure that secure supplies of energy continue to be available to consumers here in the US and internationally.

PERSONAL EXPLANATION

HON. MAC COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. COLLINS. Mr. Speaker, I was not present for debate on rollcall vote 400, order of the previous question; rollcall vote 401, rule providing for consideration of Military Construction Appropriations (H. Res. 732); rollcall vote 402, recognizing the 35th anniversary of the *Apollo 11* lunar landing (H. Res. 723); rollcall vote 403, to name the Department of Veterans Affairs outpatient clinic located in Peoria, Illinois (H.R. 4608); rollcall vote 404, conference report for Coast Guard Reauthorization (H.R. 2443); rollcall vote 405, Tax Simplification for America's Job Creation Act (H.R. 4840); and rollcall vote 406, Military Housing Improvement Act (H.R. 4879).

Had I been present, I would have voted "yea" for rollcall votes 400, 401, 402, 403, 404, 405, and 406.

INTRODUCTION OF HIS PRIVATE BILL FOR THE RELIEF OF JUDITH TANJOH AND HER CHILDREN SERGE, MARIE, EMMANUEL AND ROGER TIKUM

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. VAN HOLLEN. Mr. Speaker, today I have introduced a bill for the relief of Judith Tanjoh and her children Serge, Marie, Emmanuel and Roger Tikum.

This family last entered the United States in 1988 in A–2 diplomatic status from the Republic of Cameroon when the now deceased husband of Judith Tanjoh was attached to the Cameroon Embassy. For the next several years the family lived in lawful status in the U.S. through December 31, 1997 when the husband was recalled to the Cameroon because of Judith's political activities against the Cameroon government.

Cameroon has been found by the U.S. State Department's Country Reports on Human Rights Practices to possess a ''poor human rights record'', continuing to commit ''numerous serious abuses''. After her husband's recall, Judith decided to file for asylum. However, in turn her application was denied by the INS Asylum Office, the Immigration Judge, the Board of Immigration Appeals, and the U.S. Court of Appeals for the 4th Circuit.

When the Board of Immigration Appeals ''affirmed without opinion'' the denial of the asylum application by the Immigration Judge on December 17, 2002, it also permitted the family to ''voluntarily depart the U.S. . . . within 30 days from the date of this order or any extension beyond that time as may be granted by the district director [of the INS]''. Within that 30 day period, Judith's attorneys filed for an extension of the voluntary departure period and a Petition for Review in the U.S. Court of Appeals for the 4th Circuit. Each filing was in accordance with the family's statutory and regulatory rights.

The INS has never responded to the request for extension of the voluntary departure period. The 4th Circuit issued its mandate on November 10, 2003 ''enforcing the Board's order of December 17, 2002''. Of course, part of that order was permitting the family to voluntarily depart within 30 days.

While these proceedings were pending, INS issued Judith authorization to work and she obtained employment as a certified nursing assistant. Her employer has sponsored her (and her children derivatively) for lawful permanent residence via the Labor Certification process. That application, initially filed prior to April 30, 2001, has been certified by the U.S. Department of Labor and an Immigrant Worker's Visa Classification Petition has been pending with INS since July, 2003.

An INS General Counsel's Memo advises INS Government Attorneys to no longer apply the ''exceptional and compelling circumstances'' standard to motions to reopen for consideration of adjustment of status to lawful permanent residence for persons who have been in deportation proceedings. The Memo instructs that the INS should join in such a motion (which otherwise could not be filed if more than 3 months have expired since the decision of the Board of Immigration Appeals) if the alien is statutorily eligible and warrants a favorable exercise of discretion. Judith's attorneys have twice requested the INS Chief Counsel's Office in Baltimore to join in such a motion in this case. Since Judith's labor certification was timely filed to allow her to adjust her status to permanent residence, she is statutorily eligible.

The family also clearly warrants a favorable exercise of discretion. Judith has been a hard-working, tax-paying certified nursing assistant for several years as she has worked with INS permission. The children have successfully progressed through our school system for the last 15 years. Roger Tikum graduated college and is now married, employed and living in Wisconsin. Although his wife is a U.S. citizen who has filed a Visa Petition to accord him Immediate Relative status, because he was previously riding on his mother's denied asylum application he faces deportation. Serge won a football scholarship to the University of Massachusetts at Amherst where he is a starting linebacker and an excellent student. Marie is doing well at Montgomery Community College. Emmanuel is a star football player at Bethesda-Chevy Chase High School, where he has also made honor roll.

The Tanjoh/Tikum family are not criminals. They are not terrorists. The children fear being uprooted from their true home in the U.S. and forced to live in a human rights abusive country which they do not know and whose predominant language they do not speak.

Yet, the INS Government Attorneys have coldly rejected each overture for clemency. First, by insisting that the harsher ''exceptional and compelling circumstances'' standard applies and that these circumstances were neither exceptional nor compelling. Second, by stating that the family was not statutorily eligible for permanent residence because they overstayed the Board of Immigration Appeals' December 17, 2002 Order granting a 30 day voluntary departure period even though the INS has never responded to the extension requests and even though the family timely pursued their Petition for Review rights to the 4th Circuit which only enforced the Board's Order on November 10, 2003.

Therefore, today I have introduced a Private Bill that will enable Judith Tanjoh and the Tikum children to obtain permanent residency. I hope my action today will help bring this heartbreaking story to a close.

TRIBUTE TO ALEWEL'S COUNTRY MEATS

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. SKELTON. Mr. Speaker, let me take this opportunity to honor Alewel's Country Meats for their contribution in shipping more than 1,000 pounds of beef jerky to provide our Missouri National Guardsmen serving in Iraq a taste of home.

Alewel's Country Meats was started in the year 1932 by Hugo and Emil Alewel of Concordia, Missouri. Originally called Alewel Brothers, the name was later changed to Alewel's Country Meats in 1964. The plant grew to enormous size and in 1974 they expanded to Warrensburg, Missouri. My good friend, Roger Alewel, once ran Alewel's Country Meats, and his able son, Randy, now runs the company.

Alewel's Country Meats is known for their prize winning country hams, bacon, and sausage which are produced from the freshest meat of mid-Missouri. With a legacy of over 70 years, Alewel's Country Meats has become known not only for their quality meats but also for their charitable donations to rural Missouri.

Mr. Speaker, the generous contribution by Alewel's Country Meats is inspirational to all of us. I know the Members of the House will join me in paying tribute to the outstanding commitment to our service members shown by the men and women who work there.

PERSONAL EXPLANATION

HON. ROBIN HAYES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. HAYES. Mr. Speaker, I was detained on Thursday, July 15 and Monday, July 19, 2004. Had I been present I would have voted in the following manner: ''Yea'' on roll No. 385, ''nay'' on roll No. 386, ''yea'' on roll No. 387, ''nay'' on roll No. 388, ''nay'' on roll No. 389, ''nay'' on roll No. 390, ''yea'' on roll No. 391, ''yea'' on roll No. 392, and ''yea'' on roll No. 393.

HONORING THE 32ND MILITARY POLICY COMPANY

HON. MARK GREEN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. GREEN of Wisconsin. Mr. Speaker, it is my privilege to recognize before this House the courageous soldiers of the 32nd Military Police Company, who tomorrow will return home to Wisconsin after spending 16 months fighting for peace and stability in Iraq.

In the face of constant danger, the members of the 32nd helped pave the way for Iraq's steady march toward democracy. Throughout their tour, these brave men and women provided vital security in and around Baghdad, and helped train the new civilian Iraqi police force. Their tireless efforts proved instrumental in helping the new Iraqi government take control of their fledgling democracy, and their sacrifice reminds us all that freedom is not free.

Mr. Speaker, it is my distinct honor to pay tribute to the 32nd Military Police Company. With 23 Purple Hearts awarded, their unit suffered more injuries from hostile action than any Wisconsin National Guard unit since World War II. On behalf of the citizens of Wisconsin's Eighth Congressional District, and a grateful nation, it is my honor to recognize and welcome home these great Americans.

PERSONAL EXPLANATION

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. GUTIERREZ. Mr. Speaker, on July 9, 2004, I inadvertently missed rollcall vote 357.

I would like the record to show that, had I voted, I would have voted "yea."

TRIBUTE TO MAJOR ROGER B. BROWN (RET.) AND MR. E. PAUL VOORHEES

HON. MAC COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. COLLINS. Mr Speaker, I rise today to recognize and congratulate two prominent members of the Columbus, Georgia community, Army Ranger, Major Retired Roger B. Brown and Mr. E. Paul Voorhees for being inducted into the Ranger Hall of Fame on July 8, 2004 at Fort Benning Army Base in Columbus. These two extremely worthy inductees have made endless lists of astonishing contributions and are recognized for this reason. The Ranger Hall of Fame honors and preserves the legacies of America's most extraordinary Rangers and friends of the Army Rangers. They signify selfless sacrifice, professional excellence, and remarkable accomplishment in the defense of the greatest nation in the world and to the highest ideals of service. These gentlemen stand as examples to all professionals.

In addition to Ranger Brown's many accomplishments, he is inducted into the Ranger Hall of Fame for his phenomenal service as an Non-Commissioned Officer NCO and Officer in the modern Rangers. During the Vietnam War, Ranger Brown served three combat tours as an NCO in Ranger Units. He also served numerous tours with the Ranger Department. Ranger Brown served as team leader with both the 173rd Airborne Brigade's Long Reconnaissance Patrol and with the 101st Airborne Division's F/58th Infantry. His exploits are recorded as legend. His teams' accomplishments were those by which others were judged. Ranger Brown served with the F/58th Infantry, those who served with him still admire his leadership qualities of understanding and compassion supported by the highest standards of fitness, discipline, training, and morality. He attended Officer Candidate School where he received a Commission as a 2LT in the Infantry, he retired at the rank of Major. Distinguished as an outstanding Ranger, everyone who served with Ranger Brown had only the highest regard for him. Sergeant Major of the Army Retired, Julian Gates, has stated that "Roger is a great American, a great Ranger, a great soldier leader." For many, Ranger Brown has always followed the Rangers motto and "led the way."

Mr. E. Paul Voorhees, a licensed, ordained minister, is renowned for his selfless sacrifice. Serving the children and the underprivileged, his compassion is celebrated in the Valley Rescue Mission in Columbus, Georgia. In 2003, he traveled at his own expense to Amman, Jordan, and Baghdad, Iraq to visit with and minister to the troops during Operation Iraqi Freedom. He served on the National Staff, Royal Rangers, Assemblies of God, from 1967 to 1985. He has also been a partner-in-education at Stowers Elementary School, Fort Benning. He received a proclamation by the Mayor of Columbus, along with many other community citations, he has earned the Fort Benning's Commander's Award for public service and the St. Maurice Medal. Paul currently serves on the board of directors, National Infantry Association, is a member of the Association of the U.S. Army AUSA, a charter member of the Georgia Sheriffs's Association chaplain's division, and is a chaplain and reserve deputy in Harris County, Georgia.

His store, Ranger Joe's International has grown under his leadership with the worldwide distribution store in Hinesville, Georgia, and two stores in Columbus. Mr. Voorhees was selected as "Small Business Giant, 2003" by the Columbus Chamber of Commerce. Mr. Voorhees is a brilliant example of what U.S. Army Rangers epitomize—excellence in leadership; excellence in performance of duties; and excellence of character.

I congratulate Major Roger B. Brown and Mr. E. Paul Voorhees for their outstanding performances and contributions to the United States Army Rangers. They are a tremendous source of pride and inspiration to all Americans.

INTRODUCTION OF A BILL TO REPLACE THE PROVISIONS OF LAW MAKING REEMPLOYED ANNUITANTS INELIGIBLE FOR PHYSICIANS COMPARABILITY ALLOWANCES AND SPECIAL PAY FOR PHYSICIANS AND DENTISTS

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. VAN HOLLEN. Mr. Speaker, today I am introducing a bill to provide rehired annuitant physicians eligibility to receive a Physicians Comparability Allowance (PCA) and Physicians Special Pay (PSP) under Title 38. This bill would aid in the recruitment and retention of qualified physicians to the federal workforce.

The PCA and PSP are both mechanisms by which federal agencies can provide physicians allowances when these agencies are experiencing recruitment and retention problems. Currently, civilian rehired annuitant physicians are prohibited by law from receiving these benefits. However, retired military that join the civilian federal workforce are currently not subject to an exclusion from the PSP and PCA.

We are all aware of the possibilities of a shortage of federal employees due to an aging federal workforce. We must begin now to ensure that we have available pools of talent to replace the current workforce. We must make the Federal Government a viable option for talented and committed Americans. This legislation will provide additional flexibility and authority for attracting and retaining experienced physicians to the federal government.

This issue was brought to my attention by my constituent, Dr. Nancy Scher, who is a Medical Officer in the Division of Oncology Drug Products, Center for Drug Evaluation and Research (CDER) at the Food and Drug Administration (FDA). Dr. Scher is prohibited by law from receiving a PCA or PSP in her current position at the FDA because she is a reemployed civilian annuitant.

Dr. Scher spent 20 years as a part-time physician at the Veterans Affairs Medical Center in Huntington, West Virginia while also employed as a full-time Professor of Medicine at Marshall University. At the VA, Dr. Scher provided a high level of specialty medical care to veterans in a part of the country and at a time when this was a scarce resource. Because of her increasing duties as Chief of Hematology-Oncology at Marshall University, Dr. Scher took an early retirement from the VA with a deceased retirement benefit.

Dr. Scher is devoted to her craft and being denied PCA and PSP will not prevent her from continuing her position at the FDA. However, the law should be changed to make her eligible for these allowances. It would be a shame for the Federal Government not to give highly skilled and experienced physicians like Dr. Scher all the possible advantages available to stay in the federal workforce. The FDA currently pays a PCA and PSP to younger and less experienced physicians. Dr. Scher, as a rehired annuitant is prohibited from receiving these benefits.

Thousands of federal employees over the years have been responsible for breaking new ground in science and medicine. We must continue this tradition by ensuring that the Federal government becomes the employer of choice for scientific and medical talent.

TRIBUTE TO RETIRING COLONEL DONALD R. CURTIS, JR.

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. SKELTON. Mr. Speaker, it has come to my attention that Colonel Donald R. Curtis, Jr. is retiring after a long and distinguished career.

Colonel Curtis' outstanding service to the nation has been marked by meritorious service in increasingly demanding command and staff positions in both the United States and overseas. Throughout his career, Colonel Curtis demonstrated strong, outstanding executive ability, and dedication to the spirit and mission of the United States Army.

Colonel Curtis was commissioned from the United States Military Academy in 1979. He is a graduate of Ohio State University, holding a Master of Science Degree in Civil Engineering. He also graduated from the Engineer Officer Basic and Advanced Courses School, the United States Army Command and General Staff College, and the United States War College. He is a registered Professional Engineer as well.

Colonel Curtis served in command and staff positions over the past twenty-five years. He served as a platoon leader in the 902nd Engineer Company (Assault Float Bridge) at Fort Belvoir, Virginia. He was commander of B Company, 44th Engineer Battalion in the Republic of Korea. Then he did a tour as Assistant Resident Engineer for the Fort Leonard Wood Resident Office, Kansas City District. He served as Battalion Operations Officer, 12th Engineer Battalion, 1st Armored Division at Mannheim, Germany, and served in a joint assignment with the Defense Intelligence Agency. He was the commander of the Walla Walla District from 1996–1998, and then did a tour on the Army Staff. He now is retiring from the Army after having served his last assignment as the District Engineer for the Fort

Leonard Wood Resident Office, Kansas City District.

Colonel Curtis's awards and decorations include the Defense Meritorious Service Medal, the Meritorious Service Medal, the Anny Achievement Medal, National Defense Service Medal, Army Service Ribbon, Humanitarian Service Medal, Parachutist Badge, Ranger Tab and the Army Staff Identification Badge.

Mr. Speaker, I know the Members of the House will join me in paying tribute to Colonel Donald R. Curtis, Jr. for his exceptional commitment to the United States Army and the United States of America.

PAYING TRIBUTE TO BILL OTTO

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. McINNIS. Mr. Speaker, I rise today to pay tribute to a remarkable man named Bill Otto who epitomizes the true cowboy in the spirit of the west. He has led an amazing life and I am privileged to stand here before this body of Congress and this nation today to recognize his accomplishments.

Bill comes from a rich western history where he grew up on his father's ranch that had been homesteaded since 1904. His family had been in the ranching business for years and his grandmother used to cook for Teddy Roosevelt and helped bury Calamity Jane. As Bill's brothers and sisters went to school, he trained horses, and by the time Bill was fifteen he was rated as one of the best horse trainers in North Dakota.

Bill gained a reputation for riding the wildest horses as he spent the summers working for the Civilian Conservation Corps. After running the family ranch for a short period at age eighteen, Bill moved to California. He earned his living by grooming horses and working at a boarding stable, and later for a company that owned and rented horses used in the movies. Through a stroke of luck Bill ended up filling in for Jack Conners in a film with Roy Rogers. In 1943, Bill left Hollywood to work at a thoroughbred ranch in Valejo, California where he met his first wife Rella. Bill has spent the remainder of his life working in the Rodeo, training horses, and raising his four kids.

Mr. Speaker, Bill Otto is a talented horse trainer and dedicated family man who brings the heart of the west to life. I am honored to recognize Bill for his great zest for life and his dedication to keeping western traditions alive, and I wish him all the best in his future endeavors.

LIEUTENANT COLONEL EDWARD J. O'NEAL, JR.

HON. ROBIN HAYES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. HAYES. Mr. Speaker, I rise today to honor a great American, Lieutenant Colonel Edward J. O'Neal, Jr. of the United States Air Force.

LTC O'Neal was sent to Khobar, Saudi Arabia, to evaluate a maintenance training program of the Royal Saudi Air Force. On May 29, 2004, he had just finished eating breakfast at a coffee shop with a colleague, LTC James Broome III, when a group of terrorists attacked the civilian complex where they dined.

Unarmed and in search of safety, LTC O'Neal and LTC Broome headed toward the roof of a nearby building. On the way, the two soldiers came across four civilian contractors who were doing construction on the third floor of the building. LTC O'Neal and LTC Broome informed the workers of the terrorist attack below and safely escorted the civilians to the roof, where the men barricaded the door with a tool box and rocks. Amid the turmoil and gunfire, LTC O'Neal had the presence of mind to use his cell phone to gather information from other Americans he knew were in the complex and relay it to his operations center in Riyadh, Saudi Arabia The six men remained on the roof, waiting out the attack, for nearly twelve hours with only one water cooler they brought from the third-floor construction site. During that time, the soldiers rationed only one sip of water to each man every hour, in temperatures that reached 120-degrees Fahrenheit.

Once the group on the roof was told the terrorist forces had been isolated in another building of the compound, LTC O'Neal led the group down to the ground floor. At the bottom of the stairs, LTC O'Neal was approaching a steel door that opened up to the street when one remaining terrorist fired a machine gun at him, hitting him four times and also injuring LTC Broome. LTC O'Neal was shot in the left arm, right shoulder, right thigh, and in the torso. Crawling into a space under the stairway, LTC O'Neal remained hidden for 1½ before finally being assisted by a Saudi defense official.

American soldiers like LTC O'Neal put themselves in harm's way on a daily basis to prosecute the Global War on Terrorism and to protect the freedoms and ideals that we as a nation cherish. For his bravery and valor, and for the wounds he received in action on May 29, 2004, Lieutenant Colonel Edward J. O'Neal, Jr. will be awarded the Purple Heart.

It gives me great pride to know that LTC O'Neal will be awarded this meritorious distinction. The Purple Heart is the oldest presently used military decoration in the world, dating back to its first use in the American Revolution. In the summer of 1782, General George Washington was ordered by the Continental Congress to cease granting commissions or advances in rank to soldiers in recognition of outstanding valor and merit. Shortly after, in his General Orders of August 7, 1782, General Washington directed that "whenever any singularly meritorious action is performed, the author of it shall be permitted to wear on his facings, over his left breast, the figure of a heart in purple cloth or silk edged with narrow lace or binding." He concluded, "The road to glory in a patriot army and a free country is thus open to all. This order is also to have retrospect to the earliest stages of the war, and to be considered a permanent one."

Specifically a combat decoration, it gives me great pride to know that LTC O'Neal will receive this high honor, the Purple Heart, on August 4, 2004. LTC O'Neal embodies the spirit of those who serve and fight to keep America the greatest light of freedom the world has ever known. I thank LTC O'Neal for his brave service and selfless sacrifice. He is a patriot and a hero. May God bless LTC O'Neal and his family, and may God bless America.

HONORING WISCONSIN STATE TROOPER LES BOLDT

HON. MARK GREEN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. GREEN of Wisconsin. Mr. Speaker, it is my honor and privilege to recognize before this House, Wisconsin State Trooper Les Boldt, whose heroic efforts recently saved the life of a woman who tried to take her own life by leaping off a bridge in Green Bay.

After receiving notice from dispatchers that an area resident suffering from depression was potentially suicidal, Trooper Boldt set out to find the woman and check on her welfare. Upon locating her car, a high-speed chase ensued that led the two to the top of the Leo Frigo Memorial Bridge, at which time the woman stepped out of her car and attempted to jump off the 200-foot tall span. Realizing what was about to occur, Boldt ran from his patrol car and caught the woman's arm just after she leaped off the bridge, saving her from almost certain death. After a struggle, Boldt and two other law enforcement officials were able to safely pull the woman back over the edge, giving her a second chance at life.

Mr. Speaker, by selflessly putting his life on the line to save one of his fellow citizens, Trooper Les Boldt showed us all what it means to be truly courageous and heroic. His actions deserve our praise, and on behalf of the residents of Wisconsin's Eighth Congressional District, I say thank you and keep up the great work.

PERSONAL EXPLANATION

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. GUTIERREZ. Mr. Speaker, on July 15, 2004, I was unavoidably absent from this Chamber and missed a rollcall vote. I would like the record to show that, had I been present, I would have voted "yea" on rollcall vote 388.

COMMEMORATING THE SUCCESSES OF THE JAVITS-WAGNER-O'DAY (JWOD) PROGRAM

HON. CHARLIE NORWOOD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. NORWOOD. Mr. Speaker, I rise today to honor the Javits-Wagner-O'Day (JWOD) Program because it epitomizes what our country has long stood for—giving everyone an equal chance.

Employment fuels the United States economy and builds our communities. Sadly, people with disabilities are often overlooked when it comes to finding jobs. Those with disabilities face a 50 percent unemployment rate, which

is more than 10 times the national average. These are people who can work, and want to work, but who face transportation, environmental, and attitudinal barriers when it comes to finding the employment that will allow them to become self-sufficient, independent members of society.

Hiring a deserving, qualified individual with a disability creates a positive synergy that ripples out to the greater community in the form of reduced dependency on welfare. There are 45 million Americans with a disability, many of whom are forced to rely on public welfare because they have not been able to find employment. Of people with disabilities, some 5.2 million receive Social Security Disability Insurance, 3.5 million receive Supplemental Security Insurance, and 1.3 million who receive both. By tapping into the potential of a person with a disability by offering them an employment opportunity, we can help them to become tax-paying citizens that can help power America's economy and strengthen our communities.

That is why I am proud to commend the Javits-Wagner-O'Day (JWOD) Program, which provides employment opportunities where they are needed most—to Americans with disabilities.

The JWOD Program uses the purchasing power of the Federal Government to buy products and services from participating, community-based nonprofit agencies dedicated to training and employing individuals with disabilities, which allows them to acquire job skills and training, receive good wages and benefits, and gain greater independence.

The program serves 40,000 people with disabilities nationwide and last year generated approximately $280 million in wages earned and nearly $1.5 billion in products sold. In Georgia alone, some 972 people with disabilities earned nearly $3 million in wages last year as a result of JWOD. I am pleased that these JWOD contracts have had such a positive impact, and hope that his is only the beginning.

Mr. Speaker, I am proud to support the JWOD Program and encourage my congressional colleagues to do the same.

COMMEMORATING THE 200TH ANNIVERSARY OF PEMBROKE, GA

HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. KINGSTON. Mr. Speaker, I wish to commemorate Pembroke, Georgia on its 200th Anniversary in 2004. I'm honored to represent this vibrant city and to call many of its residents my friends.

Historic downtown Pembroke is named for Pembroke Williams who was a judge and a prominent local resident in the late 19th century. The historic district is located in the central business district of this city of 2,500 persons and is characterized by its relationship to the Georgia Central Railroad, which bisects the town. It was founded as a farming town, like so many similar towns which sprouted during that time to serve the agricultural needs of the nation. The layout of the town around the railroad hearkens to a time of great growth, industrial zeal and expansionism. Pembroke found a thriving life serving the trains that led to the great markets of the coast.

The majority of the structures in the district are of 1930s and 1940s vintage. The city also consists of several blocks of early 20th-Century commercial and government buildings. With the exception of a few buildings, all of the buildings are of one or two stories in height, and most of the buildings are brick or brick-faced buildings with pine timber construction.

The buildings in the district are a variety of styles and materials, all dating from the early to mid 1900s. Most are brick one and two-storied commercial buildings and originally had wood or metal awnings over the windows. Today, the buildings show architectural niceties such as terra cotta embellishments, carved cornerstone, and marble commemorative plaques that reflect the pride of simple rural businessmen in their buildings and in their town. The most interesting structures architecturally are the Pembroke Millworks building and the Food bank building. Most of the buildings in the district are in good condition and are currently in use as publicly owned property.

The historic district of Pembroke was created to serve the agricultural needs of the nation in the 19th and early 20th centuries. The layout of the town around the railroad, the plethora of commercial structures crowding the verges of the railroad property, and the prim, stolid storefronts of the respectable buildings all hearken to a time of great growth, industrial zeal and expansionism in American history.

The history of Pembroke is the history of early American commerce. Founded as a railroad depot, Pembroke found a thriving life serving the trains that led to the great markets of the coast. When the trains stopped coming and the commerce declined, the town faltered, but managed to remain alive through the tough years. Now on the verge of explosive re-growth as a bedroom community to Savannah, Pembroke is seeking to retain its heritage, while finding new vitality in the influx of new residents.

Much of the historic district, once the province of private industry, is today publicly owned property. The buildings themselves, and their changing uses over the years, offer a glimpse into the working of local government of the last century. At the same time, several of the buildings—the "Welcome Center," the old Jail, and the Tos Theater to name the most prominent—retain elements of some of the more grim elements of its past . . . the stark conditions of prisoners in the jail, the segregated seating in the old theater, the peculiar design of the "Welcome Center" (with slit windows giving the police officers a vantage on the entire downtown.)

The Tos Theater, founded by G.S. Tos, was a quintessential example of the small-town movie palace. Without even a concession stand (candy, popcorn, and sodas were obtained from the drugstore soda fountain next door), the Tos Theater nevertheless was an important social gathering place for the town. With segregated seating (the toilet facilities), the building also recalls some of the social conventions of the 20th Century South, conventions which are fast fading into the past, but should be recalled and recognized.

Pembroke's Historic District is a landscape defined by transportation. First by the railway, which gave the town its reason for existence and its livelihood for much of its history. Second by horses and mules, the dependence on which beasts of burden helped to define the layout of the city. Third by the car, highways for which have provided the lifeline for the city, keeping Pembroke connected to its larger neighbors for much of the latter half of the 20th Century. The highways—Hwy. 67, Hwy. 119 and Hwy. 280—which converge in Pembroke will help to define its future, as they have its past.

I am proud to recognize Pembroke, Georgia on this its 200th Anniversary. This town has provided much to the state of Georgia and I am proud to have represented it in the United States House of Representatives.

TRIBUTE TO NESHANNOCK HIGH SCHOOL BASEBALL TEAM

HON. MELISSA A. HART

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Ms. HART. Mr. Speaker, I would like to take this opportunity to recognize the Neshannock High School baseball team, this year's Class A Pennsylvania State Champions. Head coach, Michael Kirkwood led the Neshannock Lancers to the State Championship game, where they defeated the Muncy Indians by a score of 8–4. The Lancers ended the season with an impressive 23–1 record.

I am happy to see such spirit, dedication, and teamwork flourishing in the congressional district that I represent. I wish the members of 2004 Neshannock baseball team continued success.

I am proud to have such talented young athletes in the 4th Congressional District of Pennsylvania, and I ask that all of my colleagues in the House of Representatives join with me in recognizing their great achievement.

PERSONAL EXPLANATION

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. KENNEDY of Rhode Island. Mr. Speaker, I respectfully request the opportunity to record my position on rollcall vote 406. It was my intention to vote "yes" on rollca11 No. 406.

INTRODUCTION OF THE PASSENGER SAFETY ACT

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mrs. MALONEY. Mr. Speaker, now is not the time to return to private airline screeners, now is the time to continue to focus on passenger safety.

This November, airports will be given the option to apply to opt-out of having Transportation Security Administration TSA screeners in favor of hiring private screeners. If this is allowed to happen, it will be a step backwards in airline security.

TSA has only been in existence for a few years and has certainly suffered through some growing pains. Because of this, we should be focused on ensuring the success of TSA rather than adding the new challenge of privatization that could jeopardize their future and potentially endanger the security of airline passengers. That is why I am introducing the Passenger Safety Act which will repeal the opt-out language in the law that created the TSA. I urge my colleagues to support this important initiative to protect passenger safety.

PAYING TRIBUTE TO AILEEN WARFIELD

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. MCINNIS. Mr. Speaker, it is with a heavy heart that I rise today to pay tribute to the life and memory of Aileen Warfield of Pueblo, Colorado. Aileen recently passed away at the age of seventy-eight. She will be remembered for her commitment to her family and her contributions to her community. I would like to join my colleagues in recognizing her life and her memory before this body of Congress and this nation.

Aileen's passion was working at her candy store, Nettie's Colorado Candies. The origins of Nettie's Colorado Candies can be traced back to the 1930's, and Aileen and her husband, Ray Warfield bought the candy store in 1971. They had no experience in the business, but Aileen wished to undertake the challenge of owning and operating a small business. Once the Warfields assumed control, they made it into a family business employing most of their children over the years. What originated as a hobby, turned into a busy job. Aileen worked six days a week and was an active member of the RCI, the Retail Confectioners International.

Aileen dedicated her time and energies to her family and her community. She was a member of the Mesa Junction Association, a board member of the Parade of Lights committee and the Greater Pueblo Chamber of Commerce.

Mr. Speaker, Aileen Warfield was a beloved member of her community and I am honored to remember her life today. Her work ethic and friendly face at the candy store will be sorely missed in the Grand Junction community. I would like to offer my deepest condolences to Aileen's family and friends during this difficult time of bereavement.

PERSONAL EXPLANATION

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. GUTIERREZ. Mr. Speaker, on July 19, 2004, I was unavoidably absent from this Chamber and missed three rollcall votes. I would like the record to show that, had I been present, I would have voted ''yea'' on rollcall votes 391, 392, and 393.

DECLARING GENOCIDE IN DARFUR, SUDAN

SPEECH OF

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 2004

Ms. PELOSI. Mr. Speaker, I commend my colleague, DONALD PAYNE, and the members of the Congressional Black Caucus for their leadership in bringing H. Con. Res. 467 to the floor so quickly. The resolution, which I am proud to co-sponsor, accurately labels the situation in the Darfur region of the Sudan as genocide, and calls upon the United Nations to take action to prevent it.

Mr. Speaker, millions of people in Darfur face a life-threatening crisis. Through actions of militias supported by the Sudanese government, villages have been burned, crops destroyed, and people uprooted.

Tens of thousands of people have already died. Without prompt and effective international action, the death toll will soon go much higher.

The Bush Administration has appropriately increased public awareness, in the United States and throughout the world, about what is at stake in Darfur, and this resolution acknowledges that.

But it calls upon the Administration to do more. A decade ago, the international community did not act quickly enough to prevent the horror of Rwanda. We must not see a repeat of that tragedy in Darfur.

Sustained and effective leadership by the United States will be necessary to achieve that goal.

The rainy season has arrived in Darfur, and the level of misery is increasing. The Sudanese are not acting quickly enough to implement promises they made to control the militias and facilitate the delivery of relief supplies.

Passage of this resolution should heighten the sense of urgency and sharpen the understanding of the Sudanese government of the resolve of the United States on this urgent and critical matter.

I urge the adoption of the resolution.

URGING GOVERNMENT OF BELARUS TO ENSURE DEMOCRATIC, TRANSPARENT, AND FAIR ELECTION PROCESS

SPEECH OF

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 2004

Mr. SMITH of New Jersey. Mr. Speaker, I am a cosponsor of H. Con. Res. 652 which urges the Government of Belarus to ensure a democratic, transparent, and fair election process for its parliamentary elections in October 2004. As the sponsor of the Belarus Democracy Act (H.R. 854), which has also been reported out by the International Relations Committee, it is important that the House call specific attention to these upcoming fall elections. Mr. BEREUTER, in his capacity as Chairman of the House International Relations Subcommittee on Europe, has lend his support of the Belarus Democracy Act as well.

Belarus' poor track record with recent elections—which were judged as not meeting international democratic standards by the Organization for Security and Cooperation in Europe—and more broadly with the situation with respect to human rights and democracy in Belarus, underscore the need for this resolution. Belarus, under autocratic ruler Alexander Lukashenka, has the worst human rights record in Europe today. Repressions against members of the democratic opposition, nongovernmental organizations, the independent media and independent trade unions have become commonplace. Independent thought and action are anathema to Lukashenka, who over the last 10 years has consolidated his power to an alarming extent.

Mr. Speaker, I hope that the Belarusian authorities will take this resolution seriously, as it provides them with a blueprint on what they need to do to have their elections conform with OSCE standards. Unfortunately, four benchmarks for free and fair elections established by the OSCE 4 years ago still not been met. Thus far, the pre-election environment has not been encouraging. Last month, three opposition parliamentarians staged an 18–day hunger strike demanding changes in the Election Code, which still includes several undemocratic provisions. The reform bill was overwhelmingly defeated by the Lukashenka-controlled parliament.

Belarusians still have no opportunity to receive independent viewpoints through broadcast media. Opposition access to the state media is virtually non-existent; rather the political opposition is often vilified. Just yesterday Lukashenka, talking about his hopes for a pro-government majority in the October elections, said: ''I strongly hope that the people will make the right choice,'' and added that ''the people will take a close look at traitors, black sheep . . . wolves in sheep's clothing, and we will help them if they don't.'' This is not a good harbinger for the elections—and the election campaign has not even begun!

Mr. Speaker, it is vital that we convey to the Belarusian authorities our call for a free, fair, open and transparent parliamentary election process consistent with Belarus' freely undertaken OSCE commitments. The long-suffering Belarusian people deserve no less.

STOCK OPTION ACCOUNTING REFORM ACT

SPEECH OF

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 20, 2004

Ms. HARMAN. Mr. Chairman, as a cosponsor of H.R. 3574, the Stock Option Accounting Reform Act, I urge my colleagues to support passage of the bill. In order to remain competitive in today's difficult economy, America's small businesses need the flexibility to choose how to treat their stock options, and I am pleased that Congress is acting today on legislation that maintains the discretionary nature of expensing stock options. If Congress were to do nothing and allow the mandatory stock option expensing proposal to take effect, America's small businesses—especially high tech firms—would suffer.

Particularly for the high tech sector, stock options are critical to attracting employees to

new, start-up companies. Requiring companies to expense their stock options would compel many small firms to stop offering the options altogether, forcing some to give up the primary tool used to attract the best employees. Start-up firms would be especially hard hit because it would be increasingly difficult for them to raise capital.

At a time when U.S. industries are losing jobs overseas, mandatory stock option expensing would put small American companies at an even greater disadvantage. Many foreign competitors offer stock options to create talented work pools. By passing this legislation today, we will ensure that U.S. businesses remain competitive and avoid additional incentives for U.S. firms to move jobs overseas.

We need to maintain a balance between increasing transparency to outside investors while not burdening technology firms with onerous reporting requirements. The Stock Option Accounting Reform Act will achieve and maintain that balance. For instance, this legislation requires increased disclosure by companies about stock option plans, stock purchase plans and similar incentive plans.

In addition, although the bill keeps the expensing of stock options as voluntary, in general, larger companies are required to expense the fair value of the stock options issued to their top five corporate officers. This proposal will allow each business to make its own decision on how to handle stock options issued to medium and low-level employees, while achieving a certain degree of transparency for investors.

H.R. 3574 bridges two potentially conflicting goals—rewarding hard work and ensuring transparency of corporate actions in the capital markets. Enjoying the fruits of one's own labor is a key component of the American Dream. For innovative and highly creative ventures like high tech, the rewards may be slow to realize—thus inviting the issuance of stock options, which will capture a company's future value.

I support the passage of the Stock Option Accounting Reform Act and urge my colleagues to do the same.

CELEBRATING COTTAGE GROVE'S SECOND ALL AMERICAN CITY AWARD

HON. PETER A. DeFAZIO

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. DEFAZIO. Mr. Speaker, I rise today to recognize and congratulate the City of Cottage Grove, Oregon. Located in my congressional district at the southern end of the beautiful Willamette Valley, Cottage Grove recently won its second All-American City award.

The Kalapuya Indians first enjoyed the riches of the southern valley, and the Oregon Trail opened the territory to other settlers in 1848. In 1863, gold was discovered in the mountains south of Cottage Grove, and mining activities continued into the 1920s, when the lumber industry became the economic engine. The City celebrates its exciting history every summer during Bohemia Mining Days. Today, this community of not quite 9,000 is blessed with a wealth of community spirit and ''can do'' attitude.

Cottage Grove is a vital community dedicated to possibilities. This town is not afraid to take and share responsibility for creating a better future. In fact, in Cottage Grove there is a strong sense of obligation to making dreams come true. The 1968 and 2004 All-American City Awards honor the community's commitment to excellence, cooperation, and creativity.

Only ten communities earn All-American City status each year nationwide. Cottage Grove is being saluted for a variety of accomplishments and three major projects—the new Cottage Grove Community Hospital, the formation of the Economic & Business Improvement District, and the recently completed Cottage Grove High School facility.

American anthropologist Margaret Mead once said, ''Never doubt that a small group of thoughtful committed citizens can change the world. Indeed, it is the only thing that ever has.'' Cottage Grove embodies this great notion, with friends, neighbors, government, businesses, and service agencies working together to get things done, and done well.

I am proud to represent Cottage Grove, and thank you for the opportunity to highlight ''the little city that could.''

HONORING RICHARD A. BLOCH, BUSINESS PIONEER AND PHILANTHROPIST

HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Ms. MCCARTHY of Missouri. Mr. Speaker, Missouri citizens and all Americans mourn yesterday's passing of a great American, Richard A. Bloch—the ''R'' in H&R Block. Richard Bloch was an entrepreneur, philanthropist, beloved husband, devoted father of three and grandfather of 10, who exemplified personal and professional integrity. He was 78 years old.

Honored for his philanthropy and his second career as a crusader for cancer patients, as '— well as his success in creating one of America's most famous brands, Richard Bloch was born in Kansas City in 1926.

By age 12, he had founded his own small business providing printing services to Kansas City high schools. At 16, he entered the Wharton School of Finance at the University of Pennsylvania, the youngest member of his class. He graduated in 1945 with a degree in economics.

After graduation, Richard returned to Kansas City, married his wife Annette, and soon joined his brothers Henry and Leon in their bookkeeping business. A simple newspaper ad in the Kansas City Star in 1954, showing a man behind an eight ball, with the headline, ''Taxes, $5,'' stimulated a long line of customers that turned a sidelight of tax return preparation into a spectacular national success that made business history.

Today those first customers translate into one out of every seven individual income tax filers in America, served by over 125,000 employees at nearly 10,000 U.S. offices, and international clients in 11 countries. Tax planning and preparation have expanded to include financial, mortgage, accounting, and consulting services.

Over the last 50 years, well over a hundred million Americans have had their anxieties allayed by a Block-prepared tax return. Both Federal and State governments also benefit from accurate tax returns reflecting sound advice and professional preparation.

In 1978, Richard was diagnosed with lung cancer and told he had three months to live. Refusing to accept this prognosis, he sought treatment at the M.D. Anderson Center in Houston. Richard promised himself that if he survived, he would devote his life to helping others fight cancer. Cured after two years of aggressive therapy, he kept that promise, selling his interest in H&R Block to devote full time to cancer work.

Richard and Annette founded the R. A. Bloch Cancer Management Center and the R. A. Bloch Cancer Support Center at the University of Missouri in Kansas City. From 1980 to 1995, the Management Center offered Kansas City area patients a free multidisciplinary second opinion panel. The panel, including more than 100 physicians, helped patients identify the best cancer treatment available. The Management Center has served as a model for more than 125 centers nationwide.

Richard and Annette also founded the Cancer Hotline in 1980 and authored three books. Supported by volunteers who have had or are battling cancer, the hotline educates thousands of newly diagnosed cancer patients and their family and friends about available treatments. A Website, www.blochcancer.org, now assists. So do annual Fighting Cancer Rallies in more than 700 communities that raise awareness that cancer and death are not synonymous and that give victims faith that there can be life after a cancer diagnosis.

In my district and across America, Richard & Annette Bloch Parks for Cancer Survivors provide an oasis of peace for contemplation and inspiration, dedicated to Americans who have been diagnosed with cancer, each a tribute to life.

Richard Bloch's vision of a national network of cancer information led to the National Cancer Institute's Physician's Data Query. This Website provides information about state of the art treatment for every type and stage of cancer and all the current experimental therapies. To honor Richard's efforts, our government named a building at the National Cancer Institute in Bethesda, Maryland, the R. A. Bloch International Cancer Information Center. Most government cancer information is disseminated from the Bloch Center.

In 1982, Richard was appointed by President Reagan to a six year term on the National Cancer Advisory Board. He was a member of the President's Circle of the National Academy of Sciences, the Institute of Medicine, and a former board member of the National Institute of Health's Office of Alternative Medicine. He also received the American Society of Clinical Oncology's 1994 Public Service Award and the 1995 Layman's Award from the Society of Surgical Oncology.

Richard would ask anyone who wanted to open an H&R Block office, ''Tell me what you want out of life.'' He encouraged people to go where their hearts led them and to follow their passion. Mr. Speaker, please join me in extending heartfelt sympathy to the entire Bloch family—Annette; his three daughters, Linda Lyon, Barbara Stanny, and Nancy Linsley; his 10 grandchildren; brothers Leon Jr. and Henry and Henry's wife, Marion—as we honor the

memory of an American whose life is a testimonial to the values our Nation celebrates.

RECOGNIZING THE 30TH ANNIVERSARY OF TURKEY'S INVASION OF CYPRUS

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. LANGEVIN. Mr. Speaker, as a proud member of the Hellenic Caucus, I rise today to recognize the 30th anniversary of Turkey's invasion of Cyprus. On this occasion, we mourn those who lost their lives and remember the barrier created in 1974. Sadly, that barrier still exists today, and despite attempts by the United Nations for a reunification settlement, the island remains divided between the Turkish Cypriots and the Greek Cypriots. I thank Mrs. MALONEY and Mr. BILIRAKIS for their ongoing leadership in the Hellenic Caucus and for bringing much-needed attention to issues of importance to the Hellenic community.

On the occasion of this anniversary, in addition to mourning and remembering, let us also look forward. The events of this past spring represent great triumphs for the Cyprus state and reaffirm Cyprus's willingness and determination to become an integral part of both the European community as well as the greater global community. Just this past May, Cyprus joined the European Union and will enjoy all of the privileges and opportunities of full membership. Inherent in that membership is a commitment to the human rights and fundamental freedoms that underscore that partnership. Despite this step forward, the nation remains divided. As the Greek Cypriots steer their nation toward greater prosperity and legitimacy, the Turkish Cypriots continue to pursue division and isolation.

The government of Cyprus remains committed to reunification, as a bizonal, bicommunal federation with democratic and human rights for all Cypriots. In April, the people of Cyprus held a democratic vote on a reunification plan put forward by the UN. An astonishing 90 percent of the Greek Cypriot community turned out for this important vote. Yet, with 76 percent of Greek Cypriot voters opposing the plan, many in the international community were disappointed with the final outcome. What we must recognize is that any disappointment and criticism should be directed at the inadequacies of the reunification plan, rather than the free, democratic choice of the Greek Cypriots not to accept such a plan. Not only was the rejection of that plan an exercise of the democratic rights of the Greek Cypriots, but it further demonstrates their commitment to finding a viable and workable settlement.

In reflecting on this historic vote, we should heed the words of the Greek Cypriot President Tassos Papadopoulus: ''We are determined to try, until the end, in a peaceful manner and through negotiations, to end the invasion and occupation. The people should be brave, patient, and work hard.'' Patience in particular is tantamount to this endeavor. A lasting solution is not one that will be attained with the implementation of a rushed plan.

Both the recent accession to the EU as well as this recent democratic vote should give us renewed determination to seek a full and peaceful reunification. Along with my colleagues, I will continue to put pressure on the Bush Administration and the international community to help Cyprus work toward a peaceful solution. Now more than ever, the U.S. must continue its role in supporting negotiations. It has been a long, hard road, but with support from the United States, the European Union, and the United Nations, a reunification of Cyprus is still within reach. Such a reunification would benefit us all. It would bring long-awaited peace and stability to the people of Cyprus, to the region, and to the larger international community.

Again, I thank my colleagues on the Hellenic Caucus for their recognition of this important event.

HONORING THE GOOD SAMARITAN CHRISTIAN FELLOWSHIP CHURCH

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Ms. LEE. Mr. Speaker, I rise today to honor the Good Samaritan Christian Fellowship Church of Oakland, California for 50 years of ministry and invaluable service to the community.

The Good Samaritan Christian Fellowship Church was founded in 1954 as the Good Samaritan Baptist Church by the late Dr. & Mrs. R.D. Garrison, Sr., who led the ministry for over 30 years. In 1982, Dr. Garrison, Sr. placed his son Apostle and Mrs. R.D. Garrison, Jr. at the head of the church, and the ministry was subsequently established as the Good Samaritan Christian Fellowship Church.

Since that time, the Good Samaritan Christian Fellowship Church has played an active role in initiating and expanding a wide range of charitable and community building activities. In addition to ministering and counseling countless members of the community, the church has played a vital role in local youth mentoring and development. The church is responsible not only for organizing local Boy Scout and Girl Scout programs, but also for the creation of initiatives such as the After School Tutoring Program, which focuses on reading, writing, and math for children of all ages. Furthermore, the church has made extensive efforts in the areas of emergency meals and housing by working to provide food for the homeless, as well as shelter for countless families in distress.

From August 8th–15th, 2004, the Good Samaritan Christian Fellowship Church will be celebrating its 50-year anniversary in Oakland, California. I would like to mark this occasion by commending the church for the exceptional service it has provided to the community, not only in its capacity as an institution of faith and worship, but also as a leader in working to provide invaluable social and charitable services to the people of Oakland. By remaining committed to the areas of leadership and service throughout its fifty years of ministry, the Good Samaritan Christian Fellowship Church has contributed enormously not only to the Oakland community, but also to our shared goal of world peace.

TRIBUTE TO COLONEL JOAL E. WOLF

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. ANDREWS. Mr. Speaker, I rise today to pay tribute to Army Reserve Lieutenant Colonel Joal E. Wolf. Lieutenant Colonel Wolf distinguished himself as the Commander of the 3401st Military Intelligence Detachment and Chief of Staff of the Iraq Intelligence Task Force and Iraq Working Group of the Joint Staff at the Defense Intelligence Agency from April 2001 to May 2004. Lieutenant Colonel Wolf led daily operations in providing cutting-edge and time-critical assessments and trend analysis on military activity in and around the Iraqi theater in support of Operation Iraqi Freedom. Lieutenant Colonel Wolf's leadership ensured over 4,000 tasks were completed efficiently and delivered timely to senior military and civilian leaders in the Department of Defense, White House and Congress. These intelligence products contributed significantly to the shaping of our national security policy and military planning, especially in the areas of infrastructure, economics, war crimes, sensitive site exploitation, anti-Coalition militants, weapons of mass destruction, and Coalition force protection. Lieutenant Colonel Wolf led his detachment to eclipse a bold 200 percent increase in production and in creating the Iraqi ''55 Most-Wanted'' deck of cards. For his service, Lieutenant Colonel Wolf was awarded the Defense Meritorious Service Medal on May 28, 2004.

In addition to being a fine military officer, Joal is also my brother-in-law and a small business owner. Joal is the proud son of Mrs. Phyllis M. Wolf, a veteran of the United States Army, and the late Dr. Alan E. Wolf, who was also a veteran of the United States Army. My relation to Joal has allowed me to closely follow his selfless service and better understand the sacrifices that thousands of reservists and Guardsmen are making in the war against terrorism. I am personally grateful to Joal and all of the brave men and women in our military who are making tremendous sacrifices to serve our Nation during this difficult time.

COMMENDING THE RAOUL WALLENBERG LIVING MEMORIAL AT THE AMERICAN SWEDISH INSTITUTE IN MINNEAPOLIS, MINNESOTA

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. LANTOS. Mr. Speaker, I want to express my strong support for the American Swedish Institute's work to establish a Raoul Wallenberg Living Memorial in Minneapolis, Minnesota. The institute was founded by Swan J. Turnblad, a successful Swedish businessman in 1929. Mr. Turnblad donated his mansion to become an internationally recognized museum as well as the home to an educational center offering a variety of programs designed to celebrate the best of Swedish culture. Today the American Swedish Institute

seeks to develop a dynamic combination of educational opportunities and art that will honor, celebrate and perpetuate the legacy of one of the world's most courageous citizens, Raoul Wallenberg.

Mr. Speaker, it was exactly 60 years ago that Raoul Wallenberg, a son of a distinguished Swedish family, risked his life during World War II, when he left behind the comfort, the safety and the security of neutral Sweden to travel to Nazi-occupied and war-torn Hungary to save innocent lives. Through his extraordinary bravery, ingenuity and compassion he saved tens of thousands of Hungarian Jews from the horrors of the Nazi Holocaust.

I believe that the legacy of Raoul Wallenberg's courageous actions during World War II that saved thousands of potential Holocaust victims in Budapest is worthy of celebration, preservation and a continued public dialogue. As an international hero, every child needs to know the story of Raoul Wallenberg, and how his choices can play an important role in their own lives.

The Raoul Wallenberg Living Memorial intends to provide educational opportunities that celebrate the life, contribution, and spirit of Raoul Wallenberg, as well as other historic and current figures that embody Raoul Wallenberg's extraordinary courage.

The goal of the American Swedish Institute and the Raoul Wallenberg Living Memorial is that every student will complete their Minnesota high school experience knowing the name and legacy of Raoul Wallenberg, and the impact one person's humanity can have. The American Swedish Institute will be the home of and catalyst for a nationally recognized educational program that inspires young American students to live by the vision and inspiration embodied in the life and example of Raoul Wallenberg.

Mr. Speaker, Raoul Wallenberg will always stand as a reminder of the difference one person with courage can make and a great role model for the next generation who recognized that true satisfaction comes only from serving others, in this case in sacrificing his own life so others may live.

I am confident that the Raoul Wallenberg Living Memorial will inspire young students by his story to become better, more unselfish, more caring human beings that are willing to transcend the barriers of race, religion, or nationality in their concern for others. It is therefore important to support projects like this so that the memory, legend and life of Raoul Wallenberg will not be forgotten. The vision he had for what one person can do in the face of injustice must be integrated in the moral fabric of every community, state, and nation.

DECLARING GENOCIDE IN DARFUR, SUDAN

SPEECH OF

HON. GREGORY W. MEEKS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 2004

Mr. MEEKS of New York. Mr. Speaker, only a few-months ago the world honored the tenth anniversary of the Rwandan genocide and promised never to tolerate genocide again. 10 years later we are witnessing another genocide, but this time in the Sudan. Since the conflict erupted in February 2003, thirty thousand have died and close to a quarter of a million will die, if we do not act.

Sudanese government troops and their allied militia, the Janjaweed, have raped, tortured, maimed, and burned entire villages to cleanse the area of African Muslims. An estimated 1.2 million have been forced from their homes and into camps, where they remain vulnerable to attacks and lack basic services.

We must stop what is happening. It is Genocide, and under the requirements of the 1948 UN Convention, the world is obligated to act to stop it.

We must insist that the Sudanese government cease support for and disarm the Janjaweed militias and if it cannot, the UN Security Council must be persuaded to authorize force to do so.

The U.S. and world must target sanctions such as travel bans and the freezing of assets of Khartoum government officials responsible to stop the atrocities. We must find out why humanitarian aid is not getting through and ensure that it does.

Lastly, we must establish a Darfur Resettlement, Rehabilitation, and Reconstruction Fund so that those driven off their land may return and begin to rebuild their communities.

We must act now, if we are to prevent another Rwanda.

THE PATH TO GLORY: CONGRESSIONAL MEDAL OF HONOR, NAVY CROSS AND DISTINGUISHED SERVICE CROSS AFRICAN AMERICAN RECIPIENTS

HON. CORRINE BROWN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Ms. CORRINE BROWN of Florida. Mr. Speaker, the setting for the 15th Anniversary of the Congressional Black Caucus's Veterans Braintrust took place amid repeated inferences that the Congressional Black Caucus CBC and other Democrats were unpatriotic. Despite the CBC's determination to express it's patriotism we support the troops while continuing to raise the volume of criticism about the current engagement in Iraq, and/or the War on Terrorism.

With this as the larger socio-political backdrop the Veterans Braintrust decided to invite some of our most heroic African Americans, their family members and advocates such as Sgt. Andrew Bowman, Asa Gordon, Elizabeth Rankin-Fulcher, Maj. Robert Greene, USA, Ret., John Howe, Steve Harris, Alonzo Swann, Jr., Allene Carter, CDR. Ross Fowler, USCG, Ret., Lee & Cornelius Charlton, Mark Pitts, Baba Henderson, Dr. Frank Smith, Jr., Betty Stokes, Mary Jones, and Isaac Prentice to Washington, DC as a special testimonial to our collective patriotism, sacrifice and valor on behalf of this great nation during her many times of trouble and conflict.

Thus, consciously choosing to illuminate some historical facts and advocate in effect that countless African Americans have served in America's wars, been shot, wounded and disabled, yet continue to be neglected, or denied quality health care and access to other benefits and services, including basic equal rights.

Equally important, the 15th Anniversary Veterans Braintrust National Issues Forum "The Path to Glory: The Congressional Medal of Honor, Navy Cross, and Distinguished Service Cross Recipients" also known as the pyramid of honor; and subtitled: "Revisiting the Battles of Sgt. Henry Johnson and Dorie Miller for the Congressional Medal Honor," was indeed a historic milestone. For the first time in our nations history the families of African American recipients of the Congressional Medal of Honor, along with awardees of the Navy Cross and the Distinguished Service Cross (DSC) were gathered in one room. Additionally, the issues forum was exceptionally well attended with representatives coming from as far away as Albany, New York, Detroit, Michigan, Indianapolis, Indiana, and Los Angeles, California.

While the CBC represents 26 million African Americans, including more than 2 million African American veterans, we all recognize our country faces many challenges both within and without that is why Representative SANFORD BISHOP, Jr. D–GA and I felt a moral obligation, not a duty at this time to look back and reexamine issues from the past, closely related to the awarding of the military's highest awards for heroism and valor—The Congressional Medal of Honor, Navy Cross and Distinguished Service Cross.

Here again, the Veterans Braintrust which is widely recognized as the premiere forum for debate between veterans of African descent and government officials sought to examine some of the historically vexing issues, individual war narratives, and family testimonies associated with more than a century and a half of the awarding of the military's highest awards for bravery and valor.

To help provide a framework for this historical and contemporary analysis war/veteran narratives included the Civil War, Indian Campaigns of the 19th Century, and World War I, World War II, Korean and Vietnam Conflicts of the 20th Century in the wake of growing criticism of US Foreign Policy, raising concerns about the fate of affirmative action, and the ever increasing African American health disparities.

Executive Director Ron Armstead layed the groundwork by researching William Raspberry's 'Two Heroes, No Medals of Honor' column examining two black war heroes quest for posthumous Congressional Medals of Honor: Sgt. Henry Johnson, a World War I Infantryman from Albany, and Seaman Dorius 'Dorie' Miller, a World War II hero from Waco, Texas. The column cited, although the military services, while not discounting their heroism, have steadfastly refused to go along with any attempts to grant Johnson and Miller the Medal of Honor. While countering, that although no black soldier was awarded the medal of honor during WWI, approximately 50 black soldiers were awarded the DSC, the Army's second highest award for valor in combat, for their extraordinary heroism in WWI. As a result, the number of black servicemen to receive CMH's for their heroism in the two world wars of the twentieth century remained zero until the 1990's.

Further, our war/veteran narratives revealed the Navy's reluctance to embrace black war heroes in 1944 met it's timely demise 48 years later when Alonzo Swann, Jr., then 67, of Gary, Indiana stepped aboard his old ship the USS Intrepid, an aircraft carrier and accepted the Navy's highest award for bravery—the

Navy Cross. His medal came nearly a half-century after he and his African American shipmates in Intrepid's Gun Tub #10 shot down a Japanese kamikaze plane. However, his odyssey began October 27, 1944, when the captain of the Intrepid, Joseph Bolfger, recommended all seven survivors for the Navy Cross, just short of the Medal of Honor, the nation's highest award and conducted meritorious mast on board the ship for the men. Yet, when the commendations were sent on to Washington, they came back, with the men being given only Bronze Stars, or lower medals with no apparent explanation for the change.

Notwithstanding Swann's long, arduous and lonely court battle to receive the belated honor, it wasn't until 1997 that another of his shipmates Navy Petty Officer Robert Jones, by then 71, and a resident of Newport News, Virginia received his Navy Cross, again more than 50 years afterward in a stately ceremony held at the Capitol Building in Washington, DC, hosted by Congressman ROBERT "BOBBY" SCOTT (D–VA).

Furthermore, family testimonies revealed America in 1951 prior to the Brown versus the Board of Education decision was a very different place when Sgt. Charlton, who would have been 22, had he lived to his birthday, July 24, distinguished himself in battle to such an extent that he earned his nation's highest recognition for valor—the Medal of Honor. However, when his body was returned from Korea, his family was denied the right to bury his remains in Arlington National Cemetery with other Medal of Honor recipients. Sgt. Charlton was a war hero, but Cornelius Charlton was black.

Moreover, it wasn't until 1990, when the American Legion spearheaded an effort to locate the graves of all Medal of Honor recipients. Through their efforts Charlton's final resting place was identified as Bryant Memorial Park, which had become overgrown.

Yet, equally poignant, family testimonies revealed that it wasn't until 1997, a half century since WWII, and President Harry Truman who stood on the White House grounds and awarded 28 United States Medals of Honor to white soldiers for their outstanding valor that black soldiers who were denied the recognition accorded their white counterparts, were awarded the same honor—the Medal of Honor. During a White House ceremony former President Clinton presented the nation's highest military award for bravery to seven black WWII heroes, six of which were awarded posthumously. The only living veteran awarded the medal of honor during the ceremony was 77-year-old Vernon Baker, of St. Maries, Idaho. The other heroes finally awarded the Medal of Honor were: Edward A. Carter, Jr., John R. Fox, Wily F. James, Jr., Ruben Rivers, Charles L. Thomas, and George Watson. Attending the ceremony was retired Army General Colin Powell, who as Chairman of the Joint Chiefs of Staff was the highest ranking African American in the military.

And now almost a century and a half after the end of the Civil War, a resurgence of interest and advocacy on behalf of legendary Harriet Tubman has gradually materialized, while on the other hand the first-ever memorials to honor black war heroes within: (a) the Commonwealth of Virginia is being planned; (b) the first national park monument was dedicated to Mississippi Black Civil War soldiers; (c) a monument/memorial is being planned to honor the Seminole Negro Indian Scouts and their families; (d) a US Colored Troops USCT plaque dedication is being planned for Andersonville National Historic Site in southwest Georgia; and finally planning is underway for the North Chicago Memorial Park/Monument dedicated to the 100,000 men who went through the Great Lakes Naval Training Center during World War II.

Later that evening we gathered drenching ourselves in the richness of Black history and feeling mixtures of both pride and pain as we awarded, or publicly recognized, acknowledged and meaningfully remembered those who fought for people they had never even met. Something quite austere happened at the gala reception and award ceremony, which prompted many to say, 'I thought we did therapy that night,' and left others crying and emotional. We have given these awards annually over the course of the past ten years. This year our honorees included three categories: (1) individual awardees: Norma Baker, GSgt. Maurice Bingham, USMC, Ret., Celestine Caldwell Hollings, Paul J. Matthews, Cpl. Fred McGee, USA, Freddi E. Moody, Master Chief Vince Patton, USCG, Ret., Ed.D., Lt. Col. Charles H. Rucks, USMC, Ret., Isiah J. Williams, III, Master Chief Harold Wilson, USN, Ret., and Wallace Terry (Posthumous); (2) organizational awardees: the Center for Drug Abuse Research, Howard University, Community Anti-Drug Coalition of America, Harlem Youth Marines, Inc., Morgan State University, The Association of the 2221 Negro Volunteers, WWII, and the 1279th Combat Engineers Alumni Association; and (3) historic groups and/or sites: United States Colored Troops Institute and Olustee Battlefield Historical State Park.

Finally, as we prepare our special 15th Anniversary report, after-action briefs and legislative proposals we must reiterate now more resolutely than ever before from the very beginning of independence "We were there," and despite the adversity, "We served!' Simply read the missing pages of American history, or perhaps the footnotes and you will find the names of Crispus Attucks, Salem Poor, Sgt. William H. Carney, Cpl. Andrew Jackson Smith, Harriet Tubman, Freddie Stowers, Sgt. Henry Johnson, Mess Attendant Dorius 'Dorie' Miller, Josephine Baker, Pvt. William Thompson, Sgt. Cornelius Charlton, Cpl. Fred McGee, Captain Riley L. Pitts, Staff Sgt. Hilliard Carter, and others, as well as thunderous places like Breeds Hill, Fort Wagner, Honey Hill, New Market Heights, . . ., Kunu-Ri, Hill 188, Hill 528, Hill 543, Pork Chop Hill, Hamburger Hill, Heartbreak Ridge, and others looming as silent reminders of past deeds, and debts unpaid.

Therefore, let it be said, here, now and forever more that African Americans have not once, not twice, but repeatedly demonstrated throughout this country's long history an unwavering dedication towards the principles of freedom, liberty and justice for all. This is the true testament of African American patriotism and looms as an outstanding example for current and future generations of Americans nationwide, as well as freedom loving people around the world.

The struggle continues.

HOMEPORTING OF THE USS "RONALD REAGAN"

HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. ISSA. Mr. Speaker, I rise today, on the eve of the home porting ceremony of the USS *Ronald Reagan,* to welcome America's newest Aircraft Carrier and its crew to San Diego.

The USS *Ronald Reagan* CVN 76, our nation's ninth *Nimitz* class carrier, is the world's most advanced and most capable carrier ever built. The USS *Reagan,* along with its crew of 6,000 and its commanding officer Captain James A. Symonds, will give America greater capabilities to address threats to the safety of Americans and international peace and stability than ever before.

For most of the world's history, the oceans have been a dangerous and lawless place. For over 60 years, however, America's Navy has reigned supreme over the world's oceans. Today, our Navy ensures freedom of the seas for all nations who seek to use the world's shipping lanes for peaceful purposes. The USS *Ronald Reagan* enhances our Navy's ability to do its job.

For California, the USS *Ronald Reagan* will serve as a proud reminder of the legacy left behind by our former Governor and President. President Reagan understood the importance of maintaining a strong and effective military. Throughout his administration, which brought about a successful end to the Cold War, President Reagan rebuilt America's armed forces with a steadfast belief in the pursuit of peace through strength. Because of this legacy, it is entirely fitting that the most powerful and diplomatically visible symbol of the American Navy now shares both the name and home state of President Ronald Reagan.

The crew of the USS *Reagan* will find the San Diego community to be warm and welcoming. San Diego has a mix of many cultures and, as someone who moved my family here 20 years ago, I can assure the entire crew that San Diego is a great place to live, work, and raise a family.

Mr. Speaker, in closing, I would like to recognize Mrs. Reagan who will participate in tomorrow's home porting ceremony. The USS *Ronald Reagan* is a testament to the many great things Ronald and Nancy Reagan accomplished together. Ronald Reagan gave our nation hope and reminded us that with hard work and determination we could do great things. President Reagan may have moved on, but his legacy is as strong and steady as the ship that now bears his name.

HONORING THE MOSES AND AARON FOUNDATION SPECIAL FUND FOR CHILDREN

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. NADLER. Mr. Speaker, I rise today to call attention to a worthy organization, one committed to special children and their families. The Moses and Aaron Foundation's significant and enduring efforts deserve the highest praise, as do the philanthropists who have given of themselves to fulfill its mission.

The Moses and Aaron Foundation Special Fund for Children is dedicated to assisting children with disabilities and their families with a wide range of programs including social, physical, financial and wheelchair assistance, as well as counseling and guidance.

It also provides scholarship funding to educational institutions: collects; purchases; and distributes clothing for children in need and remembers them with presents at holiday time or when hospitalized.

In cooperation with Ballys Fitness Centers the Moses and Aaron Foundation under the direction of its President Rabbi Yaacov Kaploun, and Executive Vice President Yehuda Kaploun has been able to establish 27 physical fitness and therapy centers and has arranged for sound and musical equipment in other institutions.

The corporate and individual supporters of the Foundation, include Metropolitan Lumber, Bally Total Fitness, Mr. David Buntzman, Mr. & Mrs. Jarred Feldman, Mr. Robert Gans, Mr. and Mrs. Richard Gans, Mr. Avi and Dr. Laura Greenbaum, Mr. and Mrs. David Hirsch, Mr. and Mrs. Ira Rennert, Mr. Eli Rothman, Mr. Mark Selden, and Mr. and Mrs. Clifford Feldstsein. We recognize the special support of Ashley and Liora Herschman, recipients of the Dr. Steven Stowe Acts of Kindness Memorial Award, who by their contributions and kindness have brought happiness and a smile to the faces of hundreds of special children.

On Saturday night July 31, 2004 at the Sullivan County Community College, Lock Sheldrake, New York, the Moses and Aaron Foundation under the Honorary Chairmanship of Nobel Laureate Elie Wiesel, will sponsor its eighth Summer ''Chazak—Strength'' Concert honoring and paying tribute to special and outstanding children, and is produced by STB Jewish Music Productions. The Guests of Honor will be the Special and Outstanding children, many of whom will perform with the entertainers on stage. More than forty organizations and schools serving the physically and mentally disabled children will be represented.

The Chazak Concert and the Moses and Aaron Foundation's other programs demonstrate a caring and compassionate concern for the quality and dignity of life of others and merit the appreciation of all those who have benefited from its services.

The Moses and Aaron Foundation was founded in memory of Rabbi Dr. Maurice I. Hecht and Aaron Kaploun, both of whom led lives of exemplary community service. It is in this sentiment of communal dedication that the Moses and Aaron Foundation has devoted itself to serving the needs of a unique group in the community.

I urge my colleagues to join me in honoring the Moses and Aaron Foundation, an organization which exemplifies the generosity of spirit in American society.

TRIBUTE TO MR. NORM D. COVELL

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. MATSUI. Mr. Speaker, I rise in tribute to Mr. Norm D. Covell, a man with a great career in public service. For the past four decades, Norm has worked tirelessly to reduce air pollution and its affects on public health. Norm will soon retire from his current position as the Air pollution Control Officer for the Sacramento Metropolitan Air Quality Management District. As Norm's friends, family, and colleagues gather to celebrate his distinguished career, I ask all my colleagues to join me in saluting this outstanding citizen of Sacramento.

After obtaining his bachelor of science degrees from California State University—Fresno, Norm began his environmental health and air quality career as a military preventive medicine specialist. Eventually, Norm would be appointed as the Assistant Director for the Fresno County Department of Health and Assistant Air Pollution Control Officer. During his two decades of service in Fresno County, Norm was instrumental in implementing a number of effective and innovative solutions to air quality management.

In 1984, Norm was named as the Air Pollution Control Officer for the Sacramento Metropolitan Air Quality Management District. During this period, Norm has been deservingly recognized as a visionary and dedicated leader at the local, state, and national levels of government for his efforts in advancing programs and policies that significantly improve air quality.

The Sacramento Metropolitan Air Quality Management District works cooperatively to coordinate the efforts of local, state and federal government agencies, the business community, and private citizens to achieve and maintain healthy air quality for Sacramento. This vision recognizes that the AQMD alone cannot achieve healthy air for Sacramento, but that combined with its regulatory role and its lead role in development of innovative programs, it can encourage the cooperative interagency and public effort that will be required to improve air quality. As the Air Pollution Control Officer, Norm oversees a dedicated staff of 83 positions and an annual program budget of $19 million.

Norm was an instrumental force in developing an innovative market-based incentive program to reduce regional mobile source emissions. This program eventually became the model for the very successful Mayor Program that has been adopted throughout California. Norm also played a crucial role in creating the Business Environmental Resource Center that helps regional small businesses understand and comply with air quality, hazardous materials and water quality regulations. Throughout his career, Norm has demonstrated a consistent ability to increase awareness of air quality issues. Therefore, it is no surprise that so many of Norm's projects and ideas have gained national recognition and replication.

As a result of his sterling reputation in the field of air quality management, Norm has served in a number of important leadership roles. Norm was the President of the California Environmental Health Association from 1977 to 1979. Norm served as the President of the California Air Pollution Control Officers Association from 1984 to 1986. From 1994 to 1995, Norm was the President of the National Association of Local Air Pollution Control Officials. Norm's impressive resume is a testament to his status as one of California's most accomplished leaders in the field of air quality management.

In his retirement, Norm can look forward to spending more time with his family. Norm will also devote more time to two of his favorite pursuits: fishing and his beloved San Francisco 49ers. I am confident that Norm would achieve great success and happiness in his retirement, just as he had throughout his professional career.

Mr. Speaker, as Norm's friends, family and colleagues gather to celebrate his great career; I am truly honored to pay tribute to one of Sacramento's most honorable citizens. The Sacramento region has benefited greatly from having Norm's strong leadership. He will be missed greatly by all who worked with him. I ask all of my colleagues to join with me in wishing Norm continued success in all of his future endeavors, wherever retirement may lead him.

THE SECURITY AND FAIRNESS ENHANCEMENT FOR AMERICA ACT

HON. WILLIAM L. JENKINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. JENKINS. Mr. Speaker, a significant majority of Americans believes that current immigration levels need to be reduced, according to consistent polling results over the last decade. This country currently admits about one million new legal immigrants every year. An undetermined number come in illegally. Realistically, it will take several years to produce the comprehensive reforms that are needed. However, there is something that we can do now to improve the situation.

In 1990, immigration laws were changed to include a new diversity lottery program. The premise of this new program was to encourage more immigration from nations that were not already sending large numbers to the United States. Unfortunately, the current format for this lottery program are subject to fraud and abuse and leave our nation exposed to those who may seek to do harm on American soil.

Under this program, any applicant that applies under the current setup for this program may be chosen at random and given the status of a permanent resident simply based upon luck. We already have a tragic example of the potential for danger with the story of Hesham Mohamed Ali Hedayet, the gunmen who killed two people at the Los Angeles International Airport in July of 2002. The investigation of this shooting revealed that the gunman had been in the U.S. illegally, but his wife won the visa lottery. This enabled the husband to apply for permanent status and remain in the country to commit his crimes.

There are also a number of stories of fraud and abuse that have been identified by the Inspector General of the State Department. Duplicate applications, identity fraud, and forged documents have been found to be commonplace in these reviews, leaving our national security at risk.

The current diversity visa program does a disservice to our immigration policy and to those immigrants who have moved through the more traditional process that allows them to lawfully reside in this country. Combining this with the clear threats to our national security, it is imperative that we take steps to reform this dangerous program.

Legislation has been introduced that I have cosponsored, H.R. 775, the Security and Fairness Enhancement for America Act, which

would eliminate the visa lottery program. The House Immigration Subcommittee has held a hearing on the proposal, and we should continue efforts to move it promptly through the legislative process.

DECLARING GENOCIDE IN DARFUR, SUDAN

SPEECH OF

HON. DONNA M. CHRISTENSEN

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 2004

Mrs. CHRISTENSEN. Mr. Speaker, I rise today in strong support of H. Con. Res. 467, a bill that declares genocide in Darfur, Sudan and I commend its sponsor for introducing it.

Mr. Speaker, 10 years ago, genocide occurred in Rwanda. In a little over three months, 800,000 people had died and 2 million more had fled their homes while the U.S. and other nations stood by and watched, later promising that it would never let such a crime happen again.

Today, we have the opportunity to live up to our promise. We have the opportunity to perform our role as a contracting party in the United Nations Convention on the Prevention and Punishment of the Crime of Genocide. We have the opportunity to prevent the continuation of the brutal murders that have already taken place in Darfur, Sudan. 30,000 civilians have already been murdered, 130,000 more have fled to neighboring Chad, and around 1,000,000 more have been forced into refugee camps.

If we do not act immediately, the death toll will continue to rise. Estimates say that within the next several months, the death toll could rise to 300,000 people or more. We cannot stand by, watch, and once again promise that we will never let such atrocities occur. We have the opportunity to support H. Con. Res. 467, thereby declaring genocide in Sudan and urging the President to act immediately to alleviate this terrible situation.

Mr. Speaker, we must act immediately. I ask that we unite and support H. Con. Res. 467 to end the furtherance of these atrocious crimes against humanity.

WARSAW UPRISING 60TH ANNIVERSARY COMMEMORATIVE SPEECH

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. LIPINSKI. Mr. Speaker, on August 1, 1944, the greatest armed uprising by underground Europe against the German occupant began in Warsaw. The Warsaw Uprising lasted for 63 days and cost the lives of about 250,000 people. These two months of heroic combat serve as a symbol of courage, chivalry, the price of independence, but also of the harsh reality of world politics.

The Uprising was started by the Polish underground Home Army, which at the beginning of August had only about 20,000 poorly equipped soldiers, but over time managed to actively involve over 400,000 men, women and children. It was largely thanks to young Polish Boy Scouts that messages between fighting insurgents were spread, medications were delivered and symbols of independence were painted on walls of buildings to show the people—and the Nazis—that Poland was fighting and would not bow to the overwhelming force of German troops, tanks, airplanes and artillery. Even German war correspondents noted that the intensity and difficulty of combat in Warsaw could only be compared to the street battles of Stalingrad, which greatly attributed to the fall of the Germans on the eastern front. The United States recognized the valiance of the Polish insurgents by officially proclaiming them military combatants on August 30, 1944.

Although a quarter million people died in the Uprising and the city was leveled to the ground on Hitler's orders, which showed the world how high a price Poland was prepared to pay for its freedom, the Poles did not gain full independence until 1989, 45 years after the Uprising's end.

The Soviet dictator, Josef Stalin, had a vision of a communist Polish state with a vassal government long before the Warsaw Uprising started. During the conference in Teheran in 1943, Stalin managed to convince the United Sates and Great Britain to shift Poland's borders west, thus reassuring his strong position and the authority to make practically unilateral decisions about the future of Central & Eastern Europe. In July 1944, the Red Army was within fifty kilometers from Poland's capital, but though their primary objective was to crash the Wehrmacht, they did not mean to liberate Poland, but to install a quasi-Polish government that had already been prepared in Moscow to rule in compliance with Soviet principles and under Stalin's supervision. The Home Army was seen as a perilous force, as it sought independence, therefore the communist propaganda renounced the Home Army led uprising as a ''reckless and irresponsible adventure'' to which the Soviet government could not lend its support. In fact, soon after the collapse of the Uprising most of Home Army officers and many soldiers were prosecuted and sentenced for treason. Ironically, had the home Army's commanders decided not to rise against the occupant, they would no doubt have been accused of collaboration with the Nazis and of cowardice. Having made the tragic decision to take arms against the oppressor that not long before had controlled most of Europe, the leaders of the Uprising had every right to expect support from their western allies. And they did receive it.

Airplanes flew from Italy across half of Europe delivering arms and other provisions to the insurgents, sustaining heavy casualties, but were not allowed to land on the Soviet side of the front. Not until September 18, 1944, two and a half weeks before the collapse of the Uprising, were over one hundred B–17 American flying fortresses able to appear above Warsaw to drop arms, medications and other provisions and then land on the Soviet side of the front. Unfortunately, it was already too late, as the areas of Warsaw in the hands of the Home Army had significantly diminished when compared with the first half of August, making it possible for the Poles to collect less than one-third of the dropped cargo.

The Soviets entered eastern Warsaw lying on the right bank of the Vistula River in the middle of September, but did not move into the center of the city, where the insurgents were still fighting, having decided to wait until those who were willing to sacrifice their lives for Poland's independence have perished.

On August 1, sixty years will have passed since the outbreak of the bloodiest battle in over 1000 years of Polish history and one of the most heroic combats in the Second World War. Rarely has the price of freedom and independence been so high and the fate of those who paid it so tragic. For fifteen years now Poland has been a free country, a member of NATO for five years and since May, a member of the European Union. Its successful transition from an oppressive regime to a peaceful democracy proves the determination of Poles to be a free nation. Such courageous events as the Warsaw Uprising show that it is freedom they deserve. They surely earned it.

HONORING RICK HOYT UPON RETIREMENT FROM FAYETTEVILLE POLICE DEPARTMENT

HON. JOHN BOOZMAN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. BOOZMAN. Mr. Speaker, I rise to honor Fayetteville's Chief of Police Rick Hoyt, who will be retiring from the department at the end of the month.

A graduate of the Fayetteville school system and the University of Arkansas, Rick joined his hometown police force in 1976. His second day on the job was almost his last as a drunk driver hit him while he was directing traffic. He was thrown 69 feet by the impact and spent several weeks in a full body cast in the hospital. Initially, nobody was sure whether or not he would survive. Rick surprised everyone when he was back on the beat in less than 3 months, a testament to his strong spirit and desire to serve the public.

His dedication to protecting and serving the people of Fayetteville led to a series of promotions within the department. In 2002, he was named Interim Police Chief while the city of Fayetteville conducted a nationwide search to find a permanent chief. Within a matter of months, that search was called off and Rick was given the job. As Mayor Dan Coody put it at the time, ''We are so satisfied with Chief Hoyt that I don't think we could have done any better.''

For the next 2 years, Rick did a tremendous job leading the Fayetteville Police Department. My constituents and I are extremely grateful for service over the 28 years that he worked for the Fayetteville Police Department. I ask my colleagues to join with me today in thanking Rick for his service and wishing him all the best as he enters into a new phase in his life.

HONORING THE INTERNATIONAL RULE OF LAW CENTER AT THE UNIVERSITY OF RICHMOND

HON. ERIC CANTOR

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. CANTOR. Mr. Speaker, I rise today to recognize Chairman BILL YOUNG and Chairman JIM KOLBE for including the International

Rule of Law Center at the University of Richmond as a program that will be actively considered by the U.S. Agency for International Development. This is an important step forward in our effort to enhance fair and judicial systems internationally.

Today, one of the most pressing needs in emerging democracies is to educate leaders who administer justice in the traditions of due process, transparency, accountability, consistency, and judicial independence. Only with an understanding of such values can leaders within a society go forward to create stable and sustainable justice systems that are critical to democracy.

With the aim of international stability in mind, it is in our national interest to foster a crosscultural exchange and understanding of the importance of law. The International Rule of Law Center at the University of Richmond will play a constructive role in accomplishing this goal by supporting the education of future judges in emerging democracies.

The International Rule of Law Center will educate approximately 20 foreign students in a 1-year program that culminates with the students earning a master of laws degree. The program will include many practical field experiences and trips, in addition to a curriculum that focuses on judicial administration, constitutional law, the theory of a sound and fair system of justice, and elements of international law.

Mr. Speaker, I applaud Chairman BILL YOUNG and Chairman JIM KOLBE for their efforts, and I look forward to working with them in the future.

URGING GOVERNMENT OF BELARUS TO ENSURE DEMOCRATIC, TRANSPARENT, AND FAIR ELECTION PROCESS

SPEECH OF

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 2004

Mr. BEREUTER. Mr. Speaker, this Member rises in support of H. Res. 652, which calls on the government of Belarus to ensure that Parliamentary elections which will take place in Belarus in October of this year are democratic, transparent and fair.

Thirteen years after the fall of communism, Belarus remains one of the few nations in Europe where the transition to democracy has not taken sufficient root.

The current political leadership continues to rule in an authoritarian manner and its government continues to crack down on those individuals and organizations who are trying to help build support for democracy and democratic institutions.

Unlike the situation in Ukraine, the government in Belarus has thus far not given any clear indication that it is committed to free and fair elections. However, in a recent meeting with the Ambassador from Belarus, this Member was led to believe that the government's position on the elections could be positive. The Ambassador gave assurances that the government would enforce the election codes and would allow all political parties to have representatives on the electoral commissions which oversee the implementation of the elections. He also indicated that Belarus would cooperate with the OSCE and would allow international observers.

At a hearing the Europe Subcommittee held in March on Belarus, this Member mentioned that Speaker DENNIS HASTERT and this Member met with the leaders of the Belarus opposition, collectively known as the Coalition Five-Plus, to discuss the elections and their vision for a democratic future for Belarus. This group of political parties has united in a common platform in an attempt to bring democracy and respectability back to the Belarus Parliament. Unfortunately, members of the opposition political parties and participants in political demonstrations continue to be subjected to increased harassment, surveillance by government agents, arrests, and physical abuse.

For these reasons, it is important that the United States Government, including this Congress, continue to emphatically express our strong support for free, fair and transparent elections and more definitive progress toward establishing a functioning democracy in Belarus.

In Europe, the situation in Belarus understandably seems to be of equal concern. The OSCE, the OSCE Parliamentary Assembly and the Parliamentary Assembly of the Council of Europe have all expressed deep concerns over Belarus and its forthcoming elections. In fact, this Member is informed that the Chair of the Belarus Working Group of the OSCE PA recently visited Minsk for additional discussions on the elections.

Mr. Speaker, H. Res. 652 emphasizes that if Belarus is ever to become more integrated into the community of democratic nations, it must work toward the establishment of a genuinely democratic political system in which the freedom of association and assembly are guaranteed. It also must be a fact that political candidates from the opposition will be free from political harassment and intimidation as they campaign for office and in which the media is free to act independently, free from government control or intimidation. Finally there must be a system in which elections and the electoral process are open, transparent and fair if Belarus wishes to be included in the community of democratic nations.

The parliamentary elections this fall will be a litmus test for President Lukashenko's commitment to democracy and the direction he intends to take Belarus in the future.

In closing, Mr. Speaker, H. Res. 652 rather precisely explains the concerns and recommendations of the United States House of Representatives.

I urge the adoption of the resolution.

REMEMBERING H.J. ''BUBBA'' SHANDS, JR.

HON. JIM TURNER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. TURNER of Texas. Mr. Speaker, on June 19, 2004, the City of Lufkin and the state of Texas lost a friend with the passing of ''Bubba'' Shands, Jr. Bubba was an invaluable member of the community in Lufkin for many years, and he will be sorely missed.

The Lufkin Daily News recently called Bubba a ''a Lufkin icon'' and ''East Texas' favorite son.'' I think those are two fitting names for Bubba, but I also think there are many more that we could add to that list: husband, father, grandfather, brother, athlete, patriot, leader, believer, and always, great friend to all.

Hilliard Judge ''Bubba'' Shands was born on November 18, 1926 in Lufkin, Texas. He grew up as a highly accomplished student-athlete, first at Lufkin High School and then at the University of Texas.

Bubba began working in the banking industry in 1958, and continued working in that industry until 1991. He was a bank executive for First Bank & Trust (formerly Republic Bank) for many years, and he also served on the boards of several other financial institutions, such as First Bank of Conroe, Angelina Savings Bank, and Balcones Resources in Austin.

Bubba always realized the importance of community service and was involved with many volunteer and civic organizations throughout his life. He worked diligently towards the creation of Angelina County Airport and the Salvation Army's Adult Day Center in Lufkin, and he was also deeply active in the movement to fund and create Angelina College. He served on the board of the United Way of Angelina County, the Angelina College Board of Trustees, the Lufkin Rotary Club, and he was an active member of the First United Methodist Church in Lufkin.

We pray for God's comforting spirit to be with his wife, Ann; his sister, Mary; his daughter Becky; his son, Jay; and his five grandchildren, Matt, Hill, Rob, Richie, Annie and Hunter.

Today, we honor the memory of a great East Texan, Hilliard Judge ''Bubba'' Shands, and we ask that we may all celebrate and enjoy life the same way Bubba did for each of his 77 years on this Earth.

THE 25TH ANNIVERSARY OF COPPER CREEK RECORDS

HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. GOODLATTE. Mr. Speaker, it is with great pleasure that I recognize the 25th Anniversary of Copper Creek Records. Copper Creek Records was formed in October of 1978 when recordings were made to introduce an up-and-coming bluegrass band known as the Johnson Mountain Boys, a group that went on to become festival and concert headliners as well as pioneers in the resurgence of traditional forms of bluegrass music.

Early in the label's career, documenting the history of bluegrass and old-time music was of paramount importance. The company documented such events as live concerts, field recordings, and vintage radio shows by legendary artists such as the Stanley Brothers and the Carter Family, as well as Reno & Smiley. A number of these releases were cited by the Library of Congress for their packaging, content, and historical value.

Coupled with historic preservation, Copper Creek has been active in developing new, up-and-coming talent as well as providing an outlet to musically deserving artists who fly just under the ''mainstream radar.'' Most recently, the label has been active in licensing vintage

country, old-time, and bluegrass recordings for the major labels.

Over the years, the label has released nearly 200 different recorded projects. In addition to producing CDs for release on Copper Creek, the label has been active in producing historical reissues for other groups and labels that have ties to the Commonwealth of Virginia.

By sharing the history of bluegrass and vintage music and remaining active in current musical styles, Copper Creek Records has enriched our nation's cultural and historic understanding. Again, congratulations to Copper Creek Records on their 25th year.

ANTONIO CHAVEZ HONORED FOR 30 YEARS OF SERVICE TO THE COMMUNITY

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Ms. LOFGREN. Mr. Speaker, I rise to recognize the achievements of Antonio Chavez and would like to recognize his extraordinary and tireless service to our community.

His first job with the County was in the Public Guardian's Office in 1974. Later, he was hired by Tom Guerin to work in Personnel's Affirmative Action Unit, and then worked in the Recruitment and Examining Unit as an Analyst. Antonio moved on in 1978 when he heard his true calling—job placement at Social Services. During his 15 years with JTPA, he focused on job development. In 1993 a new adventure began with the Gain Program, which later became CalWORKs. Later, at 1888 Senter Road Employment Connection, he earned the title, ''Mr. Job Placement.''

Throughout much of the time when he worked with GAIN/CalWORKs, he also held another position in the community for which he selflessly devoted long hours for many years: President of the Personnel Management Association of Aztlan (PMMA, now known as CHISPPA). This non-profit organization was truly a benefit to the Latino community, providing many professional development workshops for job seekers and scholarships for college students.

That organization also developed a mentorship/internship program that helped many college students and graduates gain valuable experience and employment. Under Antonio's leadership, PMMA also played a major role in the planning and implementation of many of Jobs America's Diversity Job Fairs.

Antonio Chavez has devoted his life to enrich and advance his community, and his contribution deserves to be honored to serve as an inspiration a new generation of San Jose residents.

I want to thank Antonio Chavez for his many years of service to our community and wish him nothing but the best in this next phase of his life.

TRIBUTE TO GORDON AND MARY ELWELL

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. CALVERT. Mr. Speaker, I rise today to celebrate a recent achievement of two people who, in celebrating their 50th year of marriage, have provided an inspiring example to all Americans. On June 5, 1954 at Holy Family Church, South Buffalo, New York sweethearts Gordon Elwell married Mary Mattimore. With not much more at the beginning to call their own except their marriage, their faith and vast opportunities afforded by this great country, Gordon and Mary have come a long way in the 50 years of marriage.

Gordon became a respected house builder in the Buffalo, New York area. Mary ran the household and tirelessly provided a loving and nurturing home environment for her husband and eight children. Throughout their incredible life together, Gordon and Mary have dedicated their lives to each other, their and children and grandchildren. To date they have been blessed with twelve grandchildren to spoil as only grandparents can.

In a society with one of the highest divorce rates in the world, Gordon and Mary have provided their children and grandchildren with a shining example of a successful marriage. It is all about hard work, a sense of humor and yes, a love that will not quit. Gordon and Mary have been truly blessed by the first 50 years of this magical marriage, and here's hoping that the best is yet to come. On behalf of my colleagues, let me join the many friends and admirers in wishing Gordon and Mary, and their family, all good fortune during the next 50 years.

WHEN ''UP TO CODE'' JUST ISN'T ENOUGH

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. LARSON of Connecticut. Mr. Speaker, last year we saw an alarming increase in the number of fire related deaths in nursing homes. Fires at nursing homes in Hartford, CT and Nashville, TN claimed the lives of 31 residents, many of whom were elderly or bedridden.

In both cases, these buildings were considered ''up to code,'' in that they met all fire codes and regulations applicable to their age and construction. These codes exempted both buildings from laws requiring them to be equipped with sprinklers because they were considered too old, and too costly, to retrofit. Most in the nursing home industry say this is an economic decision, that homes simply cannot afford the cost of retrofitting their facilities with sprinkler systems. The people of Hartford and Nashville, however, would say that this gap in fire protection is too high a cost where the safety of their loved ones is concerned.

With reduced mobility and heath related impairments, the nursing home population is significantly more vulnerable in fire related emergencies. Although it has been repeatedly proven that the presence of fire sprinklers significantly improves the chances of survival for older adults during a fire, the GAO reports that 20 to 30 percent of the approximately 17,000 nursing homes nationwide do not have an automatic fire sprinkler system. While some states have already taken action to ensure that their nursing homes are equipped with sprinklers, far too many lack such life saving and common sense requirements.

Today, even after last year's fires, there is no comprehensive federal standard for the inclusion of sprinklers in the nation's nursing homes. While the Center for Medicare and Medicaid Services last year adopted the 2000 edition National Fire Protection Association's Life Safety Code, which required that new and renovated nursing homes be equipped with sprinklers, this new policy did not address the lack of sprinklers in already existing older homes. As a result, thousands of homes are allowed to operate ''up to code,'' yet lacking a life saving sprinkler system.

Last week the GAO released a study on nursing home fire safety which concluded that ''the substantial loss of life in the Hartford and Nashville fires could have been reduced or eliminated by the presence of properly functioning automatic sprinkler systems.'' The report also found that ''federal oversight of nursing home compliance with fire safety standards is inadequate,'' and has led to inconsistent monitoring of fire safety standards, incomplete data on sprinkler coverage, and an alarming gap in nursing home fire protection. Above all, the report underscored the need for immediate action.

To this end, I have introduced the Nursing Home Fire Safety Act to eliminate the threat of fire for the 1.6 million elderly and disabled Americans living in nursing homes. Under this bill, all nursing homes participating in Medicare and Medicaid would be required to be fully equipped with automatic fire sprinklers within 5 years. With 97 percent of all nursing homes participating in these programs, this bill would protect the greatest number of Americans possible.

This bill also addresses what is generally seen as the biggest hurdle to installing sprinklers—the cost. Under my bill, any nursing home that has to pay to install sprinklers to meet this new requirement would be fully reimbursed through either Medicare or Medicaid. These reimbursements would be for the total cost of installing a sprinkler system, and would in no way impact any payment, service or program already offered through either program.

Although the 108th Congress is winding to a close, I feel it is important to introduce this bill now and take this crucial first step to begin a long delayed dialogue on nursing home fire safety. Many groups have been looking at this problem for over a year now, and will all undoubtedly have different ideas on an ideal solution. In light of the new information put forward in the GAO report, I look forward to working with them to improve this legislation and to find the best way to ensure that our nursing homes have the safety equipment they need to keep their residents safe from fire.

Mr. Speaker, the federal government has turned a blind eye to this problem for far too long. ''Up to code'' is simply not enough when it comes to protecting the lives of our nation's nursing home population. The fires in Hartford and Nashville demonstrate the terrible and unacceptable consequences of allowing nursing

homes to continue to lack vital life saving safety equipment. It is time for Congress to take action to protect our nation's most frail and vulnerable, and prevent similar tragedies in the future.

I urge my colleagues to join me in helping to make nursing homes in their districts, and around the country, safe from the threat of fire.

A SALUTE TO COACH GAYLE HATCH AND HIS SELECTION AS COACH OF THE U.S. OLYMPIC WEIGHTLIFTING TEAM

HON. RICHARD H. BAKER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. BAKER. Mr. Speaker, as many in this chamber now know, Coach Gayle Hatch of Baton Rouge, Louisiana, will be the coach of the U.S. Olympic Weightlifting Team at the 2004 Summer Olympiad in Athens, Greece.

I can think of no one associated with coaching, even at the highest levels, more deserving of Olympic recognition. The Olympics is the venue where the best of our world's athletes compete and pursue the ideals of sportsmanship.

Hard work, hard work, and hard work are three of the most important elements of preparation. Talent is certainly important, but commitment to principle is essential. There is no other challenge to an athlete that holds out the highest standards of conduct, as the minimum standard for admission. This makes participation in the Olympics a rare honor. To be selected as a coach of such competitors is even more special.

It is likely that most in the House who listen to this text would assume it is written as a casual political statement to acknowledge Coach Hatch's recent success. Few would know of our long-standing friendship.

It was well over 20 years ago when I first brought my son Brandon to Coach Hatch's training facility. I thought well enough of him then to trust his guidance with my own son. To the exclusion of all other sports, Brandon trained with a commitment I have not seen before. Today my son is a hard working and disciplined person, in large measure due to the principles instilled in Coach Hatch's gym.

I also know the same is true for many men and women who have been part of the ''Hatch'' family. Whether in sports or other endeavors, graduates of the ''Hatch School of Hard Work'' always found ways to succeed in life. This is why I rise today to speak to my colleagues in the House.

Coach Hatch's contribution to the Baton Rouge and sporting community goes far beyond helping a talented young athlete finish in first place. Coach Hatch's work, by instilling principles of decency into young people, is of immeasurable value.

The Olympic Committee has selected Coach Hatch to lead young Americans in the most difficult athletic challenge they will likely ever face. This is a big deal. But I know that our team members will bring honor to America, because of their principled conduct which Coach Hatch will require. Their athletic success will only be an additional reward.

Long after Coach Hatch returns home from Athens, returning I hope, to coach more young people, the awards and acknowledgments will continue to come. Some may be from an Olympic Committee, or an Olympian here or there, but hundreds will come from dads like me. We know, Coach Hatch, what you have given of yourself to help mold our children into principled and committed young adults.

Although it can't be found or put on a shelf, I hope you take pride in hearing all us dads say, ''Thanks Coach''.

For those who don't know Coach Hatch, it is worth noting that he has been active as a weightlifting and strength coach for more than 30 years, and the Gayle Hatch Weightlifting Team has won more than 40 men's Junior, Senior, and Masters national championships. Coach Hatch is a member of the USA Weightlifting Hall of Fame, the National Master Weightlifting Hall of Fame and the USA Strength and Conditioning Coaches Hall of Fame. He holds USA Weightlifting's highest certificate ranking, Senior U.S. International Coach, and is the director of USA Weightlifting's Southern Regional Training Center.

IN RECOGNITION OF THE 105TH ANNIVERSARY OF THE NATIONAL COURT REPORTERS ASSOCIATION

HON. MICHAEL K. SIMPSON

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. SIMPSON. Mr. Speaker, I rise today to honor America's stenographic court reporters and captioners as they celebrate the 105th anniversary of their association.

For centuries, scribes have captured the spoken word to record major and everyday events in recorded history. Shorthand reporters were vital to the preservation of our Nation's founding documents, including the Declaration of Independence and the Bill of Rights. We use them every day in Congress to record the proceedings of our body.

They also provide a valuable service in reaching the hearing-impaired by providing broadcast captioning through Communication Access Realtime Translation (CART). This service benefits millions of Americans every day.

Mr. Speaker, I join with other Members of Congress in honoring and celebrating the efforts of all stenographic court reporters and captioners on July 30, 2004, as they celebrate the 105th anniversary of their association.

FOOD ALLERGEN LABELING AND CONSUMER PROTECTION ACT

HON. MARTIN T. MEEHAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. MEEHAN. Mr. Speaker, I rise today in strong support of the Food Allergen Labeling and Consumer Protection Act. I would like to thank Representative NITA LOWEY for her leadership on this issue, and I would also like to thank Abby Giarrosso of Methuen, Massachusetts for bringing this important bill to my attention.

Abby and her family request a meeting with my office because Abby wanted to share her experience as a child with celiac disease and to get legislation passed making it easier for her to eat safely. She shared letters that she had received from food companies in response to her requests for lists of products she could eat. The response letters were telling. Some gave her examples of gluten-free foods and others said that it was just too hard for them to break down their ingredients.

After Abby came in to my office, I immediately cosponsored the bill, and commissioned a certificate for Abby making her an honorary Legislative Assistant for her work to pass this bill into law.

Abby's story is so touching and compelling. At a birthday party she recently attended, they served pizza and cake and all of the children were given an assortment of goodies as party favors. She has a hard time in situations like that because while the other kids can eat the food, she has to just watch. Her parents do a fantastic job working around the problem. At the party they had her bring her own gluten-free pizza. It seemed reasonable to me that if manufacturers are going to sell products that have serious adverse health effects for a large number of consumers, the least they can do is disclose those ingredients.

The Food Allergen Labeling and Consumer Protection Act will make it easier for people with food allergies to more easily identify a product's ingredients. By requiring food labels to list what, if any, of the eight major food allergens are contained in a product, the bill will protect people with food allergies from the risk of dangerous and even life-threatening reactions.

The bill will also help the estimated three million Americans who suffer from celiac disease, an autoimmune disease that's triggered by the consumption of gluten. The legislation instructs the Department of Health and Human Services to define what constitutes ''gluten-free'' food and how the term should be used on food labels. For those who suffer from celiac disease, like Abby Giarrosso, accurate and easy to read food ingredient labels are critical to their health and well-being.

I urge my colleagues to join me in supporting this important legislation.

PROTECTING RAILROAD OPERATORS, TRAVELERS, EMPLOYEES, AND COMMUNITIES WITH TRANSPORTATION SECURITY ACT OF 2004

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. OBERSTAR. Mr. Speaker, today my colleagues, Congresswoman BROWN, the Ranking Democratic Member of the Railroad Subcommittee of the Committee on Transportation and Infrastructure, Congressmen LIPINSKI, DEFAZIO, CUMMINGS, BLUMENAUER, LARSEN, and MEEHAN, join me in introducing H.R. _____'s, the ''Protecting Railroad Operators, Travelers, Employees, and Communities with Transportation Security Act of 2004,'' PROTECTS Act.

On March 11, 2004, a coordinated terrorist attack against the commuter train system of Madrid, Spain, killed 191 people and wounded more than 1,800 others, making it the deadliest terrorist attack against European civilians

since 1988. The attacks consisted of a series of ten explosions that occurred onboard four commuter trains.

If we learned one thing about terrorists from the Madrid attack, it is that they stick to what they know. Since 2000, bombs have been detonated or defused on railways in India, Russia, the Philippines, the Czech Republic, South Africa, Israel, and Germany. In France, a group calling itself AZF claims it has hidden 10 bombs around the country in order to extort $5 million from the French government. The group demonstrated its credibility by suggesting investigators dig under a rail line; they found a small bomb powerful enough to derail a train.

Terrorist threats against trains in the United States are also increasing. Just last week, a Seattle man who was aboard a cross-country Amtrak train was charged with telephoning bomb threats against the train as it passed through Wisconsin. In May 2003, Lyman Faris, a truck driver from Ohio who pleaded guilty to providing material support to al-Qaeda, told investigators that the organization wanted to derail a train near Washington, D.C. Other intelligence sources report that al-Qaeda operatives have targeted the Washington rail corridor and that some have discussed exploding a train near storage tanks containing hazardous chemicals.

Recent news articles report that, due to increased security threats, New York and New Jersey have put together an ''unprecedented'' rail security plan for the Republican Convention, which includes conducting inspections on platforms, boosting canine units, locking restrooms, and banning overhead luggage.

With ever-increasing threats, our Nation's rail system is at great risk. Accordingly, the Federal Government needs a permanent rail security plan that assures the safety and security of all rail passengers.

The fact is that the Federal Government is spending $4.4 billion this year on aviation security, but it's spending only $65 million on rail security, even though five times as many people take trains as planes every day. The freight railroads have adopted some security measures and Amtrak has added police and dog units and removed large fixtures, such as garbage receptacles and vending machines, from their platforms, but the railroads can't do the job themselves.

The PROTECTS Act ensures that the Federal Government will do its part to take the necessary steps to address security risks on our Nation's railroads, while protecting rail passengers, rail workers, and citizens who live or work in the communities in which railroads operate.

The bill authorizes over $1 billion to safeguard our Nation's rail network from terrorist threats. $500 million is authorized for grants to State and local governments, railroad carriers, rail labor, and others for the full or partial reimbursement of costs incurred in preventing or responding to terrorist activities or other intercity passenger rail and freight rail security threats.

A total of $597 million is authorized for Amtrak to make fire and life-safety improvements to tunnels on the Northeast Corridor in New York, New York, Baltimore, Maryland, and Washington, DC. $65 million is authorized for system-wide Amtrak security upgrades. This funding is critical as Amtrak shuttles 66,000 passengers every day, two-thirds of them through the targeted Northeast corridor. Terrorist attacks on crowded stations and on key elements of the infrastructure are a particular cause for concern.

A total of $50 million is authorized for the Secretary of Transportation to create a research and development program to improve freight and intercity passenger rail security. Funding is also provided for a vulnerability assessment of freight and passenger rail transportation and a study and pilot program on passenger, baggage, and cargo screening.

Moreover, the PROTECTS Act focuses on something other bills ignore: the importance of ensuring that key workers have the necessary support and training required to protect our rail system, whether those workers are railroad employees or emergency responders.

Rail workers are truly the eyes and ears of the rail industry. They greet passengers, sell tickets, operate trains, maintain track and signal systems, dispatch trains, operate bridges, and repair rail cars. They are in the most direct position to spot security risks and potential threats. The PROTECTS Act requires rail carriers to provide security training to these workers to ensure that they are prepared to recognize and react to potential threat conditions. Moreover, the bill strengthens whistleblower protections to ensure that workers who report or identify a security risk will not face retribution or retaliation from their employers. These protections are similar to the whistleblower protections provided to airline employees, except that this would allow a wlhistleblower to bring an action in the appropriate district court if the Secretary of Labor fails to issue a final decision within 180 days of the filing of a complaint. A rail worker should not have to choose between doing the right thing on security and his or her job. Despite whistleblower protections in current law, employees still experience employer harassment and intimidation when reporting accidents, injuries, and other safety concerns.

When I began reviewing the issue of rail security, I sent a letter, along with Congressmen HENRY WAXMAN and ELIJAH CUMMINGS, to the Government Accountability Office, GAO, requesting a review of ten communities to see whether they are prepared to respond to rail incidents involving hazardous materials, whether accidental or intentional. Accidents in urban areas, such as the 2001 incident in the Howard Street Tunnel in Baltimore, Maryland, involving a fire fueled by hazardous materials, and a leak in hydrocholric acid from a parked tank car in an urban area in Lowell, Massachusetts, have called attention to the safety of hazardous materials shipped by rail.

GAO found that many emergency responders were not properly trained to respond to incidents involving hazardous materials and radioactive waste. Local fire department officials that GAO visited in all ten communities confirmed that fire department personnel have received the awareness-level training, the lowest level of training recommended in National Fire Protection Association (NFPA) Standard 472, Professional Competence of Responders to Hazardous Materials Incidents, which provides first responders with the knowledge and skills to identify a hazardous materials incident and to contact the appropriate response resource. However, NFPA representatives reported that the minimum level of training for first responders should actually be at the operations level, the second highest level of training described in NFPA Standard 472, which trains responders to plan and initiate a response to the incident. The PROTECTS Act does just that, but it doesn't stop there.

GAO found that while local communities have most of the equipment needed to respond to hazardous material incidents, some locations lacked essential equipment, such as detectors, decontamination equipment, and personal protective gear. My bill addresses this need. It authorizes the Secretary of Transportation to make grants to State and local governments, as well as nonprofit employee organizations representing emergency responders, for advanced firefighter turnout gear.

The PROTECTS Act also ensures that emergency responders know the types and quantities of hazardous materials stored in transit in their communities to aid in emergency response planning and to ensure that, once again, the local emergency responders have the proper training and equipment to respond to incidents involving dangerous materials.

Winston Churchill, in his first statement as Prime Minister to the House of Commons, said ''without victory there is no survival,'' including, as he noted, ''victory in spite of all terror.''

The PROTECTS Act is a necessary step to ensuring that end.

A detailed summary of the bill's provisions is attached.

THE PROTECTING RAILROAD OPERATORS, TRAVELERS, EMPLOYEES, AND COMMUNITIES WITH TRANSPORTATION SECURITY ACT OF 2004—THE PROTECTS ACT

On March 11, 2004, a coordinated terrorist attack against the commuter train system of Madrid, Spain, killed 191 people and wounded more than 1,800 others, making it the deadliest terrorist attack against European civilians since 1988. The attacks consisted of a series of ten explosions that occurred onboard four commuter trains.

Bombings on trains are nothing new for terrorists. Our Nation's rail transportation network has also been targeted. Lyman Faxis, a truck driver from Ohio who pleaded guilty last May to providing material support to al-Qaeda, told investigators that the organization wanted to derail a train near Washington, DC. Other intelligence sources report that al-Qaeda operatives have targeted the Washington rail corridor and that some had discussed exploding a train near storage tanks containing hazardous chemicals. Then, last Friday, a Seattle man who was aboard a cross-country Amtrak train was charged with telephoning bomb threats against the train as it passed through Wisconsin on Tuesday.

The Federal Government is spending $4.4 billion this year on aviation security, and spending only $65 million on rail security, even though five times as many people take trains as planes every day. While the freight railroads have adopted some security measures and Amtrak has added police and dog units and removed large, fixtures from their platforms, such as trashcans and vending machines, the railroads can't do the job themselves.

The PROTECTS Act of 2004 ensures that the Federal Government will take the necessary steps to address certain security risks on our rail transportation network, while protecting the safety and security of travelers, employees, and communities. The bill, among other things, authorizes $500 million to be appropriated for freight and passenger rail security improvements, a total of $597 million for Amtrak's fire and life-safety improvements, $65 million for system-wide Amtrak security upgrades, and a total of $100 million for rail research and development.

Vulnerability Assessment. Requires the Secretary of Transportation, in consultation with the Secretary of Homeland Security, to complete a vulnerability assessment of freight and passenger rail transportation, develop recommendations for improving rail security, and finalize a plan for the Federal Government to provide increased security support during high or .severe threat levels of alert. The bill includes a reporting requirement to the House Committee on Transportation and Infrastructure and the Senate Committee on Commerce, Science, and Transportation. The bill authorizes $5 million in fiscal year 2005 for this initiative.

Memorandum of Agreement. Requires the Secretary of Transportation and the Secretary of Homeland Security to execute a memorandum of agreement governing the roles and responsibilities of the Department of Transportation and the Department of Homeland Security in addressing rail security.

Study of Foreign Rail Transport Security Programs. Requires the Comptroller General to conduct a study of rail passenger transportation security programs in Japan, the European Union, and other foreign countries. The results of the study must be submitted to the House Committee on Transportation and Infrastructure and the Senate Committee on Commerce, Science, and Transportation, along with the Comptroller General's assessment of whether the United States can implement the same or similar security measures as those which are determined effective under this study.

Rail Police Officers. Allows rail police officers who are employed by a particular rail carrier to enforce the laws of a jurisdiction in which any rail carrier owns property.

Review of Rail Regulations. Requires the Department of Transportation, to review existing rail regulations for the purpose of identifying areas in which those regulations need to be revised to improve rail security. Not later than 1 year after the date of enactment of the Act, the Inspector General must send a report to the House Committee on Transportation and Infrastructure and the Senate Committee on Commerce, Science, and Transportation, including recommendations for changes to the regulations reviewed and any legislative changes required to improve railroad security.

Freight and Passenger Rail Security Improvement Program. Authorizes the Secretary of Transportation to make grants to State and local governments, railroad carriers, non-profit employee organizations representing rail workers or emergency responders, owners and lessors of rail cars used for transporting hazardous materials, shippers of hazardous materials by rail, universities, colleges, and research centers for full or partial reimbursement of costs incurred for certain activities to prevent or respond to acts of terrorism, sabotage, or other intercity passenger rail and freight rail security threats. The bill authorizes $500 million in fiscal year 2005 for this program.

Fire and Life-Safety Improvements. Authorizes the Secretary of Transportation to make grants to Amtrak for fire and life-safety improvements to tunnels on the Northeast Corridor in New York, NY, Baltimore, MD, and Washington, DC. A total of $597 million is authorized for this program.

Rail Security Research and Development. Allows the Secretary of Transportation, in consultation with the Secretary of Homeland Security, to establish a research and development program to improve freight and intercity passenger rail security. The bill authorizes $50 million in each of fiscal years 2005 and 2006 for this program.

Rail Worker Security Training Program. Requires the Secretary of Transportation to develop guidance for a security training program to prepare rail workers for potential threat conditions. Railroad carriers would be required to develop the program in accordance with the guidance and submit it to the Secretary for approval. Once the program is approved, the railroad carriers would have 180 days to complete the training.

Whistleblower Protections. Strengthens whistleblower protections to ensure that no employee or other person may be harassed, prosecuted, held liable, or discriminated against in any way for commencing, testifying, assisting, or participating in a proceeding or any other action to enhance rail security, or for refusing to violate or assist in violating any law, rule, or regulation, related to rail security. The bill would also allow claimants to bring an action in the appropriate district court if the Secretary of Labor has not issued a final decision within 180 days of the filing of a complaint, and there is no showing that the delay is due to the bad faith of the claimant.

Systemwide Amtrak Security Upgrades. Authorizes the Secretary of Transportation to make grants to Amtrak to secure tunnels, Amtrak trains, and Amtrak stations; to obtain a watch list identification system; to obtain train tracking and interoperable communications systems; to hire additional police and security officers, including canine units; and to expand emergency preparedness efforts. The bill authorizes $65 million in fiscal year 2005 for this program.

Public Awareness. Requires the Secretary of Transportation, in coordination with the Secretary of Homeland Security, to develop a national plan to increase awareness of measures that the general public, passengers, and employees can take to increase rail security.

Passenger, Baggage, and Cargo Screening. Requires the Secretary of Transportation, in consultation with the Under Secretary of Homeland Security for Border and Transportation Security to analyze the cost and feasibility of requiring security screening of passengers, baggage, and cargo on passenger trains. The bill also requires the Secretary of Transportation to conduct a pilot program of random security screening of passengers and baggage at passenger rail stations served by Amtrak. The bill authorizes $5 million for fiscal year 2005 for this program.

Emergency Responder Training Standards. Ensures that persons responding to emergencies that involve the removal and transportation of hazardous materials and high hazard materials are properly trained to protect nearby persons, property, or the environment from the effects of hazmat accidents.

Information for First Responders. Allows rail tank cars containing hazardous materials and high hazard materials to be transported or stored on rail tracks as long as information identifying the tank car, the hazardous materials within the tank car, and response guidance are immediately available to local emergency responders. Such information shall be provided through the Operation Respond Institute's technology or similar technology.

Definitions. Defines 'high hazard' materials as poison inhalation hazard materials, Class 2.3 gases, Class 6.1 materials, anhydrous ammonia, and Class 7 radioactive materials.

HONORING THE COUNTRY OF JAMAICA ON THE OCCASION OF ITS 42ND INDEPENDENCE DAY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. RANGEL. Mr. Speaker, I rise today to recognize the country of Jamaica and to celebrate the 42nd anniversary of its Independence.

The history and traditions of the Jamaican people are knitted tightly within America's cultural fabric. Jamaica's influence is particularly apparent in Black and Brown communities throughout the United States, where the sounds, smells, tastes, and mores of Jamaica have found a second home. From Brooklyn to Baltimore to the Bay Area, Jamaicans and Jamaican-Americans have made their mark as successful, knowledgeable, and hard-working ambassadors of both a vibrant culture and an impassioned commitment to social change.

The Jamaican spirit is vibrantly shown by the two men who perhaps did the most to set the country on a path towards independence. Following the 1938 labor unrest, William Alexander Bustamante, founder of the Jamaican Trade Workers and Tradesmen Union JTWTU 3 years earlier, captured the hearts and minds of workers made furious by British indifference and oppression. Bustamante emerged from the strikes as the leading spokesperson for working class interests in Jamaica. By leveraging the power of the JTWTU to create the Bustamante Industrial Trade Unions, Bustamante formally inaugurated Jamaica's worker's movement, which was the primary piston in the engine of Jamaica's independence campaign.

While Bustamante organized the masses in the streets, Norman W. Manley, an Oxford-trained lawyer, Rhodes scholar, and humanist intellectual, laid the groundwork for the theory behind the independence movement's action. On September 18, 1938 Manley inaugurated the People's National Party PNP, which was guided by the principles of equality of opportunity and the need for a welfare state. Manley established a broad network in both urban areas and rural parishes, and built support for progressive public policy across wide swaths of Jamaican society.

Although Bustamante eventually founded the Jamaican Labor Party, a political rival of the PNP, the two men, both visionary nationalists and advocates of fundamental social change, worked towards the singular goal of freedom for Jamaica's people. Their efforts as alternating Premiers led to constitutional amendments which strengthened Jamaican self-governance and gradually eroded British control the island. This period, known as ''constitutional decolonization,'' ushered in the great day of Jamaica's independence, August 6, 1962.

But Jamaica's independence is not just marked by a date. It is carried instead in the bosom of emissaries of peace and justice, Jamaicans who have sown seeds of their particularly fiery brand of liberty across the world.

Thus we cannot tell the tale of American liberation movements without mentioning with highest regard the great Jamaican-American leader Marcus Garvey, founder of the Universal Negro Improvement Association and champion of oppressed people of African descent across the globe.

And the very marrow of the anti-war, Black Power, and anti-colonialist movements of the late 1960s, 70s, and 80s was the inspirational and haunting melodies of Bob Marley, perhaps the most important figure in 20th century music. Marley elevated music beyond the level of an art form and made it instead an earthly embodiment of spiritual truths, melodious wisdom which transcended daily problems and cut to the heart of man's most pressing struggles. Even today, the music of Bob Marley articulates the groanings of people's movements throughout the world, unceasing in its cry for peace and freedom.

The list could go on: 'Granny Nanny,' the revolutionary maroon who fiercely and successfully battled the British throughout the 18th century; General Colin Powell, our national hero; Claude McKay, the great poet and inspiration for the Harlem Renaissance; Dudley Thompson, Sheryl Lee Ralph, Grace Jones, Harry Belafonte, and many, many others. These Jamaicans and Jamaican-Americans have had an enormous impact on American history and culture, cutting their own paths across the world and touching the lives of millions of Americans.

On this special occasion, I hold that Independence Day is not simply a 24-hour period in Jamaica; it is, instead, a way of life. And it is my hope that we in the United States, with our economic policies and diplomatic relations, encourage the spirit of self-determination and independence in Jamaica, assisting Jamaica's people as they work for the economic and social freedom that they so sorely deserve.

INTRODUCTION OF THE AMERICA SAVING FOR PERSONAL INVESTMENT, RETIREMENT AND EDUCATION (''ASPIRE'') ACT

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. KENNEDY of Rhode Island. Mr. Speaker, I rise today to join my colleagues Congressmen FORD, PETRI, and ENGLISH in introducing the ASPIRE Act, which presents new hope for extending the American dream.

The ASPIRE Act—or America Saving for Personal Investment, Retirement, and Education—renews our commitment to ensuring opportunity for every child. This Act is in keeping with our government's long-standing tradition of expanding opportunities for each generation of citizens. It upholds the tradition of the Homestead Act, which in the nineteenth century sought to create opportunity through land ownership. It is in the same spirit that, in the twentieth century, we created universal public education—and then opened up access to higher education through the GI Bill and Pell grants.

Living up to our goal of ensuring opportunity requires a new strategy, one tailored to the information age. In the twenty-first century, opportunity is tied to ownership. And yet we see today glaring disparities in the distribution of assets. A huge gulf exists between those who have ready access to asset-building tools, and those who do not.

If we are to make good on our promise to America's youth, we need an honest new effort to broaden ownership of assets. We need to make savings incentives universal, rather than reserving them exclusively for the wealthy and middle class. The tax deductions we currently use to incentivize savings disproportionately benefit those in the highest tax brackets, not those who need the most help.

By creating universal ''KIDS accounts,'' the ASPIRE Act will give every child born in this country a real stake in the future. Under the program, every child's account will be credited with an automatic $500 seed contribution at birth, supplemented by up to an additional $500 for children living below the median income.

These accounts will be invested in a system like the Thrift Savings Plan for federal employees, giving kids and their parents a range of indexed investment options, from government bonds to international stocks. The accounts will be able to receive up to $1,000 each year in private voluntary contributions. Children in lower income families will receive dollar-for-dollar government matches for annual contributions of up to $500. As in Roth IRAs, the growth of account balances will be tax-free.

When children turn 18, thanks to compound interest, they will have a real nest egg that they can use for higher education costs, save for future home-ownership, or save for retirement. They can then chose to maintain their accounts within the ASPIRE Fund, or roll them over to private financial institutions.

Some will criticize universal savings accounts as too ''big government'' or too expensive. But let me tell you, we subsidize asset-building in a very big way already—70 billion dollars each year for the homeowner's mortgage interest deduction and 150 billion for retirement accounts like IRAs, just to name two. Contrast this with the seven billion dollars per year it would take to bring savings to every American. That's less than 3 percent of what we currently spend subsidizing savings and investment for middle class and wealthy Americans.

Universal KIDS accounts will go a long way toward the creation of a true stakeholder society. They will enable millions of young Americans to gain access to higher education. They will put homeownership—the cornerstone of Americans' financial stability—within reach of millions more families. And they will put every young American on track for developing retirement savings.

Consider that a child receiving the full $1,000 seed contribution, contributing as little as $250 per year to an account earning 7 percent, would hold an account worth $21,480 by her 18th birthday. By the time this individual reaches age 65, the account balance would grow to over half a million dollars.

We know from experience that incentives like matching contributions can help lower-income families save. Evidence provided by individual development accounts as well as 401(k) plans clearly points to the success of these strategies. In addition, international models demonstrate the feasibility of a universal accounts program. This is the so-called baby bonds idea that Tony Blair has instituted in Great Britain, and if they can do it there, we can do it here in the United States.

Think about the way that universal accounts would transform the outlook of young Americans. A new generation, assured savings accounts at birth, would cultivate a savings habit from a young age. These kids would grow up knowing that they own something, getting quarterly statements. KIDS Accounts would encourage a new culture of increased financial literacy, which is critical for enhancing one's prospects in a society where ownership equates with opportunity. Your lot in life shouldn't depend on your parents' paycheck. KIDS accounts would give every child in the United States a real stake in the future, and a reason to dream.

I want to point out, Mr. Speaker, that this bill is both bipartisan and bicameral, with Senators SANTORUM and CORZINE introducing a companion in the other body. I hope that the breadth of our initial supporters will foreshadow a wider embrace of this legislation that truly transcends party lines.

I want to thank my colleagues from both parties and both chambers for the hard work that has gone into thinking through details of this effort. And special thanks are due Ray Boshara and Reid Cramer at the New America Foundation, who have provided much of the intellectual foundation underlying this important step forward.

Mr. Speaker, too often our policy innovation falls victim to our partisan acrimony. If we are to preserve the universal opportunity that has been the hallmark of America for two centuries, we need to get beyond stale ideas and ideological blinders and embrace new ideas for a new age. I'm proud to join my friends today in introducing the ASPIRE Act and look forward to working with colleagues on both sides of the aisle to reinvigorate the American dream.

RECOGNIZING DON MILLER AS A HERO OF CHEMISTRY

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. GERLACH. Mr. Speaker, I rise today to recognize my constituent, Don Miller of Downingtown, PA, as one of the American Chemistry Society's 2004 Heroes of Chemistry.

The Heroes of Chemistry Award was created in 1996 to recognize the innovation and hard work of scientists whose chemical work has produced successful commercial products.

Along with four of his colleagues at Wyeth, Don is being recognized by the ACS for his pioneering work in developing the world's first antibody-targeted chemotherapeutic agent. Don headed this team of scientists for 7 years, seeing the research all the way through to product approval by the Food and Drug Administration.

Born and raised in Pittsburgh, Don's love of science led him first to the University of Pittsburgh and then on to Purdue University for his PhD. His career as a scientist has taken him across the United States and around the world, but the driving force in his life remains in Downingtown with his loving wife, Eva, and his daughters, Skye and Rhiannon.

The ingenuity, perseverance and dedication of Don Miller, and all of his colleagues in the

various fields of chemical research, has had a tremendously positive impact on the quality of our health and lives and we all owe Don and his dedicated colleagues our utmost gratitude and appreciation.

PERSONAL EXPLANATION

HON. TOM COLE

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. COLE. Mr. Speaker, I rise today to note that on rollcall 397 I voted incorrectly and would like the RECORD to reflect that I had intended to vote "yea" on that rollcall vote.

INTRODUCTION OF OCEANS 21

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. FARR. Mr. Speaker, today signals the beginning of a new era in the protection and management of this Nation's largest public trust resource: our oceans. Along with the other bi-partisan co-chairs of the House Oceans Caucus, JIM GREENWOOD of Pennsylvania, TOM ALLEN of Maine, and CURT WELDON of Pennsylvania, I introduced OCEANS 21, a comprehensive oceans policy bill that answers the calls of the Pew Oceans Commission and the U.S. Commission on Ocean Policy.

Our bill offers a comprehensive legislative solution to all of the crises documented in both oceans reports by establishing a strong national oceans policy that protects, maintains, and restores the health of marine ecosystems. This national policy will secure, for present and future generations, the full range of benefits of healthy marine ecosystems—a responsibility that I take quite seriously in my job of representing California's central coast, home to the Nation's largest national marine sanctuary.

The importance of this policy cannot be overstated, as we all depend on our oceans and coasts, from the person who lives off the water to the person who visits the ocean once in a lifetime. The oceans provide food, jobs, vacation spots, as well as opportunities for scientific inquiry, including medical discovery, and personal reflection. Despite our inability to measure the many non-market values associated with our oceans and coasts, we are able to quantify some of the benefits they provide. For example, over a trillion dollars is added to our economy each year by ocean and coastal economies. This is a huge economic contribution to our gross domestic product, a contribution that must be protected so the returns keep coming. Our bill explicitly protects these returns.

Mr. Speaker, to implement the national oceans policy set forth in OCEANS 21, we provide four national standards which covered actions, defined as those carried out by the Federal Government or paid for in part by Federal funds, must be consistent with. These standards include a precautionary approach and a reversal of the burden of proof. These cornerstones of OCEANS 21 are founded on the opinions of many marine scientists who have seen the health of marine ecosystems degrade over the past years. In fact, many scientists have been encouraging a restructuring of our ocean policy to reflect a precautionary approach and a reversal of the burden of proof for many years. For example, in a 1998 Science article, Paul Dayton, a preeminent marine scientist, asserted, "If society's environmental needs are to be protected so that future generations can also enjoy, learn, and profit from marine ecosystems, this legal burden of proof must be applied to our marine resources so that those hoping to exploit them must demonstrate no ecologically significant long-term changes." Today, I am proud to report back to the scientists, those who know our oceans better than most, that members of Congress have heard their calls and have responded.

As asserted in both the Pew and U.S. Commission Reports, our government needs a way to promote greater coordination among federal agencies whose actions may affect the oceans. Our bill responds to this issue by establishing a National Oceans Council comprised of secretaries of departments and heads of independent agencies. OCEANS 21 recommends that this Council be chaired by a National Oceans Advisor to the President. We recognized early on in our House Oceans Caucus leadership discussions that the best way to improve federal stewardship of our ocean resources was to offer a mechanism for bringing federal agencies together and to have an advisor to the President who can articulate the importance of the oceans. The National Oceans Council and the National Oceans Advisor are the solutions we present.

One of the biggest advances in our understanding of the oceans to occur since our last national review of ocean policy over 30 years ago is that the natural world functions as ecosystems, with each species intricately connected to the other parts that make up the whole. Both the Pew and the U.S. Commission Reports clearly state that we must adopt a new policy framework that is based on the concept of "the whole," an ecosystem-based approach, and move away from our archaic approach based on political boundaries. This new ecosystem-based management approach will not be as easy as our previous approaches, but we must dedicate ourselves to making it a reality.

We have responded to the call for ecosystem-based management by including within OCEANS 21 a provision for Regional Ocean Councils, whose primary responsibility is to do ecosystem planning. We do comprehensive land use planning, so why not do comprehensive ocean planning? With a national ocean policy explicitly written to maintain healthy ocean ecosystems and with Regional Ocean Councils charged with developing and implementing regional ocean ecosystem plans, we can turn back the tide of irresponsible ocean management.

Mr. Speaker, the bill also provides an "Organic Act" for the National Oceanic and Atmospheric Administration (NOAA)—an agency whose existence today is only reflected in an Executive Order. Our bill establishes NOAA in statute. However, unlike some of the other proposals currently being considered, we do not simply codify the status quo. This is because we recognize the status quo has failed and, if long-term ecological sustainability is one of our goals, then we can no longer consider our ocean resources in a piecemeal fashion. OCEANS 21, therefore, restructures NOAA to better reflect the importance of ecosystem approaches.

Setting the stage for a long-term solution to the best possible management of our ocean resources, we also call for the President to submit recommendations for reorganizing Federal departments to establish a Department of Natural Resources. This way, all of our valuable natural resources can be managed together—reflecting our full acknowledgement of the connections between all parts of the natural world, from the oceans to the land to the air.

In addition to addressing the problems of oceans governance, OCEANS 21 also addresses the need for increased investments in marine science research, including ocean exploration, and marine education.

Mr. Speaker, to address the Pew and U.S. Commission recommendations surrounding the ocean science, our bill calls for a national strategy on ocean and coastal science and authorizes funding for marine ecosystems research. OCEANS 21 also creates a National Oceans Council Subcommittee to focus Federal investments on scientific areas especially requiring attention.

One of the most exciting aspects of OCEANS 21 is that it will help to instill a new marine stewardship ethic in all people—from first-graders learning how to read to graduate students investigating challenging scientific processes. The bill does this is in many ways: by explicitly describing education as one of NOAA's missions; by creating an interagency ocean science and coastal education program; by establishing an ocean science and technology scholarship program; and by creating a mass media campaign on how we are all dependent on healthy and productive oceans.

Mr. Speaker, OCEANS 21 is a comprehensive response to two comprehensive ocean reports that both deliver the same sad message: our oceans are in peril and we must act now. It is up to each of us to not let this unprecedented, once-in-a-generation opportunity pass us by. With the U.S. Commission on Ocean Policy and The Pew Oceans Commission Reports both calling for immediate action to protect the oceans, this Congress has a responsibility to the American public to pass legislation that ensures future generations have the opportunity to benefit from healthy oceans. Since coming to Congress in 1993, I have worked hard to raise awareness of the importance of our oceans and today, my dedication to protecting this Country's largest public trust resource is reflected in the introduction of OCEANS 21. I have worked with the bi-partisan cochairs of the House Oceans Caucus to introduce a bill that we all support and this bipartisan effort should be celebrated.

The Bush Administration has a prime opportunity to take the steps necessary to instill a new ocean ethic in our government. Action by this Administration could very well save our oceans. The time for leadership is now. I am dedicated to providing it in Congress, and I hope the President will provide it in the White House.

Mr. Speaker, I urge all of my colleagues to dedicate themselves to shaping a better future for our oceans by supporting the House Oceans Caucus Leadership's ocean policy bill. Our bill will not only bring U.S. ocean policy

into the 21st century, it will set the tone for a future in which our oceans remain vital components of our economy, our communities, and our lives.

Mr. Speaker, I would like to close with a quote from the U.S. Commission Report that encapsulates my thoughts on the urgency of considering OCEANS 21 this session:

"The responsibility of our generation is to reclaim and renew the oceans for ourselves, for our children, and—if we do the job right—for those whose footprints will mark the sands of beaches from Maine to Hawaii long after ours have washed away."

HENDRICK MOTORSPORTS

HON. ROBIN HAYES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. HAYES. Mr. Speaker, I rise today in celebration of the twentieth anniversary of Hendrick Motorsports.

Hendrick Motorsports was started by my good friend Rick Hendrick in 1984 for the purpose of entering a single car into a single stock car race. Over the next twenty years, Hendrick Motorsports grew into the racing empire it is today, supporting four entries in NASCAR's Nextel Cup Series and one entry in the Busch Series every week. Since its inception, Hedrick Motorsports teams have secured five NASCAR Winston Cup now Nextel Cup Championships, three NASCAR Craftsman Truck Series titles, and one NASCAR Busch Series crown, totaling more than 100 victories in twenty years of racing.

All Hendrick race cars are completely constructed at a 62-acre complex in my home of Cabarrus County, North Carolina. Hendrick Motorsports provides employment to more than 400 Cabarrus County residents. They work not only in the production of racing cars and engines at the main complex but also in the many other daily operation activities of Hendrick Motorsports, such as managing HendrickMotorsports.com, maintaining the 15,000 square-foot Hendrick museum, marketing, public relations, sponsor services, licensing, and merchandising.

The success of Hendrick Motorsports on the race track has led to the opening of the Hendrick Automotive Group, which consists of nearly 60 car dealerships across the country. These dealerships contribute both to their local communities, through donations to local charities, and to the Nation as a whole by participating in The Hendrick Marrow Program.

Created in 1997, the Hendrick Marrow Program seeks to recruit donors to the National Marrow Donor Program and provides financial assistance to the patients who receive these live-saving transplants. As a direct result of the Hendrick Marrow Program's efforts, more than 60,000 potential volunteer donors have joined the National Marrow Donor Program Registry and more than $500,000 have been used to assist patients with transplant-related costs, such as lodging and post-transplant prescriptions.

Mr. Speaker, I am proud to thank Hendrick Motorsports for making Cabarrus County "The Center of American Motorsports" and to congratulate them for twenty years of achievement both on and off the track.

INTRODUCTION OF THE GATEWAY TO DEMOCRACY ACT

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. MARKEY. Mr. Speaker, I rise today to introduce the Gateway to Democracy Act, a bill designed to increase young voter registration and participation. As we enter another presidential election season we are once again reminded that in order for our democracy to function properly, people need to exercise their right to vote. Unfortunately, young people consistently fail to turn out to the polls on voting day. According to the U.S. Census Bureau, in the 2000 general election only 45.4 percent of 18 to 24 year olds were registered to vote and only 32.3 percent voted. The statistics for the 1998 general election were even more dismal, as 39.2 percent of such individuals were registered and a mere 16.6 percent actually went to the polls.

Studies have shown that people establish their voting behavior early in life. People who start voting between the ages of 18-24 are more likely to consistently participate in the election process for the rest of their lives. Thus it is in the best interest of the country to make it as easy as possible for the youth of our nation to go to the polls for the first time.

Young adults often fail to turn out on their first Election Day simply because, for the first time, they realize they have not registered to vote. Most states require registration prior to the election itself, so that it is too late to establish voter eligibility on Election Day. The Gateway to Democracy Act seeks to increase the number of young people who are eligible to vote as soon as they reach voting age.

In 1993, we passed The National Voter Registration Act so that people could register to vote when they applied for their motor vehicle driver's licenses. This law has increased voter registration and according to studies appears to increase youth voting. However, many states allow individuals to get their licenses years before they meet the age requirement for registration, but few states allow registration at that time if the person is not eighteen years old. Since 53.7 percent of seventeen year olds already had their motor vehicle licenses in 2002, we missed a valuable opportunity to register more than half of the people in that age group.

The Gateway to Democracy is a very simple idea. If you're 18 or older and you apply for a driver's license, you can also register to vote. But in most states, if you are under 18, you do not have the same opportunity to register to vote at the same time that you apply for a drivers license. Thus, a 16 or 17 year old typically must make a second trip to register after that person reaches the eligible age to vote. Often these young people don't bother to make this second trip until it is too late for them to participate in the first election for which they are eligible. This bill will allow people who are too young to vote to fill out all the paperwork necessary to register to vote when they get their drivers license. However, they won't be eligible to go to the polls until they reach the legal minimum voting age.

Some states already have successful pre-registration programs. For example, Connecticut, Florida and Maine allow people to pre-register to vote at age 17, Georgia, Missouri, and Iowa allow people to pre-register at age 17 and a half and Hawaii allows people to preregister at age 16. These programs prove that pre-registration programs are simple and effective.

The Gateway to Democracy is a commonsense solution to the problem of getting young people registered in time for their first election. It allows young people to take care of the paperwork ahead of time so that they don't have anything standing in their way on Election Day.

INTRODUCTION OF THE ESRD MODERNIZATION ACT

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. CAMP. Mr. Speaker, I rise to urge my colleagues to support the End Stage Renal Disease (ESRD) Modernization Act, which is designed to improve the quality of care and quality of life for the more than 3,000,000 Americans living with ESRD.

Patients with irreversible kidney failure, also known as ESRD, will die unless they receive a kidney transplant or undergo dialysis. Sadly, transplantation is limited due to the shortage of donor organs, so the vast majority of those with ESRD must undergo dialysis, three times a week, in dialysis centers or their homes.

Since Congress first agreed to provide Medicare benefits to patients with kidney disease, the number of Americans in need of dialysis treatments has increased exponentially. Today, the most common cause of kidney failure is diabetes. As rates of obesity and Type II diabetes increase, we face an even greater number of Americans at risk for kidney failure.

Because of Medicare, these patients are able to live longer and healthier lives. As important as the ESRD program is, it has not kept pace with the rest of Medicare. Last year we worked to modernize the Medicare program, yet we did not address some of the most pressing issues within the ESRD Program. The comprehensive bill that we introduce today seeks to resolve those problems.

The ESRD Modernization Act would establish educational programs to improve patient care and quality of life. Under this Act, patients with chronic kidney disease (the precursor to ESRD) would have access to new educational programs to learn more the factors that lead to kidney failure and how to prevent them. ESRD patients would have the opportunity to develop skills to help them manage their disease more effectively. The bill also seeks to help those patients able to continue working while receiving dialysis do so by improving the home dialysis benefit.

Additionally, the ESRD Modernization Act would ensure the financial stability of the Medicare ESRD program by providing a mechanism for annual updates to the composite rate. Currently, the ESRD Program is the only Medicare Prospective Payment System program that does not have a mechanism to update its payment rates. This Act will provide such a mechanism, consistent with MedPAC's recommendation in its 2000 Report to Congress.

It is time we fix this life-saving program. I urge my colleagues to support this important

piece of legislation so that the Medicare ESRD Program can meet the challenges it faces in the 21st Century.

THE 9/11 COMMISSION REPORT

HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Ms. MCCARTHY of Missouri. Mr. Speaker, on September 11, 2001 America watched in horror as terrorists attacked our country. We felt outrage and sadness but the worst feeling that day was a sense of helplessness. We wanted to know how the terrorists were able to invade our country and commit these terrible acts of violence and what we could do to prevent this from happening again.

Today's release of the 9/11 Commission Report will help focus our efforts in finding out what went wrong and what steps we must take to prevent another attack. The findings by the bipartisan 9/11 Commissioners give us an opportunity to analyze the steps that we have taken in the last two and one half years to make this country safer.

The Commission found that lack of intelligence information sharing between the CIA, FBI and other government agencies was the greatest weakness leading to the 9/11 attacks. They found that even when information was shared there still was an inability to connect the dots.

As Ranking Member on the Intelligence and Counterterrorism Subcommittee of the Select Committee on Homeland Security, I have worked with my Subcommittee chairman, Jim Gibbons, to make sure that the intelligence agencies are gathering and sharing critical information. We have also held hearings concerning information sharing with our first responders and state and local officials. These brave men and women who serve on the front line must be kept in the loop and be provided with the tools they need to communicate with each other as they work to protect the citizens of this great country. We still have much to accomplish, but I believe that the 9/11 Commission Report will significantly assist with our work on these critical issues.

The Commission recommends that Congress give the executive branch more guidance on fighting terrorism and that the Congressional Intelligence Committees take a more active oversight role. They also recommend the establishment of a National Counterterrorism Center, and consolidating budgetary and operational oversight of all fifteen intelligence agencies and the naming of a new National Intelligence Director to help unify the intelligence community. I support all of these recommendations and thank the 9/11 Commissioners and their staff for their dedication to winning the war on terrorism.

THE 30TH ANNIVERSARY ON TURKEY'S INVASION OF CYPRUS

HON. GREGORY W. MEEKS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. MEEKS of New York. Mr. Speaker, this week, the world marked the 30th anniversary of Turkey's invasion of Cyprus. And so began three decades of Turkey's illegal military occupation of Cyprus. Even as we speak, Turkey maintains 30,000 heavily armed troops in the occupied portions of Cyprus.

For 30 years, Cyprus has been divided by a green line—a 113 mile barbed wire barrier that runs across the width of the island.

For 30 years, Greek Cypriots have experienced 30 years of ethnic cleansing, forcible evictions, and missing persons. Cyprus has endured 30 years of the flouting of its territorial integrity. This includes the occupation authority's attempt to create an independent ''Turkish Republic of Northern Cyprus.''

The international community has witnessed 30 years of the flagrant violation of U.N. General Assembly resolutions and Security Council decisions calling for immediate withdrawal of all foreign forces from Cyprus, the return of refugees, and respect for the island's sovereignty.

Thirty years is a long time. The occupation of Cyprus has been going on too long. If left to their own wisdom and devices, with firm international support, Greek and Turkish Cypriots could find ways to live in peace and harmony.

The international community can and must play an indispensable role in settling the Cyprus dispute. But, to do this, it must draw the proper conclusions from results of the vote this past April on the reunification plan put forward by the United Nations.

Seventy six percent of the Greek Cypriot electorate opposed the ''Annan Plan'' because of concerns about security, property restitution, and the structure of the proposed central government, while 65 percent of Turkish Cypriot voters supported it. It is clear from this experience that a workable solution must take the interests and concerns of both the Greek and Turkish Cypriot communities fully into account.

It is instructive that the split vote has not led to greater tension between the two communities or between Greece and Turkey. During most of the 433 year history of Cyprus, Greek and Turkish Cypriots have coexisted peacefully.

With the notable exception of the period that immediately followed Turkish occupation of Cyprus, Greek and Turkish Cypriot relations have largely been free of inter-communal violence. The hotly debated referendum itself took place overwhelmingly with an absence of conflict. This shows that despite the differences between them, Greek and Turkish Cypriots overwhelmingly share a desire for peace.

The leadership of the Republic of Cyprus seeks a bizonal, bicommunal federation under a plan that promotes the genuine reunification of Cypriots and Cypriot society, while enabling each community to retain its own identity and culture.

Cyprus's admission to the European Union on May 1st of this year may have created a new opportunity for resolving the division and occupation with an inclusive democratic system in which human rights are fully respected and the fundamental freedoms on which the European Union is founded, are guaranteed.

Taking all of this into account, the U.N. needs to go back to the drawing board. The United States needs to remain an honest broker. It must not attempt to impose a solution that the overwhelming majority of Greek-Cypriots reject. To do so will make an ultimate solution and final reunification difficult, if not impossible, to achieve.

America must at all times remember that a united, peaceful, and prosperous Cyprus is in our national interest and the interest of world peace. After the 9/11 terrorist attacks, Cyprus was one of the first nations to express its solidarity with the United States. Cyprus has also been a strong ally in the war against terrorism. We must continue to support our friends, who like us, only seek to live in peace.

LIEUTENANT COLONEL LAWRENCE A. MILLBEN RECEIVES THE CHAMPION OF EXCELLENCE AWARD

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. CONYERS. Mr. Speaker, I am pleased to acknowledge one of my constituents, Lieutenant Colonel Lawrence A. Millben, Support Group Commander of the 127th Wing of the Selfridge Air National Guard Base in Michigan. This Saturday, July 24, 2004, he will be recognized by the North American Black Historical Museum with a Champion of Excellence Award for his many achievements, particularly within the realm of aviation. Like the North American Black Historical Museum, I am impressed by his accomplishments in the United States and Canada. I am especially proud of Lieutenant Colonel Millben because of the numerous contributions and firsts realized in my District, the 14th Congressional District of Michigan, because of him.

Lieutenant Colonel Millben, born in Detroit, Michigan and educated in the Detroit Public School System, has achieved many firsts and has set an exceptional example. He was the first African American to graduate from Aero Mechanics High School, one of four schools in the country that specializes in aircraft maintenance. After high school, he became the first African American to enlist in the Michigan Air National Guard. In 1957, he continued his education and attended the basic and the advanced technician level Aircraft Electrical Schools, completing both simultaneously. This was the first time in the history of the Air Force School that anyone completed both schools simultaneously.

After attending the Air Force School, he went on to have a rewarding career in the private sector, as well as in the military. He was employed by the Burroughs Corporation from 1959 through 1975 and holds several United States Patents. He has also advised the Detroit Public School System on Aircraft Avionics and Aerospace subjects as a consultant.

Military highlights for the Lieutenant Colonel include serving as a full time Avionics Officer from 1975 until 1983, acting as the 191st Consolidated Aircraft Maintenance Squadron Commander in 1983, becoming the first African American Line Officer promoted to the grade of Lieutenant Colonel Millben in 1986, and assuming the position of Deputy Commander for Maintenance in 1988. From 1987–1988, he also served as the President of the 12,000 members National Guard Association of Michigan, the first African American Air Guardsman to do so. Finally, in his current capacity of

Support Group Commander of the 127th Wing of the Selfridge Air National Guard Base in Michigan, he accomplished another first, as he was the first African American to assume this role as well.

Awards and decorations received by Lieutenant Colonel Millben include the Air Force Outstanding Unit Award, National Defense Service Medal, Air Reserve Forces Meritorious Service Award, and the Major General John A. Johnston Award for Excellence. He also received the State of Michigan Award for Continued Support of Vocational Education in 1985 and the Spirit of Detroit Award in 1987. He completed Air Command and Staff College in 1980 and Air War College in 1993. He is married to the former Jean Wilburn and is the father of Sheryl, Patricia Millben-Craft, and Lawrence, Jr.

TRIBUTE TO FRANCES PRESTON

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. BERMAN. Mr. Speaker, I rise today to ask my colleagues to join me in offering our congratulations and very best wishes to one of the First Ladies of American music. Frances W. Preston will soon retire as president and Chief Executive Officer of Broadcast Music Inc., (BMI).

The business acumen of Frances Preston is exceeded only by her charisma and charm, and by the respect, affection and admiration her colleagues and peers have for her. She has been lauded for her empathy and for the gracious manner in which she treats every person, from the hottest star to the humblest worker. She is an exceptional executive, leader, role model, and friend.

With Frances at its head, BMI has grown to represent over 300,000 American and foreign songwriters, composers, and music publishers in licensing music and collecting and distributing royalties from play on radio and in television, films, ads and other media. Its artists represent all types of music and its catalog contains 4.5 million works. During her 18 years as president, its revenue has grown more than three times to more than $625 million.

BMI has become an internationally respected leader and a unique success story as the entertainment industry has been transformed by digital technology and globalization. Sensitive to the changing world of music, Frances has focused on domestic licensing, foreign performing rights, legislation for fair compensation for writers and publishers, and copyright protection.

Frances joined BMI in 1958 after working in music and broadcasting in Nashville. She opened BMI's regional office there, and led her company to preeminence in the South, signing writers and publishers with roots in both country and other types of music.

In 1964, the year the Nashville BMI Building opened on Music Row, Frances became a vice president of BMI—reportedly, the first woman corporate executive in Tennessee.

She has often been called a trailblazer in the music business but Frances was also a trailblazer among women. She was the first woman Rotarian in the State of Tennessee. She was the first woman to work with the National Chamber of Commerce. She was one of the first four women—and the first businesswoman—to be invited to join the Friars Club in New York and the first woman to serve on their board of governors.

Frances moved to BMI's New York office in 1985. She was appointed Senior Vice President, Performing Rights in 1985 and President and CEO in 1986. She is a member of BMI's Board of Directors.

In 1992, in recognition of the important role she played in building Nashville's music industry, she received the highest accolade in Country music: induction into the Country Music Hall of Fame. In 2004, she was also inducted into the Gospel Music Hall of Fame. She is a lifetime member of the board of directors of the Country Music Association—one of only five individuals to be so honored—and has served as president and chairperson of the board. She is also a lifetime board member of the Gospel Music Association, where she served as chairperson and president, as well as a lifetime member of the Nashville Songwriters Association International.

Frances is vice president of the National Music Council and a member of the Board of Directors of the National Academy of Popular Music/Songwriters Hall of Fame, a board member of the Rock & Roll Hall of Fame, and a director and member of the executive committee of the Broadcasters' Foundation.

Frances' many interests and her expertise extend far beyond the music industry. A distinguished member of business and political circles, she served on President Jimmy Carter's Panama Canal Study Committee, the commission for the White House Record Library, and Vice President Albert Gore's National Information Infrastructure Advisory Council.

She has given selflessly of her time and resources to many of America's most worthy charities. She is President of the T.J. Martell Foundation for Leukemia, Cancer and AIDS Research and the recipient of its 1992 Humanitarian Award. She is an activist and a philanthropist who became involved in the fight against cancer after the disease claimed her close friend and ski instructor. The Frances Williams Preston Research Laboratories at the Vanderbilt-Ingram Cancer Center is named in her honor, as is Vanderbilt's Frances Williams Preston Building, the focal point for the VICC's research.

Included among other awards far too numerous to list, Preston has received the Women's Equity Action League (WEAL) Achievement Award, presented to only five women each year, honoring her as one of "America's outstanding women in business and labor." She has been honored with the Broadcasters' Foundation's Golden Mike Award, and the President's Award from the National Music Publishers' Association in recognition of her contributions to the music and music publishing industries.

Preston was singled out by Esquire magazine as "the most influential and powerful person in the country music business." Ladies' Home Journal listed her as one of the "50 Most Powerful Women In America" and Entertainment Weekly placed her second in its Top 10 listing of "The Powers of Country Music." Over the years, Business Nashville, BAM, Radio Ink and Hits have listed her as one of the most powerful people in the music industry. In 1997, she was one of only ten businesswomen featured in Rolling Stone's "Women in Rock" special issue.

Frances has been a partner and strong supporter to those of us in Congress who care about copyright protection. She has vigorously supported the fight against music piracy and vigorously guarded against any legislation that would reduce the rights and incomes of songwriters, composers and publishers.

I am honored to congratulate Frances on her retirement and ask my colleagues in the House to join me in wishing her many happy years ahead.

PALESTINIAN PARLIAMENT URGES NEEDED REFORMS

HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. ISSA. Mr. Speaker, I rise today to recognize the Palestinian Parliament for their leadership in demanding reforms in the Palestinian Authority.

By a vote of 43–4, Palestinian lawmakers overwhelmingly approved a resolution calling on Palestinian leader Yasir Arafat to accept the resignation of Prime Minister Ahmed Qurei and calling for the formation of a new government that would have greater control over the security forces, the authority to introduce political changes and to combat pervasive corruption. Yesterday's vote marks the emergence of the Palestinian Parliament as a check to Mr. Arafat's political power.

If the Palestinian Authority is to gain legitimacy among its own people and in the world community, the Palestinians themselves must take responsibility for bringing about needed reforms and for establishing an effective security apparatus to combat terrorism and violence.

It is clear by yesterday's action that a new power base dedicated to reducing violence and chaos in the Gaza Strip is emerging, and the United States must encourage and support that effort. I look forward to a renewed commitment in bringing stability to this region.

I am hopeful that seeing the success of this resolution, Palestinian lawmakers will assert themselves in the future to serve the greater interests of the Palestinian people.

CONDEMNING ATTACK ON AMIA JEWISH COMMUNITY CENTER IN BUENOS AIRES, ARGENTINA, IN JULY 1994

SPEECH OF

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 2004

Mr. HASTINGS of Florida. Mr. Speaker, in 1994, a terrorist bomb destroyed the headquarters of the Argentine Jewish Mutual Association, known by its Spanish acronym, AMIA, killing 85 people and wounding 200. To this day, the attack on the AMIA remains the deadliest anti-Semitic incident since World War II.

I take this opportunity to condemn the attack on the AMIA Jewish Community Center in

Buenos Aires, Argentina on July 18, 1994, and to honor the victims of this heinous act.

The AMIA attack, which showed the same cowardice as the September 11, 2001, attack, tragically illustrates the intention of Islamic terrorists to bring their jihad against Western values to our own hemisphere.

Substantial evidence attributes the attack on July 18, 1994, to the terrorist group Hizballah, based in Lebanon and sponsored by Iran. Evidence indicates that the tri-border region where Argentina, Paraguay, and Brazil meet was used to channel resources for the purpose of carrying out the AMIA attack by terrorists linked with Iran.

Regrettably, the scheming of international terrorist organizations such as Hizballah and al-Qaeda are not confined to the tri-border region. Much of the Western Hemisphere is ideal for international terrorist groups to establish bases due to the ill equipped and poorly trained security agencies across the region.

Terrorism is their technique, but hatred is their ideology. The fight against terrorism must remain a top priority. Nowhere is this more true than in America's backyard.

While the case has been officially under investigation for over 9 years, the responsible parties have not yet been apprehended.

Massive judicial and investigative irregularities, destruction of evidence, and cover-ups have already distorted the long-delayed trial.

The biggest blow to the trial came last year when Federal Judge Juan Jose Galeano, who had spent nine years probing the bombing, was removed from the case. It was revealed he paid $400,000 in State money to a witness in return for testimony needed to move the stalled case forward.

So now, the court is focusing on investigating the investigation rather than look into who was to blame.

Make no mistake about it, failure to duly punish the culprits of the AMIA attack serves to reward terrorists and help spread terrorism. Therefore, I strongly urge the Government of Argentina to fulfill its international obligations and its promise to the Argentine people by pursuing the local and international connections to this act of terrorism, wherever it may lead, and to properly punish all those who are involved.

Argentina owes it to itself, its people and the human family to conduct an intense, fearless and comprehensive investigation that will lead to the identification and prosecution of the principal criminals.

HONORING SHAFER VINEYARDS' 25TH ANNIVERSARY

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. THOMPSON of California. Mr. Speaker, I rise today to recognize and honor an extraordinary event in my district. This year marks the 25th anniversary of Shafer Vineyards, a family run winery that produces some of the world's highest rated wines from the heart of California's Napa Valley.

I have had the pleasure of knowing John and Barbara Shafer for a long time. Their history in the Napa Valley and the philanthropic contributions they have made in enhancing thousands of lives of those who are less fortunate have truly been an inspiration to all who have met this remarkable family.

Mr. Speaker and colleagues, if you do not know the Shafers, you should. John left a successful career in publishing in 1972 to pursue his dream of a second career in producing premium wine. He and his family moved to the Napa Valley and purchased a 210-acre estate in the Stags Leap District. The family began planting 50 acres of vineyards on the rocky hillside property. In 1978 their painstaking work paid off when John crushed their first harvest of cabernet sauvignon grapes marking the beginning of their winery.

Mr. Speaker, the rise of Shafer Vineyards is truly an American success story. In the 25 years since the Shafer family produced their first vintage consisting 1,000 cases of cabernet sauvignon, the winery has grown to produce 32,000 cases of Cabernet Sauvignon, Merlot, Chardonnay, Sangiovese and Syrah per year. Today Shafer wines can be found throughout the entire United States and in markets throughout Europe and Asia. The Shafer's have also set the bar for sustainable agriculture in the Napa Valley and throughout the world. By the end of 2004, their winery will convert to 100 percent solar power.

While the Shafer family's business has grown beyond their dreams, the values that they began with remain as strong and visible in our community as ever. Twenty-five years later John still serves as chairman of the board of the winery and his son Doug has taken over the day-to-day activities serving as president.

Not only do Shafer Vineyards and the Shafer family have an illustrious history of winemaking and responsible land stewardship, but they also have a long history of public service. For as many years as I can remember, the Shafer family has been a leader in ensuring the success of the annual Napa Valley Wine Auction, which has raised over $50 million for community non-profit organizations. John served as the chairman of the 1999 wine auction, that year the auction raised $5.5 million breaking all previous records. Recently John led the effort to build the Napa Valley Vintners Community Health Center which houses four healthcare organizations and will care for thousands of area residents for generations to come.

Mr. Speaker, at this time I think it is appropriate that we honor and congratulate the Shafer family for their success in the wine business and their countless contributions to the betterment of the Napa Valley. I wish the Shafer family and Shafer Vineyards well as they enjoy and prosper during their next 25 years of success.

INTRODUCTION OF A BILL TO SUSPEND THE DUTY ON CERTAIN EDUCATIONAL TOYS AND DEVICES

HON. WALLY HERGER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. HERGER. Mr. Speaker, I rise today to introduce a bill to suspend the duty on electronic educational toys for children. This duty is, in fact, an educational tax on the consumer.

At a time when we as policymakers are focusing on ways to enhance education for our children, it is important to aggressively promote tools that are valuable in teaching fundamental skills. Penalizing the consumer for buying educational toys is contrary to the country's educational goals.

Currently, computers and toys enter the United States duty free. But electronic educational toys have a duty. This duty is inevitably passed on to the consumer. We do not want to create a situation where a consumer may be less inclined to buy an educational toy versus a regular toy, which has not had to absorb the cost of the duty.

The company leading the fight to eliminate the tax on electronic educational toys is a California company, LeapFrog Enterprises, Inc. LeapFrog is an innovative company and a leading developer of educational products, currently employing 1,000 people in my state.

I hope my colleagues will join me in this effort to end an unwise tax on education.

REPUBLIC OF CYPRUS

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. KENNEDY of Rhode Island. Mr. Speaker, I would like to commend the commitment of the Republic of Cyprus to democracy, human rights, free markets, and equal justice under law.

Regrettably, this July 20th marked the thirtieth anniversary of the invasion of Cyprus by Turkish military forces. This illegal military occupation of more than one-third of Cyprus' territory is a violation of multiple United Nations Security Council resolutions.

To this day, Turkey maintains a force of 30,000 heavily armed troops in Cyprus. 1,500 Greek Cypriots and 4 Americans of Cypriot descent remain missing since 1974, when the Turkish military forces commenced a policy of ethnic cleansing, forcibly evicting 200,000 Greek Cypriots from their homes.

In 1983, displaying blatant disregard for international law and the sovereign independence of the Republic of Cyprus, Turkey encouraged the secession and declaration of independence of the occupied areas.

The ''Turkish Republic of Northern Cyprus'' has been recognized by no nation except for Turkey, and the U.N. General Assembly has made numerous calls for the immediate withdrawal of all foreign military forces from Cyprus.

Cyprus' accession to the European Union in May of 2004 has given Cypriots new resolve to overcome the division of their nation and citizens. It will be a difficult path towards a united Cyprus that is founded on respect for human rights and fundamental freedoms. But it is a path paved with the hope of a determined people.

Currently, the Republic of Cyprus is seeking a bizonal and bicommunal federation, reunifying society and economy, while granting each community the right to retain its own identity and culture, without military occupation.

Although a reunification plan was set forth by the United Nations, in April of this year 76 percent of Greek Cypriot voters stood in opposition to the plan due to issues of vital concern, such as security, property restitution,

and dissatisfaction with the structure of the proposed central government.

Despite the rejection of the plan, 90 percent of the Greek Cypriot community turned out to vote on the UN plan, displaying a deep interest and concern in the future of the reunification of their nation and the changes this would bring.

We must learn from the message sent by those who could not support the proposed Plan. The lesson is Cyprus' reunification is too important an issue to rush into a Plan that does not address the serious concerns of all Cypriots.

H.R. 3874

HON. SUSAN A. DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mrs. DAVIS of California. Mr. Speaker, it has been my pleasure to co-sponsor Representative BONO's bill, H.R. 3874, which will enable the Palm Springs area to benefit from the conveyance of 44 acres of Bureau of Land Management land to Father Joe's Villages for the creation of a homeless shelter, a training center, and affordable housing for this area of Riverside County.

I have had the privilege of knowing Father Joe Carroll for many years in San Diego, where he has worked tirelessly to develop an extensive program of services for the homeless of all ages through the St. Vincent De Paul Village.

Often identified by the community for its Kitchen, which serves 4,000 meals a day, the center goes way beyond providing the homeless with food to offering dental, vision, and other health services. It also provides high school equivalency and computer training.

Helping the homeless find jobs not only includes coaching in job hunting skills and providing interview attire but begins with coordinating on-site psychiatric services to address some of the underlying needs of village members through volunteer professionals from the University of California San Diego.

The Center also provides for the 24-hour care of some 200 orphaned children, which includes meeting not only their food, clothing, housing, and health needs but also houses their public schooling.

The village offers courses in parenting, anger management, and counseling for unmarried couples with children as well as prenatal care. In sum, it invests in offering needy people full-life services both intensively and for an extended time to help them turn their lives around.

I know that with the decades of Father Joe Carroll's successful experience in San Diego, this opportunity to create a new service base in Palm Springs will be beneficial for the community.

TAXES AND THE ECONOMY, CUT ONE, GROW THE OTHER

HON. SHERWOOD BOEHLERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. BOEHLERT. Mr. Speaker, high tax rates and complex tax codes stifle job growth. A fair and simple tax code should only provide enough revenue for the federal government to carry out its necessary tasks. It should not restrict the innovative and entrepreneurial opportunities that made America such a great nation.

The last thing the federal government should be doing is taking more money away from hard-working Americans. The key to growing our economy is allowing Americans to keep more of their own money to spend, save, and invest. Jobs is my favorite four letter word—and the tax cuts we've passed have been responsible for creating millions of new jobs across the nation.

In the House, we have worked hard to cut taxes. We have passed legislation to permanently eliminate the marriage penalty tax, extend Alternative Minimum Tax reforms, permanently expand the 10 percent bracket to lower taxes for hard working, low income families, and keep the child tax credit at the $1,000. That's real tax relief.

Our American Jobs Creation Act of 2004, provides tax relief to domestic manufacturers and U.S. employers to make them more competitive both at home and abroad.

We must also strengthen the economy by reforming our tax code. The overly complex U.S. tax code is more than a burden to working families; it's a drain on our economic efficiency and productivity. American taxpayers spend over three billion hours each year complying with a confusing U.S. tax code. The cost to our economy by complying with the tax code is a staggering $85 billion a year. That's unacceptable.

This week we passed legislation to relieve families and small businesses of onerous and complicated tax compliance. I will continue to vote for tax relief and tax reform. Tax cuts and tax reforms are a powerful economic stimulus creating new jobs; reducing the cost of doing business; and providing a framework for long-term economic growth.

CORRECTING THE RECORD REGARDING UNFOUNDED ATTACKS ON FDA GENERAL COUNSEL

HON. JOE BARTON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. BARTON of Texas. Mr. Speaker, on Tuesday, July 13, 2004, on the floor of this House, Representative HINCHEY of New York made several statements about Daniel E. Troy, Chief Counsel of the FDA.

Allegations were leveled against Mr. Troy that he took unprecedented action regarding the FDA's involvement in the submission of briefs in product liability cases. His actions were neither unprecedented nor unusual. In a letter dated July 15, 2004, to Chairman BONILLA, five former FDA chief counsels—two of them Democrats—state, Mr. Troy's actions in this regard are neither ''radical'' nor ''even novel.''

The FDA must have the ability to carry out the responsibilities Congress has given the Agency. His interest in those cases is to vindicate FDA's authority over medical product risk communication and to safeguard the agency's primary jurisdiction. As Chief Counsel for the FDA, Mr. Troy appears to have acted completely within the scope of his duties and obligations. In order to address the allegation that Mr. Troy acted inappropriately, I would like to submit a copy of that letter for the RECORD.

JULY 15, 2004.

Re Hinchey amendment to cut $500,000 from the appropriations for the FDA Office of Chief Counsel.

Hon. HENRY BONILLA,

Chairman, Subcommittee on Agriculture, Rural Development, Food and Drug Administration and Related Agencies Appropriations Committee, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The undersigned comprise all of the former Chief Counsel to the Food and Drug Administration (in both Republican and Democratic Administrations), except for one who is currently an attorney in the Office of the General Counsel of the Department of Health and Human Services. We are writing to recommend reconsideration of the amendment to the FDA appropriations bill by Representative Hinchey of New York on the floor of the House of Representatives, which would reduce the appropriation for the FDA Office of Chief Counsel by $500,000 and would increase the appropriation for the Division of Drug Marketing, Advertising, and Communications in the FDA Center for Drug Evaluation and Research by a corresponding amount. We support additional funds for the Division of Drug Marketing, but we believe that the reduction of the appropriation for the Office of Chief Counsel and Representative Hinchey's reasons for penalizing that Office cannot be supported.

FDA's Office of Chief Counsel performs critical functions in the administration and enforcement of the Federal Food, Drug, and Cosmetic Act and other laws administered by FDA. The substantial reduction in the funding of that Office, therefore, would materially impair its ability to meet the needs of its client, FDA. Such impairment would be contrary to the public interest.

Representative Hinchey's reasons for penalizing the Office of Chief Counsel and criticizing FDA Chief Counsel Daniel E. Troy are set forth in the House Debate on the FDA appropriations legislation as reported in 150 Cong. Rec. H5598–TI5599 (July 13, 2004). Representative Hinchey states that Mr. Troy ''has taken the agency in a radical new direction'' by submitting amicus curiae briefs in cases in which courts have been asked to require labeling for pharmaceutical products that conflicts with FDA decisions about appropriate labeling for those products. Representative Hinchey characterizes this activity as a ''pattern of collusion between the FDA and the drug companies and medical device companies'' in a way that has ''never happened before.''

These characterizations are inaccurate.

In Weinberger v. Bentex Pharmaceuticals, Inc., 412 U.S. 645 (1973), the Supreme Court agreed with the briefs filed by the Department of Justice on behalf of FDA that the agency has primary jurisdiction over new drug issues. In Jones v. Rath Packing Co., 425 U.S. 933 (1977), the FDA took the position in an amicus curiae brief submitted by the Department of Justice that federal food labeling requirements preempt inconsistent state requirements, and the Supreme Court agreed. In subsequent private tort litigation, FDA has taken the position, through amicus curiae briefs filed by the Department of Justice, that FDA decisions regarding drug product labeling and related issues preempt inconsistent state court determinations, and the courts have agreed. E.g., Bernhardt v. Pfizer, Inc., 2000 U.S. Dist. Lexis 16963 (November 16, 2000); Eli Lilly. v. Marshall, 850 S.W. 2d 164 (Texas 1993). All of this was to

protect a uniform national system of food and drug law. All of it occurred before Mr. Troy assumed his current position. In none of these cases did any court request FDA's opinion. Thus, there is ample precedent for the actions that Mr. Troy has recently been undertaking. His action is not radical or even novel.

The amicus curiae briefs filed by the Department of Justice at the request of Mr. Troy protect FDA's jurisdiction and the integrity of the federal regulatory process. There is a greater need for FDA intervention today because plaintiffs in courts are intruding more heavily on FDA's primary jurisdiction than ever before. In our judgment, Mr. Troy's actions are in the best interests of the consuming public and FDA. If every state judge and jury could fashion their own labeling requirements for drugs and medical devices, there would be regulatory chaos for these two industries that are so vital to the public health, and FDA's ability to advance the public health by allocating scarce space in product labeling to the most important information would be seriously eroded. By assuring FDA's primary jurisdiction over these matters, Mr. Troy is establishing a sound policy of national decisions that promote the public health and, thus, the public interest.

We therefore recommend that the $500,000 cut from the appropriations for the FDA Office of Chief Counsel be restored.

Sincerely yours,

PETER BARTON HUTT (1972–1975).
RICHARD A. MERRILL (1975–1977).
RICHARD M. COOPER (1977–1979).
NANCY L. BUC (1980–1981).
THOMAS SCARLETT (1981–1989).

THE ISSUE OF BONUS DEPRECIATION

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. WELLER. Mr. Speaker, thank you for the opportunity to address an important issue. Over the past 2–3 years, the issue of bonus depreciation has been very important to American companies and American workers as our economy recovers from the recent recession.

On March 9, 2002, President Bush signed the Job Creation and Worker Assistance Act of 2002 into law. This law allows businesses to accelerate the depreciation of equipment they purchase between September 11, 2001 and December 31, 2004. They get to accelerate 30 percent more in the first year. Before this law, a $1,000 computer would be depreciated equally over 5 years. $200 each year. With this change, businesses get $200 in the first year, plus a 30 percent bonus. So, they depreciate $500 in the first year and the remaining $500 over the next four years ($125 each year for four years). In 2003, President Bush signed legislation to increase the 30 percent bonus depreciation to 50 percent. There is evidence that bonus depreciation is helping to drive the U.S. economic recovery.

Fifty percent bonus depreciation will expire on December 31, 2004. I personally will continue working to try to extend this important provision. For some industries, such small aircraft manufacturers, this provision will expire much sooner than December 2004. Because of the relatively long period of time it takes to build these airplanes, many manufacturers cannot promise delivery by the end of this year. Because of this, new orders are drying up.

Why is this important? Well, building new airplanes requires workers. Increased orders requires increased workers. In May 2004, Cessna announced they would be hiring back 400 workers to meet increased demand.

Both the House and Senate versions of the JOBS bill includes a provision extending the period for placing in service certain noncommercial business aircraft. Under the provision, if such an aircraft is ordered in 2004 and certain additional requirements are met, then a taxpayer would have until the end of 2005 to place the aircraft in service.

I believe it is important that Congress enact this provision, either in the JOBS bill or through another vehicle, as soon as possible. I look forward to working with my colleagues to help make this happen.

STATE CHILDREN'S HEALTH INSURANCE PROGRAM

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. DINGELL. Mr. Speaker, I am pleased to be introducing this legislation with Chairman BARTON that will protect more than $1 billion in State Children's Health Insurance Program (SCHIP) funding. This funding is scheduled to revert to the Treasury on September 30 if Congress does not act.

The SCHIP program was established in 1997 to reduce the number of uninsured children. Since its inception, the program has been a great success. Last year, 5.8 million children were enrolled.

As a result of this success, however, a number of States are projected to have insufficient federal funding to sustain their existing programs over the next several years. Unless Congress acts, more than 200,000 children could lose their health insurance coverage as a result.

The solution Chairman BARTON and I are proposing has the support of the National Governors Association, along with a number of advocacy groups representing the concerns of children.

I look forward to working together to enact this legislation when we return in September.

ICE AGE FLOODS NATIONAL GEOLOGICAL TRAIL

HON. DOC HASTINGS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. HASTINGS of Washington. Mr. Speaker, today I am introducing legislation to create the Ice Age Floods National Geological Trail.

At the end of the Ice Age, 12,000–17,000 years ago, a series of cataclysmic floods occurred in what is now the northwest region of the United States. These floods left dramatic and distinguishing features on the landscape throughout Montana, Idaho, Washington, and Oregon.

In 2001, a joint study team headed by the National Park Service, that included 70 members from public and private entities, completed a study endorsing the establishment of the Ice Age Floods National Geological Trail to recognize the national significance of this phenomenon and to coordinate public and private sector entities in the presentation of the story of the Ice Age Floods.

The Ice Age Floods National Geological Trail would reveal, to the public, a fascinating story that spans across the Pacific Northwest. Regional, national, and international travelers would have the opportunity to discover how immensely powerful cataclysmic floods had a profound effect in shaping distinctive landscapes and in defining ways of life, from the flanks of the Rocky Mountains to the Pacific Ocean.

The Trail can be expected to generate significant economic benefit, through increased tourism, in a vast and largely rural region. I ask you to refer this legislation to the appropriate committee for consideration.

CONGRATULATING THE NATIONAL ENVIRONMENTAL SERVICES CENTER (NESC) ON ITS SILVER ANNIVERSARY

HON. ALAN B. MOLLOHAN

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. MOLLOHAN. Mr. Speaker, a milestone anniversary is being celebrated this month at West Virginia University, in my Congressional District. Twenty-five years ago, the National Small Flows Clearinghouse first opened its doors. It was established by Professors Willem Van Eck and Raul Zaltzman, who wanted to help smaller communities find the best technologies to meet their water treatment needs.

Today, the Small Flows Clearinghouse is a highly successful program of the National Environmental Services Center (NESC). Since 1979, this organization has evolved into a national leader in combating pollution and assisting small communities on water issues. NESC is an expert resource not only on wastewater, but also drinking water, environmental training, infrastructure security and utility management. From its offices in Morgantown, NESC helps to protect public health and the environment in communities all across the country.

The organization will celebrate its 25th anniversary with an open house on July 26 at the university's Evansdale Campus. In marking the occasion, Mr. Speaker, I would like to offer my congratulations to President David Hardesty, Vice President for Research and Economic Development John Weete, and the NESC team: Executive Director John Mori, Director of Program Development Pam Schade and the entire staff, both past and present.

Their commitment to the health of our people and communities has achieved real results, and I wish them the very best as they begin NESC's next quarter-century of service.

H.R. 3684 FOOD ALLERGEN AND CONSUMER PROTECTION ACT OF 2003

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. EMANUEL. Mr. Speaker, I rise in strong support of H.R. 3684, the Food Allergen Labeling and Consumer Protection Act. This act mandates clear labeling to protect consumers from medical problems caused by the eight major food allergens: milk, eggs, fish, crustacean shellfish, tree nuts, peanuts, wheat, and soybeans. These irritants are found in a wide variety of packaged foods, and account for an estimated 90 percent of all food allergies.

Food allergies can drastically affect the quality of life for the seven million Americans who suffer from them. Approximately 30,000 individuals each year require emergency room treatment for food allergies, and about 150 die each year. The eight percent of all children in America who have these allergies and their families deserve our help and support in dealing with the challenges they face in their daily lives.

As there is no cure for food allergies, the only protection against reactions to these foods is to avoid them altogether. But without proper labeling, parents cannot ever be sure their children are safe. One mislabeled product, one misleading claim, can be fatal. We need tough standards to ensure that food producers provide adequate information on packaging. This legislation provides those standards by requiring that foods containing any of the eight major food allergens be labeled in a clear and easy-to-understand way, so parents can feel confident in their choices.

This bill also addresses trace allergens, another major concern of those who live with food allergies. Products which claim to be allergen free can still be contaminated with these products during the manufacturing process. This bill requires the Department of Health and Human Services to effectively track which foods are unintentionally contaminated with major food allergens during the manufacturing process, and to recommend alternate processes to reduce such contamination.

Mr. Speaker, food allergies create a major obstacle for allergy sufferers and their families. The dangers of allergic reactions restrict options for travel, socializing, working and learning. This legislation can help prevent avoidable allergic reactions and provide additional peace of mind to families. I commend the gentlelady (Mrs. LOWEY) from New York for bringing this legislation to the floor, and I urge my colleagues to support it.

INTRODUCING LEGISLATION TO NAME A POST OFFICE IN ROSINE, KENTUCKY, AFTER BILL MONROE

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. LEWIS of Kentucky. Mr. Speaker, the tradition of Bluegrass music is something we can all be proud of. It is a very significant part of the culture that I cherish and is as much Kentucky as horses and basketball. There is one man we can all recognize for this pride, the father of Bluegrass music, Bill Monroe.

Mr. Monroe is the creator of a musical art form that is focused, and often composed, of the family. In 1939, he founded the legendary band the Blue Grass Boys, which at times included the guitarist Lester Flatt, banjo picker Earl Scruggs, fiddle player Chubby Wise, and his son, bass player James Monroe.

In 1970, Mr. Monroe was inducted into the Country Music Hall of Fame. The following year, he was recognized for his songwriting craft and was entered into the Nashville Songwriters Association International Hall of Fame. Mr. Monroe was also rightfully recognized with the Grammy Lifetime Achievement Award.

Mr. Monroe's songs like ''Kentucky Waltz'' bring back pleasant memories of the past that we tell our children about. Because of the influence he has had on me and many others I am honored today to introduce legislation that names the post office in Rosine, KY after Mr. Monroe. This is one small way that I, as a Member of Congress, can recognize a lifelong idle who is a proud part of the lives of many Kentuckians.

HONORING JOSEPH AND ANNE QUINN ON THEIR 50TH WEDDING ANNIVERSARY

HON. TIMOTHY H. BISHOP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. BISHOP of New York. Mr. Speaker, I rise today to honor Joseph and Anne Quinn of Smithtown, New York, who will observe their 50th wedding anniversary on August 15th, 2004. Born in New York City, they met as freshmen in college. Joe was a student at Iona College in New Rochelle and Anne attended St. John's University. They were married on August 1, 1954 at St. Joan of Arc Church in Jackson Heights, New York. The Quinns moved to Suffolk County in 1955 when Joe began a thirty-three year career in education with the Middle Country School District. The couple has lived in Smithtown since 1958.

The Quinns have ten children—Kathleen, Terence, Brendan, Marybeth, Patrick, Neil, Regina, Timothy, Lawrence, and Julianne—all of whom are married. They are the proud grandparents of twenty-two.

Joseph retired in January 2003 from a second career as Staff Assistant to Congressman GARY ACKERMAN. Anne retired in December 2002 from her position as a New York State Taxpayer Service Representative. Mr. Quinn was Chair of the Smithtown Democratic Committee for twenty-two years and is still greatly interested in politics.

The Quinns have been active members of St. Patrick's Parish since moving to Smithtown. They plan to continue travelling all over the country to visit their widespread family.

The Quinns will mark their fiftieth anniversary with a renewal of vows at St. Patrick's Church and a dinner at the Bellport Country Club. Their children have also planned a family trip to Colorado as a reunion to celebrate this landmark anniversary.

I am proud to honor this distinguished couple and their long-standing commitment to the community and to one another.

TRIBUTE TO FILM AND TELEVISION COMPOSER JERRY GOLDSMITH

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. UDALL of Colorado. Mr. Speaker, I rise today to note the passing of one of this nation's great cinematic artists, composer Jerry Goldsmith. Mr. Goldsmith died on July 21, 2004 at the age of 75. He leaves behind a distinguished repertoire of outstanding and memorable film scores and television themes that are as recognizable as they are innovative.

Scoring movies and television programs is a vastly underappreciated art form. Too often this music is considered as just another part of things that are popular but are only entertainment, not art. However, his scores, like the work of his colleague film and television composers, are essentially classical music pieces. As such, they should not be dismissed simply because they happen to be associated with films and television shows, which in fact are valid art forms.

As anyone in the entertainment industry can attest, music is an essential and integral part of the final artistic product. It sets appropriate moods and tones and can help make action scenes more thrilling and tense as well as stir the emotions in more quiet interludes. Mr. Goldsmith was a master at the full range of his craft often creating path-breaking and innovative scores.

The sound of his echoing trumpets for the soundtrack of the movie ''Patton'' has so permeated the culture that this music is now synonymous with military leaders. His spooky and menacing chants for the film ''The Omen,'' for which he won the Academy Award, is now standard for horror films. And his experimental use of electronics, woodwinds and percussion helped create the sense of ''other worldliness'' in the film ''Planet of the Apes.'' The fact that these musical themes and many others of his are so widely recognized and copied not only acknowledges his versatility and genius, but also underscores the legitimacy of the scoring craft.

Jerry Goldsmith was born Jerrald Goldsmith on February 10th 1929 in Los Angeles, California. At the beginning of the 1940s, he took piano lessons from Jakob Gimpel and Mario Castelnuevo-Tedesco. While attending the University of California, he took classes with Mikols Rozsa, the famed composer of such films as ''Ben-Hur,'' ''Ivanhoe,'' ''El Cid'' and ''Spellbound.''

Mr. Goldsmith started his career at CBS television in the early 1950s as a clerk typist and eventually got assignments composing music for radio plays, and later for television broadcasts. He eventually wrote music for such famous television shows such as ''The Twilight Zone,'' ''Dr. Kildare,'' ''The Man From U.N.C.L.E.,'' ''The Waltons,'' ''Barnaby Jones,'' ''Star Trek: Voyager'' and ''Star Trek: The Next Generation.''

Mr. Goldsmith's first motion picture score was in 1957 for a long forgotten B-western

named ''Black Patch.'' However, his first major recognition as a film composer did not occur until 1962 for his score of the Kirk Douglas film ''Lonely Are the Brave.'' That same year, he got his first Academy Award nomination for the film ''Freud.''

Throughout his career, he became associated with distinguished directors such as the late Franklin J. Schaffner who, with Mr. Goldsmith scoring, made ''Planet Of The Apes,'' ''Patton,'' ''Papillon,'' ''The Boys From Brazil,'' and ''Lionheart.'' He also worked on a number of Paul Verhoeven films including ''Total Recall,'' 'Basic Instinct,'' and ''Hollow Man.'' He wrote the scores for director Fred Schepisi films ''The Russia House,' ''Mr. Baseball,'' ''Six Degrees Of Separation,'' and ''I.Q.'' And director Joe Dante gave Mr. Goldsmith the opportunity to show his talents for films like ''Twilight Zone: The Movie,'' ''Gremlins I and II,'' ''Innerspace,'' ''Explorers,'' ''The 'burbs,'' ''Matinee,'' and ''Small Soldiers.''

Mr. Goldsmith received 17 Academy Award nominations for his work starting in 1962 for ''Freud,'' and including his work on films such as ''Chinatown,'' ''Hoosiers,'' ''Basic Instinct,'' ''LA Confidential,'' and finally for his score of the animated ''Mulan'' in 1998. He won four Emmy Awards for his television work and was nominated for five Grammy Awards.

Mr. Speaker, I ask my colleagues to join me in remembering the life and work of Jerry Goldsmith. He was a national treasure. Although we will no longer get the opportunity to hear new scores from him, his musical legacy will live on in his recordings for generations.

DECLARING GENOCIDE IN DARFUR, SUDAN

SPEECH OF

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 2004

Mr. ISRAEL. Mr. Speaker, I rise in strong support of this bill, declaring the atrocities unfolding in Darfur, Sudan, as genocide.

In Darfur, villages are being burned to the ground. Death squads herd African villagers into refugee camps until they are full to bursting, lacking food and basic medicines.

In a matter of months, government-backed militias have killed 30,000 people and forced more than one million from their homes.

People talk about ''indicators of genocide'' and lawyers argue whether the killing, which the administration has already characterized as ethnic cleansing, is genocide.

Whatever label one attaches to these killings, there is a moral obligation to do everything possible to stop them. To ignore slaughter on this scale is unforgivable.

To its credit, the administration is pushing a UN Security Council resolution. But as that process unfolds, the killing continues.

The time has come for action, for the international community to exercise its moral and political and arguably also legal obligations to intervene in Darfur.

Genocide has shown its ugly face too often this century: European Jews during World War II, Cambodians in the late 1970s, and Rwandans in 1994.

The lesson is clear. We must stop the genocide; prevent further atrocities; and bring those guilty of genocide or ethnic cleansing to justice.

INTRODUCTION OF POVERTY STATS LEGISLATION

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mrs. MALONEY. Mr. Speaker, today I introduce legislation with Representative WILLIAM LACY CLAY, D-MO, that requires the annual poverty estimate and the National Assessment of Educational Progress to be subject to certain guidelines on the release of the information to the public. I am deeply concerned at what appears to be the politicization of data by the Bush Administration on important issues ranging from worker safety to the dangers of lead paint to emergency contraceptives. Because data regarding poverty and educational progress are essential to lawmakers at all levels of government to implement policies addressing these issues, it is critical that this information is disseminated in an open and timely process.

Last year, the Census Bureau decided to break with tradition to release its annual poverty estimates on a Friday in Suitland, Maryland, rather than during the middle of the week at the National Press Club in Washington, DC. Because that report was expected to announce the loss of millions of jobs, the questionable circumstances regarding the release of those statistics led myself and Representative CLAY to seek an investigation by the Government Accountability Office, GAO, as to why the Census Bureau made its decision. We should not be playing politics with science, which is why I believe this legislation is so important.

C. J. CHEN, TECRO REPRESENTATIVE

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. McDERMOTT. Mr. Speaker, C. J. Chen soon will be concluding his term as Representative of the Taipei Economic and Cultural Representative Office (''TECRO''). In this capacity C. J. Chen has spent the past four years as Taiwan's unofficial ambassador to the United States, an important posting and a critical position for the twenty-three million people on Taiwan.

Few diplomats have a greater understanding about East Asia and the United States than C. J. Chen. He has been a member of Taiwan's foreign service for more than three and one half decades, and he has spent most of that time focused on fostering ties between Taiwan and the United States. By all accounts, he has done an excellent job.

Representative Chen's diplomatic career has been most impressive. He has held a number of important positions in Taiwan's Ministry of External Affairs and capped his long diplomatic career in Taipei by being named Foreign Minister. During the past four years while serving as head of TECRO, Representative Chen has used his vast experience to preserve and expand ties between Taipei and Washington. Representative Chen's advice and counsel have always been sought by Members of Congress who have a keen interest in matters involving the Taiwan Straits. Therefore, his impending departure is a loss for Taiwan's friends in Washington.

Mr. Speaker, my colleagues and I wish Representative Chen and his lovely wife Yolanda well as they prepare to return to Taipei for new challenges. I look forward to seeing him again in Taipei or when he returns to Washington in the months ahead.

INTRODUCTION OF THE SOCIAL SECURITY FAIRNESS FOR MERCHANT MARINERS ACT OF 2004

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. FILNER. Mr. Speaker, I rise today to introduce the ''Social Security Fairness for Merchant Mariners Act of 2004'' (H.R. 4904).

There were three major roles in World War II: the fighting forces overseas, the production army at home, and the link between them—the United States Merchant Marine. The maritime power of the Merchant Marine may have been the difference between victory and defeat.

The World War II Merchant Mariners suffered the highest casualty rate of any of the branches of service while they delivered troops, tanks, food, airplanes, fuel and other needed supplies to every theater of the war. Enemy forces sank over 800 ships between 1941 and 1944 alone.

Given the role of the Merchant Mariners in World War II, it is unbelievable that they were not given their proper recognition as ''veterans''. I would hope that this was an oversight, not a deliberate attempt to exclude them from benefits.

One of the results of this lack of the ''veteran'' designation is that the law does not recognize Merchant Mariners as veterans for Social Security purposes. If they had the veteran designation, their Social Security would have been calculated as if they had earned $160 more a month than they did earn during their time in service in the Merchant Marines. Of course, what this means is a smaller Social Security check, now that they are retired.

My bill H.R. 4904, will fix this unfair situation! It will provide benefits with the status of ''veteran'' under the Social Security Act to the Merchant Mariners who served during World War II.

Combined with my bill, the ''Belated Thank You to the Merchant Mariners of World War II'' (H.R. 3729), which would compensate them for their exclusion from GI Bill benefits, Congress can fix the injustice that has been endured by the Merchant Mariners. We can never make up for years lost, but we can provide additional benefits to Merchant Mariners, many of whom are living on small, fixed incomes, in their final years.

I urge my colleagues to support and cosponsor H.R. 4904

CONGRATULATING INDIANA BROADCASTER OF THE YEAR AWARD RECIPIENT, HAROLD A. WELTER

HON. STEVE BUYER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. BUYER. Mr. Speaker, I rise today to congratulate Harold Welter for receiving the Indiana Football Coaches Association ''2004 Broadcaster of the Year Award.''

For 39 years Harold Welter has been the voice of high school sports in Indiana's Kankakee Valley. If there was an important football game, boy's basketball game, girl's basketball game, and even sometimes a baseball game in the area, Harold was there broadcasting it on WKVI radio.

Though Harold is a die-hard fan of his hometown Knox High School Redskins, he broadcasts each game in a professional and impartial manner that brings the action of the game to life for his listeners. He also regularly invites local individuals to be guest commentators on a night's game, a privilege I have had on one occasion.

Harold has gone the extra mile promoting high school sports. He established a Saturday morning radio show now called ''Saturday Sportsline'' on WKVI which recognizes outstanding high school sports teams and athletes through in-depth interviews with coaches and players that let listeners learn more about our local sports heroes.

This year, the Indiana Football Coaches Association recognized Harold's dedication to high school sports in Indiana by naming him their ''Broadcaster of the Year.'' It is a tremendous honor and well deserved. His sincerity and concern for the lives of young adults is admirable and recognized by all who know him.

From his first job in radio at WRIN in Rensselaer, Indiana, to his many years of calling high school sports in the Kankakee Valley, Harold has kept his listeners tuning in. I am pleased to join other Hoosier sports fans in honoring Harold for his contributions to Indiana high school sports and congratulate him again for being named ''Broadcaster of the Year'' by the Indiana Football Coaches Association.

THE HEALTHY START REAUTHORIZATION ACT OF 2004

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. UPTON. Mr. Chairman, I rise today to announce that, along with my colleagues Representatives EDOLPHUS TOWNS, CHARLES ''CHIP'' PICKERING, ELIJAH CUMMINGS, SHELLEY MOORE CAPITO, ROSA DELAURO, JOHN SPRATT, BOBBY RUSH, JIM MARSHALL, and DANNY DAVIS, I am introducing legislation to reauthorize the Healthy Start Act, H.R. 4905.

The Healthy Start program works to reduce the incidence of infant mortality and low birth weight and eliminate perinatal disparities in communities across the Nation where the infant mortality rate is in excess of 150 percent of the national average. The program, which began as a successful demonstration project in 1991 under the leadership of Health and Human Services Secretary Lewis Sullivan and was overwhelmingly authorized by Congress in 2000, has at its core the recognition that infant mortality and morbidity are not just medical problems, they are community problems. To qualify for a Healthy Start grant, communities must buy-in by forming networks of community public and private decision-makers and leaders, educators, health professionals, and family members to set ambitious goals for themselves and work in a coordinated and effective way to meet those goals. These programs are targeted to at-risk populations and are characterized by aggressive outreach to reach young women who are pregnant and/or are already mothers, as well as fathers, who live in communities with the toughest poverty, drug use, and unemployment.

We are fortunate to have a Healthy Start program in Kalamazoo, Michigan, in my Congressional district. Our Healthy Start Family Resource Center offers prenatal care, WIC resources, transportation, personal counseling and many other services. So far, 100 percent of the expectant mothers who have received prenatal care and other services through the Center have delivered healthy, full-term babies.

The Healthy Start Reauthorization Act will reauthorize the program for fiscal years 2005 through 2010 at ''such sums as may be necessary.''

RECOGNIZING THE SERVICE OF MAJOR GENERAL RONALD L. LOWE

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Ms. LORETTA SANCHEZ of California. Mr. Speaker, the U.S. Congress and the nation take great pride in formally recognizing the exceptionally meritorious military service of Major General Ronald L. Lowe, U.S. Army, who completes his tour as the Chief of Staff, United States Pacific Command on the 29th of July 2004. This significant milestone marks the completion of more than 38 years of active and reserve service to the nation.

Major General Ronald L. Lowe was assigned to the position of Chief of Staff, U.S. Pacific Command, Camp H.M. Smith, Hawaii on 4 June 2000. Prior to joining the USPACOM staff, General Lowe served for three years as the Deputy Commander for Support, Eighth U.S. Army, Yongsan, Korea. In this role he served as the senior wartime logistician responsible for battle command of all Army combat service support forces in the Korea theater of operations. Earlier, MG Lowe served for four years as Vice Director of Information Systems for Command, Control, Communications and Computers (DISC4), Office of the Secretary of the Army, with duty at the Pentagon, Washington, D.C.

Prior to recall to active duty under the Defense Department's ''Chairman's Ten'' program, General Lowe held U.S. Army Reserve command assignments with the 351st Civil Affairs Command, the 7th Psychological Operations Group and the 14th Psychological Operations Battalion. During the early years of his career General Lowe served on active duty as a mechanized infantry platoon leader, company commander and battalion logistics officer, in Europe. Later he served as a Deputy District Senior Advisor in the Republic of Vietnam and as Chief of the Enlisted Separations Branch of the U.S. Army Personnel Center.

General Lowe is a graduate of the Infantry Officer Basic Course, Civil Affairs Officer Advanced Course, the Command and General Staff College and the Army War College. He holds a Bachelor of Arts degree from San Jose State University and Certificates in Procurement and Applied Total Quality Management from the University of California, Berkeley. He has participated in advanced management programs at the University of California at Los Angeles, Michigan State University and Harvard University. In civilian life, General Lowe retired from Pacific Bell, an SBC Communications subsidiary, in 1997. Prior to his retirement he served as Pacific Bell's Executive Director of General Contracting. More recently he worked in Europe as a senior consultant for KPMG. He is a past President of the Senior Army Reserve Commanders Association, SARCA, and the National Civil Affairs Association and he currently serves on the Advisory Board of the Association of the U.S. Army.

General Lowe has been awarded the Combat Infantryman's Badge, the Expert Infantryman's Badge, the Parachutist Badge, the Legion of Merit with Oak Leaf Cluster, the Bronze Star Medal, the Defense Meritorious Service Medal, the Army Meritorious Service Medal with 2 Oak Leaf Clusters and various other decorations.

The U.S. Congress congratulates MG Lowe on his retirement, and extends its gratitude for his many years of service to our nation.

A SPECIAL TRIBUTE TO JOHN REAGAN McKEE ON THE OCCASION OF HIS RETIREMENT

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. GILLMOR. Mr. Speaker, it is my great pleasure to pay special tribute to Mr. John Reagan McKee on the occasion of his retirement. On June 4, 2004, Mr. McKee retired after thirty years as an English teacher at Libbey High School in Toledo, OH.

To truly do Mr. McKee justice would not be to speak of his achievements by the awards he received or the teams he coached; it would be to speak of the kind of educator he was. John McKee was able to turn discouraging circumstances into opportunities.

John McKee introduced students to their potential and his belief in their character guided and motivated children to fulfill their dreams. For the past five years, the Graduating class has chosen Mr. McKee as the teacher who influenced them most.

Whether an English teacher, basketball coach or Advisor on the school paper, John McKee brought out the best in his students and made sure they recognized it as well. In doing so, he ensured himself a permanent spot in the memories of his students as one who truly believed in them. Among students

and among his fellow teachers, his presence at Libbey will be sorely missed.

Mr. Speaker, the profession of education is not merely a job, it is a lifestyle. My appreciation for teachers runs deep. And my appreciation for dedicating one's life to the advancement of education runs deeper. John McKee has effectively displayed a commitment to his community. John's passion for education is what makes him a model citizen of the Fifth District.

Mr. Speaker, I ask my colleagues to join me in paying special tribute to John Reagan McKee for thirty years of success as an educator. On behalf of the people of the Fifth District of Ohio, I am proud to recognize John McKee's great achievement. We wish John and his family all the best as we pay tribute to one of Ohio's finest citizens.

HONORING OVERSTOCK.COM FOR THEIR EFFORTS IN AFGHANISTAN

HON. CHRIS CANNON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. CANNON. Mr. Speaker, I rise today to honor and recognize a Utah company for the help it has given to the recently freed people of Afghanistan.

Overstock.com, founded in 1999, is one of Utah's best performing companies and a leader in liquidating excess inventory through the Internet. For nearly five years, Overstock.com has operated on principles of value investing and fair deals, which is why it has become a leader on the Internet.

Overstock.com has also done great work abroad as well. Worldstock is the socially responsible goods department of Overstock.com that contracts with skilled craftspeople in developing countries and helps them sell their products. I am proud to say that this Utah based company is now Afghanistan's largest private employer. The Ministry of Commerce in Afghanistan reported that Worldstock has made it possible for 1,400 Afghans—90 percent of them women—to earn a living. This is a quite a feat, considering that just a few short years ago Afghanis, especially women, were living under the oppressive Taliban regime.

In Afghanistan, Overstock.com has been able to utilize technology to provide employment for this developing country. Overstock.com has given Afghanis the skills needed for long-term business success. Additionally, Overstock.com has said that it will not make a profit of more than one percent on goods sold through its Worldstock division. This policy has allowed women, prevented from working under the Taliban regime, to now flourish. Global trade and commerce are now a reality to the Afghani people thanks in part to the efforts of Overstock.com.

I would also like to recognize the founder and CEO of Overstock.com, Dr. Patrick Byrne. Being a three-time cancer survivor has not slowed down his altruism, productivity or creativity. It is Dr. Byrne's vision that drives Overstock.com and its work in Afghanistan. In 2003, Dr. Byrne hired Neelab Kaniska, an Afghan woman who fled her homeland when she was a child, to manage Worldstock. This position allowed Neelab to return to her native country and work with local artisans and provide them with the technological tools that now employ over 1500.

Overstock.com and Dr. Patrick Byrne understand the importance of all markets whether it is the individual consumer, small business owner, or an artisan in a developing country. I applaud their efforts and their representation of Utah, American business, and the American spirit.

IN MEMORY OF NEIL HAVENS

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. GALLEGLY. Mr. Speaker, I rise to pay tribute to the memory of Neil Havens, former postmaster of my hometown of Simi Valley, California, and a man for whom community was family and who epitomized the spirit of Simi Valley.

Neil Havens died peacefully Friday at the age of 74 in his favorite chair in the home he and his wife, Pat, moved into soon after they married in 1951. A fourth-generation Simi Valley native, Neil was appointed postmaster by President Dwight Eisenhower, taking over from his father, Charles Reuben Havens. His grandfather, Charles Albert Havens, also delivered the post in Simi Valley.

And while his 30-year reign as postmaster guaranteed him a place in Simi Valley's history, it was Neil's commitment to community that guaranteed him a place in the hearts of all who knew him.

Neil Havens was a longtime Rotarian. He served as president of the Rotary Club of Simi Valley twice. He was one of the founding members of the Simi Valley Education Foundation. He served on the board of the Simi Valley Cultural Arts Center Foundation. He was a member of the Salvation Army Disaster Team. He raised money for Simi Valley Hospital. He was active in the U.S. Naval Reserve. And the list goes on.

But that is not what people talk about when they talk about Neil Havens. They talk about his firm handshake and his ready smile framed by a trademark jawline beard. They talk about how many friends he had and how he called every week. They talk about how their lawn was mysteriously mowed when they fell ill, to find out later that it was Neil who wielded the mysterious mower. They talk about how he visited sick friends every day they were ill and looked after their family once they passed.

Neil Havens defined community as family. And Neil looked after his family.

Neil is survived by his wife, Pat, herself a community icon. She and Neil graduated together from Simi Valley High School in 1947 and raised three children in Simi Valley, Debra, Barbara and Russ. The City Council named Pat as Simi Valley's first City Historian while I was mayor of the city, a post she still holds along with Director of the Strathearn Historical Park and Museum.

In addition, Neil is survived by four grandchildren.

Mr. Speaker, I know my colleagues join me in sending our condolences to Pat Havens, their children and grandchildren, and pause in remembering a man whose family extended far beyond the bonds of blood and whose life embraced all who knew him. Godspeed, Neil.

INTRODUCTION OF H.R.___, THE LIBERTY LIST

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. SCHIFF. Mr. Speaker, in presenting the 2003 State Department Human Rights Report Secretary of State Colin Powell declared, "We join in solidarity with courageous men and women all over the world who strive to advance human rights and democratic values within their own countries and throughout the international community." Today, I introduce the Liberty List Act that will highlight those courageous men and women and reinforce the special significance of freedom, democracy, and human rights in American foreign policy.

The Liberty List will be an independent annual report issued by the State Department to highlight the work of individuals and organizations, including the media, who promote the development of liberty, democracy, and respect for human rights. In addition to honoring these individuals and organizations for their important contributions to their societies, the Liberty List will draw attention to the conditions against which the honorees struggle and will offer some protection for honorees by identifying them to the international community. A few individuals and groups, such as Aung San Suu Kyi and her National League for Democracy NLD, are known around the world for their struggle. Yet, for every individual who is known to the international community, there are many other heroes who deserve recognition and support as they risk their own lives for the improvement of others'.

The Liberty List is fundamentally different from the existing State Department Report on International Religious Freedom and the annual Country Reports on Human Rights Practices. Current reports focus on the human rights records of national governments; they deal with the imposition of state power. The Liberty List, in contrast, will spotlight individuals and organizations who are working against that power to build freedom, democracy, and respect for human rights.

Leaders in the struggle for freedom and democracy around the world deserve recognition for the sacrifices and their struggles. It is through the work individuals, who struggle at the local and national levels to improve the lives of their families, friends, and neighbors, that democracy, freedom, and human rights will prevail. The Liberty List Act will establish a means by which the United States can honor these men and women as they strive to make the world a better, safer place.

I urge my colleagues to join me as cosponsors of this legislation.

THE CASE OF THE HUNGARIAN GOLD TRAIN

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. SERRANO. Mr. Speaker, I rise today to discuss an important issue of justice for Holocaust survivors: the saga of the Hungarian Gold Train, and the role played by the United States government.

As the Presidential Advisory Committee on Holocaust Assets, PCHA, first revealed in full in 1999, this was a dark mark on the otherwise heroic and exemplary role played by the United States in the treatment of Holocaust survivors. In 1944, the Nazis systematically confiscated the property of Hungary's Jews. A train loaded with stolen property was turned over to U.S. Army after World War II ended. Our policy and law required us to return that property to its rightful owners. Instead, the United States refused to return the property to Hungary—despite the pleas of Holocaust survivors. Worse, our government covered up the matter for half a century. As the PCHA concluded, the Gold Train is ''an example of an egregious failure of the United States to follow its own policy regarding restitution of Holocaust victims' property after World War II.''

As members of this House are well aware, the United States has been at the forefront of recent worldwide efforts to assure restitution and historic justice for Holocaust survivors. When other nations or their corporations have tried to use legalistic defenses, such as sovereign immunity or statutes of limitations, we have said forthrightly that there is a moral as well as a legal obligation to make historic amends. Sadly, in dealing with the claims of the Hungarian Holocaust survivors, our own government has taken the very approach we have decried elsewhere.

The survivors filed suit in federal court in Miami in 2001 seeking an accounting and restitution. The Justice Department has litigated this case in a manner that appears to ignore its moral dimensions, and that appears to contradict our bipartisan national policy on Holocaust restitution. It has sought to have the case thrown out of court—an effort rejected by Judge Patricia Seitz. It has insisted on taking grueling in-person depositions from dozens of elderly survivors. It only filed a substantive response to the lawsuit three years later. In that response, it chided the survivors themselves for lacking the ''due diligence'' to learn about the Gold Train, despite the fact that the government itself covered up the story and kept documents classified for decades! This sort of foot-dragging only adds insult to injury. The Department of Justice has a duty, in my view, not only to vigorously uphold the law, but also to pursue justice and seek fair restitution for those victims who lost property on the Gold Train.

The report accompanying the Commerce, Justice and State Appropriations bill makes clear the Appropriations Committee's concern over this issue. Report language indicates that the Committee is watching this case carefully. As I told Deputy Attorney General Comey when he testified before the Subcommittee in March, I have heard a great deal about this from Holocaust survivors. I feel very strongly that these individuals should not be dragged through further time-consuming litigation and court proceedings.

Mr. Speaker, I believe the judge's order that the Justice Department mediate the case with the survivors is a very positive development. The parties have agreed that Fred Fielding, the former White House counsel to President Reagan and currently a member of the Commission on Terrorist Attacks on the United States, the 9/11 Commission, will conduct the mediation. I will monitor this process, and work with Mr. Fielding as necessary to see that justice is done. As the report indicates, it is important that the Justice Department treat this mediation seriously and at last resolve this matter in a way that is fair, compassionate, and prompt.

I believe that the most authoritative account of this case—and of the United States government's moral duty to compensate these survivors—was recently written by the Hon. Stuart E. Eizenstat. Ambassador Eizenstat was the Special Representative on Holocaust Restitution Issues during his time as Under Secretary of State and Deputy Treasury Secretary during the 1990s. He sat on the PCHA and is respected worldwide for his balanced leadership on this issue. He recently wrote an article in the Forward, the respected Jewish newspaper. I strongly agree with the thrust of this article, and I would like to enter it into the record at the end of this statement.

Mr. Speaker, simply put, justice delayed is justice denied. These Holocaust survivors came to the United States to build new lives, and our government has wrongly withheld the compensation which could have helped in that process. They have been waiting for almost sixty years for justice. They should not have to wait any longer.

[From the Forward, June 17, 2004]

INTEGRITY OF THE RESTITUTION PROCESS RESTS ON SINGLE STANDARD OF JUSTICE

(By Stuart Eizenstat)

During the last decade, Swiss, German, Austrian and French companies and their governments paid some $8 billion to Jewish and non-Jewish victims of the Third Reich, disgorged thousands of dormant bank accounts, finally honored prewar insurance policies and returned confiscated property and artwork.

The Europeans paid reparations for their conduct during World War II, and restituted property even though their legal liability more than half a century later stood on shaky grounds. They did so in significant part because the American government insisted that they had a moral and historical responsibility to those they wronged.

Now, however, the shoe is on the other foot in the ''Hungarian Gold Train'' case. The American government is being sued by Jewish survivors for alleged improper handling of assets stolen from them by the pro-Nazi regime in Hungary. Faced with righting what may be America's historical wrong, the Justice Department has forgotten our own message to the world, and is relying on strict legal arguments to escape responsibility.

This is the wrong approach and should be corrected immediately, lest we lose the moral high ground that was indispensable to achieving our agreements—and that remains essential today to ensure our agreements are honored and that other human rights violations are taken seriously.

The U.S. Army was not only heroic in winning World War II, but also had an enviable postwar record in recovering Nazi-looted property. Unlike the Soviet Union, which took away valuable paintings and cultural property as war booty, the American government never tried to enrich itself as the victorious power. In accordance with international legal principles and American policy, art and cultural property was returned to the countries from which it had been taken. In turn, those countries were expected to return the property to the citizens from whom it had been confiscated.

But in regard to the Hungarian Gold Train, the American government followed a starkly different policy. The train, totaling 24 rail cars and holding countless Hungarian Jews' valuables that had been confiscated by the pro-Nazi Hungarian government, was seized by the U.S. Army in Austria in mid-May 1945, just after the war had ended. Despite constant appeals for years by the post-war Hungarian government and the official Hungarian Jewish organizations to return the property—even to simply permit an examination of the valuables—the American government refused. Even the American Legation to Hungary questioned Washington's refusal.

Instead, the U.S. Army declared the Gold Train assets ''enemy property'' unidentifiable as to individual ownership and national origin, making restitution infeasible. Instead of returning the property to the Hungarian government, as the French army did with other Jewish assets it seized after the war, some senior American military officers requisitioned the property to furnish their apartments in Austria. Other items, such as watches, alarm clocks and cameras, were sold through Army Exchange stores in Austria. More than 1,100 paintings, some with impressive credentials, were transferred by the U.S. Army to the Austrian government. A substantial amount of property was sold for auction in New York, with proceeds transferred to the International Refugee Organization to benefit Holocaust survivors. A small number of items simply were stolen.

None of the property, however, was returned to the large surviving Hungarian Jewish community from whom the Gold Train assets had been confiscated.

After successfully urging more than 20 countries to establish historical commissions to examine their role in dealing with looted Nazi assets, President Clinton followed my recommendation to create our own Presidential Advisory Commission on Holocaust Assets in the United States. The commission, headed by Edgar Bronfman—who played a critical role in exposing the misuse of Jewish bank accounts by Swiss banks—first publicly disclosed the disturbing facts about the Hungarian Gold Train in an interim report in 1999 and in a later report in December 2000. The Bronfman-led commission, in which I served as a commissioner, did not flinch from exposing misjudgments by the American government—just as the Clinton administration did not hesitate to do for so many years with other countries.

Our disclosures led to a private class-action lawsuit, Irvin Rosner et al v. United States, by more than 3,000 Hungarian Holocaust survivors against the American government, seeking an accounting of the contents of the Gold Train; a search of U.S. Army posts for the valuables and the return of any Gold Train property still in government hands; and up to $10,000 in damages from each member of the class of Hungarian Jewish survivors.

Instead of acting as we had urged foreign government and their companies to act, instead of even calling for an investigation of the facts to establish whether there truly was the kind of culpability our presidential commission found, the American government moved to dismiss the case on the basis of the statute of limitations, the sovereign immunity of the United States and the inappropriateness of the federal court system as a proper forum for these claims. The government has subjected elderly survivors to rigorous depositions, and has used an expert

witness, the chair of Tel Aviv University's Jewish history department, to contest some of our commission's findings and the plaintiffs' more sensational allegations.

Even if the Hungarian Gold Train case is questionable on legal grounds, and even though some of the facts remain contested, the moral claim by the survivors that their assets were not returned is solid. What, then, should be done now?

For starters, the mindset of the Bush administration's Justice Department must change. We must hold ourselves to the same rigorous moral and historical accountability to which we have held foreign governments and their corporations. This was the basic argument made by a bipartisan group of 17 senators, including Hillary Rodham Clinton of New York and Trent Lott of Mississippi, in a recent letter to Attorney General John Ashcroft.

As reported in these pages two weeks ago, U.S. Federal Judge Patricia Seitz granted part of the Justice Department's motion to dismiss the Hungarian Gold Train case, but denied other parts and has ordered the United States to submit to mediation. The Justice Department should now take the opportunity to allow the mediator to review all the records and documents and to weigh the contested facts, including the amount of Hungarian Jewish assets that was actually on the Gold Train.

Of course, it will be almost impossible for survivors to identify individual items that were confiscated from them and to determine which items made their way onto the Gold Train. That is why the Bush administration should apply the same ''rough justice'' concepts we used in negotiating with the Germans, Austrians, Swiss and French—this time, for the benefit of Hungarian Jewish survivors in the United States, Israel and Hungary.

After all, it was no easier for slave and forced laborers of German and Austrian companies to identify their employers. Yet German and Austrian corporations and their respective governments met their responsibility and paid billions of dollars to survivors, Jews and non-Jews alike. The French government likewise faced its moral responsibility to those victimized by Vichy France.

Justice would be served if the mediator appointed by Seitz was permitted to make a recommendation to the parties, Congress held a hearing on the mediator's findings and on competing allegations, and President Bush asked Congress for a reasonable lump sum payment to be allocated on a per capita basis to living Hungarian Holocaust survivors who file an affidavit identifying their moveable property that was taken in April 1944 by the pro-Nazi regime.

Obviously, the American government is only responsible for what it seized on the Gold Train and failed to return. And the amount should reflect that some of the assets were sold for the benefit of Holocaust survivors in the United States, a small number of whom were Hungarian Jews. The amount, however, is less important than establishing the principle that the United States will hold itself to the same standard to which we have held others.

And importantly, a simple, straightforward apology should accompany the payments for what was likely a singular deviation from the otherwise sterling conduct of the American military after World War II. The United States will then be in a stronger position to continue to urge other countries to meet their responsibilities—and we will have proved that when the shoe is on our foot, we can wear it.

TRIBUTE TO SENIORS DAY

HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. MICHAUD. Mr. Speaker, I rise today to recognize the first annual Tribute to Seniors Day to be hosted by the Waldo County YMCA in the City of Belfast, Maine.

The focus of this important day is to honor the seniors of Waldo County and their dedication to their community and their families. This event will give important recognition to our seniors, and will include a health fair and other events and activities that will provide useful social services information.

Tribute to Seniors Day will be a fitting salute to a group that over the years has persevered and seen our country through hard and trying times, including those of the Greatest Generation who lived through the Great Depression and a World War. They were forged in the toughest trials of this century, and they remain community leaders to this day.

While the struggles this generation has faced over the years have changed, today the important fight is for affordable heath care and prescription drugs, and our seniors are leading the charge. There is no greater gift of gratitude that we can give to our seniors than to join them in this fight and improve Medicare in order to make prescription drugs affordable for all.

I am certain that this event will be a resounding success for years to come and will provide other areas with a model through which to recognize the lifelong dedication and service provided by local seniors. I encourage everyone in Waldo County to attend this important event and lend their support for their friends and family as we celebrate Tribute to Seniors Day.

To our seniors who have lived through and experienced so much, and who still remain pillars of our community, I salute you.

MEMORIALIZING ROBERT MASAHIRO YOSHIKAWA

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. HONDA. Mr. Speaker, I rise today to honor the life and contributions of Mr. Robert Masahiro Yoshikawa who recently passed away. He was a pillar of the community and a personal friend of mine. Mr. Yoshikawa made an immeasurable impact on all those around him through his career, his volunteer work, and his devotion to family. His tireless efforts improved the lives of countless people in his community.

I met Robert Yoshikawa many years ago when we were both students at San Jose State University. From that moment on, he continually amazed me with his unwavering selflessness and his extraordinary dedication to the community. Throughout his life, he consistently put others before himself through volunteering and his active involvement with his church, his family activities, and his neighborhood.

For those who are unfamiliar with Mr. Yoshikawa's life, I would like to take a moment to highlight some of his extraordinary contributions. In addition to serving as President of the San Jose Buddhist Church Betsuin, Bob served on the board of directors of both the SJBC and Fuji Towers and played an integral part on many committees. Mr. Yoshikawa served as past chairman of the San Jose Buddhist Church Betsuin Ministerial Affairs and Obon Committees, as well as being a charter member and current president of the Young Japanese Adults. In 2002, Robert was presented with the Volunteer Recognition Award by the Junior League of San Jose.

In addition to his extensive volunteer work, Mr. Yoshikawa was a wonderful husband to his wife Phyllis and father to his sons, Mark and Scott. He served as an ideal role model for his sons, teaching them right from wrong, imparting to them a spirit of service, and making time to involve himself in their lives and activities. He could often be seen videotaping his sons' football games or driving them to various Boy Scouts, sporting or church activities in his Chevy Suburban. He would constantly guide his sons with sage advice from his experience and the experiences of his own father. He was a man of strong conviction, who stood behind his decisions without wavering.

Robert Yoshikawa, a second generation American, was born in Newcastle, California in 1940. Upon graduating from high school, he attended Sierra Junior College before matriculating on to San Jose State where he received a degree in mechanical engineering and met his future wife, Phyllis Osaki. The couple first lived in an apartment in Sunnyvale, but spent the past 37 years in the house in San Jose that they watched being built. It was there they raised their two boys. Robert worked at Lockheed Martin until his retirement in 2003. At Lockheed, Robert's robust engineering skills and attention to detail were instrumental in the success of several important projects. He was praised for being accurate and efficient, and his remarkable patience and experience made him a valuable mentor to the younger engineers at Lockheed.

Upon retiring from his job at Lockheed Martin after 40 years, Mr. Yoshikawa embarked on yet another chapter in his full life. Though he and Phyllis had already traveled the globe, he had even more trips planned and was enjoying his return to improving his golf game with other retired friends. Always wanting to be useful, he also agreed to volunteer at the Japanese American Museum of San Jose as just one more in his myriad of community services. It was on March 24, while volunteering at the museum, that Mr. Yoshikawa died of a heart attack. Since he was in apparent excellent health, his passing came as quite a shock to all who knew him.

Mr. Speaker, I rise today to mourn the loss of a friend and a role model. I knew Robert for 40 years and he was as inspirational to me the last time I saw him, as he was when we first met. I know that the people of the Bay Area appreciate everything that this wonderful man has done for them and I feel privileged for having known him.

TRIBUTE TO KELLER HAYES

HON. DIANA DeGETTE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Ms. DEGETTE. Mr. Speaker, I would like to recognize the notable accomplishments of a remarkable woman in the 1st Congressional District of Colorado. It is both fitting and proper that we recognize Keller Hayes for her impressive record of business and civic leadership as well as her invaluable service to our state and community.

Keller Hayes has used her time, skill and energy to make Colorado a better place. She came to our community from a small ranch in rural Nebraska and graduated from the University of Nebraska at Lincoln with a degree in Journalism and Women's Studies. She worked for various publishing houses, including a trade publication in Minnesota and for Monterey Life in California before joining the Colorado Women's Chamber of Commerce.

For Keller, the economic empowerment of women has meaning. Whether advocating for passage of a pay-equity resolution at the statehouse or developing a Women's Business Certification program to allow women-owned companies to gain greater access to corporate and government contracts, Keller has been a champion for social and economic empowerment. She believes in the mission of the Colorado Women's Chamber of Commerce and during her tenure as President, she gave its mission new life and helped build a dynamic organization. When Keller took up the job, she and a part-time person were the only staff the chamber had. Today, the organization has eight staff people, boasts 1,700 members and has become the largest women's chamber in the country. Under Keller's leadership, the Women's Chamber created a structure that promotes the economic advancement of its members and provides meaningful leadership for women in business. Keller has opened doors and garnered respect for the women's business community. She has brought other women along and helped get them a seat at the table. Keller has fought for recognition of both the immeasurable contribution of women to our economy and the full value of women's abilities. As a result of her leadership, business women have become a more powerful force in our city and our state.

For her efforts, Keller was chosen the 2001 Outstanding Woman in Business Nonprofit by the Denver Business Journal and 2002 Women in Business Advocate of the Year in Region VIII for the Small Business Administration. But it takes a special person to reach a high level of professional accomplishment and still find the time and energy to give back to the community. Over the past six years, Keller has volunteered for the Rape/Spouse Abuse Crisis Center as an on-line counselor, volunteer trainer, speaker and public relations volunteer. Not only has Keller used her skills and talents to promote the economic empowerment of women, she has done much to advance the well-being of our people.

While I believe many of us are saddened Keller has left the Women's Chamber, I am confident that her leadership, skill and experience will be of great benefit to all of us in her new venture and we look forward to her continued involvement in our civic life.

Please join me commending Keller Hayes for her professional achievement, community service and active involvement in helping women attain professional excellence and a dynamic voice in public life. It is the strong leadership she exhibits on a daily basis that continually enhances our lives and builds a better future for all Americans.

HONORING BILL LYNCH AS DEPUTY MANAGER FOR KERRY-EDWARDS CAMPAIGN

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. RANGEL. Mr. Speaker, I rise to recognize the appointment of William (Bill) Lynch Jr. as Deputy Campaign Manager for the Kerry-Edwards Presidential Campaign.

A Harlem native and former Deputy Mayor of the City of New York, Bill Lynch has more than 30 years experience in local and national politics, government operations and public policy. In 1997, former President William J. Clinton nominated Mr. Lynch for the position of Vice Chair to the Democratic National Committee.

Prior to Mr. Lynch's appointment as the Deputy Mayor for Intergovernmental Affairs in 1989, he served as Campaign Manager for David Dinkins '89 and as Chief of Staff to the then Manhattan Borough President. Bill Lynch has been a social and political activist for the past twenty-five years, serving as Director of Legislation and Political Action for District Council 1701 of the American Federation of State and Municipal Employees (AFL–CIO), as well as Campaign Manager for Congressman MAJOR OWENS and Assemblyman William Frank Boyland both of Brooklyn, New York.

Mr. Lynch will lead a national effort to motivate and deliver key Democratic Party constituent groups, particularly African Americans and Latinos that have been marginalized in the past. I urge my colleagues to join me in commending Mr. William Lynch on his recent appointment as the Deputy Campaign Manager for the Kerry-Edwards Presidential Campaign and wish him all the success.

I commend to my colleagues the following article, which appeared in the New York Daily News on July 20, 2004.

[From the Daily News, July 20, 2004]

DEMS' NEW CAPTAIN

(By Errol Louis)

On a quiet, isolated farm in Tennessee, a few hundred political leaders gathered Sunday to honor two New Yorkers—Len Riggio, the Brooklyn-born chairman of Barnes & Noble, and former Deputy Mayor Bill Lynch—in a ceremony that symbolizes a pivotal moment in the race for President. Newly named to the post of deputy manger of the Kerry-Edwards campaign, Lynch will help lead a national effort to fire up and deliver many of the Democratic Party's key constituent groups. That includes women, gays, young adults, blacks, Latinos and union members, especially in the swing states—all in the 104-day sprint between now and Election Day.

Should Lynch succeed, the ticket stands a good chance of winning. But if he comes up even a little bit short in key states like Ohio, Pennsylvania or Florida, it could cost the Democrats the election.

Given the importance of his mission, it's fitting that Lynch was back at the Haley Farm Freedom School, a 157-acre spread outside Knoxville, over the weekend. There he joined a cross section of the Democratic Party's elite, including David Dinkins and Elizabeth Edwards, the wife of the vice presidential candidate, at the dedication of the Riggio-Lynch Chapel, a building paid for by the bookstore magnate and designed by renowned architect Maya Lin (of Vietnam memorial fame).

The farm, formerly owned by the writer Alex Haley, was acquired a decade ago by the Children's Defense Fund and transformed into a thriving conference and training center for veterans of the civil rights movement and their younger, modern successors. Over the last 10 years, more than 6,000 young people have passed through the Haley farm for retreat-like workshops on everything from writing policy papers to studying how civil disobedience works.

College-age activists, many with dreadlocks and tattoos, regularly sit and swap stories with movement veterans who put their bodies on the line in places like Selma, Birmingham and the Mississippi Delta. The same kids are the secret weapon that could carry the election.

Lynch, a former union organizer who did his share of sit-ins before turning to electoral politics, is expected to tap into this army of well-trained young activists and bring their farm-stoked energy into the Kerry-Edwards campaign.

The challenge for Lynch will be to persuade party bigwigs that in many communities, no amount of expensive advertising, fancy Internet networking or televised debating can replace doorknocking, phone-banking and other kinds of grass-roots organizing.

It's a debate that goes on in every Democratic campaign. All too often, fancy media strategists win the debate and grab most of the campaign funds—and then lose the election.

It doesn't have to turn out that way. The troops who could win the fall election have been training quietly for more than a decade on that quiet farm outside Knoxville. If Lynch succeeds at bringing them into a Democratic win, it will look like a 100-day electoral miracle.

INTRODUCTION OF BILL TO ESTABLISH A BORDER PATROL UNIT FOR THE U.S. VIRGIN ISLANDS

HON. DONNA M. CHRISTENSEN

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mrs. CHRISTENSEN. Mr. Speaker, I rise today to introduce legislation to require the Secretary of Homeland Security to establish at least one Border Patrol unit for the U.S. Virgin Islands.

With over 175 miles of unprotected and open borders, the Virgin Islands are the gateway to the U.S. and our nation's southernmost border. And, it would appear, Mr. Speaker that the U.S. Virgin Islands is today the gateway of choice for human smugglers.

Since 1998 more than 500 Chinese nationals have entered the territory of the U.S. Virgin Islands. Those dropping the aliens ashore have identified the Virgin Islands as an area from which illegals can try to travel undetected to the U.S. mainland. While most of these

landings have principally been during the predawn hours at one of the several cays on the island of St. John, there have also been landings on all three islands with 15 Chinese nationals being apprehended on St. John and St. Thomas as recently as this past April 19th. According to the U.S. Attorney for the Virgin Islands, ''we don't know who these people are who are smuggled into the territory from China.''

Because of the lack of a Border Patrol Unit in the territory, other federal agencies such as Immigration and Customs Enforcement (ICE) have to spend a significant amount of manhours apprehending, processing, detaining and watching aliens in custody. ICE has to use between 6 and 8 agents in every landing of 12 to 15 aliens. At a rate of on average 3 to 4 landings per month more than 80 hours are spent processing these aliens. Time which could be used to investigate conspiracies, smuggling organizations and dismantling rings.

Mr. Speaker, having a Border Patrol Unit assigned in the territory would also enable us to deal with the other serious problem we face which is drug smuggling. ICE has identified several trafficking organizations that use the U.S. Virgin Islands to conduct drug smuggling operations, with marijuana, cocaine and heroin being shipped to the territory on a weekly basis.

We also know Mr. Speaker, of the very real connection and relationship between drugs and terrorism: One third of listed terrorist organizations are involved in drug trafficking; according to published reports Al Qaeda and Osama bin Laden financed the development of a highly addictive liquid heroin as part of their multi-pronged terrorists campaign to destabilize western society; and according to a UN report, ''Funds used from the production and trading of opium and heroin are used to buy arms and other war materials and to finance the training of terrorists and support the operations of extremist.

Mr. Speaker, it is a proven fact that it's more beneficial to stop undocumented aliens and contraband before it enters the United States, rather than attempt to catch everything after it has already entered. Having a Border Patrol in the Virgin Islands will increase exponentially the ability of our country to intercept the next potentially dangerous terrorist before he or she reaches our shores or the drugs that could be used the finance another 9/11 type operation. I urge my colleagues to support this important bill.

INTRODUCTION OF THE REVISED INTERNATIONAL CONSUMER PROTECTION ACT OF 2004

HON. CLIFF STEARNS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. STEARNS. Mr. Speaker, today, along with JAN SCHAKOWSKY, I am introducing a revised International Consumer Protection Act of 2004.

This revision reflects changes agreed in negotiations among a number of Federal agencies including the Federal Trade Commission and the Department of Justice to settle questions of inter-agency cooperation.

The changes from the Committee Reported bill are as follows:

LIST OF CHANGES FROM H.R. 3143 AS INTRODUCED

S. 1234, §1: Includes statements of findings and purpose.

S. 1234, §4(b) (adding FTC Act, 6(j)(3)): Requires FTC to consider the U.S. public interest as a whole, not only consumers' interest, in determining whether to provide investigative assistance to a foreign agency.

S. 1234, §4(b) (adding FTC Act, §6(j)(4)): Clarifies State Department oversight of the development of international agreements.

S. 1234, §4(b) (adding FTC Act, §6(j)(6)); also 4(d): Excludes investigative assistance to a foreign law enforcement agency in matters targeting a bank, savings and loan institution, federal credit union, or common carriers.

S. 1234, §4(b) (adding FTC Act, §6(j)(7)); also §6(a) (amending FTC Act, §21(b)(6)): Ensures no support given to countries on Secretary of State's ''terrorism list.''

S. 1234, §5: Clarifies and simplifies provision on FTC's cooperation with DOJ regarding foreign litigation.

S. 1234, §6(a) (amending FTC Act, §21(b)(6)): Provides the appropriate Federal banking agency or NCUA with a right of prior approval before FTC provides a foreign agency with materials obtained under compulsory process for a matter targeting a bank, savings and loan institution, or Federal credit union.

S. 1234, §6(b) (amending FTC Act, §21(f)): Makes the section more parallel to SEC provision and eliminates a reference in existing FTC Act to ''exemption'' from FOIA; does not alter the scope of the FTC's current ability to protect domestic information from disclosure.

S. 1234, §7(a) (adding FTC Act, §21A(b)): Tracks more closely the language of RFPA and ECPA for orders under those laws delaying notice or prohibiting disclosure, for a limited time, of an FTC request for information, because of anticipated adverse results. Clarifies that a court has discretion whether to issue such an order. Makes use of terms consistent throughout the section.

S. 1234, §7(a) (adding FTC Act, §21A(c)): Clarifies provision authorizing the FTC to seek a court order prohibiting disclosure of an FTC request for information in an appropriate case and for a limited time: applies only when neither RFPA nor ECPA requires notice. Does not apply to investigative targets or disclosures to Federal agencies.

S. 1234, §7(a) (adding FTC Act, §21A(d)): Clarifies that protection from legal liability for not disclosing an FTC request applies only if neither RFPA nor ECPA requires notice of the request, and does not apply to an obligation to notify a Federal agency of the request.

S. 1234, §7(a) (adding FTC Act, §21A(g)): Restructures the list of adverse results, but retains the same items.

S. 1234, §8 (adding FTC Act, §§21B(a) and (c)): Clarifies protection from liability for voluntary provision of information to the FTC. Precludes protection for a failure to meet any notice obligation to a Federal agency.

S. 1234, §8 (adding FTC Act, §21 B(b): Narrows protection from liability for voluntary disclosures by financial institutions to the FTC of possible law violations, in accordance with existing law, 31 U.S. 5318(g)(3); clarifies that the protection reaches disclosures related to implicated assets and suspicious chargeback information.

S. 1234, §8 (adding FTC Act, §21B(d): Clarifies that a domain name registrar or registry is eligible for the protection only in its capacity as such, not in any other business it may conduct.

S. 1234, §9 (adding FTC Act, §25A): States expressly that foreign participants in staff exchanges become employees of the FTC subject to the same ethics standards as other employees. Corrects the citations to appointing authorities.

S. 1234, §11: Provides an overall savings clause for existing authority.

S. 1234, §13(9): Requires report to Congress on FTC litigation brought in foreign courts.

A TRIBUTE TO RONALD E. JONES

HON. RICK BOUCHER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. BOUCHER. Mr. Speaker, I rise today to recognize a fine Virginian, Ronald E. Jones, who has served our state and community as a teacher, a committed volunteer, a good Democrat and a fine family man.

Ronald E. Jones was born in Richlands, Virginia and has devoted his life to educating the children of Russell and Buchanan Counties. Mr. Jones was a music teacher and taught not only music but lessons about life. In addition to his duties as a teacher, Mr. Jones devoted countless hours to his students and community as Band Director for Lebanon High School, Cleveland Middle School and Council High School. Many fine musicians in our part of Virginia studied with Mr. Jones and his work has touched the lives of each of his students.

Mr. Jones is also an active member of his community. He has been a Mason, a member of the Lions and Kiwanis Clubs, and a member of the Virginia Jaycees where he still serves as an ''Exhausted Rooster'' with that organization. Mr. Jones has also utilized his musical skills to honor our nation's heroes and as a bugler has played Taps at military funerals across Southwest Virginia. He is honored that the Governor of the Commonwealth of Virginia recognized his service by naming him a member of the Honorable Order of Kentucky Colonels.

In addition to his community and musical endeavors, Mr. Jones has also served his community in both the governmental and political arena. He served the Town of Lebanon as a Councilman and as Vice Mayor. A proud Democrat, he served on the Russell County Democratic Party nominating committee for many years and is a life long member of the Democratic Party.

Mr. Jones is a valued and cherished member of his community. I am glad that this body can recognize his service today and thank him, his wife of almost 40 years Bonnie Sue, and his son Bradley E. Jones, for the service that he has provided to my area of Virginia.

TRIBUTE TO EDGAR UIHLEIN

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. CRANE. Mr. Speaker, I rise today to pay tribute to my friend Edgar Uihlein of Northbrook, Illinois.

I first got to know Ed Uihlein when I was running for Congress for the first time in 1969. Ed encouraged me just as he has helped other conservative candidates and organizations, including the Leadership Institute.

Ed is a man of extraordinary character. He has worked by the sweat of his brow, and he has worked by the labor of his mind. He has taken care of his own, and he has fought for what was right. Ed has a spirit of adventure and courage. On an impulse, he played hooky from Princeton for a full year while he joined his father on a round-the-world tour in 1936. Ed was in the Navy in World War II, and he took care of his men. When the ship's refrigerator broke down during a long stay in a foreign port, and the crew had no fresh food for a week, he disappeared for half the day, only to return with a barrow full of fresh fish that he himself had caught. The whole ship feasted and the next day the coast where he had fished was full of American sailors trying their luck.

Ed married his sweetheart Lucia in 1941, and built his family with love and care. Today, his five children have fond memories of their parents standing beside their beds, singing duets as they tucked them in. Every morning, Ed drove the children to school, and along the way he would sing to them. As the children got older, Ed would take turns reading books aloud in the evenings, and around the dinner table he would talk politics. They could see his concern, and they came to share it. In 1956, he paid his kids a penny an envelope to address, stamp and seal letters of concern that were sent to every Member of Congress with regard to the heroes of the Hungarian Uprising. Today, their five children and ten grandchildren are productive, patriotic citizens scattered around the country—but, I am happy to say, two of his sons are still living in Illinois.

Ed has made significant financial contributions to individuals, to the arts, and to charities both large and small, many of which are marked ''anonymous''. I once asked his family for a photograph of him and they did not have one. Ed isn't the kind of man who would sit for a portrait photo. That modesty is another facet of his distinction as an individual.

Ed, you're a great American. I am honored to call you friend.

RECOGNIZING THE CHARITABLE GOOD WORKS OF THE OCEANSIDE ELKS LODGE #1561

HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. ISSA. Mr. Speaker, I rise today to recognize the 75 years of good works and charity of the Oceanside Elks Lodge #1561. On May 31, 1929, the Oceanside Elks Lodge became a reality in the Palomar Theater building in Oceanside, California, with 129 charter members.

The first business meeting took place on June 28, 1929. Since that time, the Lodge has held meetings in three different locations ending in their current facility at 444 Country Club Lane in downtown Oceanside.

The motto, ''Elks Care and Elks Share,'' is well established in the order of Elks, and the Oceanside Lodge has been one of the leaders in monies donated to worthy causes since its beginning. Over the last 15 years, the Oceanside Lodge has donated over $482,624 to charitable causes, such as direct student scholarships, VA Hospitals, the American Heart Association, youth groups and a host of other local charities.

The Elks National Order has donated in excess of $3 billion to charity during its 137 years, second only to the United States Government in total donations.

When founded in 1868, the Elks Lodge was a fraternal organization. However, the Oceanside Lodge is proud to recognize Donna Stewart as their first female Elk and Claudia Dineen as their first female Exalted Ruler.

Their Current Exalted Ruler, Robert F. Neal, is a long-time, respected member of the community and is working to increase the charitable contributions to even greater heights.

Mr. Speaker, I believe it is vital that we in Congress recognize the 187 years of service and charitable good works of the Elks Lodge and the 75 years of generosity of the Oceanside Elks Lodge #1561 to their local community.

PAYING TRIBUTE TO DR. HAROLD KATNER

HON. JIM MARSHALL

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. MARSHALL. Mr. Speaker, I rise today to pay tribute to a man who has selflessly served his community for many years. Since the very beginning of the HIV/AIDS epidemic—more than 20 years ago—Dr. Harold Katner has been a leader in Middle Georgia's fight against AIDS. Through education, research, and treatment, Dr. Katner has spent the bulk of his career working to help the victims of this disease.

When HIV/AIDS was first discovered, public fear of the disease was intense and its victims were often loathed and shunned. Recognizing the need to quell the public's fears, Dr. Katner realized that educating a skeptical public would be crucial in the fight against AIDS. He resolved to educate Middle Georgians whenever and wherever he could. Still today, Dr. Katner educates students of all levels—middle school, medical school, high school, college, as well as medical professionals. And his teaching efforts have not been limited to Mercer University or even to Georgia. Dr. Katner has given international presentations and has been recognized by various national organizations and international entities. One of his colleagues put it best: ''He gives AIDS presentations everywhere and anywhere, speaking to any group that invites him to talk'' about this devastating medical and social issue.

Mr. Speaker, in addition to his efforts to educate the public, Dr. Katner has also treated AIDS patients from the beginning. As a pioneer in the early 1980's, he was the only physician in the City of Macon who would treat AIDS patients. Treating a disease that disproportionately affects those in poverty is a special challenge because many of its victims cannot afford treatment, and understanding the financial difficulties facing many patients, Dr. Katner offered medical care without concern for remuneration. To this day, much of the treatment and education he offers is to those in poverty, particularly to the younger, more vulnerable members of society. For his work with patients, Dr. Katner has been recognized by the American Medical Association and Mercer University named him Attendant of the Year five times in 10 years.

Dr. Katner's research efforts have been prolific, as well. He has published his research extensively and has presented his work to help educate his peers, as well as the general public. His credentials are considerable, and yet he is remains a caring, humble physician, dedicated to his patients in true homage to the Hippocratic Oath.

Mr. Speaker, Dr. Katner's efforts in fighting against the AIDS epidemic—through research, treatment, education—have truly been those of a hero. Today, I hope that Middle Georgia and the country will join me in thanking this public servant, in the truest sense, for his tremendous efforts to help both the victims of AIDS and stop the spread of this epidemic.

PROTECTS ACT OF 2004

HON. CORRINE BROWN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Ms. CORRINE BROWN of Florida. Mr. Speaker, I am proud to join Rep. JAMES OBERSTAR (Minn) in introducing the Protecting Railroad Operators, Travelers, Employees, and Communities with Transportation Security Act of 2004 (PROTECTS Act). The bill authorizes nearly $1.3 billion to provide better railroad security and response to terrorist attacks.

The federal government is spending $4.4 billion this year on aviation security, but it's spending only $65 million on rail security, even though five times as many people take trains as planes every day.

The bill authorizes $500 million to be appropriated for freight and passenger rail security improvements, a total of $597 million for Amtrak's fire and life-safety improvements, $65 million for system-wide Amtrak security upgrades, and a total of $100 million for rail research and development. It also provides for improved training and equipment for railroad employees and local emergency personnel to better respond to terrorist incidents.

Increased funding for rail security is something this country desperately needs, particularly in light of the terrible metro rail tragedy in Madrid. The nation's rail infrastructure has been treated like the stepchild of the overall transportation system. It is finally time we dedicate our resources to providing rail security for our nation's citizens.

After September 11th we started spending money like crazy on security, but I'm not sure we are getting our money's worth out of many of the programs we developed. That's why it is so important that we tailor a security program that truly meets the needs of our rail lines and passengers. The security measures we put in place for Aviation will not work for Rail. We need to learn from the mistakes that were made in developing aviation security, and apply what we learned in developing a rail security program.

But we can't keep treating our rail infrastructure as a second class citizen. We have dedicated billions of dollars to the airline industry, and created a grant program for the nation's ports, but have done little to invest in the security upgrades our rail infrastructure needs.

We have a lot of work ahead of us, but I know that everyone in Washington is dedicated to protecting our railways from attack.

No security is fail-proof, but working together we can create a rail security program that protects passengers and keeps the trains running on time.

PERSONAL EXPLANATION

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. DAVIS of Illinois. Mr. Speaker, I was unable to cast votes on Monday, July 19, 2004 due to official business. If I was present for rollcall votes for the following bills: 391 on motion to suspend the rules and pass, as amended, H.R. 1587—To promote freedom and democracy in Viet Nam; 392 on motion to suspend the rules and agree, S. Con. Res. 114—''Concerning the importance of the distribution of food in schools to hungry or malnourished children around the world''; 393 on motion to suspend the rules and pass S. 2264—The Northern Uganda Crisis Response Act, I would have voted ''yea'' to all of these bills.

TRIBUTE TO MR. BRUCE MIMS UPON HIS RETIREMENT AFTER 38 YEARS OF PUBLIC HEALTH

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. DAVIS of Illinois. Mr. Speaker, I take this opportunity to express and convey congratulations to Mr. Bruce Mims, my longtime friend and professional associate on the occasion of his retirement from the Illinois Department of Public Health. Mr. Mims started work in Public Health at a time when very few African Americans were engaged in this profession. It was also a very exciting time in that the Voting Rights Act had been passed, the war on poverty program was being implemented, health problems, needs and issues were being identified in a big way and Bruce was a young, energetic and willing participant.

I first knew Bruce as Executive Director of the Mid-South Health Planning Organization, a Sub-B Agency of the comprehensive Health Planning Agency. The Agency was a sister to the Westside Health Planning Organization, an agency that I ran. When the law for our agencies sunset, Bruce went to work for the Illinois Department of Public Health, where he became one of the foremost Public Health experts in the country and remained there until his retirement.

It has been a pleasure knowing and working with Bruce for all of these years. I congratulate him on his outstanding contributions and wish him well in all of his future endeavors.

RECALLING THE 30TH ANNIVERSARY OF THE TRAGIC AND INFAMOUS INVASION OF CYPRUS

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I rise today to recall a tragic and infamous event, the 30th anniversary of the invasion of Cyprus by Turkey.

On July 20, 1974, Turkey invaded Cyprus. As part of a two stage offensive, Turkish troops forcefully seized approximately one-third of the island nation of Cyprus. This abominable act of violence against the people of Cyprus has never been undone. To this day, Turkish troops occupy Cyprus, splitting the nation into two areas.

Since 1974, the nation has been divided, but progress is being made toward the reunification of Cyprus. In late April, the people of Cyprus went to the polls to vote on a plan of reunification. Unfortunately, this reunification proposal was rushed to coincide with the ascension of Cyprus into the European Union. Citing many issues of concern, including security, approximately 75 percent of Greek Cypriots opposed the plan.

In the end, it was too much to ask that concerns that have been unresolved for 30 years be effectively settled in a process that lasted less than 3 months. However, one failure must not be the end of attempts to reunify the island. A lasting and equitable solution for the people of Cyprus, and the goal of a united Cyprus, is too important to abandon, now or ever. The goal of the process must be to attain a just and lasting solution, not a rushed solution. I remain committed to achieving a solution to this problem so that we never have to gather again to commemorate an anniversary of this hostile and unjustifiable invasion.

The people of Cyprus have suffered from the division of their nation for 30 years. Mr. Speaker, I pray that this will be the last year of a divided Cyprus. I sincerely hope that 30 years after the nation of Cyprus was torn asunder, all Cypriots can be reunited, living in peace and freedom forever.

EXPAND ACCESS TO MEDICINE FROM ABROAD

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. FILNER. Mr. Speaker, although the pharmaceutical industry and the supporters of the Republican prescription drug plan may disagree, Americans have a right to affordable medicine! That is why so many continue to ask Congress to take action, such as allowing the importation of safe prescription drugs from abroad.

The residents of Calexico, El Centro, San Ysidro, Chula Vista and other border communities join in that call, but in the meantime many are already going to Mexico to buy up to a 90-day supply of prescription drugs for personal use.

They purchase medicines in Mexico because the pharmaceutical companies continue to gouge them at home.

Yet the Senate's Pharmaceutical Market Access and Drug Safety Act, which takes the important step of permitting importation from Canada and Europe, would reduce the 90-day cap on personal use medicine from Mexico to a 14-day supply.

It is inconsistent to increase access to Canadian and European prescription drugs while decreasing access to safe medicine from Mexico. It is unfair to low-income seniors who rely on these life-enhancing—and often life-saving—medications.

The supporters of the bill may have reservations about the safety of medicine from Mexico. This is a valid issue to raise. Yet the FDA has not provided convincing evidence that the importation of inexpensive drugs from Mexico has resulted in health problems. If the authors of the bill were convinced that medicines from Mexico were in fact dangerous, why would they allow even a 14-day supply?

The fact is seniors in my district have found these medicines to be a safe, affordable and accessible alternative to their local pharmacies. That is why I call on my colleagues in the Senate to oppose this legislation as it is currently written and ensure that communities on the U.S-Mexico border have access to affordable drugs.

The availability of inexpensive medicine is such an important issue at the border because many senior citizens and other residents of these communities have low-incomes and no insurance.

The U.S.-Mexico Border Commission reports that if the border region were the Nation's 51st state, it would rank: Last in the percentage of insured residents, last in per capita income, last in access to care, first in unemployed; and first in the number of school children living in poverty.

We must move forward in boosting the health of our border communities and increasing the availability of safe and inexpensive medicines, rather than moving backward and placing new restricts on access to prescription drugs from Mexico.

RECOGNIZING THE 30TH ANNIVERSARY OF TURKEY'S INVASION OF CYPRUS

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. KIRK. Mr. Speaker, I rise today to recognize the thirtieth anniversary of Turkey's invasion of Cyprus. This anniversary serves as a reminder of three decades of illegal occupation by Turkish military forces of over one-third of Cyprus's territory.

On July 20, 1974, Turkey invaded Cyprus, forcing nearly 200,000 Greek Cypriots from their homes. To this day, in defiance of United Nations General Assembly and Security Council resolutions, Turkey maintains more than 30,000 troops in the occupied territory.

The division of Cyprus has gone on for too long. The past year has seen great efforts by the Cypriots, the United States, and the U.N. to develop a plan for reunification. Unfortunately, the U.N. sponsored April 2004 vote on reunification failed to pass.

Cyprus's recent accession to the European Union presents great opportunities to join its European counterparts in strongly supporting human rights and fundamental freedoms. These values should lay the foundation for a final settlement. On this anniversary, I join my colleagues in looking forward to a future where Greek and Turkish Cypriots can once again live in peace on one unified island.

30TH ANNIVERSARY ON TURKEY'S INVASION OF CYPRUS

HON. GREGORY W. MEEKS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. MEEKS of New York. Mr. Speaker, this week, the world marked the 30th anniversary of Turkey's invasion of Cyprus. And so began three decades of Turkey's illegal military occupation of Cyprus. Even as we speak, Turkey maintains 30,000 heavily armed troops in the occupied portions of Cyprus.

For 30 years, Cyprus has been divided by a green line—a 113 mile barbed wire barrier that runs across the width of the island.

For 30 years, Greek Cypriots have experienced 30 years of ethnic cleansing, forcible evictions, and missing persons. Cyprus has endured 30 years of the flouting of its territorial integrity. This includes the occupation authority's attempt to create an independent ''Turkish Republic of Northern Cyprus.''

The international community has witnessed 30 years of the flagrant violation of U.N. General Assembly resolutions and Security Council decisions calling for immediate withdrawal of all foreign forces from Cyprus, the return of refugees, and respect for the island's sovereignty.

Thirty years is a long time. The occupation of Cyprus has been going on too long. If left to their own wisdom and devices, with firm international support, Greek and Turkish Cypriots could find ways to live in peace and harmony.

The international community can and must play an indispensable role in settling the Cyprus dispute. But, to do this, it must draw the proper conclusions from results of the vote this past April on the reunification plan put forward by the United Nations.

Seventy six percent of the Greek Cypriot electorate opposed the ''Annan Plan'' because of concerns about security, property restitution, and the structure of the proposed central government, while 65 percent of Turkish Cypriot voters supported it. It is clear from this experience that a workable solution must take the interests and concerns of both the Greek and Turkish Cypriot communities fully into account.

It is instructive that the split vote has not led to greater tension between the two communities or between Greece and Turkey. During most of the 433 year history of Cyprus, Greek and Turkish Cypriots have coexisted peacefully.

With the notable exception of the period that immediately followed Turkish occupation of Cyprus, Greek and Turkish Cypriot relations have largely been free of inter-communal violence. The hotly debated referendum itself took place overwhelmingly with an absence of conflict. This shows that despite the differences between them, Greek and Turkish Cypriots overwhelmingly share a desire for peace.

The leadership of the Republic of Cyprus seeks a bizonal, bicommunal federation under a plan that promotes the genuine reunification of Cypriots and Cypriot society, while enabling each community to retain its own identity and culture.

Cyprus's admission to the European Union on May 1st of this year may have created a new opportunity for resolving the division and occupation with an inclusive democratic system in which human rights are fully respected and the fundamental freedoms on which the European Union is founded, are guaranteed.

Taking all of this into account, the U.N. needs to go back to the drawing board. The U.S. needs to remain an honest broker. It must not attempt to impose a solution that the overwhelming majority of Greek-Cypriots reject. To do so will make an ultimate solution and final reunification difficult, if not impossible, to achieve.

America must at all times remember that a united, peaceful, and prosperous Cyprus is in our national interest and the interest of world peace. After the 9/11 terrorist attacks, Cyprus was one of the first nations to express its solidarity with the United States. Cyprus has also been a strong ally in the war against terrorism. We must continue to support our friends, who like us, only seek to live in peace.

HONORING BRIGADIER GENERAL WILLIAM P. KANE

HON. PHIL GINGREY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. GINGREY. Mr. Speaker, today I rise to pay tribute to Brigadier General William P. Kane, who has faithfully served as the commander of the 94th Air Lift Wing, Dobbins Air Reserve Base in Marietta, Georgia for the last six years. The 94th Airlift wing is an Air Force Reserve C–130 unit and has a mission to train and equip combat-ready units to deploy on short notice to defend our nation, which I might add, they did on several occasions during Operation Iraqi Freedom. Additionally, Dobbins serves as the host organization to other tenant organizations, such as Naval Air Station Atlanta and Lockheed Martin, where they manufacture the F/A–22.

With this complex mission, General Kane did an outstanding job and we who reside in Marietta and Northwest Atlanta owe him a great debt of gratitude.

In addition to holding a Ph.D. in Cell and Molecular Biology, General Kane is a highly accomplished C–130 pilot, logging over 6,500 flight hours. In addition, General Kane has faithfully served the Air Reserve during his various commands of one squadron, two groups, and now three wings during his distinguished 32-year career.

While General Kane has gone on to take over command of the 302nd Airlift Wing in his hometown of Colorado Springs, Colorado, he will be sorely missed in the 11th District of Georgia.

Mr. Speaker, I ask that you join me in thanking Brigadier General Kane for his outstanding and selfless service.

INTRODUCTION OF THE CORAL REEF CONSERVATION AND PROTECTION ACT OF 2004

HON. ED CASE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. CASE. Mr. Speaker, every once in awhile I am deeply grateful for an action I am able to take that is both long overdue and truly needed. That is how I feel now as I introduce the Coral Reef Conservation and Protection Act of 2004.

My childhood was spent among the rich diversity of the coral reef ecosystems of my native Island of Hawaii. It was a time of budding wonder at what nature had wrought, the living corals and other reef life existing in mutual dependency and sustainability. But just weeks ago, when I returned, as I often do, now with my children, to those same reefs, they're not what they were. Still beautiful, yes; still wondrous. But there is not the same diversity of coral nor the same luster; the fish and other marine life not as plentiful nor diverse; the presence of new, alien species is apparent.

Of course, there are simply more of us in those marine environments than there were, and so our cumulative impact over my 50 years in those waters has become apparent, even at the level of recreational and subsistence use. But it's more, for these reefs have become a significant business, their coral exoskeletons, their living creators, and the shells and fish that live in and among them valuable collectors' items for the aquariums and curio shops of the world. And the purposeful and accidental introduction of marine invasives in isolated instances over the last decades have magnified into a critical mass of statewide presence and threat.

In relevant terms, though, we in Hawaii are among the lucky ones, for at least we still have living, albeit threatened, coral reefs, with declining but at least remaining marine life. At least we have marginally protective state laws, and a culture of arguable sustainability.

But in much of the rest of the marine world, especially throughout the temperate zones of the Pacific and beyond, the world of the coral reef is past endangered and into destroyed, wiped out by a wave of commercial overfishing, overcollecting, dynamiting, cyanide poisoning, and other forms of ecological pillage. In these worlds, laws do not exist to provide even minimum protections or, if they do, they are spurned.

Some say that that's their business; what do we care if they wreck their marine ecosystems? First, of course, in today's interdependent world, our global environment is everyone's business. But beyond that, we can't turn our backs because we are the chief facilitator; ours is the largest market for the products of this stripping of the world's coral reefs.

None of this is new: we have known all of this for decades. We have even set out to do something about it. In 1973, we became a party to the Convention on the International Trade in Endangered Species of Wild Fauna and Flora (CITES), which sought to clamp down on endangered species trafficking. But although some of our world's coral reef life has been designated as covered under it, the enforcement mechanisms are frankly ineffective.

More recently, in 1998 President Clinton issued the Coral Reef Protection Executive Order (#13098) establishing the U.S. Coral Reef Task Force. That entity was directed to strengthen our stewardship and conservation of our country's reef ecosystems, and to assess our role in the international coral reef products trade with the goal of taking actions to promote conservation and sustainable use of coral reefs worldwide.

The Task Force conducted its evaluations, made its reports, and outlined what was needed. That was in large part comprehensive legislation to institute common protective standards for our nation's coral reefs, but, equally important, rules to discourage international coral reef abuse and encourage sustainable practices by allowing imports only of non-endangered products collected by sustainable practices and pursuant to integrated management plans.

The Coral Reef Conservation and Protection Act of 2004 I gratefully introduce today embodies the principal directions of the Task Force and more. It establishes a comprehensive scheme for the domestic and international protection of our world's coral reef ecosystems. The regime's key ingredients are the disallowal of any domestic taking, transport in interstate commerce, or import of the endangered marine life of our coral reefs, unless that life is collected in non-destructive ways or subject to sustainable management plans or otherwise exempted from coverage by administrative actions.

Mr. Speaker, we have to start somewhere; our world's coral reefs are crying out for our help. This bill is that start, and I urge its prompt deliberation and passage.

Mahalo, and aloha!

A POINT OF LIGHT FOR ALL AMERICANS—ESTER SILVER-PARKER VICE PRESIDENT OF DIVERSITY FOR WAL-MART STORES, INC.

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. OWENS. Mr. Speaker, I rise today to pay tribute to a distinguished business executive well known to members of the Congressional Black Caucus, Ester Silver-Parker.

She serves on the boards of International Women's Forum, Brenau University, North Carolina Central University, National Public Radio Foundation, The Congressional Black Caucus Foundation, the Wyndham Hotel Women and Diversity Roundtable.

Ester Silver-Parker was named Vice President of Diversity Relations for Wal-Mart Stores, Inc. in December 2003. She is charged with the strategic planning and execution of Wal-Mart's diverse efforts as it relates to its supplier development program, philanthropic and community relations programs. Additionally, she is responsible for strengthening Wal-Mart's relationships with diversity leaders and leadership organizations in the communities it serves.

Prior to joining Wal-Mart, Ms. Silver-Parker served as Vice President of Corporate Affairs and President of the AT&T Foundation for AT&T. She also directed AT&T's National Constituency Relations, Issues Management and Corporate Social Responsibility Programs.

Ms. Silver-Parker directed AT&T's public relations field offices in the Northeast States, the Mid-Atlantic States and the Southeast. She established the first AT&T public relations operations in Puerto Rico and the Virgin Islands, designed and implemented the plan to increase AT&T's presence in the U.S. domestic field operations, and developed the organizational design for AT&T's field public relations organization. She also established AT&T's first constituent relations organization. She was the recipient of the Catherine Cleary Award, the highest leadership honor AT&T gives to a female employee.

Prior to joining AT&T, Ms. Silver-Parker worked in public relations for New York Telephone, the National Urban League and as a journalist for Essence Magazine, the Review of Political Economy and New World Outlook.

Ester Silver-Parker has traveled on behalf of the Board of Global Ministries in the Congo, Burundi and Kenya to study and write about the health conditions and quality of life of women and children. She is a frequent speaker on issues pertaining to women, diversity, corporate social responsibility, and strategic philanthropy.

She received a Masters in journalism from Columbia University School of Journalism and a Bachelors of Arts in political science from North Carolina Central University. She is a graduate of Pennsylvania State University's Executive Management Program and holds an Honorary Doctor's Degree in Humane Letters from Benedict College.

Ms. Silver-Parker has received numerous awards, including the Ebony Magazine Outstanding Women in Corporate Marketing, the Congressional Black Caucus Unsung Hero Award, the DECA Award for outstanding businesswoman, the Harlem YMCA Black Achievers in Industry Award, New York City Gus D'Amato Community Service Award, the Atlanta Business League's Outstanding Corporate Person Award, the 100 Black Men of America's Corporate Excellence Award, the National AIDS Fund's Leadership Award, the Asian Pacific Islanders Women's Leadership Starfish Award.

Mr. Speaker, Ms. Silver-Parker is a genuine professional who cares deeply about her community. I am honored to recognize her as a ''Point of Light for All Americans.''

PERSONAL EXPLANATION

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. JONES of North Carolina. Mr. Speaker, on Wednesday, July 21, I was meeting with constituents and unavoidably missed rollcall votes 402 and 403. Had I been present, I would have voted ''yes'' on rollcall vote No. 402, and ''yes'' on rollcall vote No. 403.

DECLARING GENOCIDE IN DARFUR, SUDAN

SPEECH OF

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 2004

Mr. VAN HOLLEN. Mr. Speaker, ten years ago, as bloated corpses floated down Rwanda's rivers, the international community debated whether the atrocities being committed in Rwanda fit the definition of ''genocide.'' By the time the world stopped debating, it was too late. Millions of men, women and children had been killed. The failure of the world to act in Rwanda remains a stain on our collective conscience.

We must learn from the tragic mistakes of the past. Today, one thousand miles north of Rwanda, in the Darfur region of Sudan, more than 30,000 people have already been killed by the Sudanese military's aerial bombardments and the atrocities being committed by their ruthless proxies, the Jangaweed militia. Gang rapes, the branding of raped women, amputations, and summary killings are widespread. More than a million people have been driven from their homes as villages have been burned and crops destroyed. The Sudanese government has deliberately blocked the delivery of food, medicine and other humanitarian assistance. More than 160,000 Darfurians have become refugees in neighboring Chad. Conditions are ripe for the spread of fatal diseases such as measles, cholera, dysentery, meningitis and malaria. The U.S. Agency for International Development estimates that 350,000 people are likely to die in the coming months and that the death toll could reach more than a million unless the violence stops and the Sudanese government immediately grants international aid groups better access to Darfur.

Here in Washington and at the United Nations headquarters in New York, many officials are again debating whether this unfolding tragedy constitutes genocide, ethnic cleansing or something else. This time let us not debate until it is too late to stop this human catastrophe. Let us not wait until thousands more children are killed before we summon the will to stop this horror. America and the international community have a moral duty to act. The United States and the 130 other signatories to the Genocide Convention also have a legal obligation to ''undertake to prevent and punish'' the crime of genocide.

The Convention defines genocide as actions undertaken ''with intent to destroy, in whole or in part, a national, ethnic, racial or religious group, as such.'' The actions include ''deliberately inflicting on members of the group conditions of life calculated to bring about its physical destruction in whole or in part.'' By all accounts, including the reports of U.N. fact finders, it is the African peoples in the Darfur region who have been targeted for destruction by the Khartoum-backed Arab death squads.

In the middle of an unfolding crisis like that in Darfur, there will always be debate over whether what is happening constitutes genocide. But it is important to remember that the Genocide Convention does not require absolute proof of genocidal intentions before the international community is empowered to intervene. The Convention would offer no protection to innocent victims if we had to wait until there were tens of thousands more corpses before we act. A key part of the Genocide Convention is prevention, not just punishment after the fact.

The United States has already done more than any other nation to call attention to and respond to this tragedy. But our efforts to date have not brought an end to the growing crisis. We must take additional measures now.

The United States should immediately call for an emergency meeting of the U.N. Security Council and introduce and call for a vote on a resolution that demands that the Government of Sudan take the following steps: First, allow international relief groups and human rights

groups free and secure access to the Darfur region, including access to the camps where thousands are huddled in wretched conditions; Second, the Government of Sudan must immediately terminate its support for the Janjaweed and dispatch its forces to disarm them. Third, the Sudanese government must allow the more than one million displaced persons to return home. The resolution must include stiff sanctions if the Sudanese government refuses to meet these conditions and it must authorize the deployment of peacekeeping forces to Darfur to protect civilians and individuals from CARE and other hunmanitarian organizations seeking to provide humanitarian assistance.

It is critical that U.N. Secretary General Kofi Annan exhibit strong leadership on Darfur. Mukesh Kapila, until recently the top U.N. official in Sudan has been outspoken in sounding the alarm. I am encouraged that the Secretary General visited Sudan. However, the result of his visit must be more than an expression of concern. Secretary General Annan must make it clear that if the Sudanese government does not cooperate fully in stopping the killings and destruction, he will push for immediate international sanctions. He must let the Sudanese government know that the welcome progress made in reaching an accommodation with the South will not prevent the world from taking action to stop the horror in Darfur. The U.N. ignored warnings of mass murder a decade ago in Rwanda; it must not stand by again.

We should not allow other members of the U.N. Security Council to engage in endless negotiations and delay a vote on the resolution. In this case, every day that goes by without action means more lives lost. Let's vote on the resolution. If the rest of the world refuses to authorize collective action, shame on them. Failure to pass such a resolution would not represent a failure of American leadership; it would be a terrible blot on the world's conscience.

Whether or not the United Nations acts, the United States should take steps on its own. We should make it clear that if the Sudanese government does not meet the demands in the proposed resolution, the United States will impose travel restrictions on Sudanese officials and move to freeze their assets. Even apart from U.N. action, we can immediately urge other nations to join us in taking these and other measures.

I commend Secretary of State Colin Powell for his visit to the Darfur region. It is critical, however, that the Secretary's visit do more than simply call attention to the tragedy unfolding there. The United States must make it clear that the failure of Khartoum to fully cooperate in ending the destruction and killings will result in a concerted American effort to punish the Sudanese government and harness international support to intervene in Darfur.

We must not look back on Darfur ten years from now and decry the fact that the world failed to act to stop the crime of genocide. Rwanda and other genocides should have taught us that those who knowingly fail to confront such evil are themselves complicit through inaction. We are all god's children. These are crimes against humanity. Let us respond to this unfolding human disaster with the urgency that it demands.

RECOGNIZING THE ANNIVERSARY OF WARSAW UPRISING DURING WORLD WAR II

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. EMANUEL. Mr. Speaker, as the House of Representatives adjourns for the next six weeks, I am proud to rise on behalf of more than 111,000 of my constituents who are of Polish descent in the Fifth Congressional District of Illinois on Chicago's northwest side. It is my privilege to join with friends of Poland and people of Polish descent around the world who will join together to commemorate the Warsaw Uprising.

On their behalf, it is my honor to have introduced H. Con. Res. 470, recognizing the anniversary of the Warsaw Uprising during World War II. It was 60 years ago this August when ordinary Polish citizens, fighting against overwhelming odds and extreme hardships, took up arms against their German oppressors.

Counting on Allied forces to assist in the impending liberation of Warsaw, the Underground Home Army launched its attack against German forces in an attempt to win back their country. Heavily outnumbered and armed mostly with homemade weapons, the Polish resistance fought bravely and heroically for 63 days.

On the verge of victory but with Allied forces still far from the scene, their fates were sealed when the Germans reinforcements arrived. Ultimately, 250,000 civilians and troops were killed and in the wake of the uprising's outcome, centuries-old buildings, monuments and cultural treasures were systematically destroyed by the Germans.

To this day, the courage and valor demonstrated by the Polish resistance stands as a symbol to the spirit of the Polish people and remains a shining example of the world's greatest challenges to fascism and oppression. Polish citizens can be proud of the men and women who fought in this landmark chapter of Poland's resistance, and proud of their resolve and belief in freedom.

Today, this resolution serves another purpose. It reaffirms the special relationship between United States and Poland and the unwavering bond-that exists among our two peoples. I offer this resolution as a symbol of gratitude for Poland's friendship and for standing shoulder to shoulder with our troops in Iraq and where the global war against terror is waged.

Mr. Speaker, our Nation shares and appreciates Poland's values and democratic ideals of liberty and human rights. The same indomitable spirit that was alive 60 years ago remains strong in the Polish consciousness today.

Daily Digest

HIGHLIGHTS

Senate agreed to the conference report to accompany H.R. 4613, Department of Defense Appropriations Act.

Senate agreed to the conference report to accompany H.R. 2443, Coast Guard and Maritime Transportation Authorization.

House Committee ordered reported the following appropriations for fiscal year 2005: VA, HUD and Independent Agencies; and the Transportation, Treasury and Independent Agencies.

Senate

Chamber Action

Routine Proceedings, pages S8577–S8809

Measures Introduced: Fifty-seven bills and ten resolutions were introduced, as follows: S. 2716–72, S. Res. 415–419, and S. Con. Res. 131–135.

Pages S8687–89

Measures Reported:

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. 4012, To amend the District of Columbia College Access Act of 1999 to reauthorize for five additional years the public school and private school tuition assistance programs established under the Act.

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

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''.

H.R. 4427, to designate the facility of the United States Postal Service located at 73 South Euclid Avenue in Montauk, New York, as the ''Perry B. Duryea, Jr. Post Office''.

S. 2501, to designate the facility of the United States Postal Service located at 73 South Euclid Avenue in Montauk, New York, as the ''Perry B. Duryea, Jr. Post Office''.

S. 2640, to designate the facility of the United States Postal Service located at 1050 North Hills Boulevard in Reno, Nevada, as the ''Guardians of Freedom Memorial Post Office Building'' and to authorize the installation of a plaque at such site.

S. 2673, to designate the facility of the United States Postal Service located at 1001 Williams Street, Ignacio, Colorado, as the ''Leonard C. Burch Post Office Building''.

S. 2682, to designate the facility of the United States Postal Service located at 222 West 8th Street, Durango, Colorado, as the ''Ben Nighthorse Campbell Post Office Building''. **Page S8686**

Measures Passed:

National Veterans Business Development Corporation Clarification: Senate passed S. 2724, to amend section 33(a) of the Small Business Act (15 U.S.C. 657c(a)) to clarify that the National Veterans Business Development Corporation is a private entity. **Pages S8640–41**

FHA Mortgage Insurance: Committee on Banking, Housing, and Urban Affairs was discharged from further consideration of S. 2712, to preserve the ability of the Federal Housing Administration to insure mortgages under sections 238 and 519 of the National Housing Act, and the bill was then passed. **Page S8627**

Patient Safety and Quality Improvement Act: Committee on Health, Education, Labor, and Pensions was discharged from further consideration of H.R. 663, to amend title IX of the Public Health Service Act to provide for the improvement of patient safety and to reduce the incidence of events that adversely affect patient safety, after striking all after the enacting clause and inserting in lieu thereof, the text of S. 720, Senate companion measure, after agreeing to the committee amendment in the nature of a substitute, and the following amendment proposed thereto: **Pages S8627–33**

Frist (for Gregg/Kennedy) Amendment No. 3568, in the nature of a substitute. **Pages S8632–33**

Senate insisted on its amendment, requested a conference with the House thereon, and the Chair was authorized to appoint the following conferees on the part of the Senate: Gregg, Frist, Enzi, Alexander, Kennedy, Dodd, and Jeffords. **Pages S8632–33**

Subsequently, S. 720 was returned to the Senate calendar. **Pages S8632–33**

U.S.-Morocco Free Trade Agreement Implementation Act: Pursuant to the order of July 21, 2004, Senate passed H.R. 4842, to implement the United States-Morocco Free Trade Agreement. **Page S8633**

Subsequently, the July 21, 2004 passage of S. 2677, Senate companion measure, was vitiated, and the bill was then returned to the Senate calendar. **Page S8633**

TEA–21 Extension: Senate passed H.R. 4916, 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. **Pages S8790–91**

Sudan Human Rights: Senate agreed to S. Con. Res. 133, declaring genocide in Darfur, Sudan. **Pages S8792–93**

Condemning Anti-Semitic Attack: Committee on Foreign Relations was discharged from further consideration of S. Con. Res. 126, condemning the attack on the AMIA Jewish Community Center in Buenos Aires, Argentina, in July 1994, and expressing the concern of the United States regarding the continuing, decade-long delay in the resolution of this case, and the resolution was then agreed to. **Pages S8793–94**

Urging the Government of Ukraine: Committee on Foreign Relations was discharged from further consideration of S. Con. Res. 106, urging the Government of Ukraine to ensure a democratic, transparent, and fair election process for the presidential election on October 31, 2004, and the resolution was then agreed to. **Pages S8794–95**

Iran Nuclear Safeguards Agreement: Committee on Foreign Relations was discharged from further consideration of S. Con. Res. 81, expressing the concern of Congress over Iran's development of the means to produce nuclear weapons, and the resolution was agreed to, after agreeing to the following amendments proposed thereto: **Pages S8795–98**

Frist (for Kyl/Feinstein) Amendment No. 3569, in the nature of a substitute. **Pages S8796–97**

Frist (for Kyl) Amendment No. 3570, to amend the preamble. **Pages S8797–98**

Frist (for Kyl) Amendment No. 3571, to amend the title. **Page S8798**

Iran: Committee on Foreign Relations was discharged from further consideration of H. Con. Res. 398, expressing the concern of Congress over Iran's development of the means to produce nuclear weapons, and the resolution was then agreed to. **Pages S8798–99**

Frist (for Kyl/Feinstein) Amendment No. 3572, in the nature of a substitute. **Page S8798**

Frist (for Kyl) Amendment No. 3573, to amend the preamble. **Page S8798**

Frist (for Kyl) Amendment No. 3574, to amend the title. **Page S8798**

Perry B. Duryea, Jr. Post Office: Senate passed S. 2501, to designate the facility of the United States Postal Service located at 73 South Euclid Avenue in Montauk, New York, as the "Perry B. Duryea, Jr. Post Office". **Page S8799**

Guardians of Freedom Memorial Post Office Building: Senate passed S. 2640, to designate the facility of the United States Postal Service located at 1050 North Hills Boulevard in Reno, Nevada, as the "Guardians of Freedom Memorial Post Office Building" and to authorize the installation of a plaque at such site. **Page S8799**

Ben Nighthorse Campbell Post Office Building: Senate passed S. 2682, to designate the facility of the United States Postal Service located at 222 West 8th Street, Durango, Colorado, as the "Ben Nighthorse Campbell Post Office Building". **Page S8799**

James E. Worsham facilities: Senate passed 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, clearing the measure for the President. **Page S8799**

Newell George Post Office Building: Senate passed H.R. 4222, to designate the facility of the

United States Postal Service located at 550 Nebraska Avenue in Kansas City, Kansas, as the "Newell George Post Office Building", clearing the measure for the President. **Page S8799**

Vitilas 'Veto' Reid Post Office Building: Senate passed 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", clearing the measure for the President. **Page S8799**

Perry B. Duryea, Jr. Post Office: Senate passed H.R. 4427, to designate the facility of the United States Postal Service located at 73 South Euclid Avenue in Montauk, New York, as the "Perry B. Duryea, Jr. Post Office", clearing the measure for the President. **Page S8799**

National Museum of the American Indian: Senate agreed to S.J. Res. 41, commemorating the opening of the National Museum of the American Indian, after agreeing to the committee amendment in the nature of a substitute. **Pages S8799–S8800**

Record Production Authorization: Senate agreed to S. Res. 415, to authorize the production of records by the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs. **Page S8800**

Congratulating California State University Fullerton baseball team: Senate agreed to S. Res. 416, congratulating the California State University, Fullerton baseball team on winning the 2004 College World Series. **Pages S8800–01**

Congratulating UCLA Women's Softball team: Senate agreed to S. Res. 417, congratulating the University of California at Los Angeles women's softball team on winning the 2004 National Collegiate Athletic Association Championship. **Page S8801**

National Prostate Cancer Awareness Month: Senate agreed to S. Res. 418, designating September 2004 as "National Prostate Cancer Awareness Month." **Pages S8801–02**

Authorizing Printing of Commemorative Document: Senate agreed to S. Con. Res. 135, authorizing the printing of a commemorative document in memory of the late President of the United States, Ronald Wilson Reagan. **Page S8802**

Recognizing AMVETS: Senate agreed to H. Con. Res. 308, recognizing the members of AMVETS for their service to the Nation and supporting the goal of AMVETS National Charter Day. **Page S8802**

Commending U.S. Institute of Peace: Senate agreed to S. Con. Res. 109, commending the United States Institute of Peace on the occasion of its 20th anniversary and recognizing the Institute for its contribution to international conflict resolution. **Pages S8802–03**

National Veterans Awareness Week: Senate agreed to S. Res. 401, designating the week of November 7 through November 13, 2004, as "National Veterans Awareness Week" to emphasize the need to develop educational programs regarding the contributions of veterans to the country. **Page S8803**

Smokey Bear's 60th Anniversary: Senate agreed to S. Res. 404, designating August 9, 2004, as "Smokey Bear's 60th Anniversary". **Pages S8803–04**

National Mammography Day: Senate agreed to S. Res. 407, designating October 15, 2004, as "National Mammography Day". **Page S8804**

SUTA Dumping Prevention Act: Senate passed H.R. 3463, to amend titles III and IV of the Social Security Act to improve the administration of unemployment taxes and benefits, clearing the measure for the President. **Page S8804**

Recognizing Historically Black Colleges and Universities: Committee on Health, Education, Labor, and Pensions was discharged from further consideration of S. Res. 221, recognizing National Historically Black Colleges and Universities and the importance and accomplishments of historically Black colleges and universities, and the resolution was then agreed to. **Page S8804**

Recognizing Gold Medal Recipients: Committee on Governmental Affairs was discharged from further consideration of S. Res. 400, recognizing the 2004 Congressional Awards Gold Medal Recipients, and the resolution was then agreed to. **Pages S8804–05**

Service Activities to Assist Seniors: Committee on the Judiciary was discharged from further consideration of S. Res. 409, encouraging increased involvement in service activities to assist senior citizens, and the resolution was then agreed to. **Pages S8805–06**

National Purple Heart Recognition Day: Committee on Armed Services was discharged from further consideration of S. Con. Res. 112, supporting the goals and ideals of National Purple Heart Recognition Day, and the resolution was then agreed to. **Page S8806**

Honoring WWII Army Motor Transport Brigade: Committee on Armed Services was discharged from further consideration of H. Con. Res. 439, honoring the members of the Army Motor Transport Brigade who during World War II served in the trucking operation known as the Red Ball Express

for their service and contribution to the Allied advance following the D-Day invasion of Normandy, France, and the resolution was then agreed to.

Page S8806

Adjournment Resolution: Senate agreed to H. Con. Res. 479, providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

Page S8807

Tamper-Resistant Entry/Exit Documents: Senate passed H.R. 4417, to modify certain deadlines pertaining to machine-readable, tamper-resistant entry and exit documents. Page S8807

Department of Defense Appropriations—Conference Report: By a unanimous vote of 96 yeas (Vote No. 163), Senate agreed to the conference report to accompany H.R. 4613, making appropriations for the Department of Defense for the fiscal year ending September 30, 2005.

Pages S8614–16, S8617–22

Coast Guard and Maritime Transportation—Conference Report: Senate agreed to the conference report to accompany H.R. 2443, to authorize appropriations for fiscal years 2004 and 2005 for the United States Coast Guard, clearing the measure for the President. Pages S8624–27

Signing Authority Agreement: A unanimous-consent agreement was reached providing that during this adjournment of the Senate, the Majority Leader, Assistant Majority Leader, and Senator Warner, be authorized to sign duly enrolled bills or joint resolutions. Page S8806

Authority for Committees—Agreement: A unanimous-consent agreement was reached providing that notwithstanding the Senate's adjournment, all committees be authorized to file legislative and executive reports of the Senate on Wednesday, August 25, 2004, from 10 a.m. to 12 noon. Page S8806

Appointment Authority—Agreement: A unanimous-consent agreement was reached providing that notwithstanding the adjournment of the Senate, the President of the Senate, the President pro tempore, and the Majority and Democratic Leaders be authorized to make appointments to commissions, committees, boards, conferences, or interparliamentary conferences authorized by law, by concurrent action of the two Houses, or by order of the Senate.

Pages S8806–07

Nomination: Senate continued consideration of the nomination of Henry W. Saad, of Michigan, to be United States Circuit Judge for the Sixth Circuit.

Pages S8585–93

During consideration of this nomination today, Senate also took the following action:

By 52 yeas to 46 nays (Vote No. 160), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to close further debate on the nomination.

Pages S8592–93

Nomination: Senate continued consideration of the nomination of Richard A. Griffin, of Michigan, to be United States Circuit Judge for the Sixth Circuit.

Pages S8593–95

During consideration of this nomination today, Senate also took the following action:

By 54 yeas to 44 nays (Vote No. 161), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to close further debate on the nomination.

Page S8595

Nomination: Senate continued consideration of the nomination of David W. McKeague, of Michigan, to be United States Circuit Judge for the Sixth Circuit.

Page S8595

During consideration of this nomination today, Senate also took the following action:

By 53 yeas to 44 nays (Vote No. 162), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to close further debate on the nomination.

Page S8595

Nomination—Agreement: A unanimous-consent agreement was reached providing for consideration of the nominations of Virginia Maria Hernandez Covington, to be United States District Judge for the Middle District of Florida, and Michael H. Schneider, Sr., to be United States District Judge for the Eastern District of Texas, at 5 p.m., on Tuesday, September 7, 2004, and that the time until 5:30 p.m. be equally divided between the Chairman and Ranking Member of the Committee on the Judiciary; after which Senate will vote on confirmation of the nominations respectively; following which, Senate will consider and vote on the nomination of Michael H. Watson, to be United States District Judge for the Southern District of Ohio. Page S8791

Nominations—Agreement: A unanimous-consent agreement was reached providing that all nominations remain in status quo, notwithstanding the adjournment of the Senate, and the provisions of rule XXXI, Paragraph 6, of the Standing Rules of the Senate, with certain exceptions. Page S8791

Appointments:

Ticket to Work and Work Incentives Advisory Panel: The Chair, on behalf of the Majority Leader, after consultation with the Ranking Member of the

Senate Committee on Finance, pursuant to Public Law 106–170, announced the appointment of the following individual to serve as a member of the Ticket to Work and Work Incentives Advisory Panel: Thomas P. Golden of Tennessee. **Page S8806**

Nominations Confirmed: Senate confirmed the following nominations:

Charles L. Kolbe, of Iowa, to be a Member of the Internal Revenue Service Oversight Board for the remainder of the term expiring September 14, 2004.

Jerald S. Paul, of Florida, to be Principal Deputy Administrator, National Nuclear Security Administration. (New Position)

Tina Westby Jonas, of Virginia, to be Under Secretary of Defense (Comptroller).

David M. Stone, of Virginia, to be an Assistant Secretary of Homeland Security. (New Position)

Larry C. Kindsvater, of Virginia, to be Deputy Director of Central Intelligence for Community Management.

John O. Colvin, of Virginia, to be a Judge of the United States Tax Court for a term of fifteen years. (Reappointment)

Captain Samuel P. De Bow, Jr., NOAA for appointment to the grade of Rear Admiral (O–8), while serving in a position of importance and responsibility as Director, NOAA Corps and Director, Office of Marine and Aviation Operations, National Oceanic and Atmospheric Administration, under the provisions of Title 33, United States Code, Section 3028(d)(1).

Captain Richard R. Behn, NOAA for appointment to the grade of Rear Admiral (O–7), while serving in a position of importance and responsibility as Director, Marine and Aviation Operations Centers, National Oceanic and Atmospheric Administration, under the provisions of Title 33, United States Code, Section 3028(d)(1).

John Ripin Miller, of Washington, to be Director of the Office to Monitor and Combat Trafficking, with the rank of Ambassador at Large. (Prior to this action, Committee on Foreign Relations was discharged from further consideration.)

Valerie Lynn Baldwin, of Kansas, to be an Assistant Secretary of the Army.

2 Air Force nominations in the rank of general.

9 Army nominations in the rank of general.

3 Coast Guard nominations in the rank of admiral.

9 Marine Corps nominations in the rank of general.

26 Navy nominations in the rank of admiral.

Routine lists in the Air Force, Army, Coast Guard, National Oceanic and Atmospheric Administration, Navy. **Pages S8808–09**

Nominations Received: Senate received the following nominations:

Sharon Brown-Hruska, of Virginia, to be a Commissioner of the Commodity Futures Trading Commission for the term expiring April 13, 2009. (Reappointment)

James S. Simpson, of New York, to be a Member of the Advisory Board of the Saint Lawrence Seaway Development Corporation.

Karen Alderman Harbert, of the District of Columbia, to be an Assistant Secretary of Energy (International Affairs and Domestic Policy).

Hector E. Morales, of Texas, to be United States Executive Director of the Inter-American Development Bank for a term of three years.

Alan Greenspan, of New York, to be United States Alternate Governor of the International Monetary Fund for a term of five years. (Reappointment)

Christopher A. Boyko, of Ohio, to be United States District Judge for the Northern District of Ohio.

Lisa Godbey Wood, of Georgia, to be United States Attorney for the Southern District of Georgia for the term of four years.

Richard B. Roper III, of Texas, to be United States Attorney for the Northern District of Texas for the term of four years.

Gregory Franklin Jenner, of Oregon, to be an Assistant Secretary of the Treasury.

Yousif B. Ghafari, of Michigan, to be an Alternate Representative of the United States of America to the Fifty-ninth Session of the General Assembly of the United Nations.

Jane Dee Hull, of Arizona, to be a Representative of the United States of America to the Fifty-ninth Session of the General Assembly of the United Nations.

John S. Shaw, of the District of Columbia, to be an Assistant Secretary of Energy (Environment, Safety and Health).

Anna Escobedo Cabral, of Virginia, to be Treasurer of the United States.

Routine lists in the Air Force. **Pages S8807–08**

Nominations Returned to the President: The following nominations were returned to the President failing of confirmation under Senate rule XXXI at the time of the adjournment of the 108th Congress:

Deborah P. Majoras, of Virginia, to be a Federal Trade Commissioner for the unexpired term of seven years from September 26, 2001; and

Jon D. Leibowitz, of Maryland, to be a Federal Trade Commissioner for a term of seven years from September 26, 2003. **Page S8791**

Messages From the House: **Page S8677**

Measures Referred: **Page S8677**

Measures Placed on Calendar: Page S8677
Executive Communications: Page S8678
Petitions and Memorials: Pages S8678–86
Executive Reports of Committees: Pages S8686–87
Additional Cosponsors: Pages S8689–91
Statements on Introduced Bills/Resolutions: Pages S8691–S8776
Additional Statements: Pages S8671–77
Amendments Submitted: Pages S8776–89
Notices of Hearings/Meetings: Pages S8789
Authority for Committees to Meet: Pages S8789–90
Privilege of the Floor: Page S8790

Record Votes: Four record votes were taken today. (Total—163) Pages S8592–93, S8595, and S8622)

Adjournment: Senate met at 9:30 a.m., and, in accordance with the provisions of H. Con. Res. 479, adjourned at 11:46 p.m., until 12 noon, on Tuesday, September 7, 2004. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S8807.)

Committee Meetings

(Committees not listed did not meet)

APPALACHIAN COUNCIL/WORKING FOR AMERICA INSTITUTE

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, Education and Related Agencies concluded a hearing to examine contract renewal issues relative to the Appalachian Council and future funding issues relative to the Working for America Institute, focusing on vocational training, job placement and career transition services to Job Corps students and graduates, after receiving testimony from Thomas M. Dowd, Deputy Assistant Secretary of Labor for Employment and Training Administration; Mayor Bobby Baker, Batesville, Mississippi; Richard C. Trigg, Job Corps, and Nancy Mills, Working for America Institute, both of Washington, D.C.; Jim Bowen, West Virginia AFL–CIO, Gary Darlington and Herb Mabry, both of the Appalachian Council, all of Charleston, West Virginia; Bill George, Pennsylvania AFL–CIO, Harrisburg; and William Burga, Ohio AFL–CIO, Columbus.

ARMY INSPECTOR GENERAL REPORT

Committee on Armed Services: Committee concluded a hearing to examine the Department of the Army Inspector General Report on detention operation doctrine and training, after receiving testimony from Les Brownlee, Acting Secretary of the Army; General Peter J. Schoomaker, USA, Chief of Staff of the Army; Lieutenant General Paul T. Mikolashek, USA, Inspector General of the Army; and Lieutenant General Keith B. Alexander, USA, Deputy Chief of Staff, G–2.

SEC PROPOSED RULEMAKING

Committee on Banking, Housing, and Urban Affairs: Committee concluded a hearing to examine the proposed Regulation NMS (National Market System) relative to trade-throughs, intermarket access, subpenny pricing, and market data, and market structure developments, after receiving testimony from Davi M. D'Agostino, Director, Financial Markets and Community Investments, Government Accountability Office; David Colker, National Stock Exchange, Chicago, Illinois; Kevin Cronin, AIM Investments, Houston, Texas; Scott DeSano, Fidelity Investments, Boston, Massachusetts; Phylis M. Esposito, Ameritrade Holding Corporation, Omaha, Nebraska; Charles Leven, AARP, Washington, D.C.; and Bernard L. Madoff, Bernard L. Madoff Investment Securities, Robert H. McCooey Jr., Griswold Company, Inc., Kim Bang, Bloomberg Tradebook, LLC, Robert B. Fagenson, Van der Moolen Specialists, John C. Giesea, Security Traders Association, all of New York, New York.

BUSINESS MEETING

Committee on Commerce, Science, and Transportation: Committee ordered favorably reported the following business items:

S. 2295, to authorize appropriations for the Homeland Security Department's Directorate of Science and Technology, establish a program for the use of advanced technology to meet homeland security needs;

H.R. 2608, to reauthorize the National Earthquake Hazards Reduction Program;

S. 2603, to amend section 227 of the Communications Act of 1934 (47 U.S.C. 227) relating to the prohibition on junk fax transmissions;

S. 2644, to amend the Communications Act of 1934 with respect to the carriage of direct broadcast satellite television signals by satellite carriers to consumers in rural areas, with an amendment in the nature of a substitute;

S. 2281, to provide a clear and unambiguous structure for the jurisdictional and regulatory treatment for the offering or provision of voice-over-Internet-protocol applications, with an amendment in the nature of a substitute;

S. 2505, to implement the recommendations of the Federal Communications Commission report to the Congress regarding low power FM service, with an amendment;

S. 2645, to amend the Communications Act of 1934 to authorize appropriations for the Corporation for Public Broadcasting;

S. 2488, to establish a program within the National Oceanic and Atmospheric Administration and the United States Coast Guard to help identify, assess, reduce, and prevent marine debris and its adverse impacts on the marine environment and navigation safety, in coordination with non-Federal entities;

S. 2280, to establish a coordinated national ocean exploration program within the National Oceanic and Atmospheric Administration; and

The nominations of David M. Stone, of Virginia, to be an Assistant Secretary of Homeland Security (Transportation Security Administration), Albert A. Frink, Jr., of California, to be Assistant Secretary of Commerce for Legislative and Intergovernmental Affairs, Brett T. Palmer, of New York, to be an Assistant Secretary of Commerce, Benjamin H. Wu, of Maryland, to be Assistant Secretary of Commerce for Technology Policy, Scott Kevin Walker, of Wisconsin, to be a Member of the Advisory Board of the Saint Lawrence Seaway Development Corporation, Enrique J. Sosa, of Florida, to be a Member of the Reform Board (Amtrak), Captain Richard R. Behn, NOAA, for appointment to the grade of Rear Admiral (O–7), while serving in a position of importance and responsibility as Director, Marine and Aviation Operations Centers, National Oceanic and Atmospheric Administration, and Captain Samuel P. De Bow, Jr., NOAA, for appointment to the grade of Rear Admiral (O–8), while serving in a position of importance and responsibility as Director, NOAA Corps and Director, Office of Marine and Aviation Operations, National Oceanic and Atmospheric Administration, and sundry nominations for promotion in the National Oceanic and Atmospheric Administration and the U.S. Coast Guard.

SATURN

Committee on Commerce, Science, and Transportation: Committee concluded a hearing to examine the Cassini-Huygens mission to Saturn, focusing on the planet's rings, and its moon Titan, after receiving testimony from Orlando Figueroa, Solar System Exploration Division Director, Office of Space Science, and Denis Bogan, Scientist, and Mark Dahl, Executive, both of the Cassini Program, all of the National Aeronautics and Space Administration.

NATIONAL PARKS AIR TOUR MANAGEMENT ACT

Committee on Energy and Natural Resources: Subcommittee on National Parks concluded an oversight hearing to examine the implementation of the National Parks Air Tour Management Act of 2000 (Title VIII, Public Law 106–181), after receiving testimony from William C. Withycombe, Regional Administrator (Western Pacific Region), Federal Aviation Administration, Department of Transportation; Paul Hoffman, Deputy Assistant Secretary of the Interior for Fish and Wildlife and Parks; Roy Resavage, Helicopter Association International, Alexandria, Virginia; David J. Chevalier, Blue Hawaiian Helicopters, Kahului, Hawaii; Charles W. Maynard, Friends of Great Smoky Mountains National Park, Jonesboro, Tennessee; and Don Barger, National Parks Conservation Association (Southeast Region), Knoxville, Tennessee.

HIGHER EDUCATION FINANCING

Committee on Finance: Committee held a hearing to examine the role of higher education financing in strengthening United States competitiveness in a global economy, receiving testimony from Randall Edwards, Oregon State Treasurer, Salem; Susan Dynarski, Harvard University Kennedy School of Government, Cambridge, Massachusetts; Peter B. Corr, Pfizer, New York, New York; Watson Scott Swail, Education Policy Institute, Stafford, Virginia; Robert Paxton, Iowa Central Community College, Fort Dodge; David Forbes, University of Montana School of Pharmacy, Missoula; Chuck Toth, Merrill Lynch and Company, Princeton, New Jersey; and James Fadule, UPromise Investments, Needham, Massachusetts.

Hearing recessed subject to the call.

IRAQ—POST-TRANSITION

Committee on Foreign Relations: Committee concluded a hearing to examine the current situation in Iraq post-transition, focusing on U.S. activities in Iraq since the transfer of sovereignty to the new Interim Iraqi Government, including increasing security in Iraq, improving the economy, affirming the place of Iraq as a member of the international community, and laying the groundwork for national elections in Iraq, after receiving testimony from Ronald L. Schlicher, Iraq Coordinator, Bureau of Near Eastern Affairs, Department of State; and David C. Gompert, National Defense University Center for Technology and National Security Policy, Washington, D.C.

INTERNET PHARMACIES

Committee on Governmental Affairs: Permanent Subcommittee on Investigations resumed hearings to examine the extent to which consumers can purchase pharmaceuticals over the Internet without a medical prescription, the importation of pharmaceuticals into the United States, and whether pharmaceuticals from foreign sources are counterfeit, expired, unsafe, or illegitimate, focusing on the extent to which U.S.

consumers can purchase dangerous and often addictive controlled substances from Internet pharmacy websites and the procedures utilized by the Bureau of Customs and Border Protection, the Drug Enforcement Administration, the United States Postal Service, and the Food and Drug Administration, as well as the private sector to address these issues, after receiving testimony from Richard M. Stana, Director, Homeland Security and Justice Issues, Government Accountability Office; Karen P. Tandy, Administrator, Drug Enforcement Administration, Department of Justice; Lee R. Heath, Chief Postal Inspector, United States Postal Service; Jayson P. Ahern, Assistant Commissioner, Office of Field Operations, Bureau of Customs and Border Protection, Department of Homeland Security; John M. Taylor, III, Associate Commissioner for Regulatory Affairs, and William K. Hubbard, Associate Commissioner for Policy and Planning, both of the Food and Drug Administration, Department of Health and Human Services; John Scheibel, Yahoo! Inc., Washington, D.C.; Sheryl Sandberg, Google, Inc., Mountain View, California; Joshua L. Peirez, Mastercard International Incorporated, Purchase, New York; Steve Ruwe, Visa U.S.A. Inc., Foster City, California; Robert A. Bryden, FedEx Corporation, Memphis, Tennessee; and Daniel J. Silva, United Parcel Service, Atlanta, Georgia.

NOMINATION

Committee on Governmental Affairs: Committee concluded a hearing examine the nomination of Allen Weinstein, of Maryland, to be Archivist of the United States, National Archives and Records Administration, after the nominee, who was introduced by Senator Lugar, testified and answered questions in his own behalf.

MILITARY FAMILIES

Committee on Health, Education, Labor, and Pensions: On Wednesday, July 21, Subcommittee on Children and Families held a joint hearing with the Committee on Armed Services' Subcommittee on Personnel to examine how states have responded to military families' unique challenges during military deployments and what the Federal Government can do to support states in this important work, receiving testimony from Charles S. Abell, Principal Deputy Under Secretary of Defense for Personnel and Readiness; Florida Governor John Ellis Bush, Tallahassee; Indiana Governor Joseph E. Kernan, Indianapolis; Nolan Jones, National Governors Association, Washington, D.C.; General Dennis J. Reimer, USA, (Ret.), Edmond, Oklahoma, on behalf of the Military Child Education Coalition; and Hollister K. Petraeus, Fort Belvoir, Virginia.

Hearing recessed subject to the call.

TERRORISM PREPAREDNESS

Committee on Health, Education, Labor, and Pensions: Committee concluded a hearing to examine preparations for possible future terrorist attacks, focusing on a concept of operations plan, tailored to each National Special Security Event, which establishes a framework for managing federal public health and medical assets and coordinating with state and local governments in an emergency, after receiving testimony from Tommy G. Thompson, Secretary of Health and Human Services; Eric Tolbert, Director, Response Division, Federal Emergency Management Agency, and Andrew T. Mitchell, Deputy Director, Office for Domestic Preparedness, both of the Department of Homeland Security; Susan C. Waltman, Greater New York Hospital Association, New York; Michael Sellitto, District of Columbia Fire and Emergency Medical Services Department, Washington, D.C.; Ricardo Martinez, Medical Sports Group, Atlanta, Georgia, on behalf of the National Football League; and George E. Thibault, Partners Healthcare, Boston, Massachusetts.

BUSINESS MEETING

Committee on the Judiciary: Committee began mark up of S. 1700, to eliminate the substantial backlog of DNA samples collected from crime scenes and convicted offenders, to improve and expand the DNA testing capacity of Federal, State, and local crime laboratories, to increase research and development of new DNA testing technologies, to develop new training programs regarding the collection and use of DNA evidence, to provide post-conviction testing of DNA evidence to exonerate the innocent, to improve the performance of counsel in State capital cases, but did not take final action thereon, and recessed subject to call.

COPYRIGHT PROTECTION

Committee on the Judiciary: Committee concluded a hearing to examine S. 2560, to amend chapter 5 of title 17, United States Code, relating to inducement of copyright infringement, after receiving testimony from Marybeth Peters, Register of Copyrights, U.S. Copyright Office, Library of Congress; Gary J. Shapiro, Consumer Electronics Association, Arlington, Virginia; Robert Holleyman, Business Software Alliance, Kevin S. McGuiness, NetCoalition, and Mitch Bainwol, Recording Industry Association of America, Washington, D.C.; and Andrew C. Greenberg, Institute of Electrical and Electronics Engineers-USA, New York, New York.

INTELLIGENCE

Select Committee on Intelligence: Committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.

Committee recessed subject to call.

House of Representatives

Chamber Action

Measures Introduced: 10 public bills, H.R. 4892–5001; 3 private bills, H.R. 5002–5004; and 23 resolutions, H.J. Res. 101; H. Con. Res. 477–485, and H. Res. 741–753 were introduced. **Pages H6700–06**

Additional Cosponsors: **Pages H6706–07**

Reports Filed: Reports were filed today as follows:

H. Res. 699, directing the Secretary of State to transmit to the House of Representatives documents in the possession of the Secretary of State relating to the treatment of prisoners and detainees in Iraq, Afghanistan, and Guantanamo Bay, amended, adversely (H. Rept. 108–631);

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, amended, adversely (H. Rept. 108–632);

Report on the Revised Suballocation of Budget Allocations for Fiscal Year 2005 (H. Rept. 108–633); and

H.R. 4501, to extend the statutory license for secondary transmissions under section 119 of title 17, United States Code, and to amend the Communications Act of 1934 with respect to such transmissions (H. Rept. 108–634). **Page H6700**

Marriage Protection Act of 2003: The House passed H.R. 3313, to amend title 28, United States Code, to limit Federal court jurisdiction over questions under the Defense of Marriage Act, by a yea-and-nay vote of 233 yeas to 194 nays, Roll No. 410. **Pages H6580–H6613**

Agreed to the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill. **Page H6580**

H. Res. 734, the rule providing for consideration of the bill was agreed to by a voice vote. **Pages H6562–69**

United States-Morocco Free Trade Implementation Act: The House passed H.R. 4842, to implement the United States-Morocco Free Trade Agreement, by a yea-and-nay vote of 323 yeas to 99 nays, Roll No. 413. **Pages H6615–50**

Agreed to extend time for debate on the bill. **Page H6621**

H. Res. 738, the rule providing for consideration of the bill was agreed to by a yea-and-nay vote of 345 yeas to 76 nays, Roll No. 407. **Pages H6569–79**

Department of Defense Appropriations Act for FY05—Conference Report: The House agreed to the conference report to accompany H.R. 4613, making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, by a yea-and-nay vote of 410 yeas to 12 nays, Roll No. 418. **Pages H6675–76**

H. Res. 735, the rule providing for consideration of the conference report was agreed to by a voice vote. **Pages H6652–60**

Military Construction Appropriations Act for FY05: The House passed H.R. 4837, making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2005, by a yea-and-nay vote of 420 yeas to 1 nay, Roll No. 417. The bill was also considered on Wednesday, July 21. **Pages H6660–75**

A point of order was sustained against the Obey motion to recommit the bill back to the Committee on Appropriations with instructions to report it back to the House forthwith with an amendment. **Page H6673**

Rejected the Obey motion to recommit the bill back to the Committee on Appropriations with instructions to report it back to the House promptly with an amendment, by a yea-and-nay vote of 201 yeas to 217 nays, Roll No. 416. **Pages H6673–75**

Point of Order sustained against:

Section 129 of the bill regarding an increase in funds that is not subject to scoring for purposes of the Congressional Budget and Impoundment Control Act of 1974. **Page H6667**

Agreed to H. Res.732, the rule providing for consideration of the bill was agreed to on Wednesday, July 21.

Suspensions: The House agreed to suspend the rules and pass the following measures that were previously debated:

Veterans' Compensation Cost-of-Living Adjustment Act of 2004: Debated on Tuesday, July 20: H.R. 4175, amended, to increase, effective as of December 1, 2004, the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of certain service-connected disabled veterans, by a ⅔ yea-and-nay vote of 421 yeas with none voting "nay", Roll No. 408; **Page H6579**

Sense of the House regarding the postponement of Presidential elections due to terrorist actions: Debated on Tuesday, July 20: H. Res. 728, expressing the sense of the House of Representatives that the actions of terrorists will never cause the date of any Presidential election to be postponed and that no single individual or agency should be given the authority to postpone the date of a Presidential election, by a ⅔ yea-and-nay vote of 419 yeas to 2 nays, Roll No. 409; **Pages H6579–80**

Commercial Aviation MANPADS Defense Act of 2004: Debated on Wednesday, July 21: H.R. 4056, amended, 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, by a ⅔ yea-and-nay vote of 423 yeas with none voting "nay", Roll No. 411; **Page H6613**

Urging the Government of the Republic of Belarus to ensure a democratic election process for its elections in the Fall of 2004: Debated on Wednesday, July 21: 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, by a ⅔ yea-and-nay vote of 421 yeas with none voting "nay", Roll No. 412; **Pages H6613–14**

Celebrating 10 years of majority rule in the Republic of South Africa: Debated on Wednesday, July 21: H. Con. Res. 436, amended, 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, by a ⅔ yea-and-nay vote of 422 yeas with none voting "nay", Roll No. 414; **Pages H6650–51**

Recognizing the importance in history of the 150th anniversary of the establishment of diplomatic relations between the U.S. and Japan: Debated on Wednesday, July 21: 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, by a ⅔ yea-and-nay vote of 416 yeas with none voting "nay", Roll No. 415; **Page H6651**

Condemning the attack on the AMIA Jewish Community Center in Buenos Aires, Argentina in July 1994: Debated on Wednesday, July 21: H. Con. Res. 469, condemning the attack on the AMIA Jewish Community Center in Buenos Aires, Argentina, in July 1994, by a ⅔ yea-and-nay vote of 422 yeas with none voting "nay", Roll No. 419; and **Page H6676**

Declaring genocide in Darfur, Sudan: Debated on Wednesday, July 21: H. Con. Res. 467, amended, declaring genocide in Darfur, Sudan, by a ⅔ yea-and-nay vote of 422 yeas with none voting "nay", Roll No. 420. **Page H6677**

Late Report: Agreed that the Committee on Science have until 5 p.m. on Friday, August 27 to file a report on H.R. 3551, to authorize appropriations to the Department of Transportation for surface transportation research and development. **Page H6615**

Tax Relief, Simplification, and Equity Act of 2003—Motion to Instruct Conferees: The House rejected the Stenholm motion to instruct conferees on H.R. 1308, to amend the Internal Revenue Code of 1986 to accelerate the increase in the refundability of the child tax credit, by a yea-and-nay vote of 198 yeas to 222 nays, Roll No. 421. The motion was also considered on Tuesday, July 20. **Pages H6677–78**

Committee Election: The House agreed to H. Res. 741, electing Representative Butterfield to the Committees on Agriculture and Small Business. **Pages H6651–52**

Summer District Work Period: The House agreed to H. Con. Res. 479, providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate. **Page H6678**

Expressing the condolences of the House of Representatives to the family and friends of Mattie Stepanek: The House agreed to H. Res. 695, expressing the condolences of the House of Representatives to the family and friends of Mattie Stepanek on his passing, and honoring the life of Mattie Stepanek for his braveness, generosity of spirit, and efforts to raise awareness of muscular dystrophy. **Pages H6678–79**

Member Resignation: Read a letter from Representative Bereuter wherein he announced his resignation from the House of Representatives, effective August 31, 2004. **Pages H6679–80**

Recess: The House recessed at 9:35 p.m. and reconvened at 10:25 p.m. **Page H6680**

Extending programs funded under the Highway Trust Fund: The House agreed to discharge from the Committees on Transportation and Infrastructure, Ways and Means, Science, and Resources and pass by unanimous consent H.R. 4916, 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. **Pages H6680–85**

Calendar Wednesday: Agreed to dispense with the Calendar Wednesday business of Wednesday, September 8. **Page H6685**

Meeting Hour: Agreed that when the House adjourns today, it adjourn to meet at 4 p.m. on Monday, July 26, 2004, unless it sooner has received a message from the Senate transmitting its concurrence in H. Con. Res. 479, in which case the House shall stand adjourned pursuant to that concurrent resolution. **Page H6685**

Speaker Pro Tempore: Read a letter from the Speaker wherein he appointed Representative Wolf, or if not available to perform this duty, Representative Tom Davis of Virginia to act as Speaker pro tempore to sign enrolled bills and joint resolutions through September 7, 2004. **Page H6685**

Preserving the ability of the FHA to insure mortgages under the National Housing Act: The House agreed to take from the Speaker's table and pass S. 2712, to preserve the ability of the Federal Housing Administration to insure mortgages under sections 238 and 519 of the National Housing Act. **Page H6695**

Senate Message: Messages received from the Senate today appears on pages H6651, H6692.

Senate Referral: S. 2249 was referred to the Committee on Financial Services; S. Con. Res. 125 was held at the desk; S. Con. Res. 130 was referred to the Committee on the Judiciary; and S. 2724 was referred to the Committee on Small Business. **Page H6697**

Quorum Calls—Votes: 15 yea-and-nay votes developed during the proceedings of today and appear on pages H6578–79, H6579, H6579–80, H6612, H6613, H6613–14, H6649–50, H6651, H6674, H6675, H6675–76, H6676, H6677, and H6677–78. There were no quorum calls.

Adjournment: The House met at 10 a.m. and at 11:57 p.m., pursuant to the provisions of H. Con. Res. 479, stands adjourned until 4 p.m. on Monday, July 26, unless it sooner has received a message from the Senate transmitting its adoption of the concurrent resolution, in which case the House shall stand adjourned until 2 p.m. on Tuesday, September 7, 2004.

Committee Meetings

FOOD PROMOTION ACT

Committee on Agriculture: Ordered reported H.R. 4576, Food Promotion Act of 2004.

USDA'S NATIONAL ANIMAL IDENTIFICATION SYSTEM

Committee on Agriculture: Subcommittee on Livestock and Horticulture held a hearing to review the USDA's National Animal Identification System. Testimony was heard from John Clifford, Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service, USDA; and public witnesses.

VA, HUD AND INDEPENDENT AGENCIES AND THE TRANSPORTATION, TREASURY AND INDEPENDENT AGENCIES APPROPRIATIONS FISCAL YEAR 2005

Committee on Appropriations: Ordered reported the following appropriations for fiscal year 2005: VA, HUD and Independent Agencies; and Transportation, Treasury and Independent Agencies.

ELECTROMAGNETIC PULSE ATTACK

Committee on Armed Services: Held a hearing on the Report of the Commission to Assess the Threat to the United States from Electromagnetic Pulse (EMP) Attack. Testimony was heard from William R. Graham, Chairman, Commission to Assess the Threat to the United States from Electromagnetic Pulse Attack.

SPACE CADRE/SPACE PROFESSIONALS

Committee on Armed Services: Subcommittee on Strategic Forces held a hearing on Space Cadre/Space Professionals. Testimony was heard from the following officials of the Department of Defense: Peter B. Teets, Under Secretary, Air Force, Space; GEN Lance Lord, USAF, Commander, Air Force Space Command; LTG Larry J. Dodgen, USA, Commander, Space and Missile Defense Command; and RADM James McArthur, USN, Commander, Navy Network Warfare Command; and public witnesses.

TAX CODE'S IMPACT ON REVENUE PROJECTIONS AND THE FEDERAL BUDGET

Committee on the Budget: Held a hearing on the U.S. Tax Code's Impact on Revenue Projections and the Federal Budget. Testimony was heard from Douglas J. Holtz-Eakin, Director, CBO; and public witnesses.

GENETIC NON-DISCRIMINATION

Committee on Education and the Workforce: Subcommittee on Employer-Employee Relations held a hearing entitled "Genetic Non-Discrimination: Examining the Implications for Workers and Employers." Testimony was heard from public witnesses.

DC—SAFE DRINKING WATER

Committee on Energy and Commerce: Subcommittee on Environment and Hazardous Materials held a hearing entitled "Tapped Out? Lead in the District of Columbia and the Providing of Safe Drinking Water." Testimony was heard from the following officials of the EPA: Benjamin Grumbles, Acting Assistant Administrator, Water; and Don Welsh, Administrator, Region III; John Stephenson, Director, Natural Resources and Environment Team, GAO; Jerry N. Johnson, Executive Director, Water and Sewer Authority, District of Columbia; and public witnesses.

HEALTH INFORMATION TECHNOLOGY

Committee on Energy and Commerce: Subcommittee on Health held a hearing entitled "Health Information Technology: Improving Quality and Value of Patient Care." Testimony was heard from Tommy Thompson, Secretary of Health and Human Services; Robert M. Kolodner, M.D., Acting Chief, Health Informatics Officer and Deputy Chief Information Officer, Health, Department of Veterans Affairs; and public witnesses.

E-RATE PROGRAM INVESTIGATION

Committee on Energy and Commerce: Subcommittee on Oversight and Investigations held a hearing entitled "Problems with the E-rate Program: Waste, Fraud, and Abuse Concerns in the Wiring of Our Nation's Schools to the Internet." Testimony was heard from William Maher, Chief, Wireline Competition Bureau, FCC; and public witnesses.

In refusing to give testimony at the hearing, the following individuals: Thomas J. Burger, President and CEO, NEC Unified Solutions, Inc.; William Holman, former Vice President of Sales, NEC Business Network Solutions; and George Marchelos, former E-rate Consultant and Salesperson, Video Network Communications, Inc., invoked Fifth Amendments privileges.

MARKET AND INVESTOR RECOVERY

Committee on Financial Services: Held a hearing entitled "Sarbanes-Oxley: Two Years of Market and Investor Recovery." Testimony was heard from public witnesses.

IRAQ—CONTRACTING AND REBUILDING

Committee on Government Reform: Continued hearings entitled "Contracting and the Rebuilding of Iraq: Part IV." Testimony was heard from public witnesses.

DRUGS AND SECURITY IN POST–9/11 WORLD

Committee on Government Reform: Subcommittee on Criminal Justice, Drug Policy and Human Resources and the Subcommittee on Infrastructure and Border Security of the Select Committee on Homeland Security held a joint hearing entitled "Drugs and Security in a Post-9/11 World: Coordinating the Counternarcotics Mission at the Department of Homeland Security." Testimony was heard from the following officials of the Department of Homeland Security: Robert Bonner, Commissioner, U.S. Customs and Border Protection; ADM Thomas H. Collins, USCG, Commandant, U.S. Coast Guard; Michael J. Garcia, Assistant Secretary, U.S. Immigration and Customs Enforcement; and Roger Mackin, Counternarcotics Officer.

HORMONE REPLACEMENT THERAPY

Committee on Government Reform: Subcommittee on Human Rights and Wellness held a hearing entitled " Balancing Act: The Health Advantages of Naturally-Occurring Hormones in Hormone Replacement Therapy." Testimony was heard from Barbara Alving, M.D., Acting, Director, Heart, Lung, and Blood Institute, NIH, Department of Health and Human Services; and public witnesses

ESTABLISH—NATIONAL MUSEUM OF THE AMERICAN LATINO

Committee on House Administration: Held a hearing on H.R. 4863, To establish the Commission to Establish the National Museum of the American Latino to develop a plan of action for the establishment and maintenance within the Smithsonian Institution of the National Museum of the American Latino in Washington, DC. Testimony was heard from Representatives Ros-Lehtinen and Becerra; Lawrence M. Small, Secretary, Smithsonian Institution; and pubic witnesses.

DEMOCRATIC REPUBLIC OF CONGO PEACE ACCORDS

Committee on International Relations: Subcommittee on Africa held a hearing on The Democratic Republic

of Congo Peace Accords: One Year Later. Testimony was heard from Constance Berry Newman, Assistant Secretary, Bureau of African Affairs, Department of State; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Resources: Subcommittee on Forests and Forest Health held a hearing on the following bills: H.R. 822, Wild Sky Wilderness Act of 2003; H.R. 4806, Pine Springs Land Exchange Act; and H.R. 4838, Health Forest Youth Conservation Corps Act of 2004. Testimony was heard from Representative Larsen of Washington and Neugebauer; Mark Rey, Under Secretary, Natural Resources and Environment, USDA; and public witnesses.

SMALL BUSINESS LIABILITY REFORM

Committee on Small Business: Subcommittee on Regulatory Reform and Oversight held a hearing on Small Business Liability Reform. Testimony was heard from Representative Chabot; and public witnesses.

OVERSIGHT—EVERGLADES RESTORATION PLAN

Committee on Transportation and Infrastructure: Subcommittee on Water Resources and Environment held an oversight hearing on Comprehensive Everglades Restoration Plan—The First Major Projects. Testimony was heard from Representative Foley; COL Robert M. Carpenter, Commander, Jacksonville District, U.S. Army Corps of Engineers, Department of the Army; Ernest Barnett, Director, Ecosystem Projects, Department of Environmental Protection, State of Florida; and public witnesses.

VA-DoD COLLABORATION—CARE OF VETERANS

Committee on Veterans' Affairs: Held a hearing on the evolution of VA-DoD collaboration in research and amputee care for veterans of current and past conflicts, and needed reforms in VA blind rehabilitation services. Testimony was heard from Cynthia A. Bascetta, Director, Veterans' Health and Benefits Issues, GAO; the following officials of the Department of Veterans Affairs; Michael J. Kussman, M.D., Acting Deputy Under Secretary, Health; Mindy L. Aisen, M.D., Deputy Chief, Research and Development Officer; and Frederick Downs, Jr., Chief Consultant, Prosthetic and Sensory Aids Service Strategic Healthcare Group; the following officials of the Department of Defense: Brett P. Giroir, M.D., Deputy Director, Defense Sciences Office, Defense Advanced Research Projects Agency; LTC Paul Pasquina, M.D., USA, Chief, Physical Medicine and Rehabilitation, and Chuck Scoville, Program Manager, U.S. Amputee Patient Care, both with the Walter Reed Army Medical Center; representatives of veterans organizations; and public witnesses.

ELECTRONIC PRESCRIBING

Committee on Ways and Means: Subcommittee on Health held a hearing on Electronic Prescribing. Testimony was heard from public witnesses.

BRIEFING: INTELLIGENCE COMMUNITY TECHNOLOGICAL SUPERIORITY

Permanent Select Committee on Intelligence: Subcommittee on Technical and Tactical Intelligence met in executive session to receive a Briefing: Technological Superiority in the Intelligence Community. The Subcommittee was briefed by departmental witnesses.

BRIEFING: NATIONAL CONVENTIONS AND OLYMPICS THREATS

Permanent Select Committee on Intelligence: Subcommittee on Terrorism and Homeland Security met in executive session to receive a Briefing: Threats to the National Conventions and the Olympics. The Subcommittee was briefed by departmental witnesses.

BRIEFING: PORT SECURITY

Permanent Select Committee on Intelligence: Subcommittee on Terrorism and Homeland Security met in executive session to receive a Briefing: Port Security. The Subcommittee was briefed by departmental witnesses.

Joint Meetings

POSTPONEMENT OF ILLNESS

Joint Economic Committee: Committee concluded a hearing to examine long-term trends in the health status and health spending levels of elderly Americans, focusing on evidence regarding declining rates of chronic disability and assess the best opportunities for further health promotion, after receiving testimony from James Lubitz, Acting Chief, Aging and Chronic Diseases, Statistics Branch, National Center for Health Statistics, Centers for Disease Control and Prevention, Department of Health and Human Services; Kenneth G. Manton, Duke University Center for Demographic Studies, Durham, North Carolina; James F. Fries, Stanford University School of Medicine, Stanford, California; and Judith Feder, Georgetown University Public Policy Institute, Washington, D.C.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, *p. D781)*

S. 15, to amend the Public Health Service Act to provide protections and countermeasures against chemical, radiological, or nuclear agents that may be

used in a terrorist attack against the United States by giving the National Institutes of Health contracting flexibility, infrastructure improvements, and expediting the scientific peer review process, and streamlining the Food and Drug Administration approval process of countermeasures. Signed on July 21, 2004. (Public Law 108–276)

H.R. 218, to amend title 18, United States Code, to exempt qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed handguns. Signed on July 22, 2004. (Public Law 108–277)

COMMITTEE MEETINGS FOR FRIDAY, JULY 23, 2004

Senate

No meetings/hearings are scheduled.

House

Committee on the Judiciary, Subcommittee on Commercial and Administrative Law, oversight hearing on Regulatory Aspects of Voice Over the Internet Protocol (VoIP), 10 a.m., 2141 Rayburn.

Permanent Select Committee on Intelligence, executive, to consider pending business, 1 p.m., and, executive, Briefing: Acting Director of Central Intelligence, 2 p.m., H–405 Capitol.

July 23, Subcommittee on Human Intelligence, Analysis and Counterintelligence, executive, Briefing: Counternarcotics: Mexico, 10 a.m., H–405 Capitol.

Next Meeting of the SENATE
12 noon, Tuesday, September 7

Senate Chamber

Program for Tuesday, September 7: After the transaction of morning business for statements only (not to extend beyond 5 p.m.), Senate will begin consideration of the nominations of Virginia Maria Hernandez Covington, to be United States District Judge for the Middle District of Florida, and Michael H. Schneider, Sr., to be United States District Judge for the Eastern District of Texas, following which Senate will vote on confirmation of the nominations respectively; following which, Senate will consider and vote on the nomination of Michael H. Watson, to be United States District Judge for the Southern District of Ohio.

Next Meeting of the HOUSE OF REPRESENTATIVES
2 p.m., Tuesday, September 7

House Chamber

Program for Tuesday, September 7: To be announced.

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