

income tax rate bracket, which was referred to the House Calendar and ordered to be printed.

**REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4279, PROVIDING FOR DISPOSITION OF UNUSED HEALTH BENEFITS IN CAFETERIA PLANS AND FLEXIBLE SPENDING ARRANGEMENTS; H.R. 4280, HEALTH EFFICIENT, ACCESSIBLE, LOW-COST, TIMELY HEALTHCARE (HEALTH) ACT OF 2004; AND H.R. 4281, SMALL BUSINESS HEALTH FAIRNESS ACT OF 2004**

Mr. SESSIONS, from the Committee on Rules, submitted a privileged report (Rept. No. 108-484) on the resolution (H. Res. 638) providing for consideration of the bill (H.R. 4279) to amend the Internal Revenue Code of 1986 to provide for the disposition of unused health benefits in cafeteria plans and flexible spending arrangements; for consideration of the bill (H.R. 4280) to improve patient access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the health care delivery system; and for consideration of the bill (H.R. 4281) to amend title I of the Employee Retirement Income Security Act of 1974 to improve access and choice for entrepreneurs with small businesses with respect to medical care for their employees, which was referred to the House Calendar and ordered to be printed.

**A FAILURE OF LEADERSHIP AT THE HIGHEST LEVELS**

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

Mr. DEFAZIO. Mr. Speaker, in response to the gentleman who spoke earlier in the well about casting aspersions on Donald Rumsfeld and others in the Bush administration, I will not cast aspersions. I called for his resignation earlier; and if I have time at the end, I will go into those again.

But I am going to read from the *Army Times*, not exactly a bastion of Democrats or liberalism.

“Editorial: A Failure of Leadership At The Highest Levels.

“Around the halls of the Pentagon, a term of caustic derision has emerged for the enlisted soldiers at the heart of the furor over the Abu Ghraib prison scandal: The six morons who lost the war.

“Indeed, damage done to the U.S. military and the nation as a whole by the horrifying photographs of U.S. soldiers abusing Iraqi detainees at the notorious prison is incalculable.

“But the folks at the Pentagon are talking about the wrong morons.

“There is no excuse for the behavior displayed by soldiers in the now infamous pictures, and an even more damn-

ing report by Major General Antonio Taguba. Every soldier involved should be ashamed.

“But while responsibility begins with the six soldiers facing criminal charges, it extends all the way up the chain of command, to the highest reaches of the military hierarchy and its civilian leadership.

“The entire affair is a failure of leadership from start to finish. From the moment they are captured, prisoners are hooded, shackled and isolated. The message to the troops: anything goes.

“In addition to the scores of prisoners who were humiliated and demeaned, at least 14 have died in custody in Iraq and Afghanistan. The Army has ruled at least two of these homicides. This is not the way a free people keeps its captives or wins the hearts and minds of a suspicious world.

“How tragically ironic that the American military, which was welcomed to Baghdad by the euphoric Iraqi people a year ago as a liberating force and ended 30 years of tyranny, would today stand guilty of dehumanizing torture in the same Abu Ghraib prison used by Saddam Hussein's henchmen.

“One can only wonder why the prison wasn't razed in the wake of the invasion as a symbolic stake through the heart of the Baathist regime.

“Army commanders in Iraq bear responsibilities for running a prison where there was no legal advisor to the commander, no ultimate responsibility taken for the care and treatment of the prisoners.

“General Richard Myers, chairman of the Joint Chiefs, also shares in the shame. Myers asked ‘60 Minutes II’ to hold off reporting news of the scandal because it could put U.S. troops at risk. But when the report was aired, a week later, Myers still hadn't read Taguba's report, which had been completed in March; Defense Secretary Donald Rumsfeld also failed to read the report until after the scandal broke in the media.

“But then, of course, it was too late.

“Myers, Rumsfeld and their staffs failed to recognize the impact the scandal would have, not only in the United States, but around the world.

“If their staffs failed to alert Myers and Rumsfeld, shame on them. But shame, too, on the chairman and Secretary, who failed to inform even President Bush.

“He was left to learn of the explosive scandal from media reports instead of from his own military leaders.

“On the battlefield, Myers and Rumsfeld's errors would be called lack of situational awareness, a failure that amounts to professional negligence.

“To date, the Army has moved to court-martial the six soldiers suspected of abusing Iraqi detainees and has reprimanded six others.

“Brigadier General Karpinski, who commanded the MP brigade that ran Abu Ghraib, has received a letter of admonishment and also faces possible disciplinary action.

“That is good, but not enough.

“This was not just a failure of leadership at the local command level. This was a failure that ran straight to the top. Accountability here is essential, even if that means relieving top leaders from duty in a time of war.”

That is from the *Army Times*, the May 17, 2004, issue.

I called earlier for Secretary Rumsfeld's resignation, as had others, because of the jiggered intelligence about the weapons of mass destruction and the so-called links that did not exist with terrorist groups with this regime, the fact that they ignored intelligence reports and plans drawn up by the State Department, and concerns about post-war occupation of Iraq, about the number of troops necessary to prevent looting, the downward spiral that could begin with looting, the fact that the troops did not have body armor, armored Humvees.

That is all because they were not ordered, not because there was not enough money. They were not ordered. Rumsfeld did not think they would need them, in his arrogance.

And today he talks about troops as fungible, and he reigns over a Defense Department that has wasted billions, while the troops are lacking basics. And he is the guy at whose desk the buck stops when prisoners are abused, as says the *Army Times*, not just a progressive Democrat from Oregon.

**WHAT AMERICA HAS ACCOMPLISHED**

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

Mr. DREIER. Mr. Speaker, we all demonstrated our righteous indignation over what took place in the Abu Ghraib prison in Iraq, and we are horrified by it. But I would like to take just a few minutes to share the transcript of the Fox News Sunday program hosted by Chris Wallace, in which he talked about the positive accomplishments.

He said on Sunday, “As many of you may know, we thought the ABC News program, ‘Nightline,’ made a mistake last week, listing all the brave men and women who died in Iraq but without providing the context of what they died for. So we have said that we would put together our own tribute, our own list of what these brave men and women have built in Iraq.

“A couple of points before we begin. Some of you have written saying that we're pushing the White House agenda. As you saw in the last segment, there are plenty of hard questions to ask about the Bush administration's policy in Iraq, and we will keep asking them.

“There were also times this week when you couldn't help but wonder about putting on the good news from Iraq, as we saw those ugly pictures from the Abu Gharib prison. But the more we thought about it, what better

time to talk about what the vast majority of our troops are doing there? What better time to try to make sense of the sacrifice of the 767 men and women who have died in Iraq?

"We call our tribute, 'What We've Accomplished.'"

Chris Wallace went on to say, "First, ending the brutal regime of Saddam Hussein. Ending the systematic torture and murder of hundreds of thousands of Iraqis. Since Saddam was overthrown, investigators have found dozens of mass graves in which more than 300,000 Iraqis were buried.

"Ending the theft of billions of dollars from the Iraqi people," Wallace goes on to say. "Since 1991, Saddam built 48 palaces, at a time when his regime said it did not have the sources to build housing. And an investigation has found Saddam stole more than \$11 billion from the U.N.'s Oil for Food program.

"Ending the threat that weapons of mass destruction will be developed and used. Since the invasion, U.S. inspectors have not found WMD, but during its time in power, Saddam's regime manufactured chemical and biological weapons and, at one point, actively pursued nuclear weapons.

"Second, quality of life. Daily life has improved dramatically for the average Iraqi since the fall of Saddam, but it has come at a cost. These three soldiers were killed last July while they guarded a hospital at Baquba.

"Under the old regime, little money was spent on education and there was no schedule for maintaining school facilities. So far, 2,500 schools have been renovated, with another 800 to be finished soon."

Then the voice of an Iraqi female saying, "They put in electricity for us and a fan for us so we could get some air, and I say thanks to God."

An Iraqi child says, "Before, the school was dirty and not clean and even the bathroom was not good. This year, they made a new bathroom for us and they changed the building and painted it well."

Chris Wallace goes on to say, "What children are learning in school has also changed. Before the war, the government fired teachers for not following the party line. Almost 9 million new math and science textbooks have been printed and distributed. Old books were filled with pro-Saddam propaganda.

"And here are U.S. troops handing out knapsacks full of school supplies in Samarra. This just days after those four American contractors were killed and their bodies mutilated in Fallujah.

"Major progress has also been made in health care. Under Saddam, the Ministry of Health spent \$16 million a year. The current budget is almost \$1 billion. The health care system is now open to all Iraqis, with 30 percent more people using the facilities. Doctors who used to get \$20 a month now earn up to \$180. Modern medication, such as cancer drugs, are now available, something unheard of during Saddam Hussein's years.

"Last Sunday, these five Navy Seabees were killed in the Sunni triangle while on assignment rebuilding schools and medical facilities for the Iraqis.

"Third, human rights. Since the end of Saddam Hussein, a fully functioning legal and judicial system has been developed. More than 600 judges are working in courtrooms across the country. Iraqis charged with crimes now have rights that would have been laughed at under the old regime: the right to remain silent when they're arrested; the right to a fair, speedy and open trial; the right to a defense lawyer at all stages of the process.

"Iraqis now enjoy freedom of speech. Street protests against the United States occupation are now routine in Baghdad, something that in the past would have earned these demonstrators imprisonment or death.

"There is also something approaching freedom of the press. Under Saddam all newspapers were controlled by the government."

Here was a woman that was a reporter for 27 years. She said, "Before, we write as they tell us to write. Now we write what we believe."

Mr. Speaker, I include the rest of the transcript for the RECORD.

WALLACE: Now, 120 papers are being published, some of them critical of the U.S. The coalition has shut down only two papers, which it said were inciting violence.

This is another sign of new freedom: Internet cafes. Before, few people had access to computers, fewer still to the government-monitored Internet. Now people can communicate, get information or sound off in Web blogs.

And here's more technology that was banned under Saddam Hussein: satellite dishes. Now more than one-third of Iraqi households receive news from around the world by way of these dishes.

Finally, the economy and infrastructure. There's a new currency in Iraq. Gone are those ever-present pictures of Saddam in a country that used to have two weak currencies, there is now one stable form of money.

Iraq's most important resource, oil, is showing a strong revival. Production now exceeds pre-war levels, averaging half a million barrels a day more than when Saddam was forced from power.

Still, gasoline shortages have meant that U.S. soldiers often have to guard filling stations to prevent looting. Private First Class Jason Wright from the 101st Airborne Division was killed by a drive-by shooter as he protected Iraqis who were buying gas.

One crucial area that has seen solid improvement is basic utilities. After years of neglect, Iraqis have electricity for only part of the day. By this summer, the average Iraqi will have electricity for 16 hours a day, 40 percent above pre-war levels. Under Saddam, only half of the country had access to clean drinking water. Now extensive renovations of water plants have brought cleaner water to more people, almost 15 million, on a more reliable basis.

Before the war, few areas had proper sewage facilities. One example of what soldiers are doing on the ground is in Mosul, where a neighborhood was swamped with raw sewage for 17 years. The U.S. Army spent \$40,000 to hire local workers, and the problem is fixed.

Improvements in the infrastructure are widespread. Here are some key examples. Baghdad airport now has 43 passenger flights

a day, including regular commercial service to Jordan.

And look at something as simple as phone service. Under Saddam, cell phones were a luxury, reserved only for top party and government officials. Now, more than 340,000 Iraqis have cell phones, and business is booming.

There's one other big difference: When Iraqis make a call now, they say no one is listening in.

IRAQI MALE: I call him now on the phone. Now we can discuss anything. We are not—I am not afraid to say anything.

WALLACE: As we struggled to put all of this together, we were astonished by all that our troops have accomplished. And we'll keep an eye out so we can update you on some of the ways our troops are making life better for so many Iraqis.

Mr. DREIER. Mr. Speaker, we have seen tremendous improvements. We can see that a great deal has been accomplished. As we have seen suffering that so many have gone through, we are enjoying tremendous success.

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#### ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 2660, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

Mr. GEORGE MILLER of California. Mr. Speaker, subject to rule XXII, clause 7(c), I hereby announce my intention to offer a motion to instruct on H.R. 2660, Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2004.

The form of the motion is as follows:

#### MOTION TO INSTRUCT CONFEREES

Mr. GEORGE MILLER of California. Mr. Speaker, I move that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 2660 be instructed to insist on reporting an amendment to prohibit the Department of Labor from using funds under the Act to implement any portion of a regulation that would make any employee ineligible for overtime pay who would otherwise qualify for overtime pay under regulations under section 13 of the Fair Labor Standards Act in effect September 3, 2003, except that nothing in the amendment shall affect the increased salary requirements provided in such regulations as specified in section 541 of title 29 of the Code of Federal Regulations, as promulgated on April 23, 2004.

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#### GROWING CONCERN ABOUT ALARMING LANGUAGE USED TO DEMEAN THOSE QUESTIONING AMERICAN POLICY IN IRAQ

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