

WORKING FAMILIES TAX RELIEF ACT

Mr. KOHL. Mr. President, I rise to discuss the conference report passed yesterday by the Senate, the Working Families Tax Relief Act of 2004. I supported this legislation, which will continue tax relief for thousands of middle-class families in Wisconsin and across the country. Most importantly, this bill provides for the extension of the \$1,000 child tax credit, marriage penalty relief, and the 10 percent bracket. The bill also includes extensions important to business, such as the Research and Development tax credit, which expired in June of this year. Finally, the bill includes an acceleration of the increase from 10 to 15 percent of refundability in the child credit, a provision that helps the families who need it most. The end of the fiscal year is in sight, and the expiration of these cuts would negatively impact middle-class families throughout the country. I supported this legislation because I believe it is the responsibility of Congress to do its best to provide economic stability for hard-working American families.

However, by passing this legislation, Congress is also failing in its responsibility to our troops. Under current law, many soldiers are unable to claim the Earned Income Credit or the child tax credit because combat pay is excluded from the definition of earned income. Members of the conference had an opportunity to permanently solve this oversight in current law—despite Democratic efforts, the conference report only solves the problem for two years. Without a permanent solution, men and women serving on the front lines could potentially see a tax increase in 2006. I believe Congress has a responsibility to these brave men and women, and I hope we fulfill it before the end of the year.

This legislation is far from perfect. However, I believe that the benefits it will provide to middle class families across America are essential in today's economy. I thank my colleagues.

FOREIGN OPERATIONS APPROPRIATIONS

Mr. FEINGOLD. Mr. President, I am pleased to support the fiscal year 2005 Foreign Operations Appropriations bill.

Recently, the release of the 9/11 Commission report gave us all reason to redouble our efforts to focus on the importance of the foreign policy and foreign assistance priorities that are addressed in this bill. The commission's intelligence reform proposals have been the focus of most of the media attention surrounding the 9/11 report, but the commission's call for more focused, effective ways to attack the terrorists and their organizations, and, critically, to prevent the continued growth of Islamist terrorism, deserve equally intense examination and certainly deserve action. If we are to leave our

children a safer world, we must take the long view in this struggle, and we must find ways to regain the kind of international support and resolve that emerged in the aftermath of the 9/11 attacks. That support—so critical to any effort to deny terrorists sanctuary, to unravel their financial networks, and to effectively piece together the intelligence picture that can reveal their plans and weaknesses—has dipped dramatically in recent years, and we have sustained terrible losses of an extraordinarily valuable type of American power: our power to persuade, to lead, and to inspire. Throwing our support behind citizens fighting corruption abroad, helping to strengthen networks committed to fighting international crime, investing in the future by supporting child survival and health initiatives—all of these efforts, if pursued wisely, can help create a more secure world for the next generation.

In this context, it is important to note that the entire Foreign Operations Appropriations bill amounts to less than the amount that the U.S. has already appropriated for reconstruction projects in just one country: Iraq. When I reflect on this disparity, and then reflect on the fact that resources in this bill are in many cases stretched very thin—for example, the appropriators, who I know strongly support the Peace Corps, were unable to meet the administration's requested funding level for that important program—I am concerned about the balance and focus of U.S. policy in the midst of what is a truly global struggle against the terrorists who attacked this country.

I strongly support the provisions in this bill that provide resources for the fight against HIV/AIDS, and believe that the U.S. must continue to ramp up assistance—and to ensure that this assistance is effective—to honor the commitments that the President has made to the millions around the world struggling with this horrific pandemic.

I am pleased that this bill fully funds the President's request for assistance for Israel, as well as requests for Egypt, Jordan, Afghanistan and Pakistan. While the U.S. relationship with each of these important countries is complex, there can be no question that continued U.S. investment in the future of these states makes good sense.

I continue to have concerns about the assistance provided to Colombia under the Andean Counterdrug Initiative because of ongoing reports of human rights violations by armed groups in Colombia and links between paramilitary groups and the Colombian Armed Forces. I hope that the administration will take seriously the provisions in this bill conditioning the obligation of much of this assistance on whether human rights, alternative development, and fumigation requirements are met.

I am pleased that an amendment I cosponsored, expressing the need for international support for the people of Haiti, was included in this bill. The lat-

est disaster in Haiti, in which over 1,000 were killed in severe flooding caused by Tropical Storm Jeanne, has only intensified the suffering Haitians face on a daily basis from political insecurity and extreme poverty. This tragedy underscores the need for the international community to make a serious and sustained commitment to the future of Haiti.

As the ranking member of the Senate Foreign Relations Committee's Subcommittee on African Affairs, I am especially pleased that this bill provides \$5 million to establish pilot programs in the Democratic Republic of the Congo, Uganda, Burundi, and Liberia to address sexual and gender-based violence. My office worked with the appropriators on this important provisions.

I also strongly support provisions in the bill calling for improvements in the human rights situation in Uganda, and particularly calling for greater efforts devoted to civilian protection and child protection in the North. These provisions dovetail with the Northern Uganda Crisis Response Act, a bill I authored which was passed by the Senate and House and signed into law this summer.

CONTINUING CARE FOR RECOVERING FAMILIES ACT

Mr. KENNEDY. Mr. President, one of the greatest domestic challenges facing our country today is the soaring cost of health care. It is a serious problem for millions of families. But when the chief income earner in a family suddenly becomes unemployed, the problem can be critical, and we give a helping hand. We give them the opportunity to continue their coverage through their employer for a reasonable period. Families who lost loved ones on September 11 deserve the same opportunity until they can land on their feet again.

The Continuing Care for Recovering Families Act I introduced yesterday with Senator LAUTENBERG and Senator CLINTON recognizes that many of the September 11 families are still struggling to recover and we have an obligation to assist them.

Some of the families have found ways to cover their health costs by purchasing private insurance or obtaining grant assistance on their own. For others, employers have agreed to provide coverage. For still other families, however, the safety net is about to fall apart, because their coverage is about to expire under COBRA—the temporary low-cost continuation of coverage available under current Federal law for those who change their job, lose their job, or for families that lose their chief income earner through death.

The Continuing Care for Recovering Families Act will give spouses and children of victims of September 11 the ability to purchase or continue to purchase coverage under COBRA indefinitely, as long as they enroll within 120 days after passage of the act or 120

days after they lose their COBRA coverage. Eligibility for the program would expire only if they enroll in a private insurance plan or become eligible for Medicare.

The families of September 11 have shown great courage and extraordinary resilience. But we still have much more to do to help them on their long and arduous road to recovery, and I hope very much that we can pass this legislation this year. It will only affect a small number of families. But for them, it will make a world of a difference.

KEEP OUR PROMISE

Mr. LEVIN. Mr. President, as the assault weapons ban expired last Monday, one of our Nation's law enforcement officers was recovering in a Miami, FL hospital from two gunshot wounds inflicted by an AK-47 rifle. According to the Brady Campaign, all models of this make of assault rifle were prohibited at the time of the attack, but are now legal due to the expiration of the assault weapons ban on September 13.

Last Monday, the Miami Herald reported that on September 12, 2004 Miami-Dade Police Officer Keenya Hubert was on a routine patrol when she heard gunshots fired in a nearby neighborhood. She spotted a suspicious vehicle leaving the area, called for backup, and pulled the vehicle over. Suddenly, the driver got out of his vehicle and fired nearly two-dozen bullets at Officer Hubert and her police car using an AK-47 assault rifle. One of those bullets struck Officer Hubert in the shoulder and another grazed her forehead. Later in the week a man was arrested in connection with this attack. Press reports indicate the man had been previously convicted of attacking two other police officers in 1997.

Unfortunately, assault rifles like the one reportedly used in the attack on Officer Hubert's life as well as many other similar assault weapons are once again being legally produced and sold as a result of the expiration of the assault weapons ban. The ban also included firearms that can accept detachable magazines and have more than one of several specific military features, such as a folding/telescoping stock, protruding pistol grip, bayonet mount, threaded muzzle or flash suppressor, barrel shroud or grenade launcher. Common sense tells us that there is no reason for civilians to have easy access to guns with these features.

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 ban for 10 years. Unfortunately, despite the overwhelming support of the law enforcement community, the ongoing threat of terrorism, and bipartisan support in the Senate, neither the President nor the Republican Congressional leadership acted to protect Americans

from assault weapons like the one used in the attack on Officer Hubert.

Last week, Sarah Brady, the wife of Jim Brady who was shot in John Hinckley's attempted assassination of President Reagan, issued an open letter to President Bush expressing disappointment in his decision to allow the assault weapons ban to expire.

Mr. President, I hope that in the remaining days of the 108th Congress the Republican leadership and the President will reverse course and act to extend the assault weapons ban.

I ask unanimous consent that Sarah Brady's letter to President Bush be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SEPTEMBER 14, 2004.

DEAR PRESIDENT BUSH: I cannot begin to express my disappointment in your decision to let the Assault Weapons Ban expire yesterday.

Four years ago you said you supported renewal of the assault weapons ban, though you made it clear that you were generally opposed to reasonable gun violence prevention laws. I was very happy to hear you say it then, because it was a sensible position, and one long supported by such conservative leaders as Ronald Reagan and Barry Goldwater. As a lifelong Republican, it gave me hope that my party would move away from the knee-jerk tendency to oppose whatever the gun lobby said Republicans should oppose.

Now, these guns, designed by military scientists to inflict the maximum level of damage to human beings, are back on our streets.

You have broken your promise to the American people and you should be ashamed. Jim and I loved Ronald Reagan, and one of the main reasons we loved him was that he was always, always, true to his word.

This law worked, and it saved lives. It saved the lives of police officers and children. You cast your support aside for a political endorsement. We all pay prices in life for our actions. I hope the American people will make you pay a price for this decision.

In your current campaign, you are pledging to keep America safe. But your conscious decision to let this ban expire has placed us all in jeopardy.

The expiration of this law is temporary. It will be renewed: It is only a matter of how long it will take to renew it. There is still time for you to show leadership, do the right thing, and restore this law. But know that Jim and I will continue our efforts to restore the ban, with or without your help. And we will succeed. Lives are hanging in the balance.

Mr. President, step forward and do the right thing.

Sincerely,

SARAH BRADY.

RELEASE OF YASER HAMDI

Mr. LEAHY. Mr. President, at a hearing Wednesday before the Judiciary Committee, I asked some tough questions about the record of the Department of Justice in prosecuting terrorism cases. Later that day, the Department announced the imminent release of Yaser Esam Hamdi, the so-called "enemy combatant" who has been held for nearly 3 years without

being formally charged with any crime. During this period, the Bush administration argued that it could deny Hamdi, a U.S. citizen, due process and detain him indefinitely. In June, the Supreme Court struck down the administration's assertion of unchecked executive power, ruling that Hamdi had the right to challenge his detention. Rather than proceed in court, the Justice Department now says that it will release Hamdi, who will renounce his U.S. citizenship and join his family in Saudi Arabia.

The Justice Department has claimed that Hamdi fought with the Taliban and posed a threat to our national security. Hamdi claimed that he was an innocent captured in Afghanistan by the Northern Alliance. We simply do not know the truth. But, as the Rutland Herald correctly points out in its editorial Thursday, that is what trials are for. If Hamdi was a combatant, or a civilian caught up in a combat zone, he should have been treated in accordance with the Geneva Conventions, which provide for the treatment of soldiers and civilians in wartime. If Hamdi committed a crime, he should have been charged and tried. The timing of his release is curious. Three months after the Supreme Court rejected the administration's refusal to grant Hamdi due process, the Justice Department suddenly determined that Hamdi no longer posed a threat. Now it will release a person it previously claimed was so dangerous that he had to be held for years in a military brig, mainly in solitary confinement.

The Attorney General relied on powerful rhetoric to defend the Department's record. He liked to say that no one had successfully challenged the Government's use of authority under the PATRIOT Act and that no court had found the Government had overreached. Since the Supreme Court decisions on Hamdi and related cases last summer, it has become harder for him to make such claims. Those Court decisions do not stand alone in defining the Department's level of success, however. The list of reversals of this Administration's policies and practices has become extensive. From the Department's involvement in rewriting our country's adherence to the Geneva Convention and the Convention Against Torture, which contributed to the breakdown at the Abu Ghraib prison and elsewhere, to the Supreme Court's rejection of the administration's Guantanamo practices, there is much that needs attention and correction.

Indeed, the Justice Department has accumulated one loss after another in terrorism cases. In recent weeks, we have witnessed the unraveling of the Department's first post-September 11 prosecution of a terrorist sleeper cell in Detroit. This followed on the heels of a growing list of losses and questionable cases, including the wrongful arrest of a Portland attorney based on a fingerprint mismatch; the acquittal of