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PROCEEDINGS AND DEBATES OF THE 108th CONGRESS, FIRST SESSION

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House of Representatives

The House met at 10:30 a.m. and was called to order by the Speaker pro tempore (Mr. TERRY).

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
January 28, 2003.

I hereby appoint the Honorable LEE TERRY to act as Speaker pro tempore on this day.

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

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

The Chair recognizes the gentlewoman from California (Ms. WATSON) for 5 minutes.

BUDGET AND HOMELAND SECURITY

Ms. WATSON. Mr. Speaker, President Bush has campaigned across the 50 States, has campaigned by issuing promises to strengthen our Nation. He has pledged to improve our schools, to create jobs, to protect our homeland, but soon after these promises were made, we see how empty they are.

President Bush fought against providing funds for his own education bill. It is still unfunded and leaves our children behind.

President Bush fought to prevent Congress from extending unemployment benefits for laid-off workers. We worked hard to at least to get a reference, and now President Bush is fighting to prevent the Federal Government from spending the funds necessary to protect our homeland.

When we say ''homeland security,'' we are not talking about fancy technology or a building. We are talking about training and equipment for first responders, the men and women of our local police force and fire departments, the ones who will be putting their lives on the line in case of a terrorist attack.

Warren Rudman, the former Republican Senator, who helped lead the United States Commission on National Security in the 21st Century, said about the Bush budget, ''The bottom line is that it appears to us we are going to be underfunded in several key areas.'' His comments were echoed by a current Republican Senator and decorated Vietnam veteran who said Bush's budget is ''not even sufficient to provide for the first responder program in the States. It is not sufficient to provide for broader security.''

We have known for some time that this President puts children second to tax cuts for the rich. We have known he puts jobs second to tax cuts, but to see our national security sacrificed in favor of a tax cut skewed to millionaires really takes the cake.

Now the President has an opportunity tonight to prove that he values national security more than tax cuts. I urge him to embrace that opportunity.

TAX CUTS FOR THE WEALTHY

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the gentleman from Oregon (Mr. DEFAZIO) is recognized during morning hour debates for 5 minutes.

Mr. DEFAZIO. Mr. Speaker, the state of our Union is not sound. Millions of Americans and their families are not secure in their home, not because of some new wave of crime or because of some immediate and compelling threat from Iraq or other hostile foreign nations, but because so many have lost their jobs, or many fear the loss of their job or lay-off in the near future.

One point seven million jobs have been lost since January 2001. The number of people unemployed for more than 6 months has tripled in the last 2 years. One point three million more people have fallen into poverty in the last 2 years, the first increase in a decade.

Bankruptcies are up 23 percent in the last year. Forty-four million Americans have no health insurance. The government surplus has evaporated. We have a huge and growing deficit as far as the eye can see. Social Security lockbox has been broken open and pillaged, and the trust funds are being spent on day-to-day operations of the government. The Pension Benefit Guarantee Fund, which insures the pensions of Americans in case their company or plan should fail, is broke. It has spent its entire reserves in the last 2 years.

State budgets are the worst since the Great Depression. We are in a domestic economic crisis. That is pretty clear, but the question becomes what is the President going to propose? It appears that he is going to propose more of the same.

When the President was a candidate, we had a large surplus and a booming economy. He proposed tax cuts for the wealthy. When the President was newly elected, we had a faltering economy, and he said we still had a surplus, and he proposed tax cuts for the wealthy, and he got many of those proposals through. Now he is in his third year as President. We are in a recession. We have huge and growing deficits, and the President has proposed, surprise, tax cuts for the wealthy.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

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His plan is to exempt dividends supposedly because of double taxation, except most of the corporations who pay dividends do not pay Federal income taxes. They have taken advantage of loopholes through Bermuda and other places to not pay taxes. They are not double-taxed. That is not the issue, double taxation or fairness. It is to give a huge gift to the wealthy.

The average tax cut for an Oregonian, for my State, with an income of $32,000, people who could use a little help, it will be $40. Do not spend it all in one place. But the average millionaire tax cut, $45,000, those who have already done so well under his previous tax cuts, and it will compound the State's financial problems. It will cost the States $4 billion, this little dividend gift to wealthy investors, and it will cost my State $100 million, a State already in crisis.

There is no credible economist in the United States of America who pretends that this would in any way stimulate the economy, especially since the money will not be refunded to these wealthy folks until next year even if they choose to spend it in a way that might create jobs.

Then the other leg of his way to boost our economy is a war. I believe many are puzzling over what is this about. Is there this a tremendous threat? Well, he has not yet revealed either to me, the United States Congress in any of our classified briefings here on the floor of the House, or in unclassified briefings or in other materials the proof that there is a credible and immediate threat from Saddam Hussein.

We do know that in North Korea they have nuclear weapons. They are building more nuclear weapons. They have tested long-range missiles. We do know in Iran that they have a very advanced nuclear program. Apparently Saddam Hussein does not have one at all, and his missiles that he has, so-called, can reach only a couple of hundred miles.

So how is it that this is the most credible and immediate threat that we should spend hundreds of millions of dollars, potentially thousands of American lives, tens of thousands of lives of innocents in a war against Saddam Hussein while weapons inspectors are in there, when we have gotten what we proposed, which is let us go in there and find if he has weapons of mass destruction. Give the process time to work. There is no reason to rush to war with potentially catastrophic results and one that is certainly not going to help us with these pressing domestic problems at home.

In fact, it is going to rob from that, since the President is now talking about a long-term occupation and rebuilding of Iraq similar to Japan after World War II despite the fact that, of course, basically their culture is not as integrated as that of Japan. In fact, the people who live in Iraq do not get along very well. There is a number of divisive factions. They have no tradition in democracy, and a long-term occupation and democracy-building in that area is going to be very problematic.

So the President should focus on real steps to help real Americans with their real problems at home and real threats to our domestic integrity or our international security. Where is Osama bin Laden? Remember, dead or alive? Guess what. He is still alive. He is still planning attacks on the United States of America. The President needs to refocus his priorities.

REJECTING THE APOSTLES OF INACTION

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the gentleman from Texas (Mr. DELAY) is recognized during morning hour debates for 5 minutes.

Mr. DELAY. Mr. Speaker, in recent days we have heard a loud and relentless chorus of critics who are attempting to hamstring President Bush and restrict his ability to defend this country. These foreign and domestic apologists for inaction would subordinate U.S. national security decisions to an international litmus test.

They are subverting the real issue beneath the false allure of avoidance and a smokescreen of diplomatic double-dealings and evasions. Under their specious logic, the burden of proof shifts from Saddam Hussein's evil regime to the free and democratic nations insisting that he disarm.

It is a known fact that Saddam developed, deployed and destroyed thousands of lives with weapons of mass terror. It is not a question of whether or not he has terror weapons.

American soldiers found and destroyed chemical weapons depots 12 years ago. Saddam later confirmed our fears with the thousands of corpses that littered the Iraqi countryside.

Here is the real question: Where and when will he choose to use the countless terror weapons he still has? Will it be here in the United States? Will Saddam's agents launch the attack, or will Saddam quietly transfer his chemical or biological weapons to al Qaeda or any other terrorist organization? Will they be leveraged to blackmail freedom-loving nations into inaction in the face of future aggression?

The answer is that we cannot know what this dictator will do, and for that reason the only acceptable outcome to the United States is that either Saddam Hussein voluntarily destroys all the materials related to his nuclear, chemical and biological weapons development programs or a coalition of free nations will do the job, and this brings up a widespread misperception.

The purpose of the U.N. inspectors in Iraq, a purpose that is either misunderstood or it is being manipulated by the left, is simply to verify that Saddam is declaring and destroying his known but hidden weapons of mass destruction programs and weapons caches.

It is not the inspectors' mission to fruitlessly scour the Iraqi countryside in a feckless search for Saddam's terror weapons. In a country larger than the State of California, that would be an empty objective doomed to fail. Outside observers cannot hope to uncover the truth within an uncooperative and hostile regime. It is an impossible task to discover weapons of mass destruction within a ruthlessly wicked and oppressive dictatorship that refuses to cooperate. Iraq is not destroying its weapons.

Let us just be clear about it. Saddam is an evil tyrant. He illegitimately holds power by controlling the thoughts and the behavior of the Iraqi people with a climate of state-administered terror. His secret police coerce the Iraqi people into a terror-driven code of silence.

Time and time again over the 20th century the West learned that the scale of crimes committed by totalitarian regimes was far worse than we even knew. It was not until those brutal regimes fell and their victims documented the full extent of the monstrous abuse that we learned the truth. We saw it in Hitler's Germany. We saw it in the Soviet Union. We saw it in Cambodia, and eventually we will see it in Cuba, and once Saddam fails and falls, the Iraqi people will shock and disgust the world by revealing the full ghastly scope of Saddam's oppression.

This much is obvious today. We will never get to the truth about Saddam's weapons so long as his regime holds power. We need to recognize that it will be extremely difficult for Saddam's past and future victims to tell inspectors what they know.

□ 1045

When they, their friends and their families are subject to brutal and wicked reprisals, including rape, torture and murder at the hands of Saddam's secret police, U.N. inspectors cannot approach the truth in Iraq. And it is not their job to discover Saddam's weapons. No, the onus is squarely on Saddam Hussein to prove to the world that he has disarmed.

Unfortunately, many observers continue claiming that the United States has to round out the indictment of Saddam Hussein's regime with additional evidence. No such evidence is needed. No more facts need emerge before America can rightfully take action against this regime. We have all the evidence that we need. The pages of history. There has never been a threat confronting the United States that was overcome or improved through inaction or the counsels of contrived evasions and equivocations. The American people expect us to face our threats squarely and directly.

Many observers would have us pin the security of the United States to a fading fallacy, the discredited notion that a U.N. inspections team, operating within a hostile regime, can adequately secure our security. They cannot.

There is great danger in so elevating the trappings of international consultation and the rituals of multilateralism that they become a surrogate for our true purpose: we have to protect ourselves and the world by disarming Saddam Hussein.

Some observers refuse to acknowledge the grave consequences of allowing Saddam Hussein to remain in power. In the hierarchy of aggressive and military regimes, Saddam's dictatorship is a clear and present danger to the United States. And by providing Saddam added time, added time to supply, train and support terrorist groups, these endless pleas for patience convert a virtue into a vice. Any nation which naively denies the clear threat from Saddam Hussein's regime is placing the free world at jeopardy by ignoring this dictator's infamous past and evil aspirations.

Regardless of what others may say, the final authority governing American action is not the United Nations. It is the Constitution of the United States and the decisions of our own elected government. If and when President Bush decides America must confront Saddam Hussein's regime, he will be exercising his authority as commander in chief and expressing the broad support already demonstrated by Congress through the Iraq Resolution passed months ago.

The Left is attempting to turn us from our purpose with another bit of sophistry. They claim our imperative to confront Saddam Hussein's dictatorship is a diversion from the war against terrorism. Well, far from a diversion, confronting Saddam Hussein is a central and defining measure of our commitment to win the war on terrorism.

If President Bush determines that America must act, he can be confident that the unified support of the American people will be with him until the danger is defeated. The President should know that we stand beside him and that the United States will not shrink from our obligation to defend freedom.

While we seek the broadest possible coalition of freedom-loving countries in this effort, we cannot let a hunt for international consensus divide us and deter us from our purpose. We will not be dissuaded from taking action to defend America.

GUAM REQUESTS ADDITIONAL FEDERAL ASSISTANCE

The SPEAKER pro tempore (Mr. TERRY). Under a previous order of the House, the gentlewoman from Guam (Ms. BORDALLO) is recognized for 5 minutes.

Ms. BORDALLO. Mr. Speaker, the people of Guam eagerly anticipate the State of the Union report which President Bush will deliver tonight. While the President will speak in broad terms about the Nation, I take this opportunity to let the Nation know about the situation on my home island of Guam, which has been recently devastated by Super Typhoon Pongsona.

Super Typhoon Pongsona struck Guam on December 8, 2002, with sustained winds of 155 miles per hour and wind gusts exceeding 200 miles per hour. This severe typhoon battered Guam for 8 long hours; and in its aftermath, Guam's power, water, and wastewater systems were seriously damaged. In addition, Guam had just begun to fully recover from another storm, Typhoon Chata'an, which struck in July 2002, barely 6 months before Typhoon Pongsona.

Our island looked like a war zone. Hotels had their windows blown out and over 120 concrete power poles snapped due to the force of Pongsona. Aluminum typhoon shutters were ripped off the windows; and air conditioners were blown off roof tops and windows, creating holes for rain to destroy the interior of our homes.

Andersen Air Force Base, Naval Station, and Apra Harbor, were hit hard, as well as our own civilian airport, closing both airports and delaying relief flights. Four fuel storage tanks at the Port of Guam caught fire and burned for days, jeopardizing nearby storage tanks filled with aviation fuel, gasoline and diesel fuel. Two tanks were destroyed completely, while two others have been damaged.

Many people on Guam who have lived through other typhoons over the years have remarked that Pongsona was the worst typhoon they had ever experienced in their lives. I was there to witness this.

President Bush declared Guam a major disaster area following Super Typhoon Pongsona, and the FEMA emergency management agency, the American Red Cross, the Salvation Army, the Catholic Social Services, and many other volunteers mobilized for the relief and recovery effort. We on Guam are sincerely grateful for all these efforts and for the incredible response of the Guam National Guard, the Government of Guam employees, and the reserve and active duty military units on Guam. There is nothing more humbling to a community than to see the outpouring of assistance to us in our time of desperate need. There is nothing more heroic than to see Guardsmen, government employees, and volunteers leave their own ravaged homes behind and respond to the call of duty.

Seven weeks later, as I speak today, 20 percent of our island is still without power. Power outages plague our community every day. The water system is still not at full capacity, and the government is still coping with the enormous challenges ahead. Governor Felix Camacho and Lieutenant Governor Kaleo Moylan took office on January 6, 2003, facing the daunting task of completing the recovery. The 27th Guam legislature, under the leadership of Speaker Ben Pangelinan also assumed office with these great challenges awaiting them. Our people pray for our leaders to succeed, because not since the liberation of Guam from its World War II occupation of our island have we faced such difficult times.

We are facing 20 percent unemployment, a bottoming out of our tourist industry, and an expensive recovery that may last the rest of this year. We need the Federal Government to extend whatever help is available, not just to clean up after the typhoon but to help us restore our economy and rebuild our basic infrastructure. We need hazard mitigation assistance to make Guam less vulnerable to the next super typhoon, and we need the prayers and the support of the American people for their fellow American citizens who live on Guam.

We are a community that prides ourselves on our self-reliance and our resilience after any hardship. We have great optimism and great faith in our future. We need a hand right now, and we ask that President Bush and the Congress take just a minute as we reflect on the blessing and opportunities of our great country to remember that some Americans are facing great hardships tonight. Please remember Guam.

AGRICULTURE DISASTER IN NORTH CAROLINA

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

Mr. ETHERIDGE. Mr. Speaker, I rise today to inform my colleagues of the sad state of agriculture in my home State of North Carolina. And, indeed, farmers across the Nation took a big hit in their wallets thanks to Mother Nature last year.

As Congress prepares to receive the President's State of the Union address, we must pay special attention to those folks who are hurting down on the farm. At one time last summer, according to the National Drought Mitigation Center, nearly one-third of the United States experienced moderate to extreme drought conditions. The prolonged period of dry weather severely aggravated North Carolina's long-term drought problems.

Consequently, my State experienced the worst drought we have seen in 100 years. This drought impacted every region of North Carolina and nearly every community where commodities are grown. Many farmers had to watch crops wither on the vine and die despite their best efforts. And when rain finally came, it came too late to save what was already lost and impaired their ability to harvest what little they had.

In North Carolina, farmers have experienced $400 million in crop losses. While crop insurance has paid out $90 million in indemnities, which helped, it comes at a cost of $63 million in premiums. So crop insurance has not been a viable solution to losses of this magnitude.

The Secretary of Agriculture designated nearly the entire State of

North Carolina as a disaster area, making low-interest loans available to our farmers. USDA also provided for emergency haying and grazing on Conservation Reserve Program lands, something our livestock producers appreciated. While this assistance is welcome, it does not come even close to meeting the losses that our farmers have suffered.

In addition, many farmers cannot afford to increase their debt burden with new loans. Farmers need more help than just new credit and comforting words; they need direct disaster payments, and they need them now so they can start a new crop year.

For several months we have been pushing for more agriculture disaster relief, along with a bipartisan group of lawmakers representing States that were affected by the drought last summer. We were extremely hopeful last year when the United States Senate voted in favor of a disaster package as part of the 2003 interior appropriations bill. Their plan would provide almost $6 billion in assistance for our farmers.

In fact, I cosponsored a bill here in the House introduced by the gentlewoman from Wyoming (Mrs. CUBIN) which matched the Senate's disaster bill. Unfortunately, the administration opposed these agriculture disaster plans. Instead, the President demanded that any disaster assistance be paid for by cutting the farm bill that we passed last year.

Mr. Speaker, Congress has a proud bipartisan tradition of coming to the aid of States when they have been struck by natural calamities. When tragedy strikes, we do not let States fend for themselves; we instead respond as one Nation. Whether it is an earthquake in California, wildfires in the Rockies, floods in the Midwest, or hurricanes in Florida, Congress worries more about how best to help these people who have suffered and less about how we pay for it at the moment. The drought which affected my State and much of the West and East Coast deserves the same level of treatment by Congress as these other disasters.

In fact, historically, drought is one of the most costly natural disasters that have struck any region of this country. I call upon this House to show this administration that we understand what is really going on in the farm country and that we are prepared to come to their assistance in their time of need.

As my colleagues know, the Senate included in the 2003 omnibus appropriations bill $3.1 billion for disaster assistance. Consequently, at the administration's insistence, the Senate was forced to cut education, veterans benefits, and a number of FBI agents. Now, I do not understand this. The President is proposing deficit funding for his massive $674 billion tax plan, which will do nothing to help the economy and middle-class Americans. However, when we ask for his support for emergency spending for just 1 percent, $6 billion, to help farmers who suffered from an act of God and who could lose their entire livelihood, the President says no.

I urge the conference committee to reject these cuts, continue our bipartisan tradition and fully fund agriculture disaster relief as we have done in the past. The Nation's farmers are waiting and watching. Let us not disappoint them.

□ 1100

PRESIDENTIAL CREDIBILITY GAP

The SPEAKER pro tempore (Mr. TERRY). Pursuant to the order of the House of January 7, 2003, the gentleman from New Jersey (Mr. PALLONE) is recognized during morning hour debates for 5 minutes.

Mr. PALLONE. Mr. Speaker, we all know that tonight the President will deliver his State of the Union Address, and that is often and is supposed to be an opportunity to reflect upon the state of the Nation, the economy, foreign policy, the potential war, and health care, which are just some of the issues that we expect the President to address this evening.

My concern, and I have shared this concern with many of my Democratic colleagues, is that the President constantly comes forward and talks about what he is going to do to address the Nation's problems, to deal with the economy, for example, to deal with health care, for example, but many times those promises are not kept in terms of what action he actually follows up with to meet the commitments that he makes.

I call it a credibility gap. Some of my colleagues on the Democratic side have taken notice of this credibility gap over the last 2 days; and I wanted to particularly mention that today because when I opened the New York Times this morning, I saw a column by Paul Krugman where he actually references a credibility problem with the President, and he talks about it in the context of not only tonight's State of the Union Address, but also in comparison to last year's State of the Union Address to basically draw out the conflict between what the President says he is going to do versus what he actually does.

I would like to quote some sections of Paul Krugman's column and talk about it because I think this is very important in the context of tonight's State of the Union Address.

The column says whether Mr. Bush is held accountable for the promises he made in his last State of the Union Address is a major issue. Krugman says that the President ''assured those who worried about red ink last year that 'our budget will run a deficit that will be small and short-lived.' He offered comfort for those who remembered his father's 'jobless recovery,' which felt like a continuing recession: 'When America works, America prospers, so my economic security plan can be summed up in one word: Jobs.'

''Fast-forward a year. We now know that the 'small' budget deficit will rise above $300 billion, and stay there. Even the administration's own, ever-optimistic budget officials now concede that we face deficits as far as the eye can see. Meanwhile, payrolls continue to decline; since the working-age population keeps rising, it's becoming ever harder for ordinary Americans to get jobs, or keep them.

''And there's a good chance things will get a lot worse; with markets sliding, consumers wilting, businesses fearful about the effects of war and oil prices rising, the pieces are in place for a full-blown double-dip recession. And the second dip would take us much further down than the first.''

I think this is of a major concern to me. The President identifies that we have an economic problem, that we have an economic downturn, and he says that he is going to do something about it, but what is he actually proposing? The heart of his economic proposal or package is eliminating the tax on corporate dividends, eliminating the tax on essentially the stock market dividends.

Americans know that is not going to accomplish anything. It is not going to do anything to stimulate the economy. It is not going to put money in people's pockets or create jobs. So again, there is a credibility gap. There is recognition on the part of the President that there is a problem with the economy, but the actions that he seeks to take, unfortunately, will not correct the problem.

The President talks about homeland security. He talks about the war on terrorism, both internationally and here at home, but as my colleague from California earlier this morning pointed out, money is not going back to the States and the localities for homeland security. Money is not going back for civil defense or to help the localities or the people that were affected in New Jersey, in my case, directly by the World Trade Center. Many of our towns are complaining that they are not getting the promised funding to deal with the homeland security problem.

The President last year talked about how the deficit was going to be small, but we know that his economic plan will cause huge deficits. We are told if we implement his economic stimulus package and we make the tax cuts permanent that he proposed last year, and we have to fight a war in Iraq, we may end up with a deficit that is over $2 trillion.

Think about what the President says about veterans. He promises to be a champion for our veterans, but he cuts funding for VA health clinics, forcing 164,000 veterans to be turned away.

He promises that he is going to expand Medicare to include a drug benefit, but instead of actually doing something now to make a difference for seniors, he blocks generic drug legislation that will lower costs for seniors and for those who want to have access to lower-priced drugs right now.

Mr. Speaker, on every one of these issues, look at what the President says tonight. In many cases it is misleading and false promises. It is a credibility gap that we are facing in terms of what he says he is going to do as opposed to what he actually does in these very troubled times.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 11 o'clock and 5 minutes a.m.), the House stood in recess until noon.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order at noon.

PRAYER

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

As we anticipate the President's State of the Union Address to Congress and the Nation this evening, come let us approach the Lord with praise and thanksgiving. With all humility, let us approach the Lord.

Come, Members of the House and Senate, all who work on Capitol Hill, all Americans, come. Let us join together in honest prayer for our President, George W. Bush, our country, and the world, which watches us with great expectations.

If, in themselves, the awesome tasks of leadership in our times, the great responsibility of homeland defense and efforts to end terrorism around the world do not humble us before the Lord, let us approach the Lord on an even deeper level of faith says the Psalmist.

Trusting in the Lord's continued goodness and guidance, let us approach the Lord with praise and thanksgiving.

As Americans, let us humbly praise God for all His blessings throughout our history. Let us thank God for our three branches of accountable government, our brave military forces and the common sense of people who desire a more perfect Union, and so establish justice, insure domestic tranquility, and secure the blessings of liberty for ourselves and posterity.

Forever will we praise and thank You, O Lord. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Maryland (Mr. RUPPERSBERGER) come forward and lead the House in the Pledge of Allegiance.

Mr. RUPPERSBERGER led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to announce that the practice of reserving seats prior to the joint session by placard will not be allowed. Members may reserve their seats by physical presence only following the security sweep of the Chamber.

DESIGNATING MAJORITY MEMBERSHIP ON CERTAIN STANDING COMMITTEES OF THE HOUSE

Ms. PRYCE of Ohio. Mr. Speaker, by direction of the Republican Conference, I offer a privileged resolution (H. Res. 33) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 33

Resolved, That the following named Members be, and are hereby, elected to the following standing committees of the House of Representatives:

Committee on Agriculture: Mr. Combest; Mr. Boehner; Mr. Pombo; Mr. Smith of Michigan; Mr. Everett; Mr. Lucas of Oklahoma; Mr. Moran of Kansas; Mr. Jenkins; Mr. Gutknecht; Mr. Ose; Mr. Hayes; Mr. Pickering; Mr. Johnson of Illinois; Mr. Osborne; Mr. Pence; Mr. Rehberg; Mr. Graves; Mr. Putnam; Mr. Janklow; Mr. Burns; Mr. Bonner; Mr. Rogers of Alabama; Mr. King of Iowa; Mr. Chocola; Mrs. Musgrave and Mr. Nunes.

Committee on Appropriations: Mr. Regula; Mr. Lewis of California; Mr. Rogers of Kentucky; Mr. Wolf; Mr. Kolbe; Mr. Walsh; Mr. Taylor of North Carolina; Mr. Hobson; Mr. Istook; Mr. Bonilla; Mr. Knollenberg; Mr. Kingston; Mr. Frelinghuysen; Mr. Wicker; Mr. Nethercutt; Mr. Cunningham; Mr. Tiahrt; Mr. Wamp; Mr. Latham; Mrs. Northup; Mr. Aderholt; Mrs. Emerson; Ms. Granger; Mr. Peterson of Pennsylvania; Mr. Goode; Mr. Doolittle; Mr. LaHood; Mr. Sweeney; Mr. Vitter; Mr. Sherwood; Mr. Weldon of Florida; Mr. Simpson; Mr. Culberson; Mr. Kirk and Mr. Crenshaw.

Committee on Armed Services: Mr. Weldon of Pennsylvania; Mr. Hefley; Mr. Saxton; Mr. McHugh; Mr. Everett; Mr. Bartlett;' Mr. McKeon; Mr. Thornberry; Mr. Hostettler; Mr. Jones of North Carolina; Mr. Ryun of Kansas; Mr. Gibbons; Mr. Hayes; Mrs. Wilson of New Mexico; Mr. Calvert; Mr. Simmons; Mrs. Jo Ann Davis of Virginia; Mr. Schrock; Mr. Akin; Mr. Forbes; Mr. Miller of Florida; Mr. Wilson of South Carolina; Mr. LoBiondo; Mr. Cole; Mr. Bradley of New Hampshire; Mr. Bishop of Utah; Mr. Turner of Ohio; Mr. Kline; Mrs. Miller of Michigan; Mr. Gingrey; Mr. Rogers of Alabama and Mr. Franks of Arizona.

Committee on the Budget: Mr. Gutknecht; Mr. Thornberry; Mr. Ryun of Kansas; Mr. Toomey; Mr. Hastings of Washington; Mr. Schrock; Mr. Brown of South Carolina; Mr. Putnam; Mr. Tancredo; Mr. Bonner, Mr. Franks of Arizona; Mr. Garrett; Mr. Barrett of South Carolina; Mr. McCotter; Mr. Mario Diaz-Balart of Florida and Mr. Hensarling.

Committee on Education and the Workforce: Mr. Petri; Mr. Ballenger; Mr. Hoekstra; Mr. McKeon; Mr. Castle; Mr. Sam Johnson of Texas; Mr. Greenwood; Mr. Souder; Mr. Norwood; Mr. Upton; Mr. Ehlers; Mr. DeMint; Mr. Isakson; Mrs. Biggert; Mr. Platts; Mr. Tiberi; Mr. Keller; Mr. Osborne; Mr. Wilson of South Carolina; Mr. Cole; Mr. Porter; Mr. Kline; Mr. Carter; Mrs. Musgrave and Mrs. Blackburn.

Committee on Energy and Commerce: Mr. Bilirakis; Mr. Barton of Texas; Mr. Upton; Mr. Stearns; Mr. Gillmor; Mr. Greenwood; Mr. Cox; Mr. Deal of Georgia; Mr. Burr; Mr. Whitfield; Mr. Norwood; Mrs. Cubin; Mr. Shimkus; Mrs. Wilson of New Mexico; Mr. Shadegg; Mr. Pickering; Mr. Fossella; Mr. Blunt; Mr. Buyer; Mr. Radanovich; Mr. Bass; Mr. Pitts; Mrs. Bono; Mr. Walden of Oregon; Mr. Terry; Mr. Fletcher; Mr. Ferguson; Mr. Rogers of Michigan; Mr. Issa and Mr. Otter.

Committee on Financial Services: Mr. Leach; Mr. Bereuter; Mr. Baker; Mr. Bachus; Mr. Castle; Mr. King of New York; Mr. Royce; Mr. Lucas of Oklahoma; Mr. Ney, Mrs. Kelly; Mr. Paul; Mr. Gillmor; Mr. Ryun of Kansas; Mr. LaTourette; Mr. Manzullo; Mr. Jones of North Carolina; Mr. Ose; Mrs. Biggert; Mr. Green of Wisconsin; Mr. Toomey; Mr. Shays; Mr. Shadegg; Mr. Fossella; Mr. Gary Miller of California; Ms. Hart; Mrs. Capito; Mr. Tiberi; Mr. Kennedy of Minnesota; Mr. Feeney; Mr. Hensarling; Mr. Garrett; Mr. Murphy; Ms. Ginny Brown-Waite of Florida; Mr. Barrett of South Carolina; Ms. Harris and Mr. Renzi.

Committee on Government Reform: Mr. Burton; Mr. Shays; Ms. Ros-Lehtinen; Mr. McHugh; Mr. Mica; Mr. Souder; Mr. LaTourette; Mr. Ose; Mr. Lewis of Kentucky; Mrs. Jo Ann Davis of Virginia; Mr. Platts; Mr. Cannon; Mr. Putnam; Mr. Schrock; Mr. Duncan; Mr. Sullivan; Mr. Deal of Georgia; Mrs. Miller of Michigan; Mr. Murphy; Mr. Turner of Ohio; Mr. Carter; Mr. Janklow; and Mrs. Blackburn.

Committee on International Relations: Mr. Leach; Mr. Bereuter; Mr. Smith of New Jersey; Mr. Burton of Indiana; Mr. Gallegly; Ms. Ros-Lehtinen; Mr. Ballenger; Mr. Rohrabacher; Mr. Royce; Mr. King of New York; Mr. Chabot; Mr. Houghton; Mr. McHugh; Mr. Tancredo; Mr. Paul; Mr. Smith of Michigan; Mr. Pitts; Mr. Flake; Mrs. Jo Ann Davis of Virginia; Mr. Green of Wisconsin; Mr. Weller; Mr. Pence; Mr. McCotter; Mr. Janklow and Ms. Harris.

Committee on the Judiciary: Mr. Hyde; Mr. Coble; Mr. Smith of Texas; Mr. Gallegly; Mr. Goodlatte; Mr. Chabot; Mr. Jenkins; Mr. Cannon; Mr. Bachus; Mr. Hostettler; Mr. Green of Wisconsin; Mr. Keller; Ms. Hart; Mr. Flake; Mr. Pence; Mr. Forbes; Mr. King of Iowa; Mr. Carter; Mr. Feeney and Mrs. Blackburn.

Committee on Resources: Mr. Young of Alaska; Mr. Tauzin; Mr. Saxton; Mr. Gallegly; Mr. Duncan; Mr. Hefley; Mr. Gilchrest; Mr. Calvert; Mr. McInnis; Mrs. Cubin; Mr. Radanovich; Mr. Jones of North Carolina; Mr. Cannon; Mr. Peterson of Pennsylvania; Mr. Gibbons; Mr. Souder; Mr. Walden of Oregon; Mr. Tancredo; Mr. Hayworth; Mr. Osborne; Mr. Flake; Mr. Rehberg; Mr. Renzi; Mr. Cole; Mr. Pearce; Mr. Bishop of Utah and Mr. Nunes.

Committee on Science: Mr. Smith of Texas; Mr. Shays; Mr. Weldon of Pennsylvania; Mr. Rohrabacher; Mr. Barton of Texas; Mr. Calvert; Mr. Smith of Michigan; Mr. Bartlett of Maryland; Mr. Ehlers; Mr. Gutknecht; Mr. Nethercutt; Mr. Lucas of Oklahoma; Mrs. Biggert; Mr. Akin; Mr. Johnson of Illinois; Ms. Hart; Mr. Sullivan; Mr. Forbes; Mr. Gingrey; Mr. Bishop of Utah; Mr. Burgess and Mr. Bonner.

Committee on Small Business: Mr. Combest; Mr. Bartlett of Maryland; Mrs. Kelly;

Mr. Chabot; Mr. Toomey; Mr. DeMint; Mr. Graves; Mr. Schrock; Mr. Akin; Mrs. Capito; Mr. Shuster; Mrs. Musgrave; Mr. Franks of Arizona; Mr. Gerlach; Mr. Bradley of New Hampshire and Mr. Beauprez.

Committee on Transportation and Infrastructure: Mr. Petri; Mr. Boehlert; Mr. Coble; Mr. Duncan; Mr. Gilchrest; Mr. Mica; Mr. Hoekstra; Mr. Quinn; Mr. Ehlers; Mr. Bachus; Mr. LaTourette; Mrs. Kelly; Mr. Baker; Mr. Ney; Mr. LoBiondo; Mr. Moran of Kansas; Mr. Gary Miller of California; Mr. DeMint; Mr. Bereuter; Mr. Isakson; Mr. Hayes; Mr. Simmons; Mrs. Capito; Mr. Brown of South Carolina; Mr. Johnson of Illinois; Mr. Rehberg; Mr. Platts; Mr. Graves; Mr. Kennedy of Minnesota; Mr. Shuster; Mr. Boozman; Mr. Sullivan; Mr. Chocola; Mr. Beauprez; Mr. Burgess; Mr. Burns; Mr. Pearce; Mr. Gerlach; Mr. Mario Diaz-Balart of Florida and Mr. Porter.

Committee on Veterans' Affairs: Mr. Bilirakis; Mr. Everett; Mr. Buyer; Mr. Quinn; Mr. Stearns; Mr. Moran of Kansas; Mr. Gibbons; Mr. Baker; Mr. Simmons; Mr. Brown of South Carolina; Mr. Miller of Florida; Mr. Boozman; Mr. Bradley of New Hampshire; Mr. Beauprez; Ms. Ginny Brown-Waite of Florida and Mr. Renzi.

Committee on Ways and Means: Mr. Crane; Mr. Shaw; Mrs. Johnson of Connecticut; Mr. Houghton; Mr. Herger; Mr. McCrery; Mr. Camp; Mr. Ramstad; Mr. Nussle; Mr. Sam Johnson of Texas; Ms. Dunn; Mr. Collins; Mr. Portman; Mr. English; Mr. Hayworth; Mr. Weller; Mr. Hulshof; Mr. McInnis; Mr. Lewis of Kentucky; Mr. Foley; Mr. Brady of Texas; Mr. Ryan of Wisconsin and Mr. Cantor.

Ms. PRYCE of Ohio (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

MAKING CLEAR THE RESOLVE OF THE AMERICAN PEOPLE

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

Mr. PENCE. Mr. Speaker, it was written long ago that without a vision, the people perish. Tonight, the President of the United States from this very Chamber will offer a vision of moral clarity and purpose and resolve for the American people and the world.

It will be resolve to see our war on terror through to its just conclusion and protect our people; it will be resolve against any rogue state who, through its weapons or associations, threatens our peace and security; it will be resolve to renew our economy during struggling recessionary times and resolve to renew our cities through a faith-based initiative; and it will be resolve to keep our promises to seniors in reforming and expanding Medicare.

The President will describe our challenges at home and abroad as clear; but this President, Mr. Speaker, will make the resolve of the American people to overcome these challenges clearer still.

WEAKENING TITLE IX NOT AN OPTION

(Ms. LORETTA SANCHEZ of California asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today to condemn any weakening of Title IX.

This week a national commission will vote on various proposals to reform Title IX for the Secretary of Education, Rod Paige. Since 1972, Title IX has made landmark strides to prohibit sex discrimination in education and to reverse discrimination against women in collegiate sports. However, under one proposal, women would be given only 43 percent of collegiate scholarships versus the 55 percent of enrollment in universities.

Critics of Title IX are saying that the law should be revised according to female interest. However, since its enactment, athletic participation by women in college has increased five times, despite the lack of resources devoted to make it an attractive thing to do.

Title IX has been a cornerstone for improvements for women not just in sports, but in key areas such as standardized testing, higher education and math and science employment. Until women are equal in all areas, weakening of Title IX should not be an option.

TRIBUTE TO MONIQUE BROWN

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

Mr. PITTS. Mr. Speaker, just last week a beautiful young woman named Monique Brown died and went home to be with her Maker. Monique worked in my office as my legislative correspondent.

A month ago Monique was released from the hospital just in time to get married, giving her husband Christopher the opportunity to love her and care for her at home. He did so with amazing integrity and dedication. But then Monique returned to the hospital, where she fell into a coma and soon passed away.

Mr. Speaker, Monique was only 23 years old. She had a strong faith, and, though she wanted to live, the prospect of dying did not frighten her at all.

In Psalm 39 David wrote, ''Show me, O Lord, my life's end and the number of my days; let me know how fleeting is my life.

''You have made my days a mere handbreadth; the span of my years is as nothing before You.

''But now, Lord, what do I look for? My hope is in You.''

Monique's hope was always in the Lord, but she does not need to hope anymore. She is now with her Lord.

SADDAM HUSSEIN, A SERIOUS THREAT TO THE WORLD

(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, when we think of terrorism, we often limit our thoughts to just Afghanistan, but we must not forget the despicable role Iraq has played in supporting, training and harboring international terrorist organizations.

There are many reasons why Iraq is no friend to the free world. There are many reasons why Saddam Hussein poses a detrimental threat to the United States and the entire world.

It has been said time and time again that Iraq possesses chemical and biological weapons and that Saddam is ready and willing to use his arsenal against innocent civilians, even his own people. Just imagine what would happen if Saddam gave these weapons, capable of killing entire populations, to terrorists like the al Qaeda.

We cannot bury our heads in the sand and say, ''Oh, he wouldn't do that.'' Saddam Hussein has lied to the words for over a decade and continues to defy the United Nations. He not only provides a safe harbor for terrorists, but provides them with state-of-the-art training camps. He cannot be trusted. He poses a serious threat to the United States, and he must be disarmed to protect the freedom and lives of Americans.

COMMENDING ANOTHER YEAR OF PRESIDENT BUSH'S LEADERSHIP

(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, President Bush has shown courageous leadership on many fronts since his last State of the Union Address a year ago.

In November, the President moved forward in the war on terrorism by securing a unanimous vote by the United Nations Security Council to force Saddam Hussein to disarm. Day by day, these inspectors uncover more evidence of Iraq's noncompliance and continued threat to Americans and our allies. As a result, President Bush is building a coalition to secure a regime change in Iraq. On this issue, the President is not just leading America, he is leading the freedom-loving world.

The President continues to work with our allies to capture al Qaeda terrorists wherever they may be hiding, and he has pushed for the creation of a new Department of Homeland Security.

I applaud the President for his leadership and inspiration to the American people, and I know tonight's State of the Union Address will send a message to the world that America is strong, united, determined and prepared to take on the challenges of 2003.

RECOGNIZING THE MERCURY REDBONE CELEBRITY TOURNAMENT SERIES AND GARY AND SUSAN ELLIS

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to recognize the Mercury Red Bone Celebrity Tournament and their founders, Gary and Susan Ellis, members of my Congressional district, for their outstanding commitment to the fight against cystic fibrosis.

On March 15 of this year, Mercury Redbone and the Cystic Fibrosis Foundation will hold their fourth annual 10K Walk to Pigeon Key. The walk will benefit the Cystic Fibrosis Foundation, an organization dedicated to the fight and the cure of this disease. Cystic fibrosis is the number one genetic killer of children and young adults in our country, and thousands of people have it.

Please join me in thanking the Ellis family and Redbone for their commitment to this noble cause.

PROMOTING RURAL HEALTH CARE ACCESS

(Mrs. CAPITO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CAPITO. Mr. Speaker, I rise today to urge my colleagues to join me in supporting efforts to adequately address one of the most vulnerable aspects of the health care system, rural America.

This very minute, over 60 million rural Americans live with the risk of being without critical health care services. We must make sure that we have meaningful health care reform, guaranteeing all Americans access.

In my home State of West Virginia, 50 of the 55 counties are designated as ''medically underserved.'' In addition, physicians in our State, like many other States, are experiencing a medical liability crisis that threatens to deprive us of critical care specialists. This situation has the makings of a ''perfect storm.''

Whether you live in New York City or Moorefield, West Virginia, we should all have access to proper health care. From ambulance service to community health centers to hospitals to nursing homes, millions of Americans are counting on us to make sure that rural health care delivery systems will be there for us when we truly need them.

PROVIDING FOR CONSIDERATION OF HOUSE JOINT RESOLUTION 13, MAKING FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2003

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 29 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 29

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the joint resolution (H.J. Res. 13) making further continuing appropriations for the fiscal year 2003, and for other purposes. The joint resolution shall be considered as read for amendment. The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except: (1) one hour of debate on the joint resolution equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations; and (2) one motion to recommit.

SEC. 2. Upon receipt of a message from the Senate transmitting House Joint Resolution 2 with a Senate amendment thereto, it shall be in order to consider in the House a motion offered by the chairman of the Committee on Appropriations or his designee that the House disagree to the Senate amendment and request or agree to a conference with the Senate thereon.

□ 1215

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

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

Mr. LINDER. Mr. Speaker, H. Res. 29 is a closed rule providing for the consideration of a very straightforward 1-week continuing resolution. The continuing resolution itself, H.J. Res. 13, makes further continuing appropriations for the fiscal year 2003. The rule provides that H.J. Res. 13 will be debatable in the House for 1 hour, equally divided and controlled by the gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY). The rule waives all points of order in consideration of H.J. Res. 13, and it provides 1 motion to recommit the underlying measure.

I want to note that section 2 of the resolution provides that upon receiving a message from the Senate transmitting H.J. Res. 2 with a Senate amendment, it shall be in order to consider in the House a motion by the Committee on Appropriations chairman or his designee that the House disagree to the Senate amendment and request or agree to a conference with the Senate. This provision in this section of the report is necessary to permit the Committee on Appropriations chairman the authority to offer a motion to go to conference on the omnibus appropriations bill.

Mr. Speaker, this is a clean continuing resolution that will ensure that the United States Government remains open through February 7 and that all Americans who are expecting any kind of Federal benefit, a Social Security check, Medicare payments, or veterans benefits will continue to do so without interruption.

While we can debate the substance of the continuing resolution in subsequent general debate, I will note that as negotiations continue on the overall appropriations package, this continuing resolution will make sure that ongoing programs are continued at current rates under the same terms and conditions as fiscal year 2002, except for the defense and military construction bills that have already been enacted into law. Current funding expires at midnight on Friday, without action on the continuing resolution that this rule permits. Therefore, I urge my colleagues to join me in supporting this rule so that we may proceed to consideration of the continuing resolution and ensure that the Federal Government remains open until February 7.

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

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

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

Mr. FROST. Mr. Speaker, two important things will happen today on the floor of this House. First, we will debate and pass yet another continuing resolution, the eighth temporary stopgap measure for a fiscal year that began almost 4 months ago. This continuing resolution represents an abdication of responsibility that has become almost run-of-the-mill under Republican control. Today's resolution, which extends the date of the current CR through February 7, means that Republicans will be 4 months late in addressing priorities like homeland security and the economy. America is struggling through dangerous, uncertain times; but the Republican Congress may as well still be on vacation.

Republican leaders are hoping this shameful failure will be obscured by today's second important event: the President's State of the Union address. The Republican majority is expecting to hide behind the glib rhetoric we have all come to expect from President Bush.

But political slogans only go so far, especially in the face of the wide and growing credibility gap facing a Republican Party that has spent the past 2 years saying one thing and doing another. And no matter how eloquent President Bush may be tonight, words alone cannot fix the primary problem this Republican government has created for the Nation at this difficult time.

Simply put, there are two states of the Union in America today. For the vast majority of Americans, these are difficult and anxious times; but for the Republican politicians and the privileged few they represent, like the corporate lobbyists invited to the White House today for a special sneak preview of the State of the Union, the good times just keep on coming.

It is a tragedy, Mr. Speaker; but it is the truth. Just take a look around the country. We will see hard-working

Americans struggling to make it through the weakest economy in a generation. Since President Bush took office, 2.3 million private sector jobs have been lost, the worst jobs record for any President since the end of World War II. The unemployment rate is stuck at a 6-year high. We will see millions of Americans whose retirement plans have been crushed by the fall of the stock market. The Dow dropped below 8,000 again yesterday; and overall, the market has lost trillions of dollars in value since President Bush took office. We will see firefighters and police officers who still sit exposed on the front lines of homeland defense, desperate for help from this Congress. It has been nearly a year and a half since September 11, but Republicans have done shockingly little to increase America's defenses here at home.

Mr. Speaker, Democrats have fought for these priorities. We have proposed economic stimulus plans to create at least 1 million new jobs this year, put money and purchasing power in the hands of consumers, and provide relief to struggling small businesses; and we have tried time and again to make Americans safer at home by meeting critical homeland security needs.

Unfortunately for the American people, Mr. Speaker, Republicans have the power in Washington, and just take a look at the government they control. We will see an out-of-touch Republican Congress that arrogantly refuses to do the job they have been elected to do: address critical needs like homeland security and education. Republicans will not help firefighters or increase port security, but they have relaxed their own ethics rules in the House of Representatives. Mr. Speaker, we will see a Republican Party that has but one answer for every problem: budget-busting tax breaks for millionaires that will do nothing to stimulate the economy this year. Soldiers and firefighters are putting their lives on the line to keep Americans safe at home, and President Bush is pushing $90,000 tax breaks for everyone making $1 million or more a year. Middle-class Americans are struggling through the worst economy in a generation, but the Bush plan would provide half of all taxpayers with less than $100.

Unfortunately, Mr. Speaker, it appears that Republicans just do not understand the real state of the Union for the vast majority of America, because if they did, they would not insist on sacrificing the security interests of all Americans to pay for tax breaks for the most privileged few. That is just wrong. It is time that Republicans stopped stiffing homeland security to pay for tax breaks for millionaires, and it is time they stopped using their political power to divide this great Nation.

Mr. Speaker, last week I attended a mobilization ceremony for a reservist in Grand Prairie Texas who had been called to active duty. These brave men and women are making a great sacrifice for their country, leaving their families and jobs to support our troops overseas. I was struck by their courage and by their willingness to put aside their own personal concerns to serve their country. That spirit of unity and sacrifice has made America great for the past 2 centuries. I hope it is the spirit President Bush remembers tonight during his State of the Union and that the Republican Congress puts into practice so that we can finally address our economic and homeland security challenges.

Mr. FROST. Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin (Mr. OBEY).

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

Mr. Speaker, after 9–11, it became obvious to all of us, I think on both sides of the aisle, that we needed to equip the people at the local level who will respond to terrorist attacks with the best equipment that we could possibly find to make certain their equipment was compatible and safe enough to do the job. For reasons that I find difficult to fathom, the White House has resisted efforts to do that on four separate occasions.

The first example is what happened on the supplemental a year ago. After 9–11, the committee, on both sides of the aisle, agreed that we ought to add more money for first responders, and we tried to do that. The White House strenuously resisted. In fact, at one point the President personally told us that he would veto one dime more than the White House had appropriated for homeland security items. Despite that fact, on a bipartisan basis, the House and the Senate approved $400 million in funding for first responders in that supplemental.

Then, last year, in their second supplemental which the administration sent up, they still provided no request for first responders. Again, the House and the Senate, acting on a bipartisan basis in both Houses provided, after much White House resistance, $551 million for first responders for firemen, for policemen, and the other folks at the local level who are our first line of defense against terrorist attacks in our communities. The President vetoed $350 million of that $500 million.

Finally, the administration did request $3.5 billion for first responders in the regular 2003 appropriations bill, but it then proceeded to back the political strategy in the House that prevented the veterans under the VA-HUD bill from coming to the floor; and it prevented the State, Justice, Commerce appropriations bill from coming to the floor. As a result, neither of those bills which were supposed to contain funding for first responders, neither of those bills passed. And then, when the continuing resolution finally passed, which was supposed to contain $650 million for first responders, the White House saw to it that the agency would not apportion that money among the States and localities.

So after we have that track record, the White House resistance to bipartisan congressional support for adding money for first responders, the White House chief of staff went on national television last Sunday, Mr. Card did, and told Mr. Russert, the moderator, and the entire country that the only reason first responders were not getting their money is because the Congress had not done its job.

Baloney. In capital letters, BALONEY.

The fact is that both political parties, on a bipartisan basis in both the House and the Senate, on four separate occasions tried to meet our responsibilities in providing the funding that was needed for first responders and, the White House, in each of those instances, either flatly rejected the money or saw to it that they would use their power in order to squeeze down the amount of money that we wanted to provide for those initiatives.

So now, what I am going to urge Members to do when we get to the resolution today is to vote for a motion which we will offer which restores that needed money for first responders.

It is time for two things to happen: it is time for the White House to stop peddling fiction about why the first responders at the local level do not have badly needed money to deal with terrorism problems at the local level; and, secondly, it is time for us to actually get the money out to them so that we do not have to sit, the next time we have a terrorist attack saying, gee whiz, I wish we had done something.

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

Mr. LINDER. 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.

□ 1230

GENERAL LEAVE

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Joint Resolution 13, and that I may include tabular and extraneous material.

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

There was no objection.

FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2003

Mr. YOUNG of Florida. Mr. Speaker, pursuant to the rule just adopted, I call up the joint resolution (H.J. Res. 13) making further continuing appropriations for the fiscal year 2003, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The text of House Joint Resolution 13 is as follows:

H.J. RES. 13

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Public Law 107–229 is further amended by striking the date specified in section 107(c) and inserting in lieu thereof ''February 7, 2003.''

The SPEAKER pro tempore. Pursuant to House Resolution 29, the gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY) each will control 30 minutes.

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

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

Mr. Speaker, the legislation before us, H.J. Resolution 13, is a continuing resolution to continue to allow the government to operate through February 7th of this year. This is merely a date extension. It does not change anything else. We have not added any anomalies to those that were previously agreed to.

We need to pass this CR today for one very simple reason. If I can just go back quickly and remember, the last CR we passed, we actually passed two CRs, one that was sent to the President to allow the government to continue to function, and the other that was sent to the other body to be used as a vehicle for the final appropriations bill for fiscal year 2003.

The other body has now worked its will on that CR. They have added to it, the remaining 11 appropriation bills that had not been concluded prior to the adjournment of the 107th Congress. We are still awaiting the paperwork from the other body so that we can appoint conferees and go to conference on that package.

I would say to my friends that there are many differences between the Senate version of this appropriations bill and the House version, so there will have to be a conference.

If we can receive those papers expeditiously, like today or tomorrow, we will move to go to conference immediately. Some of the pre-conference work has already been done, but there is still a lot more to be done, so we are anxious to receive the papers. But since we are not to that point yet in the process, we do need this CR to keep the government up and running until February 7th.

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

Mr. OBEY. Mr. Speaker, I yield myself 7 minutes.

Mr. Speaker, I would like to spend just a moment or two discussing how we got to this place, and then repeat for emphasis what I just said on the rule, so people understand what it is we are going to be trying to do here today.

We are really in the situation where, well into the fiscal year, we have yet to pass 11 of the 13 appropriation bills, primarily because the budget resolution that was brought to this House floor in the first instance unrealistically stated what the needs of the country would be, or the congressional estimate of what those needs would be. So to try to keep the session moving anyway, the majority party brought out two appropriation bills. Then the system just sort of fell apart because of the unreality of the budget resolution, and we have been stuck with no other appropriation bills becoming law, so we have been operating on continuing resolutions.

I would ask the gentleman, is this continuing resolution number 13? Something like that. I have lost track, we have had so many of them.

Now we are supposed to pass yet another continuing resolution so that the House and Senate have more time in order to put together an omnibus appropriation bill which will at long last produce funding for all of the domestic agencies in the Federal Government. So this proposal is here to give us another week to get that work done.

Mr. Speaker, we have two questions left. Number 1 is, what is the appropriate funding for those appropriation bills; and number 2, when are we going to get it done? As far as I know, we still do not have paper on this side of the Capitol, so we still do not know what the Senate has done in detail.

This proposal before us now simply keeps the government open. The question is, what level of funding should we have in this short-term CR? We believe that, in addition to the funding that is being provided under the resolution being brought to the floor by the gentleman from Florida, we ought to add another $3.5 billion to fund the first responders, so that our policemen and our firemen and our public health people can get about the business of protecting us at the local level. We cannot expect State governments to provide this money, because they are in massive deficits all around the country. If we do not provide it, it is not going to get provided.

The second thing we want to do is to provide $90 million to Centers for Disease Control for baseline health screening, so we can do a long-term assessment of the health exposure experienced by first providers at the Pentagon and in New York on 9–11 when they ran into the combat zone, so to speak, and experienced an assault by many chemicals, some of which were suspected of being highly toxic.

So that is what we want to do. As I said, I think it is especially important to do this in light of the misstatement by the White House Chief of Staff on national television last week. Last week, as I said in my earlier remarks, Mr. Card, the White House Chief of Staff, told Tim Russert, the moderator of Meet the Press, that the reason that the first responders did not have the money that they needed was because Congress had not acted on the money and had tied it up.

I found that especially quaint given the fact that the President vetoed the lion's share of the money that we provided for first responders in the supplemental last year, money which would have gone through to the local communities if the administration had not vetoed bipartisan congressional efforts. So what we see is that on four occasions, as I said earlier, the White House has either blocked or resisted bipartisan efforts in both Houses to provide additional money for first responders.

I will ask the House at the proper time today to approve this motion to recommit so that we can add this funding. I want to point out that it will still keep us within the Republican budget resolution. We will still have over $1 billion head room in the Republican budget resolution if we add this amendment, because the continuing resolution is operating at a funding level significantly below that Republican funding resolution.

So I do not want to hear any claptrap on the floor today about how we are busting the budget with this motion. We are not; we are staying within the confines of the Republican budget resolution. But within that, we are saying it is time, it is time to deliver the money that the first responders thought they were going to get a long time ago, so we can get about the business, for a change, of dealing with substantive problems, rather than ping-ponging political arguments while we send no money to the people who are going to be on the front lines if we have any further terrorist attacks.

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

Mr. OBEY. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Maryland (Mr. RUPPERSBERGER).

Mr. RUPPERSBERGER. Mr. Speaker, on the issue of first-line responders, I was a former Baltimore County Executive. Baltimore County is a county of over 750,000 people. The Second District that I represent has BWI Airport and the Port of Baltimore. We are very much concerned about the issue of the monies being put into the budget as it relates to first responders.

One of the most important issues that we have if there is another terrorist attack, which we understand there will be, is that we need to be prepared. Our police officers and our firefighters are the first responders. Not only do they need to be protected themselves, but if they are not protected, they will not be able to protect our citizens.

So we urge the President and urge Congress to move forward with the monies that are necessary to make sure that we secure our homeland.

Mr. OBEY. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I want to walk through once more what the record is with respect to dealing with this problem.

Right after 9–11, the gentleman from Florida (Mr. YOUNG) and I went down

to the White House. He and I and our staff chiefs, when we were locked out of our offices because of the anthrax scare, he and I went downtown to the White House after we had spent a week talking to every security agency in town, virtually, trying to find out what they thought the needs were on the homeland security front.

We went down to the White House, expecting to have a give-and-take discussion about what additional funding we ought to provide. We ran smack into the President of the United States, who walked into the room, shook hands, sat down, and then said, and I am paraphrasing, but this is pretty close, he said, well, I understand some of you want to provide more money for homeland security; but I want you to know that my good friend, Mitch Daniels, tells me that we have more than enough money in the budget for our request. I want you to know if Congress spends one dime more on homeland security than we have asked for in our budget, I will veto the bill. Now I have time for four or five comments, and then I have to get out of here. That is what he said.

So when my turn came, I expressed my lack of enthusiasm to that kind of rigid response, and I proceeded to ask the President a number of questions about security threats to a number of Federal installations, threats which were serious and classified. We urged the President to reconsider.

In the end, over White House opposition, this Congress on a bipartisan basis provided $4 billion additional money for homeland security, including, I believe, about $400 million for first responders. Then last year in the spring supplemental, as I indicated earlier, the White House asked for no additional money for first responders; so no money for our policemen, no money for our firemen, no money for our public health people.

The House and Senate worked again on a bipartisan basis, and we provided $551 million in that supplemental. The President vetoed $350 million of that amount. Then finally the administration slowly awoke, and it provided $3.5 billion in their budget request for 2003; but then they cooperated in a procedure that prevented that money from ever becoming law, because they agreed with the procedure that kept the VA–HUD bill and the State-Justice-Commerce bill from ever coming to the floor.

So now we are operating under a continuing resolution which provides $650 million, far less than we need for first responders. We need several billion more. Yet, even after the administration had that authority to spend the money, they refused to allocate the money to the States. They have been fiddling around about proposed formula changes, rather than getting the stuff out there so we can accelerate our preparedness at the local level.

If Members think we are ready for another attack, I invite them to read the report of the Rudman-Hart Commission, which spells out that we are still mortally unprepared to deal with local attacks.

□ 1245

So now we are faced with this situation, and despite the fact that the track record clearly shows that the administration has been resistent to congressional efforts to provide assistance to first responders, the White House Chief of Staff has told the country that it is the Congress that has not provided the money, when in fact the Congress on three occasions did provide the money or tried to and on each of those occasions the White House resisted.

So what we will be asking the House to do is to provide this additional funding: the $3.5 billion to first responders and the $90 million for the epidemiological studies of the health impacts on the firemen and police personnel who had to respond at the Pentagon and in New York after 9–11. And we would remind our friends on both sides of the aisle that this does not bust the budget. If you vote for our amendment, it will still keep us within the Republican budget resolution which seems to be so important on that side of the aisle.

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

Mr. YOUNG of Florida. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I do so to explain to the Members that first responders are extremely important to dealing with any kind of a terrorist attack that might occur anywhere in the United States of America. And we will be addressing the issue of first responders when we do the final appropriations bill, which I have talked about in my opening remarks. But I want to compliment the gentleman from Wisconsin (Mr. OBEY) because he has been very personally involved in identifying not only the needs of first responders but the needs of existing security agencies, and police agencies. And as he pointed out, he and I both did a very thorough survey of all of the needs of those agencies, especially the FBI, for example. Those will be the things that we will be addressing very shortly in the final appropriations bill for fiscal year 2003. I appreciate his interests and I know they are genuine, but we are going to deal with them in the regular order.

Mr. Speaker, I yield such time as he may consume to the gentleman from Georgia (Mr. KINGSTON), a member of the committee.

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

Mr. Speaker, I thank the chairman and the distinguished ranking member for raising the point about the first responders. And I want to say as a member of the committee I certainly want to do everything I can to support addressing this issue with the first responders. It is very important. And yet at the same time, I think we need to go ahead and pass this resolution today because, Mr. Speaker, it is unfinished business, unfinished from last Congress. There were a lot of dynamics that kept us from passing it. Frankly, it kind of got away from the Committee on Appropriations, otherwise, I think we would not be standing here today.

But the reality is, Mr. Speaker, we need to get this off the table so that we can move on to other things, addressing the economy, addressing Iraq, addressing Medicare and a prescription drug benefit, some of the things that I hope the President will talk about tonight when he addresses this Chamber.

One of the things I want to mention is in terms of the situation in the Middle East, and I guess people are reading what Mr. Blix and the weapons inspectors' report is, and they are spinning it their own way for their own convenience and their own purposes; but it is very clear that it is a very difficult question that Saddam Hussein has had weapons of mass destruction, terrorist and biological weapons. And the question is not so much, well, he won the scavenger hunt, but did he prove that he has disarmed. And I think most people will agree that that has not been proven.

I make these remarks, Mr. Speaker, because in my district a week ago I stood dock side at Savanna, Georgia, and then boarded a ship called the U.S.S. *Mendonca,* which was named after Private Leroy Mendonca, who was killed in the Korean conflict on July 4, 1951, who was a member of the Third Infantry Division. That ship is a special cargo roll-on, roll-off ship that was loading along with its sister ship about 450,000 square feet of tanks, Humvees, personnel movers and helicopters, on their way to destinations not clearly known.

A few days later I stood at the dais at Hunter Air Field and watched some of America's youngest, finest and most experienced and some of the older soldiers boarding airplanes going off to Kuwait. As I shook those soldiers' hands, and I went out there a couple of times, and I want to say parenthetically, great work is being done by a group called Southern Smiles, the U.S.O., and the Red Cross in terms of giving these soldiers some very needed personal items, but as I stood there and said good-bye to these soldiers I thought, they are going off to do their job, and now it is our turn and my turn as a Member of Congress to go off and do my job in Washington, D.C. and that is to protect the country as we see it from our standpoint, often through legislation and usually through appropriations. And, therefore, Mr. Speaker, it is so important that we get this bill finished up so that we can start the appropriations process once more for the coming term with a special eye to the troops overseas, and not just in the Middle East, but all over the globe.

We have a very troubled universe as we know it, but we have got to get our modernization continued. We have to

have our troops ready for any contingency, and we have to have the quality of life of soldiers in mind at all times.

Mr. Speaker, I urge Members of this House to support this resolution and let us get on with next year's business.

Mr. OBEY. Mr. Speaker, I yield myself 1 minute.

Let me simply say to the gentleman from Florida (Mr. YOUNG) that as far as I am concerned he has done everything humanly possible to try to see to it that we could provide the needed money to first responders. He tried that a year ago on the supplemental when he was pushed into backing away by the White House and by his own leadership, but we still got $4 billion additional homeland security money in that bill despite the resistance of the White House. And he also worked with us cooperatively to see to it that we had more money in the supplemental this previous summer for homeland security and for first responders. Again, the White House vetoed those efforts, so I congratulate the gentleman for his efforts. I just wish that the White House had been responsive to them. If they had, we would not be sitting here now worrying about the fact that they still do not have dime one that they need at the local level.

Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. TURNER).

Mr. TURNER of Texas. Mr. Speaker, I want to commend the chairman of the committee and the ranking member for their diligent efforts in trying to adequately fund our homeland security needs. And I think what this motion to recommit is all about on this floor today is to try to ensure that we do that promptly.

I think we all know that September 11 was a declaration of war by terrorists against the United States. It was an unprecedented cruelty perpetrated against the American people that foreshadowed a new age in our country, a new kind of war, a new challenge. And this motion to recommit seeks to make good our response to that challenge.

We clearly confront an enemy that lurks in the shadows, runs from battle; and we must be willing to make the necessary changes in our budgeting and the necessary sacrifices as a people to ensure that this new kind of war is won and won decisively by the United States.

Today the frontline of the war on terror is found in places like the airports in Boston, the hospitals in Houston, the ports of Los Angeles. Those who fight this war for America are the police officers, the firefighters, the health care workers. They are the first on to respond to any kind of attack on our homeland, and they will be there to respond to those attacks.

Mr. Speaker, in this new kind of war, the struggle to end an effort by a cruel and merciless foe, we know that victory will not come out without a dedication on our part to seeing this battle through. The keys to victory are vigilance, preparedness and perseverance; and that is why it is also important today to recommit this bill to ensure that we put the necessary money in the bill now to fund these very, very legitimate needs.

I heard a State senator from my home State yesterday who said, Is homeland security going to be another unfunded mandate to the States? The answer to that should be clearly no. It is a national responsibility to protect this homeland; and the only way to do it is to put the money in the bill now to take care of these homeland security needs that I think the chairman and the ranking member of this committee both believe should be in it.

Mr. YOUNG of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota (Mr. GUTKNECHT).

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

Mr. Speaker, I just want to correct something that our colleague from Texas just said. He said that the only way to do this is to deal with it in this bill. This bill is simply a continuing resolution to keep the government functioning for another week. There will be plenty of time for this kind of debate. I think they will find plenty of support on this side of the aisle for the first responders. I do not think there is anybody over here who does not appreciate what the first responders do. But the fact of the matter is that the bill that is before us today is a continuing resolution to keep the government open. I think we all agree that that ought to happen. Nobody here, not on that side, not on this side, wants the government to shut down. So the idea that it has to be done on this bill or it will not get done is simply not true.

Mr. FRANK of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. GUTKNECHT. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Speaker, I was assured that the gentleman said there will be debate on these appropriations. My only question is, in which fiscal year will the debate on the current appropriations occur, this one or next one? We are starting to run out of fiscal year.

Mr. GUTKNECHT. Mr. Speaker, reclaiming my time, obviously there will be debate when the matter comes before the House on the bill coming back from the Senate. I suspect there will be additional debate when we take up the budget resolution and the appropriation bills for the next fiscal year. There will be adequate time both in that year and in this year to have that debate, but that is not the debate for this afternoon.

Mr. FRANK of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. GUTKNECHT. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Speaker, I want to thank him. I am reassured because he just said something very important and precedent setting. He said when we debate the appropriations bills for the next fiscal year. We did not debate the appropriation bills for this fiscal year. So at least I will take comfort from an assurance from the majority that in the next fiscal year, unlike the current one, the House may actually debate the appropriations bills.

Mr. GUTKNECHT. Mr. Speaker, reclaiming my time, well, the good news is this year the House and the Senate are under the same management. We do expect thorough debates on all of the appropriation bills this year; and more importantly, we expect for the first time in a year and a half they will actually have a budget resolution in the Senate that we can work with and that will make life easier for both of us.

Mr. OBEY. Mr. Speaker, I yield myself 15 seconds.

Mr. Speaker, we have been hearing we will do it next time around for a year and a half. Meanwhile, you have gotten zip to the local people who need it the most. We were told a year ago, oh, we will do it down the line. We were told in the supplemental, oh, we will do it down the line. Now you are saying here, we will do it down the line. Do it now.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, we are prepared to do it now. What we want to do now is get the continuing resolution off the desk and get it down to the other body and to the President. Then we will do it now on the final wrap up bill for the fiscal year 2003. And if that is not adequate to satisfy the needs of the first responders, then we will have a supplemental appropriations bill which will be before the House very shortly. And if that does not take care of everything, then we have the fiscal year 2004 appropriations bill; but I think we will get this job done pretty quickly.

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

Mr. YOUNG of Florida. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Speaker, the gentleman mentioned supplemental. I would suggest he call the White House and tell the President to reconsider his veto of the last supplemental that we sent to him where he denied us the ability to get $300 million to those first responders.

Mr. YOUNG of Florida. Mr. Speaker, reclaiming my time, the gentleman just touched a sore spot, there is no doubt about that. The Congress and the President had a little different opinion on that particular bill.

But I wanted to comment on the remarks the distinguished gentleman from Texas (Mr. TURNER) who just spoke. He said that this is a national responsibility. Mr. Speaker, protecting the homeland, being able to respond to a terrorist attack or whatever the threat might be threatens everybody, not just the national government, not just the State governments, not just

the local governments. But the response to a terrorist attack has to be a partnership.

□ 1300

The local governments have a responsibility to do things that they do far better and far more effectively than the Federal Government. We need the ability that is provided by local governments and local organizations and local first responders.

In addition, we need the partnership with the States because the States do certain things that we cannot do nearly as well, and then, of course, the Federal Government has a major responsibility. So this is not just a national obligation or responsibility. This is a partnership.

We all have to be in position to play our respective roles in responding to a terrorist attack or preventing a terrorist attack. We all have to work together. It is not just the Federal Government. And so, again, I go back to this, Mr. Speaker, let us get this continuing resolution through the House, down to the other body and to the President, and then hopefully, during that same time period, we will be able to conference the final appropriations bill for fiscal year 2003, and then we will clear the decks for a supplemental and for the 2004 appropriations business.

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

Mr. OBEY. Mr. Speaker, I yield myself 10 seconds.

It does require a partnership between the local and Federal Government. The problem is the Federal Government will not come out on the dance floor and dance. They are leaving the locals out there alone. They have yet to provide one dime in new money.

Mr. Speaker, I yield 1½ minutes to the gentlewoman from New York (Ms. SLAUGHTER).

Ms. SLAUGHTER. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, it amazes me how glibly we talk about the fact that this is just another continuing resolution, we are going to do something later. When immediately after September 11, 2001, we sprang into action here, passing legislation giving the world and certainly the people of the United States that the Congress was not afraid to meet its obligations, but certainly one of the most important obligations we have is to fund the Federal Government.

Instead, we have dithered and dillied and dallied around discussing continuing resolutions. The Senate passes an omnibus bill. We will go to conference with them. We may do another CR. We just do not know. Are we going to do two budgets simultaneously? I really think it is outrageous that so little attention has been paid in the country to what has been going on here. Frankly, it distresses me that while all this is going on, we are back home in our districts when I think we should be here working.

We made promises after September 11, couple of days later, we are going to fortify our Army at home. The President and most Members of Congress went to New York to Ground Zero promising enormous amounts of help and to do something about the borders of the United States.

Mr. Speaker, the borders of the United States are in disarray. I represent part of the northern border area. We are concerned all the time with the people who come across the border into Vermont and to Maine. INS told me shortly after September 11 that there were 11 million persons in the United States illegally. They did not know who they were, where they were or what they were up to.

We have a mammoth task before us, and certainly getting the Federal budget straightened out and money back to the first responders is critical.

Mr. YOUNG of Florida. Mr. Speaker, I would advise my colleagues that I have no further requests for speakers, and I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, how much time is remaining on both sides?

The SPEAKER pro tempore (Mr. THORNBERRY). The gentleman from Wisconsin (Mr. OBEY) has 11½ minutes remaining. The gentleman from Florida (Mr. YOUNG) has 18 minutes remaining.

Mr. OBEY. Mr. Speaker, I yield 3½ minutes to the distinguished gentleman from New Jersey (Mr. MENENDEZ).

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

Mr. MENENDEZ. Mr. Speaker, I thank the distinguished gentleman for not only yielding time, but offering this most important motion that I believe that all of us who say we want to defend the homeland should be on this floor supporting when the time comes.

Tonight the President of the United States will come before the Congress and the Nation. He will talk about the state of the Union. He will say that our economy is headed in the right direction. We believe it is headed in the wrong direction, but more importantly, in some respect, he will talk about the challenges we face abroad.

But we have two wars, Mr. President. One is the one that you seek to have us engaged in Iraq. There you are sending the greatest talent that America has to offer. You are sending an incredible amount of equipment. You are sending billions of dollars.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair requests that the gentleman address his remarks to the Chair.

Mr. MENENDEZ. Mr. Speaker, the other war is here at home, and in that war, America has been left virtually defenseless, virtually defenseless. Instead of putting the best resources, the greatest opportunity to those people who I witnessed from my congressional district which sits on the west bank of the Hudson for which the World Trade Center was, in fact, a part of the normal landscape, those who responded on that fateful day of September 11 was not the Federal Government, was not the Defense Department, was not the Federal emergency management.

No, it was police officers and firefighters and emergency management and hospitals and public health systems, and to them, we have taken many pictures, but we have done absolutely nothing about providing one red cent so that they can be prepared, God forbid, for the next attack.

Who did the CIA say was America's greatest threat? It was al Qaeda and bin Laden, the greatest threat to terrorism on domestic soil, and yet all of our focus is elsewhere, and yet the President takes picture with individuals, with our police officers, with our firefighters, and no wonder, when they have not received one red cent, they say, Mr. President, you have merely been using firefighters and their families for one big photo opportunity. The Virginia Professional Firefighters Association and others, the president of the International Association of Firefighters says, Mr. President, you are either with us or against us. You cannot have it both ways. Do not lionize our fallen brothers in one breath and then eliminate funding for our members to fight terrorism and stay safe.

There is a war here at home, and we have not prepared nor have we funded for it. I know that as I have traveled the country when I chaired the task force for House Democrats on homeland security, I can tell my colleagues that what I heard from first responders is that the plans we have on the shelf have nothing to do with chemical or biological weaponry, has nothing to do with the potential nuclear activity. We are not planning for it. We have not prepared for it, and we do not even have the equipment to deal with it.

It is time for us not to listen to the counsel of patience and delay and wait for the next attack to be prepared. It is time for us to act now. Vote for the gentleman's motion to recommit so that we can give the first responders in this country the possibility of responding to the Nation's security and the next possible attack. God forbid, we do not do this now. We have waited already too long.

Mr. OBEY. Mr. Speaker, could I inquire again how much time we have remaining on each side?

The SPEAKER pro tempore. The gentleman from Wisconsin (Mr. OBEY) has 8 minutes remaining. The gentleman from Florida (Mr. YOUNG) has 18 minutes remaining and previously advised the Chair he does not have any further speakers.

Mr. OBEY. Mr. Speaker, I yield 1½ minutes to the gentlewoman from New York (Mrs. MALONEY).

(Mrs. MALONEY asked and was given permission to revise and extend her remarks, and include extraneous material.)

Mrs. MALONEY. Mr. Speaker, the rescue workers were there for us when

we needed them. The question before this body today is will we, the Federal Government, be there for them when they need us? I rise strongly in support of the gentleman from Wisconsin's (Mr. OBEY) motion to recommit that provides the necessary funding to help protect this country, but I particularly want to speak about one program that was instituted and planned to help the first responders in New York City, and that is the $90 million proposed monitoring of health care at Mt. Sinai Hospital in New York.

The 12 million that was originally allocated will run out in July, and only a small portion of the roughly 40,000 workers, and I mean laborer, fire, construction worker, those that were exposed to these deadly, deadly toxins, have been screened.

Earlier, in a bipartisan way, we passed a supplemental, but that was vetoed, and these heroes need to be helped, and what I see is sort of the selective amnesia. When it is time to have a photo op or time to talk about heroes, everybody is there for the photo op, but when it comes to the time to allocate the money to the men and women who need the health care and need the continued services, it has not been there.

Underscoring this is an important Mt. Sinai study that came out yesterday showing the illnesses and persistent illnesses caused by 9–11, and I include it for the RECORD.

I rise in support of Representative OBEY's motion to recommit, which provides crucial funding to help protect the country.

In particular, I support the $90 million to continue the health monitoring at Mount Sinai hospital for the men and women who were on the front lines of defense on September 11th and the days that followed.

Sixteen months after that fateful day, we must make sure that those brave men and women who entered a battle zone of a new kind of war, and are really the first victims of the war, receive the medical care they deserve.

Underscoring the need for this money was a report released yesterday by Mount Sinai hospital showing that a majority of ground zero workers and volunteers screened for health problems have serious persistent illnesses from the disaster.

The initial screening program which ends this July will screen only about 9,000 of the approximately 40,000 rescue workers in need of medical attention.

Dr. Stephen Levin and Dr. Robin Burton said the findings showed ''disturbing levels of long term health problems'' and that it was ''alarming.'' The analysis reveals that over 50 percent of the sample study have pulmonary illnesses, ear, nose, and throat ailments, or persistent mental health problems.

They believe the same statistics will hold for the roughly 3,500 responders they have seen to date: 78 percent of the participants reported at least one World Trade Center-related pulmonary symptom that first developed or worsened as a result of their rescue efforts; 52 percent reported mental health symptoms requiring further evaluation; and only about one-third of the sample participants had received any prior medical care for any of their symptoms and conditions.

In other words, for about one-third of these participants, their trip to Mount Sinai had been their only source of medical care; emphasizing the critical need to fully fund this program now, not later, not months down the road. Medical monitoring delayed is proper health care denied.

Last week Senator CLINTON, in a bipartisan effort, again successfully directed $90 million dollars from FEMA for this purpose. But again we face the challenge of securing the House support and the Administration's support and leadership to make this happen.

These firefighters are just here to pick up their check not only for themselves, but for the ironworkers, the construction workers, laborers, rescue workers, volunteers, and their families who care deeply about their health.

Medical monitoring delayed is proper health care denied.

The rescue workers and volunteers were there for us when we needed them, now the question is will the federal government be there for them.

Mr. OBEY. Mr. Speaker, I yield 1½ minutes to the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. Mr. Speaker, I want to thank the gentleman from Wisconsin (Mr. OBEY) for offering this recommit motion and implore my colleagues all to support it.

Members of the New York State delegation, both Republican and Democratic, met with retired Marine Corps General and now director of antiterrorism for the New York City Police Department Frank LiButti this morning to discuss New York City's homeland security needs.

Our needs are real, they are deep, and they are not being reflected in this budget. The President has talked a good game of protecting our first responders, but then why did he veto the medical monitoring funding of $90 million added on a bipartisan basis by the New York delegation in the summer supplemental? Mr. Bush said it was not an emergency.

Many of my friends are firefighters. Many of those friends are conservative Republicans. They know and the entire New York City Fire Department know the people who first rushed into the World Trade Center, the people who lost over 300 of their brothers and sisters that day know that this is an emergency. Why does not our President and why does not President Bush recognize the emergency to protect my city and all of our major metropolitan areas from terrorism?

Do we rationally think that if we go to war with Iraq that al Qaeda and other terrorist groups will not strike again? The question is not if, but when. The sound bites from the White House are great, and the President, he will talk tough tonight, and the Republican leadership here will say that they are working on it, but the time for backslapping is over. It is now time to deliver for New York City.

We have missed Osama bin Laden. We have ignored our firefighters at Ground Zero. Let us not ignore them anymore. Let us recommit and pass the Obey supplemental bill.

Mr. OBEY. Mr. Speaker, I yield the remaining 5 minutes to the gentlewoman from California (Ms. PELOSI), the distinguished minority leader.

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding me the time, and I thank him for his leadership in bringing this very important motion to the floor.

I stand here beside this photograph of the first responder with the President of the United States with great pride. We can all associate ourselves with that moment. As the President embraces the firefighter, so did the entire Nation.

On September 11, the whole world watched in horror when we saw the tragedy unfolding in New York and elsewhere and resolved that we must do everything in our power to make sure that such a tragedy never happens again. We also watched in awe to see the courageous action of the first responder, the police and firemen. That is why it is so hard to understand why we even have to go through this today.

Does not the entire country agree that these firefighters and policemen, the first responders, are owed a debt of gratitude by our Nation? Do we want people to take risks to save the lives of others when we will not even fund a study to take a measure of what impact their courage may have had on their personal physical health?

In the President's State of the Union Address last year, he promised to help local communities train and equip their first responders and provide for other homeland security needs. I listened with interest as the distinguished chairman of the Committee on Appropriations said that this is not just a national responsibility, it is also a State and local.

□ 1315

It is indeed that. But as elected officials at the national level, our first responsibility is to protect the American people, to make this country safe. Certainly we do that jointly with the local and State governments, but they have incurred tremendous costs, $2.6 billion as far as the municipalities are concerned; practically $75 billion in terms of the States in order to help take up some of our national responsibility that we have not funded.

And why have we not funded it? Because the administration and the Republicans have said that, for example, the $5 billion that was proposed in the other body as an amendment for first responders was well-intentioned but unaffordable. Well-intentioned but unaffordable. And the $1.5 billion that Congress passed and the President refuses to spend cannot be spent because we are on a war-time budget.

How do we explain this to the American people? How do we explain it to this brave firefighter and his family, that we can afford a $674 billion tax

cut, largely benefiting the wealthiest people in our country, but we cannot afford $1.5 billion already passed by Congress for our law enforcement, for homeland security, and we cannot afford the well-intentioned, but unaffordable, $5 billion for homeland security? And this amendment includes a $90 million study.

Nothing could be clearer in terms of the need. Nothing could be more specific in terms of the remedy. Nothing challenges our conscience more that we would turn away from the first responders when they are suffering effects from the courage that we all identified with, worshipped at the shrine of, embraced, yet now we cannot do it. We are too busy giving $674 billion largely to the wealthiest people in our country. Where are our priorities?

So tonight when the President comes to the floor to give the State of the Union address, I, like every other person in America, will welcome him with great anticipation and great respect. We all want our President to succeed. We all want to be in as much agreement with him as possible. But we cannot listen to rhetoric about first responders. We cannot look at photo ops and see the sincerity that we know is there, because our President is a sincere person, if this Congress refuses to match the compassion with the $90 million that is necessary for this study.

I commend our colleagues from New York for bringing this to our attention and just say that this all takes place in the context of rejecting the $5 billion; rejecting the $90 million, rejecting the $1.5 million, the pocket veto of the $150 million in emergency responder grants in August of last year, and the Justice Department temporarily suspending award grants to the first responders that I already referenced, and, according to calculations, the slashing in the budget is roughly $200 million out of the $3.5 billion for first responders.

It just goes on and on and on. There is a consistent pattern of saying we cannot afford this. Well, if we cannot afford to come to their rescue, how can we expect them to come to ours? If we cannot afford to come to their rescue, how on Earth can we afford a $674 billion tax cut for the wealthiest people in America?

I know that is not the sentiment of this body. I know that is not the sentiment of our distinguished chairman. So let us all follow the lead of the gentleman from Wisconsin (Mr. OBEY) and get this over with quickly before more people find out what is going on on this floor today; that this House may reject this $90 million study.

Mr. Speaker, with that I urge my colleagues to support the Obey motion.

The SPEAKER pro tempore (Mr. THORNBERRY). The time of the gentleman from Wisconsin (Mr. OBEY) has expired.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I wanted to thank the gentlewoman from California (Ms. PELOSI) and congratulate her. This is the first chance I have had to congratulate her publicly for her ascension in a historic way to the high position of leadership of her party. However, what it means is that she has removed herself from the committee that I have the privilege of chairing. And I would say that while we did not always agree, it was always a very distinct pleasure to work with her as a member of the Committee on Appropriations. So I would say to the gentlewoman from California (Ms. PELOSI) that we will miss her, but I am sure we are going to see her a lot during the 108th Congress.

I listened to her statement, and I appreciate the fact that she used the picture, as well as the previous speaker's use of the picture, of President Bush standing alongside a firefighter at Ground Zero in New York City. President Bush responded quickly and effectively to September 11th. No one can even challenge that. I think maybe what is happening here today, while we are talking about a continuing resolution, is a lot of debate that has to do with the regular appropriations bill. Maybe we are trying to make an argument where no argument exists.

As I listened to the gentleman from New Jersey talking about the first responders at the local level, he is absolutely right. He made the point far more effectively than I did when I mentioned the importance of first responders. The people on the scene, the people in the cities, the people in the counties, are going to respond first to any event that is of a terrorist nature or a weapons-of-mass-destruction nature. They are going to respond. And they do need the support and the help of the Federal Government and of the State governments. The States have some responsibilities as well.

So we are arguing about something that doesn't really need arguing about. The problem is the motion to instruct by the gentleman from Wisconsin (Mr. OBEY) will be dealing with an appropriations issue and this bill is a continuing resolution, that just continues funding at last year's level. It does not create any new programs. It does not appropriate any new money. The final bill for fiscal year 2003 that we will be dealing with is available to deal with first responders.

But I want to get back to September 11th and this picture. Again, I say I appreciate the fact that the minority used the picture of President Bush, because he did respond. He responded in a local way, in a State way, in a national way, and in an international way.

Please, do not take the picture away. It encourages me when I look at it.

The President did a really good job, but he did it in partnership with the Congress. Right after September 11th occurred, the gentleman from Wisconsin (Mr. OBEY) and I sat down with our counterparts in the other body, and we came up with an appropriations bill, an emergency appropriations bill, of $40 billion.

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

Mr. YOUNG of Florida. I would be happy to yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Speaker, let me simply say the gentleman is correct, we did; and I was immensely proud of the House on both sides of the aisle for cooperating in producing that bill, and I was flabbergasted that that cooperation on the part of the White House did not extend to our next request to provide for additional money, including the first responders.

I thank the gentleman for yielding.

Mr. YOUNG of Florida. Mr. Speaker, reclaiming my time, and I was happy to yield to my friend from Wisconsin, but I would point out the gentleman from Wisconsin (Mr. OBEY) and I sat down with our counterparts in the Senate and we produced a bill of $40 billion that was, I think, passed unanimously in the House and I believe in the Senate as well, to make money immediately available to the first responders, to FEMA, to police, to firemen, to whoever needed the money after September 11th.

As a matter of fact, we did something very unusual, Mr. Speaker. Of the $40 billion, we allowed the executive branch to use immediately $10 billion with no strings attached to respond to September 11th, to respond to terrorism, and to do what had to be done immediately. Then we gave them an additional $10 billion that they could basically do whatever they wanted to with, but there were a few congressional strings. We just required that they report to us on what they were doing with that $10 billion.

So the Congress responded rapidly. The Administration moved quickly. Then the other $20 billion, the second half of the $40 billion, we allocated through the appropriations process; but we asked the executive branch to suggest to the Congress how that money should be used. We did have some differences, but we worked out a plan that I think worked fairly well.

Now, there is a lot more that needs to be done. September 11 was something that many people in this country had never seen before. I think the only thing that really compares to September 11 was December 7, 1941, when Pearl Harbor was attacked and we went to war in World War II.

But, Mr. Speaker, this President responded well. This Congress responded well. The agencies of the government responded well. FEMA responded well. The folks in New York responded well, the Pentagon in Northern Virginia responded well, and Pennsylvania responded well when Flight 93 went into the ground. The Nation mobilized and responded very well. So we are creating an argument here where there is no argument. But maybe that is part of the process. You have to have an argument no matter what you do.

I want to get this CR passed from here today, and I want to get it off the

deck; and then I want to be able to proceed to the conference on the final bill for fiscal year 2003 where we will again address first responder-type issues as well as practically everything else in the government, except for defense and military construction, which have already passed and have already become law.

So let us pass this CR today. Let us defeat the motion that would slow down the process, that would make this an appropriations bill as opposed to a continuing resolution. Let us do that and then get on with our business.

Ms. JACKSON-LEE of Texas. Mr. Speaker, tonight the President will give his State of the Union address and next week the President will release his fiscal year 2004 budget, and we in the Congress have yet to pass 11 appropriations bills for fiscal year 2003 funding. We are now on our seventh continuing resolution. I am concerned that Congress is abdicating its Constitutional responsibilities. Before the adjournment of the 107th Congress, we had ample time to pass the physicians, hospitals, nursing homes, home health services and other health care providers. Our nation's seniors deserve better.

A cornerstone of a stable and dependable Medicare program is a system of adequate and appropriate reimbursements for health care providers. If payments are too high, or too low, the system will collapse and access to critical care for our seniors will be denied. Health care providers are being penalized for past federal accounting and legislative mistakes. Short-term fixes are necessary to ensure continuing access to quality care, while a comprehensive and thoughtful system of determining clinician reimbursements is developed. Medicare payments to physicians have already been cut by $139.4 million. Under the current law, payments will be cut an additional $695 million over the next three years.

I have been in close contact with physicians and other health care providers in the Houston area, many of whom appropriations bills. Again, we are faced with uncertainty in the budget process, which we cannot afford with the condition of the economy.

The latest unemployment figures indicate that nearly 6 percent of Americans are unemployed; 17 percent of African Americans are unemployed. Our nation is in an economic crisis that calls for leadership and a bold economic plan.

The nation's health care system is in need of reform. Millions of seniors rely on Medicare for their health care needs. Any Omnibus Appropriations Bill and the President's fiscal year 2004 budget must stabilize the Medicare program. Many Medicare beneficiaries, including seniors in my 18th Congressional District, are losing access to critical health care services because of the inadequacy of the current Medicare payment rates.

As a result of physician reductions in reimbursements, many Medicare beneficiaries risk losing access to their work in small- and medium-sized businesses. They have made good faith efforts to ensure the continuity of comprehensive care for their Medicare patients, but they tell me that they cannot afford to do this forever. I am a cosponsor of the Medicare Physicians Protection Act, which would impose a one-year freeze on the physician's fee schedule to protect our health care providers, and the patients who depend upon them.

Last week, the Senate passed a $390 billion Omnibus Appropriations bill. The bill was passed with little debate and loaded with last-minute amendments. The large number of spending bills included in the Omnibus Appropriations package—11 in all—makes this year's budget debacle especially appalling. For instance, a provision in the bill may have major implications for how immigration applications are processed and how much they will cost. In the Senate Omnibus Appropriations bill, a provision to re-establish old requirements that immigrants applying for visas, citizenship or adjustment of family status pay a surcharge to subsidize the processing of applications by asylum seekers and refugees was included. However, the Homeland Security Department bill passed in November removed the surcharge on applicants, which can add as much as $80.00 to a citizenship application. This is one issue that must be worked out in the conference committee on the Omnibus Appropriations Bill. This would adversely affect many of my constituents applying for visas, citizenship or adjusting their status in my 18th Congressional District.

In addition to immigration concerns, the Omnibus Appropriations bill must contain adequate funding levels to implement the Leave No Child Behind Act. We have become a government run by continuing resolution. I do not believe our Founding Fathers in their wisdom with grantings Congress the authority to raise revenue would have conceived a Congress not disciplined to follow our Constitutional mandate. This process is bad for the country and a poor reflection on the House and Senate.

On the issue of the economy, the President has the wrong plan. It will not stimulate the economy and create jobs. The cornerstone of the plan is the elimination of tax dividends, a proposal, which only helps the wealthy in this country and does not provide a stimulus to the economy.

Continuing resolutions, because they historically have been viewed as ''must-pass'' measures in view of the constitutional and statutory imperatives, became a major battleground for the resolution of budgetary and other conflicts. Consequently, the nature, scope, and duration of continuing resolutions began to change. I recognize the urgency in passing continuing resolutions; however, Congress must pass a serious comprehensive appropriations bill that adequately funds domestic programs for our nation citizens from education to health care.

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

The SPEAKER pro tempore. All time for debate has expired.

The joint resolution is considered as having been read for amendment.

Pursuant to House Resolution 29, the previous question is ordered.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution 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 joint resolution?

Mr. OBEY. Without the pending recommit motion, certainly.

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

The Clerk read as follows:

Mr. OBEY moves to recommit the joint resolution, H.J. Res. 13, to the Committee on Appropriations with instructions to report the same back forthwith with an amendment:

Section 101 of Public Law 107–229 in further amending by adding at the end:

''*Provided further*, $3,500,000,000 is available for Federal Emergency Management Agency, Emergency Management and Planning Assistance, for state and local first responders homeland security grants to equip first responders, and $90,000,000 is available for the Centers for Disease Control for baseline health screening and long-term medical monitoring of emergency response and recovery personnel exposed to toxic substances at the World Trade Center site.''

POINT OF ORDER

Mr. PUTNAM. Mr. Speaker, I make a point of order against the motion to recommit.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. PUTNAM. Mr. Speaker, I make a point of order against the motion to recommit because it violates section 302(c) of the Congressional Budget Act. Section 302(c) prohibits the consideration of any amendment that provides new budget authority for a fiscal year until the Committee on Appropriations has made the suballocations required by section 302(b) of the Congressional Budget Act.

This motion to recommit increases the amount of budget authorities provided by the measure. The suballocations published by the Committee on Appropriations on October 10, 2002, lapsed upon the adjournment of the 107th Congress and no new 302(b) suballocations have been made for the 108th Congress. Hence, I make a point of order that this motion to recommit violates section 302(c) of the Congressional Budget Act.

The SPEAKER pro tempore. Does the gentleman from Wisconsin wish to be heard on the point of order?

Mr. OBEY. I certainly do, Mr. Speaker.

The gentleman contends the motion is not in order because the majority has failed to file its 302(b) allocations. If this amendment were to be ruled out of order, what that would mean is that the majority has put the fix in in the Committee on Rules so that they can bring what they want to bring to the floor but the minority cannot.

In other words, the minority would be penalized procedurally for a failure to act on the part of the majority. I would find that to be a quaint interpretation indeed. It is patently unfair to allow the majority to bring up a bill without filing its suballocations and then punish the minority for something the majority has not done.

□ 1330

The SPEAKER pro tempore (Mr. THORNBERRY). If no further Members wish to be heard on the point of order, the Chair is prepared to rule.

As the Chair ruled on January 8, 2003, supported by the House on appeal, section 302(c) of the Congressional Budget Act of 1974 precludes consideration of an appropriations measure, including an amendment, providing new budget authority after the Committee on Appropriations has received a section 302(a) allocation for a fiscal year until the committee makes the suballocations required under section 302(b).

The Committee on Appropriations has not made the required section 302(b) suballocations, and the motion to recommit provides new budget authority in violation of section 302(c) of the Budget Act. The point of order is sustained.

Mr. OBEY. Mr. Speaker, if the majority is going to abuse the rules in such a way that the minority is precluded from meeting its responsibilities, I have no alternative but to appeal the ruling of the Chair.

The SPEAKER pro tempore. The question is: Shall the decision of the Chair stand as the judgment of the House?

MOTION TO TABLE OFFERED BY MR. PUTNAM

Mr. PUTNAM. Mr. Speaker, I move to lay the appeal on the table.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. PUTNAM) to lay the appeal on the table.

The question was taken; and the Speaker pro tempore announced that the ayes 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.

The vote was taken by electronic device, and there were—yeas 222, nays 196, not voting 16, as follows:

[Roll No. 15]

YEAS—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 (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
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
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
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)

NAYS—196

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
Deutsch
Dicks
Dingell
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Grijalva
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
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
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
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
Velazquez
Visclosky
Waters
Watt
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—16

Brown, Corrine
Burton (IN)
Combest
Cubin
DeLauro
Doggett
Gutierrez
Herger
Johnson, E. B.
Lewis (CA)
Olver
Shaw
Smith (WA)
Watson
Waxman
Wilson (NM)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. THORNBERRY) (during the vote). Members have 2 minutes to record their votes.

□ 1351

Messrs. MCDERMOTT, RUSH, RUPPERSBERGER, EVANS, SCOTT of Georgia, LYNCH, and Mrs. JONES of Ohio changed their vote from ''yea'' to ''nay.''

Messrs. RYUN of Kansas, ROGERS of Michigan, and HALL changed their vote from ''nay'' to ''yea.''

So the motion to table was agreed to.

So the decision of the Chair stands as the judgment of the House.

PERSONAL EXPLANATION

Mr. GUTIERREZ. Mr. Speaker, I was unavoidably absent from this chamber on January 27, 2003 and I would like the record to show that had I been present in this chamber, I would have voted ''yea'' on rollcall vote 13 and ''yea'' on rollcall 14. Also, I was briefly absent from this chamber on January 28, 2003 and missed voting on rollcall vote 15. I want the record to show that had I been present in this chamber, I would have voted ''no'' on rollcall vote 15.

MOTION TO RECOMMIT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Speaker, I have another motion to recommit at the desk.

The SPEAKER pro tempore. The Chair assumes the gentleman is still opposed to the resolution.

Mr. OBEY. Safe assumption, Mr. Speaker.

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

The Clerk read as follows:

Mr. OBEY moves to recommit the joint resolution, H.J. Res. 13, to the Committee on Appropriations with instructions to report the same back promptly with an amendment further amending Section 101 of Public Law 107–229:

1. to provide $3,500,000,000 in homeland security grants to equip first responders, and

2. to provide $90 million for the Centers for Disease Control for baseline health screening and long-term medical monitoring of emergency response and recovery personnel exposed to toxic substances at the World Trade Center site.

The SPEAKER pro tempore. The gentleman from Wisconsin (Mr. OBEY) is recognized for 5 minutes on his motion.

Mr. OBEY. Mr. Speaker, I will not take the 5 minutes, but let me simply say that this motion simply does two things. It would provide that we will approve $3.5 billion in homeland security grants to first responders, and it will provide the additional $90 million that is needed to continue the study of long-term medical effects caused by the disaster of 9–11 when our firemen and our policemen and other emergency workers immediately responded to the hits on the Pentagon and the World Trade Center.

When those firemen and policemen and other emergency workers responded to the Nation's needs at the Pentagon and at the World Trade Center and in Pennsylvania, for that matter as well, on 9–11, they did not stop to ask does this fit in our fiscal year? Are we going to exceed our budgets? They simply responded, did their duty, and did what had to be done. Today I want to make clear this motion will not bust the Republican budget. Even if this money is still provided, we will still be within the overall ceilings of the Republican budget resolution. So no one can claim if they vote against this motion that they did so in order to preserve the sanctity of the budget, resolution because we do not breach it.

I would simply urge the House to adopt the motion.

Mr. YOUNG of Florida. Mr. Speaker, I rise in opposition to the motion.

The SPEAKER pro tempore. The gentleman from Florida (Mr. YOUNG) is recognized for 5 minutes.

Mr. YOUNG of Florida. Mr. Speaker, we do not have a real argument here because we are not opposed to providing this funding, and the only difference we have is that it does not belong on a CR. It belongs in the 2003 final bill, or it belongs in the supplemental which will be coming very quickly. So what I would suggest is that we defeat this motion, we pass the CR, and then we get prepared to finish up the fiscal 2003 appropriations business.

Again, as I pointed out in my earlier comments, I think what is happening here is that we are trying to create an argument where no argument really exists. We believe in homeland security and first responders as strongly as anybody else. We have already proven that. We have taken the lead in that. President Bush has taken the lead in that. We have done a good job as the majority party in leading this Congress to deal with the preemption of, and the need to respond to, weapons of mass destruction, and terrorist attacks or whatever else we may have to face. And we still recognize the need to do more.

□ 1400

Now, there is a lot of work that needs to be done. But the funding that is called for in this motion is going to be addressed but it does not belong on a CR.

Let us kill the motion, let us pass the CR, and then get along with the rest of our business.

Mr. HASTINGS of Florida. Mr. Speaker, I rise in strong support of Mr. OBEY's motion to recommit this CR.

By now, we've all read or heard about the Hart-Rudman Independent Task Force report stating that the United States remains ''dangerously unprepared'' for another terrorist attack.

The Task Force determined that first responders are not prepared for a chemical or biological attack, their radios cannot communicate with one another, and they lack the training and protective gear to protect themselves and the public in an emergency. As the Task Force report stated simply and chillingly—''The consequence could be the unnecessary loss of thousands of American lives.''

I am outraged that this President, who declared war against terrorism, is itching for a war with Iraq, and started sowing the seeds of conflict with North Korea with his ''axis of evil'' speech, is now telling the American people that we can't afford to invest in homeland security. It stands to reason that the closer our nation gets to war, the greater the threat of another domestic terrorism attack becomes.

When your national security policy stumbles from a vague declaration of war against an ideology, to crying foul before the first IAEA inspector enters Iraq, to antagonizing national leaders with name-calling, you can't afford not to pay for homeland security.

Federal funds are desperately needed to equip firefighters, protect our ports and borders, enhance airport security, defend against agricultural terrorism, and protect our critical infrastructure.

I'd like to quote, if I may, a letter I received from the Mayor of the City of Oakland Park, Florida. ''I am writing to express my deep concern that funding for first responders, promised nearly a year ago, has still not been provided to America's cities, towns and villages.'' I have received similar letters from community leaders throughout my District, and when they write expressing concerns about homeland security, they have my undivided attention. I would venture to guess that most of my colleagues on both sides of the aisle have received similar letters as well.

I urge you to support Mr. OBEY's motion.

Mr. YOUNG of Florida. Mr. Speaker, I yield back my time.

The SPEAKER pro tempore (Mr. THORNBERRY). 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.

RECORDED VOTE

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

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 201, noes 222, not voting 11, as follows:

[Roll No. 16]

AYES—201

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
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
Gephardt
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
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
Sanchez, 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
Velazquez

Visclosky
Waters
Watson
Watt
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—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 (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
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
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
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—11

Brown, Corrine
Burton (IN)
Combest
Cubin
Herger
Johnson, E. B.
Lewis (CA)
Olver
Shaw
Waxman
Wilson (NM)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1416

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

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, on rollcall No. 15, Table the Appeal of the Ruling of the Chair (House Joint Resolution 13), had I been present, I would have voted ''no.''

Mr. Speaker, on rollcall No. 16, On Motion to Recommit with Instructions (House Joint Resolution 13), had I been present, I would have voted ''aye.''

The SPEAKER pro tempore (Mr. THORNBERRY). The question is on the joint resolution.

The joint resolution was passed.

A motion to reconsider was laid on the table.

ELECTION OF MAJORITY MEMBERSHIP TO COMMITTEE ON HOUSE ADMINISTRATION

Mr. CALVERT. Mr. Speaker, by direction of the Republican Conference, I call up a privileged resolution (H. Res. 34) election of majority membership on the Committee on House Administration, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 34

Resolved, That the following named Members be, and are hereby, elected to the following standing committee of the House of Representatives: Committee on House Administration: Mr. EHLERS; Mr. MICA; Mr. LINDER; Mr. DOOLITTLE and Mr. REYNOLDS.

The resolution was agreed to.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 111

Mr. CALVERT. Mr. Speaker, I ask unanimous consent that the gentlewoman from New York (Mrs. MCCARTHY) be removed as a cosponsor of H.R. 111.

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair desires to make an announcement.

After consultation with the majority and minority leaders, and with their consent and approval, the Chair announces that tonight when the two Houses meet in joint session to hear an address by the President of the United States, only the doors immediately opposite the Speaker and those on his left and right will be open.

No one will be allowed on the floor of the House who does not have the privilege of the floor of the House.

Due to the large attendance that is anticipated, the Chair feels that the rule regarding the privileges of the floor must be strictly adhered to.

Children of Members will not be permitted on the floor, and the cooperation of all Members is requested.

The practice of reserving seats prior to the joint session by placard will not be allowed. Members may reserve their seats by physical presence only following the security sweep of the Chamber.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will now recognize Members for Special Orders until 5 p.m., at which time the Chair will declare the House in recess.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. THORNBERRY). 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.

REVISIONS TO THE 302(a) ALLOCATIONS AND BUDGETARY AGGREGATES ESTABLISHED BY THE CONCURRENT RESOLUTIONS ON THE BUDGET FOR FISCAL YEARS 200__ AND 200__

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

Mr. NUSSLE. Mr. Speaker. I am transmitting a status report on the current levels of on-budget spending and revenues for fiscal year 2003 and for the five-year period of fiscal years 2003 through 2007. This report is necessary to facilitate the application of sections 302 and 311 of the Congressional budget Act and section 301 of House Concurrent Resolution 353, which is currently in effect as a concurrent resolution on the budget in the House. This status report is current through January 27, 2003.

The ''current level'' refers to the amounts of spending and revenues estimated for each fiscal year based on laws enacted or awaiting the President's signature.

The first table in the report compares the current levels of total budget authority, outlays, and revenues with the aggregate levels set forth by H. Con. Res. 353. The comparison is needed to enforce section 311(a) of the Budget Act, which creates a point of order against measures that would breach the budget resolution's aggregate levels. The table does not show budget authority and outlays for years after fiscal year 2003 because appropriations for those years have not yet been considered.

The second table compares the current levels of budget authority and outlays for discretionary action by each authorizing committee with the ''section 302(a)'' allocations made under H. Con. Res. 353 for fiscal year 2003 and fiscal year 2003 through 2007. ''Discretionary action'' refers to legislation enacted after the adoption of the budget resolution. A separate allocation for the Medicare program, as established under section 231(d) of the budget resolution, is shown for fiscal year

2003 and fiscal years 2003 through 2012. This comparison is needed to enforce section 302(f) of the Budget Act, which creates a point of order against measures that would breach the section 302(a) discretionary action allocation of new budget authority for the committee that reported the measure. It is also needed to implement section 311(b), which exempts committees that comply with their allocations from the point of order under section 311(a).

The third table gives the current level for 2004 of accounts identified for advance appropriations under section 301 of H. Con. Res. 353 printed in the CONGRESSIONAL RECORD. This list is needed to enforce section 301 of the budget resolution,which creates a point of order against appropriation bills that contain advance appropriations that are: (i) not identified in the statement of managers or (ii) would cause the aggregate amount of such appropriations to exceed the level specified in the resolution.

REPORT TO THE SPEAKER FROM THE COMMITTEE ON THE BUDGET

STATUS OF THE FISCAL YEAR 2003 CONGRESSIONAL BUDGET ADOPTED IN H. CON. RES. 353

Reflecting Action Completed as of January 27, 2003 (On-budget amounts, in million of dollars)

	Fiscal year 2003	Fiscal years 2003–2007
Appropriate Level:		
Budget Authority	1,784,073	n.a.
Outlays	1,765,225	n.a.
Revenues	1,531,893	8,671,656
Current Level:		
Budget Authority	1,769,984	n.a.
Outlays	1,756,173	n.a.
Revenues	1,535,583	8,696,643
Current Level over (+)/ under (-) Appropriate Level:		
Budget Authority	-14,089	n.a.
Outlays	-9,052	n.a.
Revenues	3,690	24,987

n.a. = Not applicable because annual appropriations Acts for fiscal years 2004 through 2007 will not be considered until future sessions of Congress.

Budget Authority—Enactment of measures providing new budget authority for FY 2003 in excess of $14,089,000,000 (if not already included in the current level estimate) would cause FY 2003 budget authority to exceed the appropriate level set by H. Con. Res. 353.

Outlays—Enactment of measures providing new outlays for FY 2003 in excess of $9,052,000,000 (if not already included in the current level estimate) would cause FY 2003 outlays to exceed the appropriate level set by H. Con. Res. 353.

Revenues—Enactment of measures that would result in revenue reduction for FY 2003 in excess of $3,690,000,000 (if not already included in the current level estimate) would cause revenues to fall below the appropriate level set by H. Con. Res. 353.

Enactment of measures resulting in revenue reduction for the period FY 2003 through 2007 in excess of $24,987,000,000 (if not already included in the current level estimate) would cause revenues to fall below the appropriate levels set by H. Con. Res. 353.

DIRECT SPENDING LEGISLATION—COMPARISON OF CURRENT LEVEL WITH AUTHORIZING COMMITTEE 302(a) ALLOCATIONS FOR DISCRETIONARY ACTION

Reflecting Action Completed as of January 27, 2003

(Fiscal years, in millions of dollars)

House committee	2003		2003–2007 total		2003–2012 total	
	BA	Outlays	BA	Outlays	BA	Outlays
Agriculture						
Allocation	7,825	7,271	37,017	34,479	n.a.	n.a.
Current Level [1]	8,532	8,406	49,206	47,592	n.a.	n.a.
Difference	707	1,135	12,189	13,113	n.a.	n.a.
Armed Services						
Allocation	516	516	5,804	5,804	n.a.	n.a.
Current Level	111	111	2,170	2,170	n.a.	n.a.
Difference	−405	−405	−3,634	−3,634	n.a.	n.a.
Education and the Workforce						
Allocation	0	0	0	0	n.a.	n.a.
Current Level	0	0	0	0	n.a.	n.a.
Difference	0	0	0	0	n.a.	n.a.
Energy and Commerce						
Allocation	95	59	2,709	2,649	n.a.	n.a
Current Level	776	776	405	289	n.a.	n.a.
Difference	681	717	−2,304	−2,360	n.a.	n.a.
Financial Services						
Allocation	0	0	0	0	n.a.	n.a.
Current Level	640	650	6,233	6,238	n.a.	n.a.
Difference	640	650	6,233	6,238	n.a.	n.a.
Government Reform						
Allocation	0	0	0	0	n.a.	n.a.
Current Level	0	0	7	7	n.a.	n.a.
Difference	0	0	7	7	n.a.	n.a.
House Administration						
Allocation	0	0	0	0	n.a.	n.a.
Current Level	0	0	0	0	n.a.	n.a.
Difference	0	0	0	0	n.a.	n.a.
International Relations						
Allocation	0	0	0	0	n.a.	n.a.
Current Level	13	265	75	327	n.a.	n.a.
Difference	13	265	75	327	n.a.	n.a.
Judiciary						
Allocation	0	0	0	0	n.a.	n.a.
Current Level	7	7	11	11	n.a.	n.a.
Difference	7	7	11	11	n.a.	n.a.
Resources						
Allocation	0	0	700	700	n.a.	n.a.
Current Level	0	−3	2	−1	n.a.	n.a.
Difference	0	−3	−698	−701	n.a.	n.a.
Science						
Allocation	0	0	0	0	n.a.	n.a.
Current Level	0	0	0	0	n.a.	n.a.
Difference	0	0	0	0	n.a.	n.a.
Small Business						
Allocation	0	0	0	0	n.a.	n.a.
Current Level	0	0	0	0	n.a.	n.a.
Difference	0	0	0	0	n.a.	n.a.
Transportation and Infrastructure						
Allocation	0	0	17,476	0	n.a.	n.a.
Current Level	3	6	15	24	n.a.	n.a.
Difference	3	6	−17,461	24	n.a.	n.a.
Veterans' Affairs						
Allocation	0	0	0	0	n.a.	n.a.
Current Level	1	1	2	2	n.a.	n.a.
Difference	1	1	2	2	n.a.	n.a.
Ways and Means						
Allocation	2,203	174	7,855	5,861	n.a.	n.a.
Current Level	7,913	7,808	10,575	10,448	n.a.	n.a.
Difference	5,710	7,634	2,720	4,587	n.a.	n.a.

DIRECT SPENDING LEGISLATION—COMPARISON OF CURRENT LEVEL WITH AUTHORIZING COMMITTEE 302(a) ALLOCATIONS FOR DISCRETIONARY ACTION—Continued

Reflecting Action Completed as of January 27, 2003

(Fiscal years, in millions of dollars)

House committee	2003		2003–2007 total		2003–2012 total	
	BA	Outlays	BA	Outlays	BA	Outlays
Medicare						
Allocation	4,650	4,575	n.a.	n.a.	347,270	347,270
Current Level	0	0	n.a.	n.a.	0	0
Difference	−4,650	−4,575	n.a.	n.a.	−347,270	−347,270

[1] HR2646, the Farm Security and Rural Investment Act of 2002, was enacted May 13, 2002, prior to the adoption of the FY2003 House Budget Resolution on May 22, 2002.

Note: HR5005, an act to establish the Department of Homeland Security, and for other purposes, was enacted November 25, 2002. That legislation, which increased direct spending, is not reflected in the table above because the temporary committee that reported the legislation was not contemplated at the time that H. Con. Res. 353 was passed by the House.

STATEMENT OF FY2004 ADVANCE APPROPRIATIONS UNDER SECTION 301 OF H. CON. RES. 353

Reflecting Action Completed as of January 27, 2003

(IN MILLIONS OF DOLLARS)

	Budget Authority
Appropriate Level	23,178
Current Level:	
Labor, Health and Human Services, Education Subcommittee	
Employment and Training Administration	0
Education for the Disadvantaged	0
School Improvement	0
Children and Family Services (head start)	0
Special Education	0
Vocational and Adult Education	0
Transportation Subcommittee	
Transportation (highways; transit; Farley Building)	0
Treasury, General Government Subcommittee	
Payment to Postal Service	0
Veterans, Housing and Urban Development Subcommittee	
Section 8 Renewals	0
Total	0
Current Level over (+)/under (−) Appropriate Level	−23,178

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, January 28, 2003.

Hon. JIM NUSSLE,
Chairman, Committee on the Budget,
U.S. House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The attached report shows the effects of Congressional action on the fiscal year 2003 budget and is current through January 27, 2003. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of H. Con. Res. 353, the Concurrent Resolution on the Budget for Fiscal Year 2003. The budget resolution figures incorporate revisions submitted by the Committee on the Budget to the House to reflect funding for emergency requirements. Those revisions are required by section 314 of the Congressional Budget Act, as amended.

Since my last letter dated October 16, 2003, the Congress has cleared and the President has signed the following acts that changed budget authority, outlays, or revenues for 2003:

The Defense Appropriations Act (Public Law 107–248);

The Military Construction Appropriations Act (Public Law 107–249);

The 21st Century Department of Justice Authorization Act (Public Law 107–273);

An act to amend section 527 of the Internal Revenue Code (Public Law 107–276);

The Clark County Conservation of Public Land and Natural Resources Act of 2002 (Public Law 107–282);

The Maritime Transportation Security Act of 2002 (Public Law 107–295);

The Homeland Security Act of 2002 (Public Law 107–296);

The Terrorism Risk Protection Act (Public Law 107–297);

The Great Lakes and Lake Champlain Act of 2002 (Public Law 107–303);

An act amending title 5, United States Code, to allow certain catch-up contributions to the Thrift Savings Plan (Public Law 107–304);

The Bob Stump National Defense Authorization Act, 2003 (Public Law 107–314);

The Veterans Benefits Act of 2002 (Public Law 107–330);

An act amending title 10, United States Code, to make mineral leasing receipts available for environmental restoration (Public Law 107–345);

An act to extend the periods of authorization for the Secretary of the Interior to implement certain construction projects (Public Law 107–375);

An act to provide for a 5-month extension of the Temporary Extended Unemployment Compensation Act of 2002 (Public Law 108–1); and

Three acts making continuing appropriations for fiscal year 2003 (Public Law 107–244, Public Law 107–294 and Public Law 108–2).

The effects of these new laws are identified in the enclosed table.

Sincerely,

BARRY B. ANDERSON,
Acting Director.

Attachment.

FISCAL YEAR 2003 HOUSE CURRENT LEVEL REPORT AS OF JANUARY 27, 2003

[In millions of dollars]

	Budget authority	Outlays	Revenues
Enacted before the 2nd session of the 107th Congress:			
Revenues	0	0	1,536,324
Permanents and other spending legislation	1,086,964	1,035,176	0
Appropriation legislation	0	313,591	0
Offsetting receipts	−346,866	−346,866	0
Total, previously enacted	740,098	1,001,901	1,536,324
Enacted in 2nd session of the 107th Congress:			
Job Creation and Worker Assistance Act of 2002 (P.L. 107–147)	3,524	3,587	0
Farm Security and Rural Investment Act of 2002 (P.L. 107–171)	8,532	8,406	0
Public Health Security and Bioterrorism Preparedness and Response Act of 2002 (P.L. 107–188)	1	1	0
Auction Reform Act of 2002 (P.L. 107–195)	775	775	0
Sarbanes-Oxley Act of 2002 (P.L. 107–204)	40	36	43
2002 Supplemental Appropriations Act for Further Recovery from and Response to Terrorist Acts on the United States (P.L. 107–206)	0	8,342	−60
Trade Act of 2002 (P.L. 107–210)	388	312	−669
Foreign Relations Authorization Act, 2003 (P.L. 107–228)	13	265	1
An act making continuing appropriations, 2003 (P.L. 107–229)	146	94	0
An act making further continuing appropriations, 2003 (P.L. 107–240)	1,110	260	0
Defense Appropriations Act, 2002 (P.L. 107–248)	355,108	239,334	0
Military Construction Appropriations Act, 2003 (P.L. 107–249)	10,499	2,722	0
21st Century Department of Justice Authorization Act (P.L. 107–273)	−1,105	−255	0
An act to amend section 527, Internal Revenue Code, to eliminate notification return requirements for state and local party committees (P.L. 107–276)	0	0	−2
Clark County Conservation of Public Land and Natural Resources Act of 2002 (P.L. 107–282)	0	−1	0
An act making further continuing appropriations, 2003 (P.L. 107–294)	118	141	0
Maritime Transportation Security Act of 2002 (P.L. 107–295)	3	3	0
Homeland Security Act of 2002 (P.L. 107–296)	418	418	0
Terrorism Risk Protection Act (P.L. 107–297)	600	614	0
Great Lakes and Lake Champlain Act of 2002 (P.L. 107–303)	0	3	0
An act amending title 5, United States Code, to allow certain catch-up contributions to the Thrift Savings Plan (P.L. 107–304)	0	0	−29
Bob Stump National Defense Authorization Act, 2003 (P.L. 107–314)	111	111	0
Veterans Benefits Act of 2002 (P.L. 107–330)	1	1	0
An act amending title 10, United States Code, to make mineral leasing receipts available for environment restoration (P.L. 107–345)	2	0	0
An act to extend the periods of authorization for the Secretary of the Interior to implement certain construction projects (P.L. 107–375)	−2	−2	0
An act for the relief of Barbara Makuch (Pvt. L. 107–3)	1	1	0
An act for the relief of Eugene Makuch (Pvt. L. 107–4)	1	1	0
Total, enacted in the second session of the 107th Congress	380,284	265,169	−716
Enacted in the first session of the 108th Congress:			
An act to provide for a 5-month extension of the Temporary Extended Unemployment Compensation Act of 2002 (P.L. 108–1)	7,250	7,250	0

FISCAL YEAR 2003 HOUSE CURRENT LEVEL REPORT AS OF JANUARY 27, 2003—Continued

[In millions of dollars]

	Budget authority	Outlays	Revenues
Continuing Resolution:			
An act making further continuing appropriations, 2003 (P.L. 108–2)	355,245	195,163	−25
Entitlements and Mandatories:			
Budget resolution baseline estimates of appropriated entitlements and other mandatory programs not yet enacted	288,455	286,690	0
Total Current Level [1,2,3]	1,769,984	1,756,173	1,535,583
Total Budget Resolution	1,784,073	1,765,225	1,531,893
Current Level Over Budget Resolution	0	0	3,690
Current Level Under Budget Resolution	−14,089	−9,052	0
Memorandum:			
Revenues, 2003–2007:			
House Current Level	0	0	8,696,643
House Budget Resolution	0	0	8,671,656
Current Level Over Budget Resolution	0	0	24,987

[1] Section 314 of the Congressional Budget Act, as amended, requires that the House Budget Committee revise the budget resolution to reflect funding provided in bills reported by the House for emergency requirements. To date, the Budget Committee has increased the outlay allocation in the budget resolution by $8,793 million for this purpose. Of this amount, $400 million is not included in the current level because the funding has not yet been enacted.

[2] For purposes of enforcing section 311 of the Congressional Budget Act in the House, the budget resolution does not include budget authority or outlays for Social Security administrative expenses. As a result, current level excludes these items.

[3] For comparability purposes, current level budget authority excludes $1,348 million for mass transit that is included in the continuing resolution total. The budget authority for mass transit, which is exempt from the allocations made for the discretionary categories pursuant to sections 302(a)(1) and 302(b)(1) of the Congressional Budget Act, is not included in H. Con. Res. 353. Total budget authority including mass transit is $1,771,332 million.

Source: Congressional Budget Office.

Notes: P.L. = Public Law.

REVISIONS TO ALLOCATION FOR HOUSE COMMITTEE ON APPROPRIATIONS

The Speaker pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. NUSSLE) is recognized for 5 minutes.

Mr. NUSSLE. Mr. Speaker, section 3(a)(4) of House Resolution 5 provides that House Concurrent Resolution 353 of the One Hundred Seventh Congress, as adopted by the House, shall have force and effect in the House as though the One Hundred Eight Congress has adopted a concurrent resolution on the budget. That paragraph also directs me to submit for printing in the Congressional Record: (1) the allocations contemplated by section 302(a) of the Congressional Budget Act of 1974 under a concurrent resolution on the budget; (2) accounts identified for advance appropriations, referred to in section 301(b) of House Concurrent Resolution 353 of the One Hundred Seventh Congress; and (3) an estimated unified surplus, referred to in section 211 of such concurrent resolution.

The attached tables, which I submit for printing in the CONGRESSIONAL RECORD as directed, provide the required information.

ALLOCATIONS OF SPENDING AUTHORITY TO HOUSE COMMITTEES [1]—APPROPRIATIONS COMMITTEE

[In millions of dollars]

	2003
General Purpose*:	
BA	747,174
OT	748,528

ALLOCATIONS OF SPENDING AUTHORITY TO HOUSE COMMITTEES [1]—APPROPRIATIONS COMMITTEE—Continued

[In millions of dollars]

	2003
Highways*:	
BA	.....
OT	28,761
Mass Transit*:	
BA	.....
OT	6,030
Conservation*:	
BA	1,922
OT	1,872
Total Discretionary Action:	
BA	749,096
OT	785,191
Current Law Mandatory:	
BA	350,116
OT	353,319

[1] Reflecting allocation adjustments through the end of the 107th Congress.

*Shown for display purposes only.

ALLOCATIONS OF SPENDING AUTHORITY OF HOUSE COMMITTEES[1]: COMMITTEES OTHER THAN APPROPRIATIONS

[By fiscal year in millions of dollars]

	2003	2004	2005	2006	2007	Total 2003–2007	Total 2003–2012
Agriculture Committee:							
Current Law Base:							
BA	36,573	35,545	34,841	34,241	34,889	176,089	n.a.
OT	33,247	33,726	32,788	32,283	32,885	164,929	n.a.
Discretionary Action:							
BA	7,825	7,604	7,198	7,249	7,141	37,017	n.a.
OT	7,271	7,019	6,688	6,727	6,774	34,479	n.a.
Total:							
BA	44,398	43,149	42,039	41,490	42,030	213,106	n.a.
OT	40,518	40,745	39,476	39,010	39,659	199,408	n.a.
Armed Services Committee:							
Current Law Base:							
BA	76,090	78,358	80,609	83,134	85,779	403,970	n.a.
OT	75,258	77,722	80,228	82,780	85,466	401,454	n.a.
Discretionary Action:							
BA	516	652	1,025	1,605	2,006	5,804	n.a.
OT	516	652	1,025	1,605	2,006	5,804	n.a.
Total:							
BA	76,606	79,010	81,634	84,739	87,785	409,774	n.a.
OT	75,774	78,374	81,253	84,385	87,472	407,258	n.a.
Committee on Education and the Workforce—Current Law Base:							
BA	4,633	4,325	4,709	4,885	5,066	23,618	n.a.
OT	3,264	3,172	3,475	3,604	3,744	17,259	n.a.
Energy and Commerce Committee:							
Current Law Base:							
BA	10,248	10,017	11,164	11,498	12,503	55,430	n.a.
OT	11,401	11,496	11,562	11,871	11,881	58,211	n.a.
Discretionary Action:							
BA	95	285	606	801	922	2,709	n.a.
OT	59	272	598	798	922	2,649	n.a.
Total:							
BA	10,343	10,302	11,770	12,299	13,425	58,139	n.a.
OT	11,460	11,768	12,160	12,669	12,803	60,860	n.a.
Financial Services Committee—Current Law Base:							
BA	7,985	8,428	8,249	8,053	8,574	41,289	n.a.
OT	2,696	1,578	541	−165	−344	4,306	n.a.
Government Reform Committee—Current Law Base:							
BA	66,536	69,943	73,568	76,706	79,236	365,989	n.a.
OT	65,527	68,971	72,573	75,714	78,253	361,038	n.a.
Committee on House Administration—Current Law Base:							
BA	82	85	85	82	81	415	n.a.
OT	37	161	18	14	14	244	n.a.
International Relations Committee—Current Law Base:							
BA	10,069	10,390	10,705	10,952	11,287	53,403	n.a.
OT	10,075	10,127	10,364	10,591	10,864	52,021	n.a.
Judiciary Committee—Current Law Base:							
BA	6,404	5,133	5,116	5,092	5,112	26,857	n.a.

ALLOCATIONS OF SPENDING AUTHORITY OF HOUSE COMMITTEES[1]: COMMITTEES OTHER THAN APPROPRIATIONS—Continued

[By fiscal year in millions of dollars]

	2003	2004	2005	2006	2007	Total 2003–2007	Total 2003–2012
OT	5,763	5,613	5,281	5,148	5,180	26,985	n.a.
Resources Committee:							
Current Law Base:							
BA	2,537	2,430	2,371	2,394	2,392	12,124	n.a.
OT	2,471	2,313	2,052	2,297	2,154	11,287	n.a.
Discretionary Action:							
BA	0	113	498	89	0	700	n.a.
OT	0	113	498	89	0	700	n.a.
Total:							
BA	2,537	2,543	2,869	2,483	2,392	12,824	n.a.
OT	2,471	2,426	2,550	2,386	2,154	11,987	n.a.
Science Committee—Current Law Base:							
BA	143	20	17	17	18	215	n.a.
OT	147	102	56	29	24	358	n.a.
Small Business Committee—Current Law Base:							
BA	3	2	1	1	1	8	n.a.
OT	−238	−88	−32	−30	−28	−416	n.a.
Transportation and Infrastructure Committee:							
Current Law Base:							
BA	54,029	51,640	50,234	50,657	50,932	257,492	n.a.
OT	14,910	12,014	10,429	10,651	10,774	58,778	n.a.
Discretionary Action:							
BA	0	4,369	4,369	4,369	4,369	17,476	n.a.
OT	0	0	0	0	0	0	n.a.
Total:							
BA	54,029	56,009	54,603	55,026	55,301	274,968	n.a.
OT	14,910	12,014	10,429	10,651	10,774	58,778	n.a.
Veterans' Affairs Committee—Current Law Base:							
BA	1,629	2,055	2,543	3,082	3,633	12,942	n.a.
OT	1,570	1,999	2,590	3,065	3,431	12,655	n.a.
Ways and Means Committee:							
Current Law Base:							
BA	643,804	661,849	684,591	701,838	727,703	3,419,785	n.a.
OT	645,017	661,964	684,461	701,118	727,005	3,419,565	n.a.
Discretionary Action:							
BA	2,203	858	1,280	1,639	1,875	7,855	n.a.
OT	174	853	1,231	1,660	1,943	5,861	n.a.
Total:							
BA	646,007	662,707	685,871	703,477	729,578	3,427,640	n.a.
OT	645,191	662,817	685,692	702,778	728,948	3,425,426	n.a.
Current Law Base, Medicare:							
BA	174,977	180,768	193,068	197,062	211,086	n.a.	2,224,058
OT	174,843	181,045	192,994	196,851	211,379	n.a.	2,223,844
Discretionary Action:							
BA	4,650	n.a.	n.a.	n.a.	n.a.	n.a.	347,270
OT	4,575	n.a.	n.a.	n.a.	n.a.	n.a.	347,270
Total:							
BA	174,977	180,768	193,068	197,062	211,086	n.a.	2,224,058
OT	174,843	181,045	192,994	196,851	211,379	n.a.	2,223,844
MEMORANDUM: Estimated Unified Surplus Under Section 211	51,414	n.a.	n.a.	n.a.	n.a.	764,402	n.a.

[1]—Reflecting allocation adjustments through the end of the 107th Congress.
n.a. = not applicable.

STATEMENT OF FY 2004 ADVANCE APPROPRIATIONS UNDER SECTION 301 OF H. CON. RES. 353 OF THE ONE HUNDRED SEVENTH CONGRESS

Interior Subcommittee: Elk Hills (89 5428 02 271).

Labor, Health and Human Services, Education Subcommittee: Employment and Training Administration (16 0900 01 501); Education for the Disadvantaged (91 0900 01 501); School Improvement (91 1000 01 501); Children and Family Services [head start] (75 1536 01 506); Special Education (91 0300 01 501); Vocational and Adult Education (91 0400 01 501).

Transportation Subcommittee: Transportation (highways; transit; Farley Bldg.).

Treasury, General Government Subcommittee: Payment to Postal Service (18 1001 01 372).

Veterans, Housing and Urban Development Subcommittee: Section 8 Renewals (86 0319 01 604).

TRIBUTE TO GILDA K. ''JILL'' BEATTY

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

Mr. OBERSTAR. Mr. Speaker, I rise to pay tribute and to express profound appreciation to Gilda K. Beatty, my office manager of more than 33 years who took her retirement at the end of December last year. Gilda, best known to everyone who met her as ''Jill,'' began her service in my office when I was administrative assistant to my predecessor, John Blatnik, in December 1969, where she started as a classical secretary: gifted, talented, skilled, energetic, hard-working. But the day before she started her service in the office, our first daughter was born. From that day forward, until after I was elected to this House in 1974, and especially following the death of my wife, Jo, Jill has been a surrogate mother to our four children, a partner in all that I undertook as administrative assistant and as Member of Congress, counselor, advisor, keeper of my time, managing my schedule in Washington and with my district staff, my travels in the district and travels elsewhere throughout the country. Jill's good humor, good spirit, and her can-do attitude, made our office a joy to work in.

I have always said of Jill Beatty that she had that exceptional ability to say no to people who could then leave saying ''thank you,'' a person of whom in another context it should be said she could sell ice boxes to Eskimos. She was able to bring people together in our office, visitors from our district to Washington, and though herself a Pennsylvanian, coming from the coal and steel country of Pennsylvania, she related to the iron ore mining area of the eighth district of Minnesota in a very special, unique way, so that folks always thought she was a Minnesotan, a northeastern Minnesotan, an iron ranger.

□ 1430

She is, in spirit, certainly that. What was more important to me than the friendship, the professional association, the work, the undying work ethic that she portrayed throughout those 33 years, was her ability to grow in her work and to move from skill to skill; to understand the broader needs of our office, and of the relationship of this office to the committees on which I served, and now the committee, the single Committee on Transportation and Infrastructure; and to relate our Washington responsibilities to the Eighth District of Minnesota responsibilities so as to balance the time, the interest, the need, and put them all in appropriate proportion. That is an extraordinary balancing act and a challenge at which few succeed, but Jill succeeded in a very special way.

Perhaps her ability to understand the complexities of running a congressional office in the computer age, in the era of instant communications, compared to the time when she began, when first we did not even have fax machines; but when the first one came in, there was that old onion skin fax, and no multiple letter production capability; to transition from that era to the present takes a very special person of adaptability, the willingness and ability to adapt to change, to changing circumstances.

To embrace change and to move ahead of change, that is Jill's greatest skill and ability, and it gave me the greatest pleasure to see her grow through the stages of evolution of technology that are so important for us in the Congress to maintain communication with the people in our districts who we represent here in this House.

Personally, it is her ever-ready good humor; her ability to laugh, to laugh at herself, to laugh with others, and to make people feel so welcome. Every person who walked in our office, who met with or worked with Jill on whatever purpose it was felt as though he or she were the only person in the world, the only person in Washington, at that particular moment.

That is a rare and special gift for which I will always be grateful, because she made our office in Washington the home in Washington for the people from the Eighth District of Minnesota who came here to visit.

We all miss her terribly. We miss her good humor, her creativity, her willingness to move to the next horizon. I particularly have appreciated her sort of gentle tap on the wrist saying, you are doing too much. It is time to back off. You need a little more time. You can't do all these things at the same time. I know you would like to do all that, but it is not possible, and I am not going to let you do it. She was sort of an auntie who takes care of those who need supervision.

Jill, we are grateful to you for all that you have contributed and done, and I particularly, and I know the entire staff joins in, wish you all the very best of good health, happiness, and long life after Congress.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 107

Mr. KENNEDY of Rhode Island. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 107.

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

There was no objection.

PUBLICATION OF THE RULES OF THE COMMITTEE ON RULES, 108TH CONGRESS

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

Mr. Speaker, in accordance with clause 2 of rule XI of the Rules of the House, I am submitting the rules of the Committee on Rules for printing in the CONGRESSIONAL RECORD. On January 7, 2003, the Committee on Rules adopted by non-record vote, a quorum being present, the following committee rules.

RULES OF THE COMMITTEE ON RULES

U.S. HOUSE OF REPRESENTATIVES

108TH CONGRESS

(Adopted January 7, 2003)

RULE 1—GENERAL PROVISIONS

(a) The rules of the House are the rules of the Committee and its subcommittees so far as applicable, except that a motion to recess from day to day, and a motion to dispense with the first reading (in full) of a bill or resolution, if printed copies are available, are non-debatable privileged motions in the Committee. A proposed investigative or oversight report shall be considered as read if it has been available to the members of the Committee for at least 24 hours (excluding Saturdays, Sundays, or legal holidays except when the House is in session on such day).

(b) Each subcommittee is a part of the Committee, and is subject to the authority and direction of the Committee and to its rules so far as applicable.

(c) The provisions of clause 2 of rule XI of the Rules of the House are incorporated by reference as the rules of the Committee to the extent applicable.

(d) The Committee's rules shall be published in the Congressional Record not later than 30 days after the Committee is elected in each odd-numbered year.

RULE 2—REGULAR, ADDITIONAL, AND SPECIAL MEETINGS

REGULAR MEETINGS

(a)(1) The Committee shall regularly meet at 10:30 a.m. on Tuesday of each week when the House is in session.

(2) A regular meeting of the Committee may be dispensed with if, in the judgment of the Chairman of the Committee (hereafter in these rules referred to as the ''Chair''), there is no need for a meeting.

(3) Additional regular meetings and hearings of the Committee may be called by the Chair.

NOTICE FOR REGULAR MEETINGS

(b) The Chair shall notify each member of the Committee of the agenda of each regular meeting of the Committee at least 48 hours before the time of the meeting and shall provide to each member of the Committee, at least 24 hours before the time of each regular meeting.

(1) for each bill or resolution scheduled on the agenda for consideration of a rule, a copy of

(A) the bill or resolution,

(B) any committee reports thereon, and

(C) any letter requesting a rule for the bill or resolution; and

(2) For each other bill, resolution, report, or other matter on the agenda a copy of—

(A) the bill, resolution, report, or materials relating to the other matter in question; and

(B) any report on the bill, resolution, report, or any other matter made by any subcommittee on the Committee.

EMERGENCY MEETINGS

(c)(1) The Chair may call an emergency meeting of the Committee at any time on any measure of matter which the Chair determines to be of an emergency nature; provide, however, that the Chair has made an effort to consult the ranking minority member, or, in such member's absence, the next ranking minority party member of the Committee.

(2) As soon as possible after calling an emergency meeting of the Committee, the Chair shall notify each member of the Committee of the time and location of the meeting.

(3) To the extent feasible, the notice provided under paragraph (2) shall include the agenda for the emergency meeting and copies of available materiels which would otherwise have been provided under subsection (b) if the emergency meeting was a regular meeting.

SPECIAL MEETINGS

(d) Special meetings shall be called and convened as provided in clause 2(c)(2) of rule XI of the Rules of the House.

RULE 3—MEETING AND HEARING PROCEDURES

IN GENERAL

(a)(1) Meetings and hearings of the Committee shall be called to order and presided over by the Chair, or, in the Chair's absence, by the member designated by the Chair as the Vice Chair of the Committee, or by the ranking majority member of the Committee present as Acting Chair of the Committee, or by the ranking majority member of the Committee present as Acting Chair.

(2) Meetings and hearings of the committee shall be open to he public unless closed in accordance with clause 2(g) of rule XI of the Rules of the House of Representatives.

(3) Any meeting or hearing of the Committee that is open to the public shall be open to coverage by television, radio, and still photography in accordance with the provisions of clause 4 of rule XI of the Rules of the House (which are incorporated by reference as part of these rules).

(4) When a recommendation is made as to the kind of rule which should be granted by consideration of a bill or resolution a copy of the language recommended shall be furnished to each member of the Committee at the beginning of the Committee meeting at which the rules is to be considered or as soon thereafter as the proposed language becomes available.

QUORUM

(b)(1) For the purpose of hearing testimony on requests for rules, five members of the Committee shall constitute a quorum.

(2) For the purpose of taking testimony and receiving evidence on measures or matters of original jurisdiction before the Committee, three members of the Committee shall constitute a quorum.

(3) A majority of the members of the Committee shall constitute a quorum for the purposes of reporting any measures of matter, of authorizing a subpoena of closing a meeting or hearing pursuant to clause 2(g) or rule XI of the Rules of the House (except as provided in clause 2(g)(2)(A) and (B)), or of taking any other action.

VOTING

(c)(1) No vote may be conducted on any measure or motion pending before the Committee unless a majority of the members of the Committee is actually present for such purpose.

(2) A record vote of the Committee shall be provided on any question before the Committee upon the request of any member.

(3) No vote by any member of the Committee on any measure or matter may be cast by proxy.

(4) A record of the vote of each Member of the Committee on each record vote on any matter before the Committee all be available for public inspection at the offices of the Committee, and with respect to any record vote on any motion to amend or report, shall

be included in the report of the Committees showing the total number of votes cast for and against and the names of those members voting for and against.

HEARING PROCEDURES

(d)(1) With regard to hearings on matters of original jurisdiction, to the greatest extent practicable: (A) each witness who is to appear before the Committee shall file with the committee at lest 24 hours in advance of the appearance a statement of proposed testimony in written and electronic form and shall limit the oral presentation to the Committee to brief summary thereof; and (B) each witness appearing in a non-governmental capacity shall include with the statement of proposed testimony provided in written and electronic form a curriculum vitae and a disclose of the amount and source (by agency and program) or any Federal grant (or subgrant thereof) or contract (or subcontract thereof) received during the current fiscal year or either of the two proceeding fiscal years.

(2) The five-minute rule shall be observed in the interrogation of each witness before the Committee until each member of the Committee has had an opportunity to question the witness.

(3) The provisions of clause 2(k) or rule XI of the Rules of the House shall apply to any hearing conducted by the committee.

SUBPOENAS AND OATHS

(e)(1) Pursuant to clause 2(m) of the rule XI of the Rules of the House of Representatives, a subpoena may be authorized and issued by the Committee or a subcommittee in the conduct of any investigation or series of investigations or activities, only when authorized by a majority of the members voting, a majority being present.

(2) The Chair, may authorize and issue subpoenas under such clause during any period in which the House has adjourned for a period of longer than three days.

(3) Authorized subpoenas shall be signed by the Chair or by any member designated by the Committee, and may be served by any person designated by the Chair or such member.

(4) the Chair, or any member of the Committee designated by the Chair, may administer oaths to witnesses before the Committee.

RULE 4—GENERAL OVERSIGHT AND RESPONSIBILITIES

(a) The Committee shall review and study, on a continuing basis, the application, administration, execution, and effectiveness of those laws, or parts of laws, the subject matter of which is within its jurisdiction.

(b) Not later than February 15 of the first session of a Congress, the committee shall meet in open session, with a quorum present, to adopt its oversight plans for that Congress for submission to the Committee on House Administration and the Committee on Government Reform, in accordance with the provisions of clause 2(d) of House rule X.

RULE 5—SUBCOMMITTEES

ESTABLISHMENT AND RESPONSIBILITIES OF SUBCOMMITTEES

(a)(1) There shall be two subcommittees of the Committee as follows:

(A) Subcommittee on Legislative and Budget Process, which shall have general responsibility for measures or matters related to relations between the Congress and the Executive Branch.

(B) Subcommittee on Technology and the House, which shall have general responsibility for measures or matters related to the impact of technology on the process and procedures of the House, relations between the Congress and the Judiciary, and internal operations of the House.

(2) In addition, each such subcommittee shall have specific responsibility for such other measures or matters as the Chair refers to it.

(3) Each subcommittee of the Committee shall review and study, on a continuing basis, the application, administration, execution, and effectiveness of those laws, or parts of laws, the subject matter of which is within its general responsibility.

REFERRAL OF MEASURES AND MATTERS TO SUBCOMMITTEES

(b)(1) In view of the unique procedural responsibilities of the Committee, no special order providing for the consideration of any bill or resolution shall be referred to a subcommittee of the Committee.

(2) The Chair shall refer to a subcommittee such measures or matters of original jurisdiction as the Chair deems appropriate given its jurisdiction and responsibilities.

(3) All other measures or matters or original jurisdiction shall be subject to consideration by the full Committee.

(4) In referring any measure or matter of original jurisdiction to a subcommittee, the Chair may specify a date by which the subcommittee shall report thereon to the Committee.

(5) The Committee by motion may discharge a subcommittee from consideration of any measure or matter referred to a subcommittee of the Committee.

COMPOSITION OF SUBCOMMITTEES

(c) The size and ratio of each subcommittee shall be determined by the Committee and members shall be elected to each subcommittee, and to the positions of chairman and ranking minority member thereof, in accordance with the rules of the respective party caucuses. The Chair of the full committee shall designate a member of the majority party on each subcommittee as its vice chairman.

SUBCOMMITTEE MEETINGS AND HEARINGS

(d)(1) Each subcommittee of the Committee is authorized to meet, hold hearings, receive testimony, mark up legislation, and report to the full Committee on any measure or matter referred to it.

(2) No subcommittee of the Committee may meet or hold a hearing at the same time as a meeting or hearing of the full Committee is being held.

(3) The chairman of each subcommittee shall schedule meetings and hearings of the subcommittee only after consultation with the Chair.

QUORUM

(e)(1) For the purpose of taking testimony, two members of the subcommittee shall constitute a quorum.

(2) For all other purposes, a quorum shall consist of a majority of the members of a subcommittee.

EFFECT OF A VACANCY

(f) Any vacancy in the membership of a subcommittee shall not affect the power of the remaining members to execute the functions of the subcommittee.

RECORDS

(g) Each subcommittee of the Committee shall provide the full Committee with copies of such records of votes taken in the subcommittee and such other records with respect to the subcommittee necessary for the Committee to comply with all rules and regulations of the House.

RULE 6—STAFF

IN GENERAL

(a)(1) Except as provided in paragraphs (2) and (3), the professional and other staff of the Committee shall be appointed, by the Chair, and shall work under the general supervision and direction of the Chair.

(2) All professional, and other staff provided to the minority party members of the Committee shall be appointed, by the ranking minority member of the Committee, and shall work under the general supervision and direction of such member.

(3) The appointment of all professional staff shall be subject to the approval of the Committee as provided by, and subject to the provisions of, clause 9 of rule X of the Rules of the House.

ASSOCIATE STAFF

(b) Associate staff for members of the Committee may be appointed only at the discretion of the Chair (in consultation with the ranking minority member regarding any minority party associate staff), after taking into account any staff ceilings and budgetary constraints in effect at the time, and any terms, limits, or conditions established by the Committee of House Administration under clause 9 of rule X of the Rules of the House.

SUBCOMMITTEE STAFF

(c) From funds made available for the appointment of staff, the Chair of the Committee shall, pursuant to clause 6(d) of rule X of the Rules of the House, ensure that sufficient staff is made available to each subcommittee to carry out its responsibilities under the rules of the Committee, and, after consultation with the ranking minority member of the Committee, that the minority party of the Committee is treated fairly in the appointment of such staff.

COMPENSATION OF STAFF

(d) The Chair shall fix the compensation of all professional and other staff of the Committee, after consultation with the ranking minority member regarding any minority party staff.

CERTIFICATION OF STAFF

(e)(1) To the extent any staff member of the Committee or any of its subcommittees does not work under the direct supervision and direction of the Chair, the Member of the Committee who supervises and directs the staff member's work shall file with the Chief of Staff of the Committee (not later than the tenth day of each month) a certification regarding the staff member's work for that member for the preceding calendar month.

(2) The certification required by paragraph (1) shall be in such form as the Chair may prescribe, shall identify each staff member by name, and shall state the work engaged in by the staff member and the duties assigned to the staff member for the member of the Committee with respect to the month in question met the requirements of clause 9 of rule X of the Rules of the House.

(3) Any certification of staff of the Committee, or any of its subcommittees, made by the Chair in compliance with any provision of law or regulation shall be made (A) on the basis of the certifications filed under paragraph (1) to the extent the staff is not under the Chair's supervision and direction, and (B) on his own responsibility to the extent the staff is under the Chair's direct supervision and direction.

RULE 7—BUDGET, TRAVEL, PAY OF WITNESSES

BUDGET

(a) The Chair, in consultation with other members of the Committee, shall prepare for each Congress a budget providing amounts for staff, necessary travel, investigation, and other expenses of the Committee and its subcommittees.

TRAVEL

(b)(1) The Chair may authorize travel for any member and any staff member of the Committee in connection with activities or

subject matters under the general jurisdiction of the Committee. Before such authorization is granted, there shall be submitted to the Chair in writing the following:

(A) The purpose of the travel.

(B) The dates during which the travel is to occur.

(C) The names of the States or countries to be visited and the length of time to be spent in each.

(D) The names of members and staff of the Committee for whom the authorization is sought.

(2) Members and staff of the Committee shall make a written report to the Chair on any travel they have conducted under this subsection, including a description of their itinerary, expenses, and activities, and of pertinent information gained as a result of such travel.

(3) Members and staff of the Committee performing authorized travel on official business shall be governed by applicable laws, resolutions, and regulations of the House and of the Committee on House Administration.

PAY OF WITNESSES

(c) Witnesses may be paid from funds made available to the Committee in its expense resolution subject to the provisions of clause 5 of rule XI of the Rules of the House.

RULE 8—COMMITTEE ADMINISTRATION

REPORTING

(a) Whenever the Committee authorizes the favorable reporting of a bill or resolution from the Committee—

(1) the Chair or acting Chair shall report it to the House or designate a member of the Committee to do so, and

(2) in the case of a bill or resolution in which the Committee has original jurisdiction, the Chair shall allow, to the extent that the anticipated floor schedule permits, any member of the Committee a reasonable amount of time to submit views for inclusion in the Committee report on the bill or resolution.

Any such report shall contain all matters required by the rules of the House of Representatives (or by any provision of law enacted as an exercise of the rulemaking power of the House) and such other information as the Chair deems appropriate.

RECORDS

(b)(1) There shall be a transcript made of each regular meeting and hearing of the Committee, and the transcript may be printed if the Chair decides it is appropriate or if a majority of the Members of the Committee requests such printing. Any such transcripts shall be a substantially verbatim account of remarks actually made during the proceeding, subject only to technical, grammatical, and typographical corrections authorized by the person making the remarks. Nothing in this paragraph shall be construed to require that all such transcripts be subject to correction and publication.

(2) The Committee shall keep a record of all actions of the Committee and of its subcommittees. The record shall contain all information required by clause 2(e)(1) of rule XI of the Rules of the House of Representatives and shall be available for public inspection at reasonable times in the offices of the Committee.

(3) All Committee hearings, records, data, charts, and files shall be kept separate and distinct from the congressional office records of the Chair, shall be the property of the House, and all Members of the House shall have access thereto as provided in clause 2(e)(2) of rule XI of the Rules of the House.

(4) The records of the Committee at the National Archives and Records Administration shall be made available for public use in accordance with rule VII of the Rules of the House. The Chair shall notify the ranking minority member of any decision, pursuant to clause 3(b)(3) or clause 4(b) of the rule, to withhold a record otherwise available, and the matter shall be presented to the Committee for a determination on written request of any member of the Committee.

COMMITTEE PUBLICATIONS ON THE INTERNET

(c) To the maximum extent feasible, the Committee shall makes its publications available in electronic form.

CALENDARS

(d)(1) The Committee shall maintain a Committee Calendar, which shall include all bills, resolutions, and other matters referred to or reported by the Committee and all bills, resolutions, and other matters reported by any other committee on which a rule has been granted or formally requested, and such other matters as the Chair shall direct. The Calendar shall be published periodically, but in no case less often than once in each session of Congress.

(2) The staff of the Committee shall furnish each member of the Committee with a list of all bills or resolutions (A) reported from the Committee but not yet considered by the House, and (B) on which a rule has been formally requested but not yet granted. The list shall be updated each week when the House is in session.

(3) For purposes of paragraphs (1) and (2), a rule is considered as formally requested when the Chairman of a committee which has reported a bill or resolution (or a member of such committee authorized to act on the Chairman's behalf) (A) has requested, in writing to the Chair, that a hearing be scheduled on a rule for the consideration of the bill or resolution, and (B) has supplied the Committee with an adequate number of copies of the bill or resolution, as reported, together with the final printed committee report thereon.

OTHER PROCEDURES

(e) The Chair may establish such other Committee procedures and take such actions as may be necessary to carry out these rules or to facilitate the effective operation of the Committee and its subcommittees in a manner consistent with these rules.

RULE 9—AMENDMENTS TO COMMITTEE RULES

The rules of the Committee may be modified, amended or repealed, in the same manner and method as prescribed for the adoption of committee rules in clause 2 of rule XI of the Rules of the House, but only if written notice of the proposed change has been provided to each such Member at least 48 hours before the time of the meeting at which the vote on the change occurs. Any such change in the rules of the Committee shall be published in the Congressional Record within 30 calendar days after their approval.

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

(Mr. TANNER 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 Arkansas (Mr. BERRY) is recognized for 5 minutes.

(Mr. BERRY 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 California (Mr. SCHIFF) is recognized for 5 minutes.

(Mr. SCHIFF 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 Maine (Mr. MICHAUD) is recognized for 5 minutes.

(Mr. MICHAUD 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 Mexico (Mr. UDALL) is recognized for 5 minutes.

(Mr. UDALL 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. DEFAZIO) is recognized for 5 minutes.

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

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

(Mr. BELL 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 Georgia (Mr. MARSHALL) is recognized for 5 minutes.

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

SERIOUS QUESTIONS FOR THE AMERICAN PEOPLE

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, let me say to my colleagues that we have some very serious questions to answer on behalf of the American people. I want to pay special tribute to the hard work of the gentlewoman from California (Ms. PELOSI) and the Democratic leadership on trying to answer these questions for a broad and diverse range of Americans.

Earlier today I called out the specific jobs of beauticians, waitresses, bus drivers, teachers, mechanics, sort of the people in this Nation that do the heavy lifting. There are many other professions, jobs, that really turn the engine of this Nation.

As we are on the very day of the State of the Union, I think it is extremely important as the President speaks tonight that he not speak to the Members of the United States Congress, but he speak to these Americans

who create the engine of our economy. So I hope my words are taken in the manner in which they are offered, because in all of our districts we are finding deep and continuing pain, hurting families, individuals who have lost their jobs with no opportunities for further employment.

Right now we know nearly 6 percent of Americans are unemployed. In the African American community in particular, 17 percent are unemployed. I call that, Mr. Speaker, a crisis.

The Nation's health care system is in need of great reform. Just this last Saturday night I spoke to a group of physicians, private physicians and those who work in our public hospitals. Might I note to one of my colleagues, the gentleman from New Jersey (Mr. PALLONE), I would thank him for generating 270 names, bipartisan names, on the question of addressing the Medicare crisis and ensuring that physicians and nurses and others who deal with our health care are provided the amount of payments that will allow them to keep their doors open.

The continuing resolution that we just passed, but more appropriately, the appropriations that we need to pass, has to address the fact that more than malpractice issues, our physicians are closing their doors. They are deenrolling and not enrolling individuals because their payments are not there.

I hope that the very first item that we will deal with as we come back to deal with the 108th Congress will be the idea of freezing or increasing the Medicare payments that are necessary to keep the doors of physicians open. My commitment to our local physicians in Houston, Harris County, is that I will continue to fight for those dollars for physicians, nurses, hospitals, nursing homes, home health services, and other health care providers. That is a key.

One of the other things we need to fight for is full funding of Medicaid, and also the changing of the formula so Texas is not disadvantaged. Right now, our State legislature and the Governor are dealing with a $10 billion deficit. I hope the President will announce that he has discovered that the dividend discount tax cut helps no one; that he would much rather help the State of Texas, the State of Illinois, Ohio, New York; that he would much rather agree with the Democratic plan to provide block grants of monies to States that will help them in Medicaid funding, that will help them in education funding, and that will help them with special projects, education funding, that will put people to work.

I believe we can always reform. I believe the President can reform his message to address the working people of America.

Let me also say that there has been great concern. I have just filed House Concurrent Resolution 2, which repeals or asks the Congress for a sense of Congress resolution to repeal the October resolution on the Iraqi war.

Mr. Speaker, that vote was a vote of conscience. I challenge no Member in this House as to how they voted. But what I will say is that the Constitution is near and dear to me and many Members of Congress; in fact, all of us. Clearly, we have the right to declare war.

When we debated that resolution, Mr. Speaker, we viewed the words of the President as suggesting that we were under imminent attack, and that there was a nexus between Saddam Hussein, Iraq, and terrorism. Whatever might have occurred, we have more facts now, Mr. Speaker. We do understand, as I close, that there are more indications that we should look for a political resolution. The U.N. inspectors want more time. They need more time to look for nuclear weapons. North Korea is on our very horizon.

Mr. Speaker, people are hurting, and I believe the United States can do better than what we have done. I believe the President can cause us to reach to our higher angels by providing for the working people of America; and saying to the world that we stand on the side of peace; and saying to this Congress, come with me, rise to a new debate, discern and design a better policy about Iraq and North Korea, and then we can spend our dollars on building this Nation again, building jobs, and building peace.

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

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

THE PRESIDENT'S CREDIBILITY GAP

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from New Jersey (Mr. PALLONE) is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, I took to the floor this morning during our morning hour debate to express my concern over what I call the President's credibility problem. I talked about a credibility problem in the context of not only what we expect to be in tonight's State of the Union Address, but also by reference to the State of the Union Address that the President made last year.

What I am talking about essentially when I mention a credibility problem is the fact that the President essentially makes promises about what he is going to do to solve the Nation's problems, particularly the economic downturn; but when we look at what he proposes, the action that he proposes to solve the problem, it does not really solve the problem.

So the promise is made essentially by the President that we are going to turn around the economic downturn, but when we look at the proposals that he announces to accomplish that goal, there is no way that they could accomplish that goal, because they are not designed to accomplish that goal.

The credibility problem exists in so many areas. It is not only with regard to his economic plan, his so-called stimulus plan, it is also relative to the deficit. The President indicated last year that the deficit would be small, that it would be taken under control. Now we know that the deficit is likely to be at least $300 billion, and I would venture to say that if the President were able to get his economic stimulus package, his promise to make his tax cuts from last year permanent, to follow through and pay for a potential war in Iraq, that we would probably end up with a deficit that could be upwards of $2 trillion.

That credibility problem also exists with regard to a number of other issues; for example, health care. The President says that we are going to reform Medicare and we are going to provide a prescription drug benefit for seniors in the context of Medicare. What we find out, and we will hear about tonight, supposedly, is a privatization plan for Medicare that does not guarantee a prescription drug benefit unless you leave traditional Medicare and you join an HMO or some other type of private insurance.

The list goes on. We are told that we are going to do things for veterans, and then we see cuts in money for veterans' health clinics. We are told that we are going to implement a situation where no child is going to be left behind in terms of public education. That is the President's theme. But then we find that there is a huge credibility gap, a huge difference between the rhetoric and the reality, because, in fact, money for education is being cut.

□ 1445

Affirmative action is another example. The President says he wants diversity, and he appears to give the impression that he is favorable to affirmative action. But then he asks the Justice Department to file a suit against the University of Michigan because of their affirmative action program. And I am not trying to imply the President is purposefully trying to deceive anyone, but I think the reality is that his ideas of what are going to accomplish the goals that he sets out to accomplish are very different from reality. And whether it is an economic plan, whether it is his idea of affirmative action, whether it is his idea of the deficit or his idea on health care, most of these ideas do not actually translate into any action that will accomplish the goals that the President commits himself to.

I guess the worst example in this respect right now and the one that I think is the most injurious is with regard to the economy. We know that the economy has taken a significant down-

turn. We know that some action needs to be taken here in Congress so it does not get worse. And yet if you look at what the President has proposed, it does not accomplish the goal. He calls it an economic stimulus package that is going to boost the economy. Well, let me go through some of the things that he claims he is going to do with regard to the economy and then talk about the reality of what would really happen with his proposal.

He claims that his plan will have an immediate boost to the economy. That is why he calls it a stimulus package. But the Bush plan fails on the most basic level by not delivering the immediate stimulus needed to help boost the economy in the short term. By the White House's own projection, less than 10 percent of the package's total spending comes this year in 2003 when the economy is weak and people are out of work; and as a consequence, even by his own estimates, the Bush plan will create only 190,000 jobs this year, only 11 percent of the jobs lost since President Bush took office.

Let me give you another claim. The President claims that his plan is fair and is going to provide 92 million taxpayers with an average tax cut of $1,083. Unfortunately, as with the last tax cut that we had from the President in 2001, this one overwhelmingly benefits the wealthy. Once it is fully phased in, the Bush plan provides more than 40 percent of the tax breaks to the richest 1 percent, with less than 17 percent going to the vast majority of Americans.

I could go on and on. I see one of my colleagues is here, and I would like to yield time. I just want to mention the one thing, though, that is perhaps the most important in terms of what I call the ''credibility gap'' with regard to the President.

He talks about the fairness of his economic plan because it stops the double taxation of stock dividends. Well, first, double taxation of stock dividends is not a huge problem because much of corporate income is not taxed at all now. Corporations often make aggressive use of tax shelters to avoid paying any tax on profits. Take, for example, the CSX Corporation. Over the 4 years, 1998 to 2001, CSX had a cumulative net profit of $934 million but received a net Federal income tax refund of $164 million. And it paid dividends in every quarter.

I think if there is anything that is in his economic plan that has received the most attention in terms of its inability to accomplish the goal of giving the economy a boost is his effort to eliminate the taxation on dividends. Because, really, no economist that I know has suggested that somehow that is going to accomplish the goal. And it has gotten so bad that even a significant amount of Republicans oppose his dividend tax cut. In fact, today, most significantly the House Committee on Ways and Means chairman, the gentleman from California (Mr. THOMAS), Republican, had said that he had serious questions about the dividend tax cuts. It is an article that is in today's Washington Post. And we will develop this a little more. But I just want to stress over and over again how important it is to look at the President's actions and what he proposes, not his rhetoric about what he is going to accomplish.

Mr. Speaker, I recognize the gentleman from California (Mr. SCHIFF).

Mr. SCHIFF. Mr. Speaker, I thank the gentleman, and I thank him for his leadership on this issue.

Tonight the President will deliver his State of the Union address setting out the challenges facing America in the war on terrorism and his plans for economic recovery. From my seat in this Chamber, I will be listening for one word in particular, ''sacrifice.''

The word sacrifice should be a natural for a State of the Union address given at a time when the Nation is at war, when we are confronted with the need to defend against new and varied threats to our security, everything from small pox to shoulder-launched missiles that can shoot down commercial aircraft.

Our men and women in uniform are certainly sacrificing. Tens of thousands have been called up, leaving their jobs, their families, often on very short notice and at great financial and personal costs. But what about the average American who is not on active duty or in the reserves? How will we be called upon to make our own contribution to the security and prosperity to the United States?

The centerpiece of the administration's new agenda, and likely his speech tonight, is a $674 billion tax cut weighted heavily towards America's wealthiest families. Can this be the sacrifice that we will be called upon to make with our most prosperous families being asked to make the largest sacrifice by suffering their taxes to be cut the most? In every conflict since the Civil War, the Commander in Chief has called for an increase in revenues to meet the national defense. Can we have more butter, more guns and no sacrifice? Apparently not.

Senate appropriators just cut $8 billion for increased security at our ports, cut $362 million for border security, cut $500 million for police and fire departments who will be first on the scene of any terrorist disaster, cut $534 from job training, cut $1 billion from our schools, underfunding the President's own education initiative. The President's proposal also does nothing to alleviate the States' own budget crises and their correspondingly massive cuts in health care, education and welfare.

Ending the taxation, the double taxation of dividends might be good policy in a vacuum, taking some of the vast fluctuations out of the market. Coupled with reforms that end the no-taxation of other corporate earnings, the provision could be made revenue-neutral; but the administration's proposal is not coupled with other reforms and at a cost of $364 billion is far from revenue-neutral. Because the plan would have little effect on current spending and is permanent, it would also do little to boost our sagging economy, while doing a lot to increase our long-term national debt.

But most importantly, the President's proposal is not made in a vacuum. We have so much work to be done to protect the homeland, and we still suffer the lingering effects of a recession. We have lost almost 2 million jobs in the last 2 years and cannot afford tax cuts that would neither stimulate the economy nor help those most in need. Many of us that supported tax cuts when we were at peace and enjoying historic surpluses must vigorously oppose them now that we are at war and in debt.

As the President's own economic advisors will be the first to admit, small business is the driving force for economic growth and the government's ability to positively impact the economy through fiscal policy is limited.

Probably the most significant contribution the Federal Government made to the prosperity of the 1990s was the difficult decision to balance the budget and keep interest rates low. But now we are back to the days of deficits as far as the eye can see. White House budget director Mitch Daniels can only say that the new red ink is nothing to hyperventilate about, which raises the question, where have the fiscal conservatives gone?

Americans are a proud and generous people who are more than willing to sacrifice in a worthy cause. If, instead, we are to give ourselves a gift no other war generation has given itself, we will denude our ability to defend the homeland or, at best, shift to our children responsibility to pay for our economic health and safety.

Mr. PALLONE. Mr. Speaker, I want to thank the gentleman from California (Mr. SCHIFF), and I want to, in particular, mention two things that he stressed which I think fit into this concern that I have about what I call the credibility gap: the fact that the President makes certain commitments about how he is going to deal or solve the problems we have, but then he does not follow through with his actions.

One thing the gentleman made a very good point about was the homeland security. What is really in many people's minds, the most important issue right now, is homeland security, worried about another attack by terrorists. The President made much of the fact that he was creating a new homeland security department and that this was going to be a priority. And, yet, as the gentleman said, when we go back to our districts, literally, a week does not go by when one town or someone who is from a civil defense program or a fire department or a mayor or a State legislator complains to me about how the funds have not come back to the counties or to the municipalities to deal

with homeland security issues. These are basic things. You need money for certain purposes if you are going to make us more secure.

In my case in New Jersey in the counties I represent, we had over 200 people die at the World Trade Center. I remember during that whole incident one of the things that a lot of the local defense people talked about is the need to upgrade communication systems, and they were looking for Federal funds for that.

The President makes a big to-do about homeland security, and I am sure he will mention it tonight in his State of the Union address, but does not follow through with the funding so that we can improve communication, for example, in New Jersey for homeland security purposes. Then again he is not making good on his commitment.

The gentleman also mentioned the issue with regard to State aid which I think is so crucial. The Democrats have said that as part of an economic stimulus package we will give a significant amount of money back to the States. I think it is $30 to $40 billion, or something like that, because we know that they face a huge fiscal crisis. But not only is he not providing for any money to go back to the States for any kind of significant purpose, but as I understand it with this tax dividend, elimination of the tax dividend, it actually makes the States' fiscal crises even worse.

The way it does this is, first, the Bush plan to eliminate Federal taxes on corporate dividends will lead to a drop in State revenues; since State income tax laws are tied to the Federal law, the States will also generally stop taxing dividends. And his proposal to end taxation of dividends will cost State governments $4 billion this year and $45 billion to $50 billion over the next decade according to Harley Duncan, executive director of the Federation of Tax Administrators.

So he will make the situation of the State even worse, and I am glad that the gentleman pointed that out among the other things he did.

Mr. Speaker, I see our new colleague from Maine is here. I just wanted to say, I know this is not necessarily on point, although I think it is related to what we are talking about, I just wanted the gentleman to know I admire him greatly for his role with the prescription drug plan in Maine, and what he and the gentleman from Maine (Mr. ALLEN) and others have tried to do as Democrats to improve the situation with regard to the costs of prescription drugs.

Once again tonight we understand that the President is going to talk about Medicare reform, but again his promise of Medicare reform falls flat because he is talking about a prescription drug benefit that you would only get if you go outside of Medicare and buy a private plan. I remember the gentleman from Maine (Mr. ALLEN) talking about the problem. I do not know if this gentleman has any HMOs that take Medicare in Maine anymore, but these gentlemen are doing a good job trying to deal with that issue, and I think the President is just coming up with smoke and mirrors.

Mr. MICHAUD. Mr. Speaker, I rise on the day when President Bush will deliver his State of the Union address to America. I can tell you that in Maine we are proud of America and hopeful about the future. But we are also concerned about where we are today. We are concerned because Maine's rate of unemployment keeps rising, in some counties as high as 9 percent, and in some labor-market areas as high as 32 percent unemployment. We are concerned because we have lost over 23,000 manufacturing jobs in the last 8 years. And we are concerned because just 3 weeks ago we received devastating news that Great Northern Paper Company, where I worked for 29 years and one of the largest employers in my district, has filed Chapter 11, and both mills have been shut down since December 26.

I know that across the country people are hurting and they need our help. Unfortunately, I do not believe that the plan the President will discuss tonight will bring that help.

□ 1500

The so-called economic stimulus package is based on tax cuts that go primarily to the wealthiest Americans. It does nothing to create jobs or fuel the economic activity that would help folks back home at Great Northern Paper Company.

Mr. Speaker, there is another way. Today I ask the President along with my colleagues here on both sides of the aisle to at least consider the Democratic stimulus plan. This plan means targeted tax relief for working families, 1 million new jobs, money in the pockets of average Americans, a boost for consumer demand and business investment.

The Democratic plan does all this, and it does it living within our means. It is fiscally sound. It does not borrow from our children or our grandchildren, burying them with debt and taxing them with interest on that debt.

Mr. Speaker, we all have to work together on this because today Americans' number one worry is the economy. Americans are worried about whether their jobs will be there tomorrow. Americans are worried about earning a decent wage, and Americans are worried about being able to afford the same medicines as everyone else. That is why making prescription drugs affordable for all Americans should be a central part of our economic plan.

In Maine we created a law that allows the State to negotiate with drug companies that uses the free market to get a better deal for consumers. We called it the Maine Rx program. In the coming weeks I will introduce legislation in this House to bring that historic innovation to the rest of the Nation. It is called America's Rx because all Americans deserve to have their government work on their behalf and using the free market system to get them affordable medicines.

This means a lot to real people. A friend of mine, a man who worked next to me at the paper mill for almost three decades, has cancer. He cannot retire. He would have no health benefits if he does, and he cannot afford his medicine on his own. He has to keep working while he is sick, but now, with the company in bankruptcy, he does not know what he is going to do.

These are the kind of people we need to help. This is why the cost of prescription drugs is so important, and this is why keeping people working in their jobs is so important, and this is why the health of our economy is so very important.

I look forward to working with my colleagues here in Congress to create a real economic stimulus package, and to create real job security, and to create real health policies that works for all the people.

Mr. PALLONE. Mr. Speaker, again, I want to thank my colleague from Maine for his comments, and let me say, first of all, that when he introduces his America's Rx bill, I would be glad to be one of the cosponsors because I looked at it, I read about it, and I think it is a very good and needed legislation. He points out very effectively again why it is important for us to speak out on the Medicare issue and on the prescription drug issue.

And again, I sound like I am just being critical of the President, but I think on this one, it is just a perfect example of where he is going to be giving the impression tonight that somehow he is going to reform Medicare, he is going to provide a prescription drug program, but then when we look at the data, it is just not there.

It is essentially a privatization of Medicare. It essentially says if a person is willing to join an HMO or if they are willing to take Federal dollars and get into some other kind of private program, we will provide them with a prescription drugs benefit, but for the vast majority of the Americans who either will not want to get out of traditional Medicare or will not even have the option, because in a lot of States, particularly more rural States, they do not even have the option of an HMO, it is not going to be meaningful.

We have worked for a couple of years now, and we know that there are very simple ways of addressing this problem. One of the ways to deal with the costs is our colleague from Maine's proposal, we call it the Allen bill, that would basically limit how much prescription drugs can be charged for, and I have been a cosponsor of that, but we also have a Democratic plan for a benefit package that would simply expand Medicare, create a new Part C or D, which is very much like what we do now for Part B with the doctor bills. A

person pays $25 a month, they get 80 percent of the cost of their prescription drugs paid for by the Federal Government. They have a $100 deductible, and it is guaranteed to everybody. Everybody who wants it under Medicare gets it. They do not have to join an HMO. They do not have to go outside of traditional Medicare to get it, and that is the only way or the most effective way that we are going to accomplish the goal of guaranteeing a prescription drug benefit.

The President not only does not do that, but he is looking to basically revamp Medicare itself and privatize it because he says there is not enough money, and I just hope that the public understands that we need to keep the drumbeat going so they understand what he is really doing, that he is really not credible on this issue. And I appreciate the fact that my colleague is here, and I will make sure that I cosponsor that bill when he is about to introduce it.

I yield to the gentlewoman from Texas, who was already here this evening talking about the problems with the Bush economic stimulus plan.

Ms. JACKSON-LEE of Texas. Mr. Speaker, as the gentleman from New Jersey (Mr. PALLONE) knows, I was here earlier, and I just wanted to add two or three points to the discussion that I think are very important.

One of the points that I did not get a chance to make is to report some of the numbers that we are entertaining as relates to this whole idea of war. We made it very, very clear that as it relates to fighting terrorism, there is clearly no divide, and for some reason or another, there seems to be a media block, a mental block or some translation block that in this Congress no one disagrees on the fight against terrorism. In fact, right now we are spending $1 billion a month in Afghanistan, where most of us joined in the vote to give the President the authority to do so and, of course, the expenditures to do so.

The real issue is making choices. Right now we can make a choice as relates, of course, to the Iraqi war. That is looking to cost at least $100 billion or maybe upwards to a trillion dollars. So when we talk about these choices, my colleague's legislation from Maine that I hope to join as well, we are talking about making the political solution or looking to the political solution as relates to Iraq so that we can put the dollars in to fight terrorism, to build up the Homeland Security Department, to do what the motion to recommit just offered to do, which is to pay more dollars for the first responders.

I am particularly concerned of getting dollars to the city. The U.S. Congress and mayors just met recently talking about the devastation they are facing. I just mentioned that the State of Texas has billions of dollars in debt, and I would like to see us get block grants to the State, but, more specifically, dollars to the city, so that money for first responders, paramedics, firefighters, police, that can really address the question of terrorism in all segments of cities.

Cities have inner cities. They have housing developments. They have high stock housing. They have low stock housing. They have neighborhoods that are better off than others, but all of those people will have to be protected if we are under attack in terms of a terrorist attack, and clearly those cities who need resources to rebuild, to fight off a bioterrorist attack, to do the various immunizations that may be necessary, and we do not have the necessary funds.

Secretary Ridge will need the dollars to, in fact, put his Department together, even though many people say 170,000, they will just be moving over. There is a lot of logistical dollars that have to be utilized in order to make it work. So I wanted to lay the choice on the table that we have to make, and if we made the choice to completely fund a guaranteed Medicare prescription drug benefit, we would not have to worry about an HMO plan. We would not have to worry about what happened to me in my community just about 2 years ago where six HMOs abruptly left HMO-Medicare, left the community, which left seniors with no HMO to provide them coverage.

So I have seen what happens when HMOs leave a market and say the reason why we are leaving it is because we cannot make any money. It is far better to address specifically the Medicare prescription drug benefit, but let me also say it is far better to address the whole concept of health care in America to the extent that we have so many uninsured, and we need to respond to that as quickly as we can.

I believe that we can use the moneys that are now being used for war for expanded unemployment benefits to 52 weeks; to increase the minimum wage, which we have not talked about for a long period of time; full funding of Head Start; and then, of course, the full funding of Medicaid for public hospitals; and, of course, the Medicare fix that I think we need that our letter suggests should go forward, and that is to make sure physicians' money are either frozen or increased. I wanted to just overemphasize that.

And let me close by saying, I have always offered these words. These are frightening words because for some reason or another we have taken to believing a country that was built on immigrants now at the fault, that we have a problem that we have because of immigration. I think not. I think that we can be secure in homeland security by strong funding, but I think that as well we need to look at some of the issues that require enhanced funding of the INS so they can do their job of enforcement, but also do their job of allowing people to access legalization, like a bill that many of us supported, Republicans and Democrats, the restatement or the reinstatement of 245(i) to allow families to be reunited. That takes dollars in order to work.

We need to pass the legislation, but in order to implement it, these are the kinds of values and legislative initiatives that I would hope that we would hear about. But more importantly, I would hope that we would energize the Congress by passing this kind of approach to governing America's business, a stimulus that is long term, Medicare guaranteed drug benefit that answers the cries of seniors for about 6 years, and other legislative initiatives that I have just mentioned that truly help to rebuild the country and ease the pain of so many Americans now that are suffering under this economic crisis that we are in.

I thank the gentleman very much and for his leadership on some of these issues. I hope we will get to work in the 108th Congress.

Mr. PALLONE. Mr. Speaker, absolutely, and again, particular statements the gentlewoman made about homeland security and the potential war, it goes back to what I was talking about, this whole idea of, I call it the State of the Union credibility gap. In other words, the President promises to accomplish a goal, but no action is taken that would achieve that goal, and I think it is very true with the homeland security issue.

In other words, we get up and talk about how we are going to protect the homeland, but then when the money comes for the first responders back at home in our towns or counties, money has not been there; and even the war in terms of a potential war in Iraq, the budget does not include, the President's budget does not include the cost of fighting the war. So when we talk about this deficit, which we estimate to be about $300 billion at this point, it does not include the cost of the war, which could be 2-, 300-, maybe as much, and put us in deficit to $600 billion, and I think that is the problem.

We are getting a lot of rhetoric from the President, but we are not getting the action that goes along with it, and I know I have my colleague here from Ohio who is going to talk about that also in the sense of the veterans' benefits. I had said earlier, and I know he is going to get into this in more detail, but the President gets up here and talks about how he is a champion of the veterans, but then the White House cuts funding for VA health clinics, forcing 164,000 veterans to be turned away, and I am hearing this all the time in my district about how the money is not there.

I appreciate the gentleman coming down here, and I yield to the gentleman.

Mr. STRICKLAND. Mr. Speaker, I thank my colleague for yielding to me.

In just literally a few hours the President is going to walk into this Chamber. It is going to be filled with all of the Representatives and Senators and President's Cabinet, members of the Supreme Court, some members of

the diplomatic corps. The press is going in the balcony. It is going to be one of those great occasions, and the President is going to stand and deliver the State of the Union Address, and he is going to talk about priorities, and he is going to use a lot of words.

And I have been here long enough to know that talk is easy, action is sometimes difficult, and I want to speak specifically about the priorities that this administration is pursuing.

At a time when we are on the brink of war, hundreds of thousands of our young men and women sent across the sea, possibly to engage in a conflict that could cost them their lives, what message are we sending to those who have already fought the battle, who have fought in past wars, who have paid with their health, sometimes their limbs? What message are we sending when we start nickel and diming the veterans of this country?

I have an older gentleman who is coming into this chamber tonight as my guest from Woodsfield, Ohio, a little town along the Ohio River. His name is Herman Zerger.

□ 1515

Herman is a World War II veteran. He voted for the very first time crouched in a foxhole in France. And he said a runner brought a ballot by and he was able to mark his ballot for Franklin Delano Roosevelt. Herman has not missed voting in an election since that very first time that he voted.

I asked him to come here tonight because he is a World War II veteran. He is a treasure. He is a treasure to me and to my district. He is the kind of person that this country ought to be honoring and showing respect for and gratitude toward. But what is this administration doing to the Herman Zergers across this country? Let me tell my colleagues what they are doing.

About a year ago, the VA made a decision to increase the copayment for the cost of a prescription drug that our veterans must pay from $2 a prescription to $7 a prescription. Many veterans that I represent get 10 or more prescriptions a month. That is $70 a month. And then they get a 3-month supply at a time through the VA, which is $210 for a veteran who may be on a fixed income. Think about it. At a time when we are contemplating giving over $600 billion in a tax cut to the richest 5 percent of the people who live in this country, we are increasing the cost of medicine for our veterans.

Let me talk about another decision the Veterans Administration has made. Last August, they sent out a memo to all of their health care providers; and they said to their health care providers, too many veterans, and I am paraphrasing obviously, but this is what they said, too many veterans are coming in for services. We do not have enough money to provide those services, and so this is how we are going to deal with it. As a health care provider, you are no longer able to participate in a community health fair to tell veterans what services they are entitled to. You cannot send out newsletters telling veterans what services they are entitled to. You cannot make public service announcements telling veterans what services they are entitled to.

It is a gag rule on the VA health providers, an absolute gag rule. I call it the ''If they do not ask, we will not tell policy.'' We are saying to the veterans, if you do not ask what you are entitled to, we will not tell you what you are legally entitled to receive. It is a shameful policy.

And then the VA made a more recent decision, which my colleague referred to briefly. There are seven priority groupings within the veterans system. The VA system took group seven, priority group seven, and divided it and made a new priority group, priority group eight they call it. And then they told these priority group eight veterans, and these are people who have served our country honorably, they told them they can no longer participate in the VA health care system. Now, if they are already in there, they will not kick them out. But if they need to enroll, they cannot.

How much money does a veteran have to make to be in a priority eight group? Well, it depends on where they live in the country, but somewhere between $26,000 and $30,000 a year. So if a veteran makes more than that, the VA says, no, no, you cannot enroll in our health care system. You may have high prescription drug costs, you may have serious health conditions, but we cannot afford to provide you care.

Now, think about it. We are raising the prescription drug costs for our veterans, we are placing a gag order on our VA health care providers, telling them they cannot tell veterans about the services that they are entitled to, and then we take an entire group of veterans and we just say, you make too much money.

I want to tell my colleague what a veteran said to me a couple of days ago. He said, ''Congressman Strickland, when they drafted me into the Armed Services and asked me to go fight for my country, they never asked me how much money I made then. But now they are saying, well, if you make $30,000, that is too much money; we cannot afford to provide you with VA health care.''

Let me mention just one more thing in closing. I visited a group of veterans in Steubenville, Ohio, about 4 days ago, and they told me about a health fair that they conduct in this little county, Jefferson County, Ohio. They do it every year at the local high school. They do it on a Saturday, using all volunteers. The nurses and the doctors that participate in this health fair give of their own time on a Saturday. They average annually about 500 veterans coming to that health fair. Last summer, they were able to detect four cases of mouth cancer. Four cases. And those people are now getting treatment.

Under this rule that the VA has imposed, this gag order, that group of veterans can no longer conduct this annual health fair. Think about that. Think about that. What have we become if in our country, as rich as we are, we are willing to take over $600 billion and give it to the wealthiest among us and yet we are cutting back on the services that we are providing to those who have served this country in the military? It is a shameful set of circumstances.

I hope the President talks about veterans tonight. And when he talks about veterans, I hope he remembers what this administration is doing and that he reverses course. I would love for the President to announce tonight that he is removing the gag order on the veterans health care providers. I would like for the President to say we are reversing the decision to increase the cost of prescription drugs for veterans. I would like for the President to say priority eight veterans are welcome into the VA health care system because they served our country and we owe them.

So I thank the gentleman for giving me a chance to talk about this issue. It is one that really troubles me because I think it says something about the values that our country is embracing at this point in our historical time period. I believe we need to change course, to reverse course and start treating our veterans with the respect and the honor due them.

So I thank the gentleman for giving me a chance to speak to that issue, and I look forward to hearing from others of our colleagues as we talk about the economic circumstances facing this country.

Mr. PALLONE. I want to thank my colleague, Mr. Speaker. I know that he has always been a champion for veterans. And that gag rule, I read about it in the paper; and it upset me a great deal.

In fact, in the last 2 weeks something similar happened with Medicare providers. They sent out to the contractors who run the Medicare program a memo essentially saying the same thing, that we do not want you to go out and do any kind of outreach to tell people about what services are available under Medicare. The sad thing about it is that we are often dealing with frail people. We are dealing with a lot of elderly people with Medicare and also with these veterans benefits. As the gentleman mentioned, in some small towns they may not have the normal means of finding out about what is available.

So it is really unfortunate, and again it goes back to this credibility gap I keep talking about. The President gives the impression, I am sure he will do it again tonight, about how he wants to provide Medicare coverage and expand for prescription drugs and all these great things in the health

care sphere, but in reality we find these memos telling the departments not to tell anybody what is even available now, let alone expand the program. It is totally inconsistent.

Mr. STRICKLAND. If my colleague will yield, I believe the VA has broken the law when they imposed this gag order. I have asked the General Accounting Office to make a determination regarding whether or not the law was broken.

It is my understanding that before such a policy change can be made, that any agency of the Federal Government must bring that policy change back to this Congress for approval or disapproval. The VA has failed to do that. So I am looking forward to getting a determination, perhaps within the next few days; and I believe I am correct in my assumption that the law has not been followed and that the VA is in violation of a law that was passed by this House and by the Senate requiring them to inform the Congress whenever such a policy change occurs. They did not do that in this case.

Mr. PALLONE. Well, I appreciate what the gentleman has said; and I thank him for coming down here, as he often does.

Mr. Speaker, I would like to yield now to my colleague from Wisconsin.

Mr. KIND. Mr. Speaker, I thank the gentleman from New Jersey for organizing this very important Special Order talking about the State of health care in our country. And before the gentleman from Ohio leaves the well, I want to commend him too for all the work that he has done in regards to veterans issue and also for highlighting for a few minutes this afternoon before the State of the Union address the current state of affairs in regards to health care funding for our veterans in this country generally.

Another very important topic that the gentleman did not address this afternoon is the whole concurrent pay issue, and it is something we have all supported, dealing with veterans benefits and disability payments which are currently offset, and that we are trying to correct; but the administration has refused to fund that.

Now, in a few hours, as my colleagues have indicated, the President will be here in the well addressing the Nation, and really the world, in giving us his speech on the State of the Union. We will hear a lot of discussion in regards to Iraq this evening, in regards to probably some of the other international crises which are currently confronting the world and this Nation. Not just Iraq, but the situation in North Korea, the conflict in the Middle East, the situation down in Venezuela, all are very serious. But we have an obligation in this Congress to do all that we possibly can to ensure the safety and the security of our citizens, and we will move forward as a Nation in addressing those concerns.

One of the things I continuously hear from folks back home in my Third Congressional District in western Wisconsin is they also expect us to walk and chew gum at the same time; to not just deal with the national security threats that exist against us, but also deal with the domestic challenges that now confront us.

As I travel around my congressional district, and I am sure it is true for my friend from New Jersey as well, one of the paramount issues that people want to talk about, because they are so concerned about it, is the State of our health care system and the deficiency that they are currently seeing; the fact we have so many people on the uninsured rolls in this country, close to 44 million this year alone; the fact there is a lot of cost shifting going on by our providers because of the inadequacy of reimbursements rates and the impact that has on double-digit premium increases on insurance policies that large and small employers are offering their employees.

This is killing the backbone of our economy, and small business owners in particular. We need to think of bold and creative solutions to the health care crisis that we are facing, not to mention the inadequacy of the current Medicare program and the lack of a prescription drug program, which is long overdue. That is as key and important a part of modern health care today, prescription drugs and access and the affordability of prescription drugs, as hospital beds were back in the mid-1960s when the Medicare program was first created.

One of my chief concerns as we move forward in this 108th Congress is really the economic plan being pursued by the administration. It is one being pursued with fiscal reckless abandon. They are currently projecting close to a $300 billion deficit this year, which would set a record, an all-time record, in budget deficits for our country. If the economic plan that is currently being pursued with large new spending increases and large new tax cuts continue to be pursued, we will be looking at massive budget deficits throughout the remainder of this decade and perhaps beyond.

This is all occurring at exactly the wrong moment, when we have an aging population, close to 80 million baby boomers all marching in lockstep to their retirement, which is going to start in a few short years. We are not making the type of decisions that we need to make today in order to prepare our country for that inevitability, which is just around the corner.

It is kind of the 800-pound gorilla in this Chamber. Everyone knows about it, but nobody really wants to talk about it or address it. I would hope tonight that during the President's State of the Union address he will touch upon the concerns that the health care industry has, that our providers have in regards to the inadequacy of reimbursements rates, but also what plan he has to turn the budget around so we can get back to balance; so we can exercise some fiscal discipline again in our budgetary decisions; so we can prepare the next generation of Americans, our children and grandchildren, to deal with the challenges that they will face in their lifetime.

One of my greatest fears, as the father of two little boys who are only 4 and 6, is that we are setting them up for failure.

□ 1530

Mr. Speaker, I am referring to the future generation of Americans who we are going to leave a legacy of massive debt to, and at the same time ask them to afford the programs for this massive baby boom retirement which is going to start in a few short years.

Those are some of the issues that hopefully the President will also delve into given the limited amount of time that he will have in the State of the Union Address. I think these are crucial issues to the people back in my district who are wondering how are we going to deal with the massive budget deficits which jeopardize the long-term economic security of our Nation, while also being able to make the crucial investments that need to be made in the health care system, in our education systems so our kids can stay competitive, and also in preserving and conserving our natural resources in this country.

We need to walk and chew gum at the same time. We need to do this together. Hopefully we will have an atmosphere of bipartisanship as we move forward on these important issues in the weeks and months ahead.

Mr. PALLONE. Mr. Speaker, I am glad the gentleman brought up this issue of the debt. I would like to end this Special Order with that issue because I think it is so important.

I remember when I was first elected, which was about 15 years ago now, and a Member used to come down every afternoon or evening during this time of Special Orders with a huge sort of digital clock that ran the length of this podium here that had the amount of the debt and how it was increasing every minute or 15 minutes, and the Republican Party were in the minority then, and they made that a basic premise. We had to get rid of this Federal deficit.

Finally when we did under President Clinton, the last couple of years we had a surplus, that is when the economy was in the boom times. We all know if we create a surplus, it helps the economy. The Federal Government is not taking away money that private industry uses to create new jobs and new production.

Even in the President's State of the Union Address last year, the President said that he wanted to control the debt. If there was any debt, it would be short-term, it would not continue to grow. Now all of a sudden silence as if it does not matter anymore.

I have one statistic. It was in the New York Times January 16 when the OMB Director Daniels suggested that

the budget is not likely to be in surplus in the next 10 years. I do not want to say that Republicans do not care, but they seem to be really downplaying this as if it does not matter. The gentleman from Wisconsin is right, this is essentially an inheritance tax on our children. They are going to have to pay it back.

I wish we would hear something from the President about how he is going to deal with this deficit because from what I can understand, if we were able to implement his economic stimulus package, if we then made the tax cuts that were passed last year permanent, and then add the cost of the war in Iraq, which might be 2- to $300 billion, if that happens, we could be talking about a couple-trillion-dollar deficit. I do not understand how, and again it goes back to the credibility gap. He makes commitments how we are going to keep the deficit under control, and then we find out it is very much the opposite.

Mr. Speaker, I yield to the gentleman from Wisconsin.

Mr. KIND. Mr. Speaker, I believe now is as good a time as any for the baby boom generation, this massive demographic bubble that is working its way through our society and aging ever so gracefully, to step into this political debate. I think the message is being delivered to them that they can have it all, that they can have massive tax cuts today and retirement security tomorrow, when it is really their generation and the challenge that their generation poses that we need to come to grips with.

I have to believe that the President is a good son, loyal and dutiful and listens to his mom and dad. I think it would be wise if the President were to listen to what his father said when it was proposed, this type of economic plan was proposed to him back in the early 1980s, where they would have huge increases in spending, coupled with large tax cuts, which would lead to large budget deficits, which did occur during the decade of the 1980s and the early 1990s. The first President Bush called it voodoo economics because he knew what would transpire.

It is like deja vu all over again, the economic policies coming out of this White House: Huge increases in spending, although they want to claim to be the party of fiscal constraint. We had a 10 percent growth in government spending last fiscal year alone. On the current track, we are going to be pretty close to that this fiscal year. Double that with the large tax cuts which have been enacted, with the increased spending and the reduction in revenue, we are going to have massive budget deficits forming. That is why the Office of Management and Budget, their own economic analysts are saying $300 billion in projected deficits this year alone without even counting a military obligation in Iraq, which could blow the lid off everything else.

I feel there is time to recover. We have not slid too far down that road yet where, without further budgetary discipline, we could not turn this ship of state around in the nick of time. Unlike the decade of the 1980s and the early 1990s when these huge deficits accumulated, we do not have the luxury of a decade of the 1990s to reduce the deficit and start running some surpluses again in time for this massive retirement that is about to begin with the baby boom generation.

We have a lot of work cut out for us this year, and hopefully some people are starting to pay attention to the looming economic crisis that budget deficits most assuredly will bring, and we will act accordingly.

Mr. PALLONE. Mr. Speaker, I thank the gentleman. The whole goal of this Special Order is to say do not mislead us. If we have a State of the Union Address tonight, be honest where we are going, what we are going to accomplish and what it is going to cost. We are not going to be able to do it all, and the President basically has to confront that issue, and I hope he does.

AMERICAN FOREIGN POLICY

The SPEAKER pro tempore (Mr. PENCE). Under the Speaker's announced policy of January 7, 2003, the gentleman from Pennsylvania (Mr. WELDON) is recognized for 60 minutes as the designee of the majority leader.

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise tonight on the eve of the historic State of the Union the President is going to provide to the American people to discuss the role that Congress has played in a very constructive way, in a very bipartisan way in assisting this President in some of the most difficult foreign policy decisions that have ever confronted this Nation.

We have heard a lot of rhetoric about the partisan politics of this President not doing what he said he would do and this President wanting to go into war and jump ahead of events and threaten the lives of the American people, and we all know that is just rhetoric. This President, to his core, does not want war. This Congress does not want war. This Congress and this President do not want conflict. So when Members on either side get up and spew out rhetoric that makes it appear that this President is bent on creating conflict with Iraq or North Korea, it is untrue.

I want to analyze some of the events that occurred over the recent recess, the role of Congress in a constructive way to assist this President on foreign policy. I want to lay the groundwork for what I think will be the President's comments tonight about some of the most difficult crises that we face today.

Much of the President's speech tonight will focus on domestic issues, and I look forward to that because we have to have a blueprint to restart this economy. He will talk about education, about health care and prescription drugs, and those are issues that we have to continue to address, and this President has a plan for those issues. He has a national energy strategy that we passed in the House that got hung up in the Senate last year. We passed a prescription drug bill which could not get through the Senate. The President tonight will challenge us to complete the work domestically that he has outlined for us in the past, and he will outline a new vision in terms of jump-starting the economy.

But the real focus has to do with our national security, because as we all know, Article I, section 8 of our Constitution, which defines the role of the Congress, does not mention health care as a key priority. It does not mention the environment as a key priority. In fact, it does not mention education. But Article I, section 8 mentions the responsibility of the Congress. In five specific instances it mentions this: To provide for the common defense of the American people. That is our ultimate responsibility, because without a strong defense, we cannot have an education system, quality health care, or a decent environment. A national security provides that underpinning.

It is amazing to me when I hear the candidates who have announced they are running for the President 2 years down the road get up and spew out this rhetoric about how this President has caused all of these hostile relations with Saddam Hussein and other leaders around the world.

I would remind Members, it was over the past 10 years that when we as a Nation did not enforce the arms control agreements already on the books that technologies were transferred out of Russia and China 38 times. In fact, I had the Congressional Research Service document those 38 instances. Thirty-eight times during the 1990s we had solid evidence of technology being leaked, illegally sold and transferred out of Russia and China to five countries. Those five countries were Iran, Iraq, Syria, Libya and North Korea. What were those technologies? They were chemical and biological precursors that would allow Saddam Hussein to build chemical and biological weapons. They were missile components to allow Iraq and Iran to build their medium-range missile systems that they now have today. They were nuclear components to allow these countries to develop nuclear weapons capabilities.

Mr. Speaker, all that occurred during the 1990s, and the documentation showed it occurred 38 times. Of those 38 instances, we imposed the required sanctions of the treaties less than 10 times. The other 28 times we pretended we did not see it, partly because our policy towards Russia during the 1990s was to keep Yeltsin in power; and, therefore, we did not want to raise any concerns that might embarrass Yeltsin back to Moscow. So even though we knew this technology was flowing, we pretended we did not see it.

I remember very vividly a meeting in Moscow in May 1997 in the office of

General Alexander Lebed. He was a retired two-star general, and had just left Yeltsin's side as his defense adviser.

My bipartisan delegation said, ''General, tell us about your military.''

He said, ''Congressman, our military is in total disarray. Our best warfighters, our best Soviet generals and admirals have left the service of the country because of a lack of pay, because of indecent housing, and because of morale problems beyond their control.''

He went on to say that they feel betrayed by the motherland, and they are selling off the technology that we built to use against the United States during the Cold War, and they are selling it to your enemies. General Lebed went on to say to our bipartisan delegation, ''Our problem today is your problem tomorrow.'' How right General Lebed was.

Mr. Speaker, that was in May 1997 at the height of the time when many of us in the Congress in both parties were screaming for enforcement of arms control regimes, because if we had taken steps back then, Saddam Hussein and bin Laden and the rest of these terrorist cells would not have this technology that we are now having to allocate billions of dollars to defend against because Iraq and Iran could not themselves build chemical and biological agents. They got that technology from Russia, a destabilized Russia. North Korea did not have the technology for long-range missiles. They got that technology from China and also from Russia.

So when I hear our colleagues, primarily on the other side of the aisle, taking shots at the President, saying he created all of this, it makes me sad because the facts do not support that conclusion.

Mr. Speaker, we are paying the price today for the inaction of all of us during the 1990s. Since I was a Member of this body at that time, I include myself. We could have and we should have done more to reinforce the transparency and the control mechanisms that were in place to prevent these kinds of technologies from being leaked into the hands of unstable players.

Mr. Speaker, unfortunately we are where we are today, and the fact is that Iraq has chemical and biological and nuclear weapons. As a senior member of the Committee on Armed Services, I have sat through hundreds of briefings. I have gone to classified intelligence sessions. While I cannot talk about what I have seen publicly, there is no doubt in my mind, there is no doubt in the mind of anyone who follows these issues, that Saddam Hussein has the worst weapons imaginable.

Mr. Speaker, in Ken Pollack's recent book, talking about the ultimate activity that we are now in against Saddam Hussein, he quotes some U.N. special documents that compare the atrocities of Saddam Hussein's regime to those of Adolph Hitler before World War II. What is amazing to me is those candidates running for the Presidency on the Democratic side who have criticized President Bush, I did not hear their rhetoric spewing out when President Clinton went to invade Yugoslavia. And as bad as Slobodan Milosevic was and is, and thank goodness he is being tried for war crimes today, even the actions of Slobodan Milosevic do not compare to what Saddam Hussein has committed on his own people.

□ 1545

We know that he has used chemical weapons on his own people. In fact, we had one instance where 15,000 people were killed by the actions of Saddam Hussein.

We know Saddam has a biological weapons program. In fact, in 1992 when Saddam Hussein was driven out of Kuwait, he signed a document pledging to the world community, not just the U.S., pledging to the world community that he would disarm, he would destroy all of his weapons of mass destruction. So the inspectors from the U.N. went into his country. We knew at the time he had chemical, biological weapons. We knew they were there. We saw them. We knew they could be accounted for, and we knew he was developing a nuclear capability.

And yet in the mid-1990's, Saddam kicked out those U.N. inspectors, and we did nothing about it. In 1998 everything was gone out of Iraq while Saddam continued to do exactly what the world community told him not to do and which he agreed not to do in 1992. When President Bush came in in 2000, he said in his very simple analysis we cannot allow this to continue. We are allowing a man who will use weapons of mass destruction against us to build additional capability, and that is why the actions that we are leading up to today through the U.N. and with the President are so essential to be supported by all of us.

In fact, Mr. Speaker, I met with some of my Russian friends recently and they said, You know, the problem, Curt, in your country is you get out front and you have all these people taking shots at your President and Saddam Hussein reads that as weakness, he reads that as an inconsistent policy towards him and if he just holds out long enough, the antagonism in America will go away. So in effect those people in some cases crying most loudly for peace are the very ones that might lead us to war. If we as a Nation would get behind this President and show solid bipartisan support that Saddam Hussein has weapons of mass destruction that the world has acknowledged, that need to be destroyed, then Saddam Hussein would get the message that it does not matter how long he can prolong this effort and deny the U.N. inspectors; he must open up and let us see these weapons that we know he has.

Colin Powell yesterday said it best, Mr. Speaker. He asked some very fundamental questions: Where are the chemical weapons? Where are the mobile vans? Where are the biological agents that we know we had in the past that all of a sudden have disappeared? And my colleagues would do well in challenging this President to repeat the fact that all we want is Saddam to publicly acknowledge and then allow the destruction of those weapons to take place. Who can be against that, Mr. Speaker? No one. And if he does not do that, then we have to face the possibility of using force to accomplish the security that our Nation deserves.

And some would say the polls do not support the President. Mr. Speaker, no decent President in American history has governed by polls. We do not elect a President to put his finger in the air to read the way the winds are blowing. We elect a President to exert leadership, to be out front where others think perhaps he is going wrong. And this President has showed that leadership time and again. Mr. Speaker, it was this President who moved us out of the ABM treaty.

I would remind my colleagues on both sides, remember what we heard from the liberal left in this city. The world was going to end, a nuclear race would start, Russia and China would go off the deep end. We pulled out of the ABM treaty because of the President's desire to protect our own people, and there was a giant yawn around the world. Ironically today we are looking to do more missile defense cooperation with Russia than ever before. In fact, in a recent visit with the chairman of one of Russia's largest space institutes, Kurchatov, they showed me a document and asked me to support it; but I could not talk about it until the ABM treaty had expired because it would violate the terms of the treaty, allowing Russia and America to work together for the common defense of our people.

George Bush showed leadership. In spite of what the polls said, in spite of what our colleagues said in this body and the other body, George Bush stood up for what was right for America, and history has proven that he made the right decision.

The same thing is applicable now, Mr. Speaker. We have some extremely tough challenges. We have never had a more complicated foreign policy situation than we have today. Thank goodness we have a President who understands people who can lead. Thank goodness we have a President who put Colin Powell in the position of power, who has integrity, who has respect around the world perhaps unlike any other Secretary of State in the history of this Nation. Thank goodness we have a President who put Condoleezza Rice as the head of the National Security Council, his top advisor on security, someone who is not a politician but someone who understands geopolitical issues and is there at the side of the President advising him on policy direction and on procedures to deal

with other nations. And thank goodness we have Don Rumsfeld as the Secretary of Defense, someone who to his core will make sure that our military is the best prepared and the best equipped not to fight a war but to deter aggression. The reason we have a strong military is to deter aggression from those enemies and those adversaries who would want to take us down or who would want to harm our allies and our friends. And Don Rumsfeld plays that role extremely well.

So, Mr. Speaker, I am proud of this administration; and I am proud of this President, and I am also proud of my colleagues on both sides of the aisle who have worked together for bipartisan support of some very difficult issues.

Mr. Speaker, in December I led a delegation that started out in the former Soviet Republic of Georgia. We went to Georgia for several reasons. First of all, to meet with President Shevardnadze to assure him that we are a key ally that he could count on to help Georgia in rebuilding their Nation, their economy, and this new democracy. We went up and got the briefings on the Pankisi Gorge when we went to Moscow, we could reassure the Russians that the Georgians were doing everything possible along with American assistance to drive out the terrorist cells that had been in the Pankisi Gorge in the past that posed such a threat to the people of Russia.

But perhaps the most important reason we went to Georgia, Mr. Speaker, was our concern that last winter the gas supplies for the Georgian people to heat their homes was cut off. In the middle of the winter they had no heat, and so I invited to meet us in Georgia the president of the primary gas supplier for that Nation. President Igor Makarov of the Itera Corporation met us in Georgia at my request, and I asked him to make a public statement, which he did; and that public statement at our suggestion was to guarantee the people of Georgia that no gas supplies would be shut off this winter so they in fact could not be dangled by anyone using energy, using heat as a source of manipulation. The Congress played an extremely constructive role in that visit, and I thank my colleagues for their support in that effort.

We then moved on to Belarus. Belarus has not been a friend to the United States in recent years. President Lukashenko has drifted aside. He has unfortunately manipulated the Parliament and has caused problems in our relationship. In fact, just before we arrived in Minsk, the capital of that country, he kicked out the OSCE inspectors that were there to monitor human rights, free and fair elections, and the oversight of the OSCE responsibilities that all 55 member nations agree upon.

When I arrived in Minsk, our ambassador, who is a very capable man, said, ''Congressman, President Lukashenko is not going to meet with you. He meets with no one from the West nor from America.'' I said, ''Ambassador, I would not be here if I had not received a personal invitation from President Lukashenko.'' At five o'clock on the afternoon of the evening we arrived, the foreign ministry from Belarus contacted us at the hotel and said that we were in fact invited to President Lukashenko's home for a private dinner meeting, which I attended along with my colleague from the Senate, Senator CONRAD BURNS, and our colleague from the House, the gentleman from Maryland (Mr. BARTLETT).

We spent 5 hours, 5 hours in the home of President Lukashenko, with the President and two other individuals, one of whom was a good friend of mine. We sat around a table and for the first hour we talked about ice hockey because that is a passion of the President, and Belarus was the Cinderella team in the Olympics in America just a few years ago. And then we turned to more serious issues, and I conveyed to President Lukashenko that we wish his people no ill will, that President Bush does not want to have sour relations with Belarus, but there were certain parameters that Belarus had to get back to so that we in the Congress could support an agenda to assist the people of Belarus in dealing with their economic problems, their health care problems. And those issues deal with free and fair elections, a legitimate Parliament. Those issues deal with the concerns that we have over proliferation coming out of Belarus, and those issues deal with restoring the OSCE representatives back into Minsk.

After 5 hours of discussion, President Lukashenko agreed with our assessment. We shook hands and we thought we had reached an agreement that would last and change a direction of our relationship with this nation that some have called one of the most untrustworthy in all of Europe. Unfortunately, the next day the foreign ministry of Belarus misinterpreted what we had said, and we had to come back publicly and make some very strong statements against the President of Belarus.

A week later, I was contacted by my friend who is a personal friend of Lukashenko, and he said, ''Congressman WELDON, President Lukashenko understands that perhaps things were not conducted the way they should have been, the way it was discussed with you and your colleagues.'' The bottom line is, Mr. Speaker, that 1 month later President Lukashenko in Vienna announced that all six OSCE reps would be restored to their positions in Minsk. Congress again played a constructive role in supporting our President in moving toward a stable relationship with this nation.

We moved on to Moscow, Mr. Speaker, and there we signed a historic document. Members of the United States House, the United States Senate, the Russian Duma, and the Russian Federation Council met together in one room to agree to a document that we all signed, supported by almost 100 members of our Congress, House and Senate, and the Russian Parliament, Duma and Federation Council. These identical pieces of legislation that we drafted back in the fall call for a new energy strategy that the U.S. should rely on Russian energy sources and move away from the troubled resources of the Middle East. The documents that we signed, which I will present to Speaker HASTERT and President Bush this week, signify a new time in our relationship where the four parliaments understand a new strategic opportunity to move together, to help America move away from Middle Eastern crude, to help Russia realize the financial resources they need to help their economy by selling America her energy capabilities. While in Moscow we also met with the senior leaders of the Russian Government and the Duma and the Federation Council. We talked about arms control and proliferation, and we talked about our strategy for a new relationship, a document that one third of this Congress signed on to a year and a half ago before the first summit.

Mr. Speaker, I am so proud of our colleagues in this body because prior to the first presidential summits, a group of our colleagues who have traveled to Russia, Democrats and Republicans together united, working with those think tanks to focus on Russian-American relations, we produced a 40-some page document with 108 recommendations in 11 key areas to say to our two Presidents that it was time that America and Russia moved together as they had announced publicly in speeches they had given. These 11 areas included agriculture, health care, education, science and technology, energy, the environment, local government, judicial systems, and defense and security. These 108 recommendations, Mr. Speaker, were endorsed by one third of this body and in the other body by our colleagues, Senator JOE BIDEN, Senator CARL LEVIN, and Senator DICK LUGAR, so that when President Bush and President Putin were hand delivered these documents, they both knew that Congress was ready to move our relationship into a new direction.

□ 1600

That was a year and a half ago, Mr. Speaker. In May of last year, when I led a delegation of 13 colleagues to Moscow on the last day of the Moscow summit, we had a luncheon in the Presidential Hotel in downtown Moscow with Members of our Senate, our House, the Russian Duma and Federation Council. One of the former candidates for the Presidency of Russia, Gregor Lavinsky, stood up to give a speech. Mr. Speaker, he held up this document and he said this was the basis of the Russian approach to both summits.

Again, Mr. Speaker, when the Congress unites and takes away the partisan rhetoric, we can accomplish great

things, and we can do it together, with our President, to move us in a new direction, as we have done with Russia.

Mr. Speaker, on our trip to Moscow in early December, I was overwhelmed with what occurred when we went to the Russian Academy of Sciences. In the former Soviet States their Academy of Sciences are the ultimate, the elite, those who really are the most respected people in those Soviet societies.

In Russia, its Academy of Sciences is the ultimate body. It is even a part of the government. Irregardless of who the President is, the Academy is part of the government as advisors.

I had been asked to speak to the Academy of Sciences, so we scheduled a visit. I walked in the room, and there before me were 300 academicians from all over the country. At the head table up front was former Presidential candidate and Communist Party leader Zyuganov, the former Foreign Minister and a whole host of former Russian leaders from all factions.

The Chairman of the Russian Academy of Sciences, Mr. Osipov, was seated at the center of the head table. He brought me to the front and sat me down and said, Congressman, we are asking you to speak about this document for this new relationship which your Congress produced. I said, I will be happy to. He said, following your speech, we will open it up for questions.

I spoke for 25 minutes with our colleagues in the audience before 300 academicians. When I finished, Chairman Osipov asked them to ask us questions, which they did. Some were tough; most were positive.

But, Mr. Speaker, something then very strange happened. Chairman Osipov asked me to stand up and brought out a black cap and black gown, and they asked me to put it on. And then probably the most rewarding event that I have had in all of my years in public office, the Russian Academy of Sciences, the social science network, made me the first American member of their Academy. What an honor was bestowed upon me and all of my colleagues, because it was a process that involved members of both parties.

Following that ceremony, something extremely unusual happened that I wish I could share with every colleague in this body and the other Chamber. The Russian Academy of Sciences voted unanimously to make this document their document; to make our document, A New Time, A New Beginning, the official document of the Russian Academy of Social Sciences and to distribute it to every member of the Russian Duma and Federation Council.

Mr. Speaker, when members of both parties come together on foreign policy, we can achieve unbelievable results. We can shape the system, we can open new doors, and our colleagues from both parties deserve the praise that should be lavished on everyone for this new relationship that we have achieved with Russia.

Mr. Speaker, following our trip to Moscow in December, I went back to Moscow a second time in January for another very special purpose. Igor Kurchatov is the founder of the Soviet nuclear bomb. Much like those in America that were nuclear scientists who did not want their careers to focus on killing people, but rather wanted peaceful use of atomic energy, Igor Kurchatov was told by Stalin to build a nuclear bomb to respond to the American program for nuclear weapons following World War II. Igor Kurchatov built the Soviet nuclear weapons program. During the Cold War, it was Kurchatov's work and the work being done at our labs that allowed the two nations to build all of these nuclear weapons.

January 8, 2003, was the 100th anniversary of Igor Kurchatov's birth, the celebration at the institute named after him that day. It is the largest nuclear institute in Russia, with thousands of scientists.

Mr. Speaker, I was given the honor of speaking as a keynote speaker, along with the Japanese Prime Minister and the former Foreign Minister of Russia, to talk about this new relationship and about this laboratory that was built and designed for production of nuclear weapons, but now was being transformed for peaceful purposes.

The director of that lab, Dr. Evgeny Velikhov, is one of my best friends. He is a real scholar and a real leader for all of humanity. He has taken an agency in Russia that was designed to develop nuclear weapons and has transformed it into peaceful projects with our nuclear agencies and labs in America.

I would include at the end of the speech, Mr. Speaker, my speech at Kurchatov entitled A New Millennium. That speech outlines a new relationship between the U.S. and Russia to take apart our nuclear weapons, to dismantle our chemical and biological weapons, to follow through on the recommendations in our document to allow the U.S. and Russia to work together.

That speech, Mr. Speaker, was extremely well received on the Russian side, and I challenged them to build a new network of interaction between our labs and the Russian labs.

Following that speech we cut the ribbon on a brand new training facility that is retraining 600 Russian nuclear physicists who used to work on bombs to do software engineering for Russian IT companies working with American IT companies.

Mr. Speaker, we have come a long way. The new relationship with Russia just did not happen. It happened because the Congress, Democrats and Republicans, worked together, following the leadership of Presidents Bush and Putin, who set the vision for our nations, who talked about a new time and a new era of cooperation and support. Amazing things can happen, Mr. Speaker, when this Congress comes together and realizes that foreign policy challenges require us to act as a common body.

Yes, we can disagree in the process, but not to the point where we undermine our strategic leadership needs as best put forth by Colin Powell and President George Bush.

Mr. Speaker, we want to expand those programs, those nuclear nonproliferation programs, those cooperative threat reduction programs. But let me issue a word of caution to some of my colleagues in both bodies, because some have put out some misinformation that perhaps we in the House do not want these programs to move forward.

Nothing could be further from the truth. To those who have said publicly that the House is trying to handicap cooperation with Russia and dismantling chemical and biological and nuclear weapons, I say hogwash. What we did do last year, Mr. Speaker, as the stewards of the American taxpayer dollars, is to say that every dollar we spend in Russia, we must hold them accountable for how those dollars are ultimately given out.

Why is transparency and integrity and fiscal responsibility so critical here, Mr. Speaker? Well, for one reason, last year there was an audit done by the Department of Defense inspector general, who found $95 million misused by some unscrupulous people inside of Russia. Mr. Speaker, that is unacceptable. As much as I want to take apart chemical and biological weapons and reduce Russia's nuclear stockpile, I do not want $95 million siphoned off for some other purpose, and neither does any other taxpayer in this Nation.

For my colleagues in both bodies to stand up and to say in op-eds and public speeches that somehow this body wants to stop those programs is absolutely false and is an outrageous misstatement. All we want in expanding these programs is transparency. All we want are some basic conditions that show the Russian side and the American contractors doing this work in Russia that we want accountability for every dollar spent. We should seek no less for the taxpayers, because it is their money that we are spending.

As the chairman of the subcommittee that oversees much of our defense procurement, I can imagine the outrage if one of our defense contractors could not account for $95 million of taxpayer money. It would be a national scandal. But there are those in this body and the other body who want to pretend that is not a problem.

This year we in the House will continue to support expansion of programs for nuclear nonproliferation, for cooperative threat reduction. In fact, I am preparing a new package of legislation at this very moment. But in the end we will also guarantee that every dime of money that we spend is accounted for and is not being abused by anyone.

Mr. Speaker, following our trip to Moscow, we went on to Belgrade. We

met with the Prime Minister of Serbia, the leadership of the Parliament there, and we got an update on the progress that Yugoslavia is making following the war of just a few short years ago.

Mr. Speaker, I have to tell you, I was disappointed. We bombed Belgrade, we bombed Yugoslavia, and we promised after the bombing as a Nation and as a group of nations that we would help them rebuild if they followed certain conditions. Mr. Speaker, they have followed those conditions. Our embassy in Belgrade certified to us that they are making progress, yet we, Mr. Speaker, and our allies have not taken the steps to properly support the rebuilding of Yugoslavia, and that is an outrage.

So I come back tonight and I plead to our colleagues in both bodies to work to live up to the promises that we made to the people of Yugoslavia, that they, in fact, can rebuild their country which we bombed just a few short years ago to rid them of the scourge of Milosevic.

Our last stop on that trip, Mr. Speaker, was in Vienna. The trip to Vienna had two purposes, to receive at the IAEA the most recent briefing on nuclear weapons in both North Korea and Iraq. For 2 hours we sat at their headquarters, and they walked us through this Agency's assessment of the nuclear capability and potential of Iraq and the nuclear capability and potential of North Korea.

I would tell my colleagues, Mr. Speaker, it was not a pretty briefing. In fact, I invited the IAEA to come to Washington, which they accepted, where they will allow for every Member of Congress to receive the same briefing, the briefing as to the capabilities of both North Korea and Iraq with nuclear weapons and nuclear facilities such as the reactors that are being built in North Korea, the reactor being built in Iraq, and the potential for that material to be used illegally by either or both nations.

Mr. Speaker, we also in Vienna visited the OSCE, hosted by our very capable Ambassador Steve Minikes. At the OSCE headquarters I had the privilege to speak to 10 of the major nations' ambassadors, including Russia, about America and our policies relative to the OSCE. Ambassador Minikes and the OSCE team is doing a fantastic job. Again, it is because of the bipartisan support of people like the gentleman from Maryland (Mr. HOYER) and the gentleman from New Jersey (Mr. SMITH) and those people who involve themselves in the interparliamentary dialogue that is a part of the OSCE process.

So, Mr. Speaker, I come full circle, and I come full circle because tonight in a few short hours the President will stand behind us and give a speech, and a major part of his speech will focus on foreign policy. I say to my colleagues, Mr. Speaker, we have proven time and again that we can take on any challenge the Nation has and win if we stick together, if we take apart the partisan rhetoric and get down to the substance of what America needs to do.

□ 1615

None of us want war. None of us want conflict. None of us want to see Americans go overseas and shed any blood. Now is the time for us to stand together, at the most difficult point in the recent history of this Nation. We face the scourge of terrorism. We face uncertainty in the Middle East. We face China and Taiwan, North and South Korea, India and Pakistan, all of which require us as a Nation to act together; to disagree on the way we approach these solutions, but to do it in a civil way, to show these countries that, in the end, we are united. I would just caution our colleagues in both bodies in both parties to understand the importance of that approach to these very difficult foreign policy challenges.

Mr. Speaker, one final word. Over the recess, as it was for the past year, we have tried to take a bipartisan delegation into North Korea, to DPRK. In May of last year, 13 of our colleagues were together. We went to Moscow, we went to Beijing and Seoul, being promised all along we would get visas to go into North Korea to open some dialogue with Kim Jong-il and the North Korean Supreme People's Congress. We were denied that ability; even though we had been promised, we were not given the ability to travel in there to open doors.

In August we received an e-mail from the North Korean Government to try again. I went back up to the U.N. two more times and met with the DPRK ambassador, Ambassador Han, and pleaded with him to allow us to bring a delegation in. In January of this year, with his support, I reissued a letter asking for support for our delegation to visit, equal Members of Democrat and Republican from this body. With the support of President Jiang Zemin in China, which we received in May of last year personally, and with the support of Kofi Annan who called me at home a week ago and said Congressman, we are behind your effort; with the support of his chief interlocutor who has been working the DPRK issue for the U.N., Maurice Strand; with the support, quietly, of our own government, aware of what we were doing and not telling us to oppose it, the North Korean Government again has consistently opposed an effort, an honest effort by Democrats and Republicans, to open a new dialogue.

So, Mr. Speaker, I thank our colleagues in both parties who have stood together and said, we will go back to Pyongyang, we will take a delegation in, we will have a discussion, we will tell Kim Jong-il and the North Korean people that we wish them no ill will, we do not want a war with them, we want to encourage the south in its effort to establish a peaceful relationship, but there are certain things that the DPRK must do, as outlined by our President and Secretary of State. They must return to their commitment to a safe policy of relationships with our neighbors. They must end their program of developing highly enriched uranium which will lead to nuclear weapons; and if they take those steps, then we can peacefully cooperate with them. We can become a trading partner, and we in this body can open new doors and new opportunities as we have done with Russia, as we have done with other nations around the world.

So in closing, Mr. Speaker, I encourage our colleagues tonight who have done so much, so much good with so much foreign policy challenge existing around the world, Democrats and Republicans have consistently united; and I encourage my colleagues to look for that opportunity again, so that following the State of the Union tonight we can come out with one voice, with one Nation and say that we all want to avoid war. But we must continue to exert the pressure that was required by the U.N. resolutions in 1992, that was required by the arms control agreements that North Korea has now opted out of, and if they come back to the normalcy that they were once a part of, that, in fact, we can have peaceful coexistence without conflict.

Mr. Speaker, I thank my colleagues for their cooperation. I will insert the speech, ''A New Millennium,'' that I presented to the institute as a part of the CONGRESSIONAL RECORD at this time.

A NEW MILLENIUM

To stand before you today—as an American, as a member of the United States House of Representatives—and deliver the keynote address in celebration of the 100th birthday of Igor Kurchatov, is an astonishing privilege. An invitation to attend this important occasion would have been honor enough. That I stand here as a principal speaker is so much more than I could have ever imagined. It is truly a humbling experience.

How far we—the United States and Russia—have come! From adversaries to friends, from competitors to partners—we have moved huge distances from the world of our youth. The cold war is over, finished forever. Today, Russians and Americans are called to be the instruments of a new and, hopefully, more peaceful, prosperous, and democratic world in which each and every human being on this globe will live in peace and dignity.

I have had a lifelong interest in Russia. I have studied Russian language, history and culture. Over time, I have been blessed with many opportunities to travel to this great country. I have learned that the Russians are a proud people, historically aware, and mindful of Russia's unique global role.

I also have a passion for science and the good things it can accomplish. My home city of Philadelphia was the home of a famous American, Benjamin Franklin. As a child I was told of the wonderful discoveries and practical application of science by Mr. Franklin, who is one of the founders of our nation. I have since been interested in what science can do for mankind. Russia and science make such a wonderful combination, a combination that could springboard to a wonderful and prosperous future.

One hundred years ago—on January 8, 1903—Igor Kurchatov, son of a nobleman who was himself the grandson of a serf, was born

to a life of great destiny. Igor Kurchatov was one of those central persons of 20th century Russia, who helped to define Russia's role in the modern world. He was a remarkable man who left his mark and legacy on Russia forever.

We gather here today more than 40 years after his death to pay tribute not only to him, but the institute that bears is name. Indeed, the occasion of Igor Kurchatov's 100th birthday provides us with an opportunity to salute the entire Russian scientific community, especially the nuclear science community. For it is my firm belief that the emerging future of a prosperous, democratic Russia will rely on the hard work and talent of Russia's scientific and engineering community—a community that Igor Kurchatov was instrumental in establishing.

As I briefly trace some of Igor Kurchatov's accomplishments, I want to begin at the end of his life—in 1958, more than 40 years ago. In his last public address, Kurchatov said, ''I'm glad that I have dedicated my life to Soviet nuclear science. I believe that our people and government will use science only for the good of mankind.''

Today, on the 100th anniversary of his birth, I believe Kurchatov's final wish is coming true. From my position in the United States, I have had the opportunity over the past decade of seeing the Russian scientific community emerge from the shadows of the cold war and turn their formidable talents toward peaceful contributions to Russia and to the world. Even as I speak here today, the men and women in the institute that bears his name are hard at work, beating their swords into plowshares. And they are not alone in this great task—as scientists and engineers at other Russian institutes also turn to science to serve—rather than destroy—humanity.

Igor Kurchatov was both a world-class scientist and a loyal citizen of the Soviet Union. He was the father of the Soviet Union's atomic bomb. His country depended on him to create and provide its nuclear deterrent during the cold war. He succeeded in this demanding task under very difficult circumstances, despite the tyranny of his bosses: Joseph Stalin and Lavrenti Beria. He succeeded very well. The Soviet nuclear arsenal became and remained a serious worry of the United States throughout the cold war.

In retrospect, I can say that the nuclear deterrence of the United States and the Soviet Union provided the basis for stability during dangerous times of enmity and opposition. These weapons kept us from ever firing a shot in war or anger against one another. However we might think about that 50-year era and whether nuclear weapons and the threat of mutual assured destruction through their use was moral or wise, deterrence worked. Both countries—indeed the entire world—escaped the devastation of nuclear weapons because both countries had them and both recognized the consequences of their use.

The scientific infrastructure that Igor Kurchatov created to bring this about is, and will remain his enduring legacy, long after the days of the nuclear deterrence created by the capability of mutually assured destruction fades from our collective memory. What Kurchatov created goes well beyond nuclear weapons and encompasses the entire range of peaceful uses of the atom. No one can dispute the world-class capabilities of Russia's present nuclear science network. It is your inheritance from him.

The later part of Kurchatov's career was spent increasingly on peaceful uses of nuclear strategy. He oversaw the construction of particle accelerators and research in fusion. This new focus occupied him as his health gradually deteriorated. Like his fellow scientist Sakharov, he called for an end to nuclear testing.

Kurchatov died in February 1960 of a blood clot in the brain. His last public appearance was to attend a performance of Mozart's Requiem. The haunting refrain of dona eis requiem (grant them peace) must have rung in his ears as he returned home from the concert hall moments before he died. I repeat that refrain now: dona eis requiem, grant the world peace, grant him—Igor Kurchatov—the peace that belongs to a man of peace.

You—the scientists and citizens of Russia—carry his torch into tomorrow. You are carrying it into an uncertain future. The future is always uncertain, no matter how hard we try to prepare for it. Your work will delineate the tomorrows for your children and grandchildren. It will define the future and improve it for Russia and the world. You—the scientists and engineers of Russia—have already begun the next phase of scientific endeavors for your country, and you have done it in the most difficult and troubling of times, and in the face of grave uncertainty.

I stand here today and tell you that you are not alone in this quest. The United States of America will stand with you as you build a new prosperous and democratic Russia. I am proud that the United States has been a partner with Russia and its scientists in so many ways since the end of the Soviet Union. I, as a member of the U.S. House of Representatives, have supported all of the efforts of our U.S.-Russian partnership—whether through the International Science and Technology Center, the Initiatives for Proliferation Prevention, or the Nuclear Cities Initiative. I have supported the joint U.S.-Russian work on nuclear materials—the conversion of Weapons-grade highly-enriched uranium (HEU) into Low-enriched uranium (LEU) for use in peaceful power reactors, the transformation of Weapons Plutonium into MOX fuel, also for peaceful use in reactors, and the safeguarding of nuclear material through the joint Materials Protection Control and Accounting (MPC&A) program.

The list of our partner projects goes on and on. I expect that we shall walk hand-in-hand in the scientific community's efforts against terrorism. These programs are also a key to Russia's and the United States' joint efforts to prevent the proliferation of weapons of mass destruction.

I am particularly interested in how you, the scientists and engineers of Russia, can transform your nation through the commercialization of Russian science, often in cooperation with U.S. companies. I see such commercialization as a key to future Russian prosperity.

Last month, I attended and addressed the annual meeting of the United States Industry Coalition, a group of more than 140 companies working with Russia and other former Soviet republics in cooperative scientific commercial ventures. These private companies have put aside all vestiges of cold war thinking. They are committed to and see the importance of creating jobs and viable business in Russia as their contribution to peace. I believe that such cooperation with the U.S. will help create, if not become, the locomotive of a new and prosperous Russian economy that takes full advantage of your greatest strengths—the thousands of excellent scientists, engineers, and technicians.

The institute that bears Igor Kurchatov's name plays a major role in all of these efforts. Its leaders, Academicians Evgeny Velikhov and Nicholai Nicholoaivotich Ponomarev-Stepnoi, have shown an aggressiveness and entrepreneurial spirit that should be emulated by all the science institutes of Russia. They see the future of Russia in high tech industries. One of the most foresighted efforts in this area is their participation with the United States Industry Coalition to create a sister organization, the National Industry Coalition here in Moscow, to encourage Russian companies to take advantage of Russia's technical expertise in new business ventures.

The Kurchatov Institute is not just standing still, waiting for tomorrow, but it creating the future. I urge all the scientific institutions of Russia to emulate the endeavors of those who are creating a new high tech commercial community in Russia. This need not just be an effort on behalf of weapons scientists.

We have the opportunity to accomplish so many things in our new U.S.-Russian partnership. We are already doing so against the horrors of terrorism and will do much more in that critical area. In fact, there are few areas where the United States and Russia cannot work together.

Last year I put together a blueprint for a U.S.-Russian partnership. This document was endorsed by one-third of the United States Congress. I called it A New Time, A New Beginning. In this document I present a new vision for U.S.-Russian relations. I wrote in because I believed then, and even more so today, that now is the time, with Vladimir Putin and George Bush as presidents of our two countries, to improve our relationship for the long-term. It is time to stop the roller coaster ride of the past decade and settle down into a steady forward path. Our route must continue to take full account of defense and security issues, even when they collide. However, it is now time to move beyond these issues as we step into the new millennium. It is time to take a holistic approach to cooperation—one that takes into account Russia's myriad concerns and needs as well as those of the United States.

I would like to describe the series of initiatives that I have proposed. These initiatives take a comprehensive view of what might be accomplished if we—the United States of America and the Russian Federation—set our minds and hearts on them. They deal with initiatives in environment, energy, economic development, and health care—as well as defense and security. Let me describe what I believe can be accomplished if we have the will and perseverance to stay the course.

It is time for greater cooperation on agricultural development. This means not only improving production, but expanding private-sector investment.

We must facilitate Russia's accession to the World Trade Organization (WTO) and its acceptance of all WTO agreements. In addition, we should increase funding for OPIC and the U.S. Export-Import Bank projects here in Russia. Also essential for economic development is improvement of intellectual property rights so that companies will invest here.

Energy and natural resources are one of the great strengths of Russia. We should cooperate in oil and gas exploration, for example in Timan Pechora. Success in joint cooperation on energy will hinge on eliminating bureaucratic obstacles on both sides of the oceans. Our collaboration should investigate the energy security implications in this new environment of sub-national terrorism and the efforts of both our nations to snuff out such terrorism.

Of course, I consider cooperation in science and technology to be a linchpin of our future relationship. Our future economies will rest most assuredly on the ability to capitalize on new science and technology and create new businesses that meets the world's needs.

This cooperation includes cooperation in the area of nuclear fuel cycles. We must put

to rest public concern about the safety, environmental, and proliferation concerns associated with nuclear power. Over the long-term fusion may be the key to the world's energy needs. Therefore, we must cooperate more on fusion research.

We should also cooperate in the embryonic nanotechnology industry.

We have the opportunity to perform joint cutting-edge research in medical technology and treatments. The Department of Energy and Institutes such as MINATOM can collaborate on breakthrough technologies such as radiopharmaceuticals and advanced medical diagnostic and treatment equipment. We can also encourage research on devastating chronic illnesses such as cardiovascular disease and diabetes between the U.S. National Institutes of Health and appropriate Russian Research institutes. Our cooperation would include a more extensive exchange of physicians and scientists.

Scientists would also cooperate in Space and Aeronautics on projects like space solar power, propulsion technology and weather satellites. They would also expand cooperation on marine science research and on developing Russian technologies for environmental protection and remediation.

I would like to see creation of a fund from Russian foreign debt transferal that would be the economic engine for many of these initiatives. For example, commercial success in technology could lead to repayment of loans or grants from the fund. Such repayments could then be the basis for new investments in these programs.

Of course there are many other ways in which we should become partners. I propose to also include cultural and educational development, improvement of the Russian judicial and legal systems in order to firmly establish the ''rule of law,'' as well as assistance to local Russian governments so that they can provide necessary services to the public and also encourage democracy at the grass roots level.

This is a very ambitious agenda that I propose. I put it forward because I happen to believe that there is no limit to what we can achieve in our partnership. After all, it is a new time. And new times call for new beginnings.

Much has happened in the one hundred years since the birth of Igor Kurchatov. The vast scientific and technical complex that is his legacy has done much to advance knowledge and technology. It will do much more if we set our minds to it.

Before leaving Washington to travel to Russia and Kurchatov, I sought the personal feelings and thoughts of another great leader in the world of nuclear physics—a man who met Igor Kurchatov and professionally respected the work of this great man. Born in the same decade as Igor Kurchatov, Edward Teller was a key architect of the early nuclear work of the United States. Now in his 90's, living in California, Edward Teller wanted me to relay his personal feeling on this great occasion.

He said, ''like Igor Kurchatov, I long for peace far more than I oppose war.'' He went on to say that ''cooperation between scientists is the most important aspect of the United States and Russia working together—it is a splendid foundation for future progress when former adversaries work together.''

One hundred years after the birth of two men who devoted their lives to nuclear research and whose lives and thoughts were focused on peace while their countries used their work for security—it is appropriate that we look to move to a new level of cooperation in nuclear science that forges a 21st century U.S./Russian alliance that builds on and rededicates our two great nations to the peaceful use of nuclear energy for the improvement of the quality of life for all human beings on the face of the Earth.

I propose that we create the Kurchatov-Teller Alliance for Peace that brings together in a formal way Kurchatov Institute and the labs of the Ministry of Atomic Energy with Lawrence Livermore Laboratory (Teller's base of operation today) with Oak Ridge, Argonne, Los Alamos and the labs of our Department of Energy for the specific purpose of enhancing the use of nuclear power worldwide while controlling proliferation. Projects like Thorium Power (that offer so much promise in stopping weapons production and eliminating environmental problems) and cutting edge research by scientists in both nations can be brought together within one new bi-lateral entity that truly moves us into a ''New Time and New Beginning.''

We are still at the beginning of the 21st Century. Much as Kurchatov set out to do in the last century, we have the opportunity to solve the problems and challenges of the next 100 years. The scientists and engineers of our countries—together with the businessmen and entrepreneurs in both countries—could solve nagging problems of safe, environmentally friendly, and plentiful energy sources. They can solve difficult and complicated medical issues and use science to increase agricultural production. We have an almost limitless horizon before us.

Our task ahead is daunting—some might say impossible. But I am the eternal optimist—perhaps born out of being the youngest of nine children in a poor family. My parents never completed high school, yet they were the smartest people that I have ever met—they had common sense and moral decency.

My father, who only went to the 8th grade, gave me some advice as a youngster that is just as fitting to our challenge. He said in life you can accomplish almost anything that you can dream. He used to say ''Your only limitations in life will be those that you self-impose.'' And that applies to us today.

Together, following in the footsteps of the great scientific leaders of our past, like Igor Kurchatov, our two great nations can solve any problem, overcome any challenge and rise to any occasion for the good of mankind—if we work together as one.

And so, I shall end where I began, by expressing my profound gratitude for the honor you have bestowed on me by inviting me to make this address. I am your friend and I will continue to work for our joint U.S.-Russian interests. Let us work together. Let us clear out the underbrush, let us do away with petty bureaucratic obstacles on both sides of the Atlantic. Both governments have to commit themselves to making cooperation easier, and not filled with time-consuming procedures. You can be assured that this U.S. Congressman will work tirelessly toward this goal.

Again, I thank you for inviting me. I wish you all well. God bless the United States and Russia.

ELECTION OF MINORITY MEMBERS, DELEGATES, AND RESIDENT COMMISSIONERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE OF REPRESENTATIVES

Mr. MENENDEZ. Mr. Speaker, by direction of the Democratic Caucus, I call up a privileged resolution (H. Res. 35) electing Members, Delegates, and Resident Commissioners to standing committees of the House of Representatives, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 35

Resolved, That the following named Members, Delegates, and Resident Commissioners be and are hereby elected to the following standing committees of the House of Representatives:

(1) COMMITTEE ON AGRICULTURE: Mr. Peterson of Minnesota, Mr. Dooley of California, Mr. Holden, Mr. Thompson of Mississippi, Mr. McIntyre, Mr. Etheridge, Mr. Boswell, Mr. Lucas of Kentucky, Mr. Hill, Mr. Baca, Mr. Larsen of Washington, Mr. Ross, Mr. Acevedo-Vilá.

(2) COMMITTEE ON APPROPRIATIONS: Mr. Murtha, Mr. Dicks, Mr. Sabo, Mr. Hoyer, Mr. Mollohan, Ms. Kaptur, Mr. Visclosky, Mrs. Lowey, Mr. Serrano, Ms. DeLauro, Mr. Moran of Virginia, Mr. Olver, Mr. Pastor, Mr. Price of North Carolina, Mr. Edwards, Mr. Cramer, Mr. Kennedy of Rhode Island, Mr. Clyburn, Mr. Hinchey, Ms. Roybal-Allard, Mr. Farr, Mr. Jackson of Illinois, Ms. Kilpatrick, Mr. Boyd, Mr. Fattah, Mr. Rothman, Mr. Bishop of Georgia, Mr. Berry.

(3) COMMITTEE ON ARMED SERVICES: Mr. Spratt, Mr. Ortiz, Mr. Evans, Mr. Taylor of Mississippi, Mr. Abercrombie, Mr. Meehan, Mr. Reyes, Mr. Snyder, Mr. Turner of Texas, Mr. Smith of Washington, Ms. Loretta Sanchez, Mr. McIntyre, Mr. Rodriguez, Mrs. Tauscher, Mr. Brady of Pennsylvania, Mr. Andrews, Mr. Hill, Mr. Larson of Connecticut, Mrs. Davis of California, Mr. Langevin.

(4) COMMITTEE ON THE BUDGET: Mr. Moran of Virginia, Ms. Hooley of Oregon, Ms. Baldwin, Mr. Moore, Mr. Lewis of Georgia, Mr. Neal of Massachusetts, Ms. DeLauro, Mr. Edwards, Mr. Scott of Virginia, Mr. Ford, Mrs. Capps, Mr. Thompson of California, Mr. Baird, Mr. Cooper, Mr. Meek of Florida, Mr. Emanuel, Mr. Davis of Alabama.

(5) COMMITTEE ON EDUCATION AND THE WORKFORCE: Mr. Kildee, Mr. Owens, Mr. Payne, Mr. Andrews, Ms. Woolsey, Mr. Hinojosa, Mrs. McCarthy of New York, Mr. Tierney, Mr. Kind, Ms. Loretta Sanchez, Mr. Kucinich, Mr. Wu, Mr. Holt, Mrs. Davis of California, Ms. McCollum.

(6) COMMITTEE ON ENERGY AND COMMERCE: Mr. Waxman, Mr. Markey, Mr. Hall, Mr. Boucher, Mr. Towns, Mr. Pallone, Mr. Brown of Ohio, Mr. Gordon, Mr. Deutsch, Mr. Rush, Ms. Eshoo, Mr. Stupak, Mr. Engel, Mr. Wynn, Mr. Green of Texas, Ms. McCarthy of Missouri, Mr. Strickland, Ms. DeGette, Mrs. Capps, Mr. Doyle, Mr. John, Mr. Allen, Mr. Davis of Florida, Ms. Schakowsky, Ms. Solis.

(7) COMMITTEE ON FINANCIAL SERVICES: Mr. Kanjorski, Ms. Waters, Mrs. Maloney, Mr. Gutierrez, Ms. Velázquez, Mr. Watt, Mr. Ackerman, Ms. Hooley of Oregon, Ms. Carson of Indiana, Mr. Sherman, Mr. Meeks of New York, Ms. Lee, Mr. Inslee, Mr. Moore, Mr. Gonzalez, Mr. Capuano, Mr. Ford, Mr. Hinojosa, Mr. Lucas of Kentucky, Mr. Crowley, Mr. Clay, Mr. Israel, Mr. Ross, Mrs. McCarthy of New York, Mr. Baca, Mr. Matheson, Mr. Lynch, Mr. Davis of Tennessee, Mr. Emanuel, Mr. Miller of North Carolina, Mr. Scott of Georgia.

(8) COMMITTEE ON GOVERNMENT REFORM: Mr. Lantos, Mr. Owens, Mr. Towns, Mr. Kanjorski, Mrs. Maloney, Ms. Norton, Mr. Cummings, Mr. Kucinich, Mr. Davis of Illinois, Mr. Tierney, Mr. Turner of Texas, Mr. Clay, Ms. Watson, Mr. Lynch.

(9) COMMITTEE ON INTERNATIONAL RELATIONS: Mr. Berman, Mr. Ackerman, Mr. Faleomavaega, Mr. Payne, Mr. Menendez, Mr. Brown of Ohio, Mr. Sherman, Mr. Wexler, Mr. Engel, Mr. Delahunt, Mr. Meeks

of New York, Ms. Lee, Mr. Crowley, Mr. Hoeffel, Mr. Blumenauer, Ms. Berkley, Mrs. Napolitano, Mr. Schiff, Ms. Watson.

(10) COMMITTEE ON THE JUDICIARY: Mr. Berman, Mr. Boucher, Mr. Nadler, Mr. Scott of Virginia, Mr. Watt, Ms. Lofgren, Ms. Jackson-Lee of Texas, Ms. Waters, Mr. Meehan, Mr. Delahunt, Mr. Wexler, Ms. Baldwin, Mr. Weiner, Mr. Schiff, Ms. Linda T. Sánchez.

(11) COMMITTEE ON RESOURCES: Mr. George Miller of California, Mr. Markey, Mr. Kildee, Mr. DeFazio, Mr. Faleomavaega, Mr. Abercrombie, Mr. Ortiz, Mr. Pallone, Mr. Dooley of California, Mr. Smith of Washington, Mrs. Christensen, Mr. Kind, Mr. Inslee, Mrs. Napolitano, Mr. Udall of New Mexico, Mr. Udall of Colorado, Mr. Acevedo-Vilá, Mr. Carson of Oklahoma.

(12) COMMITTEE ON SCIENCE: Mr. Gordon, Mr. Costello, Ms. Eddie Bernice Johnson of Texas, Ms. Woolsey, Ms. Lofgren, Ms. Jackson-Lee of Texas, Mr. Etheridge, Mr. Lampson, Mr. Larson of Connecticut, Mr. Udall of Colorado, Mr. Wu, Mr. Baird, Mr. Israel, Mr. Honda.

(13) COMMITTEE ON SMALL BUSINESS: Ms. Millender-McDonald, Mr. Davis of Illinois, Mr. Pascrell, Mrs. Christensen, Mr. Brady of Pennsylvania, Mr. Udall of New Mexico, Mr. Gonzalez, Mr. Langevin.

(14) COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE: Mr. Rahall, Mr. Lipinski, Mr. DeFazio, Mr. Costello, Ms. Norton, Mr. Nadler, Mr. Menendez, Ms. Corrine Brown of Florida, Mr. Filner, Ms. Eddie Bernice Johnson of Texas, Mr. Taylor of Mississippi, Ms. Millender-McDonald, Mr. Cummings, Mr. Blumenauer, Mrs. Tauscher, Mr. Pascrell, Mr. Boswell, Mr. Holden, Mr. Lampson, Mr. Baird, Ms. Berkley, Mr. Carson of Oklahoma, Mr. Matheson, Mr. Honda, Mr. Larsen of Washington, Mr. Capuano, Mr. Weiner, Ms. Carson of Indiana, Mr. Hoeffel, Mr. Thompson of California, Mr. Bishop of New York, Mr. Michaud, Mr. Davis of Tennessee.

(15) COMMITTEE ON VETERANS' AFFAIRS: Mr. Filner, Mr. Gutierrez, Ms. Corrine Brown of Florida, Mr. Snyder, Mr. Rodriguez.

(16) COMMITTEE ON WAYS AND MEANS: Mr. Stark, Mr. Matsui, Mr. Levin, Mr. Cardin, Mr. McDermott, Mr. Kleczka, Mr. Lewis of Georgia, Mr. Neal of Massachusetts, Mr. McNulty, Mr. Jefferson, Mr. Tanner, Mr. Becerra, Mr. Doggett, Mr. Pomeroy, Mr. Sandlin, Mrs. Jones of Ohio.

Mr. MENENDEZ (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

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

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ELECTION OF MEMBER TO CERTAIN STANDING COMMITTEES OF THE HOUSE OF REPRESENTATIVES

Mr. MENENDEZ. Mr. Speaker, by direction of the Democratic Caucus, I call up a privileged resolution (H. Res. 36) electing a named Member to standing committees of the House of Representatives, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 36

Resolved, That the following named Member be and is hereby elected to the following standing committees of the House of Representatives:

(1) COMMITTEE ON FINANCIAL SERVICES: Mr. Sanders.

(2) COMMITTEE ON GOVERNMENT REFORM: Mr. Sanders.

Mr. MENENDEZ (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

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

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 8:40 p.m. for the purpose of receiving in joint session the President of the United States.

Accordingly (at 4 o'clock and 21 minutes p.m.), the House stood in recess until approximately 8:40 p.m.

□ 2044

AFTER RECESS

The recess having expired, the House was called to order at 8 o'clock and 44 minutes p.m.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, January 28, 2003.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on January 28, 2003 at 5:49 p.m.

That the Senate passed with an amendment H.J. Res. 2, requests a conference.

That the Senate passed without amendment H. Con. Res. 12.

With best wishes, I am

Sincerely,

JEFF TRANDAHL,
Clerk of the House.

JOINT SESSION OF THE HOUSE AND SENATE HELD PURSUANT TO THE PROVISIONS OF HOUSE CONCURRENT RESOLUTION 12 TO HEAR AN ADDRESS BY THE PRESIDENT OF THE UNITED STATES

The Speaker of the House presided.

The Deputy Sergeant at Arms, Mrs. Kerri Hanley, announced the Vice President and Members of the U.S. Senate, who entered the Hall of the House of Representatives, the Vice President taking the chair at the right of the Speaker, and the Members of the Senate the seats reserved for them.

The SPEAKER. The Chair appoints as members of the committee on the part of the House to escort the President of the United States into the Chamber:

The gentleman from Texas (Mr. DELAY);

The gentlewoman from Ohio (Ms. PRYCE);

The gentleman from California (Mr. COX);

The gentleman from Georgia (Mr. KINGSTON);

The gentlewoman from California (Ms. PELOSI);

The gentleman from Maryland (Mr. HOYER);

The gentleman from New Jersey (Mr. MENENDEZ); and

The gentleman from South Carolina (Mr. CLYBURN).

The VICE PRESIDENT. The President of the Senate, at the direction of that body, appoints the following Senators as members of the committee on the part of the Senate to escort the President of the United States into the House Chamber:

The Senator from Tennessee (Mr. FRIST);

The Senator from Kentucky (Mr. MCCONNELL);

The Senator from Pennsylvania (Mr. SANTORUM);

The Senator from Arizona (Mr. KYL);

The Senator from Virginia (Mr. ALLEN);

The Senator from Virginia (Mr. WARNER);

The Senator from South Dakota (Mr. DASCHLE);

The Senator from Nevada (Mr. REID);

The Senator from Maryland (Ms. MIKULSKI); and

The Senator from Louisiana (Mr. BREAUX).

The Deputy Sergeant at Arms announced the Acting Dean of the Diplomatic Corps, His Excellency Roble Olhaye, Ambassador from Djibouti.

The Acting Dean of the Diplomatic Corps entered the Hall of the House of Representatives and took the seat reserved for him.

The Deputy Sergeant at Arms announced the Associate Justice of the Supreme Court.

The Associate Justice of the Supreme Court entered the Hall of the House of Representatives and took the seat reserved for him in front of the Speaker's rostrum.

The Deputy Sergeant at Arms announced the Cabinet of the President of the United States.

The members of the Cabinet of the President of the United States entered the Hall of the House of Representatives and took the seats reserved for them in front of the Speaker's rostrum.

At 9 o'clock and 3 minutes p.m., the Sergeant at Arms, the Honorable Wilson Livingood, announced the President of the United States.

The President of the United States, escorted by the committee of Senators

and Representatives, entered the Hall of the House of Representatives, and stood at the Clerk's desk.

(Applause, the Members rising.)

The SPEAKER. Members of the Congress, I have the high privilege and the distinct honor of presenting to you the President of the United States.

(Applause, the Members rising.)

THE STATE OF THE UNION ADDRESS BY THE PRESIDENT OF THE UNITED STATES

The PRESIDENT. Mr. Speaker, Vice-President CHENEY, Members of Congress, distinguished guests and fellow citizens:

Every year, by law and by custom, we meet here to consider the state of the Union. This year, we gather in this Chamber deeply aware of decisive days that lie ahead.

You and I serve our country in a time of great consequence. During this session of Congress, we have the duty to reform domestic programs vital to our country, we have the opportunity to save millions of lives abroad from a terrible disease, we will work for a prosperity that is broadly shared, and we will answer every danger and every enemy that threatens the American people.

In all these days of promise and days of reckoning, we can be confident. In a whirlwind of change, and hope, and peril, our faith is sure, our resolve is firm, and our Union is strong.

This country has many challenges. We will not deny, we will not ignore, we will not pass along our problems to other Congresses, to other Presidents and other generations. We will confront them with focus, and clarity, and courage.

During the last 2 years, we have seen what can be accomplished when we work together. To lift the standards of our public schools, we achieved historic education reform, which must now be carried out in every school, and in every classroom, so that every child in America can read and learn and succeed in life.

To protect our country, we reorganized our government and created the Department of Homeland Security, which is mobilizing against the threats of a new era. To bring our economy out of recession, we delivered the largest tax relief in a generation. To insist on integrity in American business, we passed tough reforms, and we are holding corporate criminals to account.

Some might call this a good record. I call it a good start. Tonight I ask the House and the Senate to join me in the next bold steps to serve our fellow citizens.

Our first goal is clear: We must have an economy that grows fast enough to employ every man and woman who seeks a job.

After recession, terrorist attacks, corporate scandals and stock market declines, our economy is recovering; yet it is not growing fast enough or strongly enough. With unemployment rising, our Nation needs more small businesses to open, more companies to invest and expand, more employers to put up the sign that says, ''Help wanted.''

Jobs are created when the economy grows; the economy grows when Americans have more money to spend and invest; and the best and fairest way to make sure Americans have that money is not to tax it away in the first place.

I am proposing that all the income tax reductions set for 2004 and 2006 be made permanent and effective this year. And under my plan, as soon as I sign the bill, this extra money will start showing up in workers' paychecks. Instead of gradually reducing the marriage penalty, we should do it now. Instead of slowly raising the child credit to $1,000, we should send the checks to American families now.

This tax relief is for everyone who pays income taxes, and it will help our economy immediately. Ninety-two million Americans will keep, this year, an average of almost $1,100 more of their own money. A family of four with an income of $40,000 would see their Federal income taxes fall from $1,178 to $45 per year. Our plan will improve the bottom line for more than 23 million small businesses.

You, the Congress, have already passed all these reductions, and promised them for future years. If this tax relief is good for Americans 3 or 5 or 7 years from now, it is even better for Americans today.

We should also strengthen the economy by treating investors equally in our tax laws. It is fair to tax a company's profits. It is not fair to again tax the shareholder on the same profits. To boost investor confidence, and to help the nearly 10 million seniors who receive a dividend income, I ask you to end the unfair double taxation of dividends.

Lower taxes and greater investment will help this economy expand. More jobs mean more taxpayers, and higher revenues to our government. The best way to address the deficit and move toward a balanced budget is to encourage economic growth, and to show some spending discipline in Washington, DC. We must work together to fund only our most important priorities. I will send you a budget that increases discretionary spending by 4 percent next year, about as much as the average family's income is expected to grow, and that is a good benchmark for us. Federal spending should not rise any faster than the paychecks of American families.

A growing economy and a focus on essential priorities will be crucial to the future of Social Security. As we continue to work together to keep Social Security sound and reliable, we must offer younger workers a chance to invest in retirement accounts that they will control and they will own.

Our second goal is high-quality, affordable health care for all Americans.

The American system of medicine is a model of skill and innovation, with a pace of discovery that is adding good years to our lives. Yet for many people, medical care costs too much, and many have no health coverage at all. These problems will not be solved with a nationalized health care system that dictates coverage and rations care. Instead, we must work toward a system in which all Americans have a good insurance policy, choose their own doctors, and seniors and low-income Americans receive the help they need. Instead of bureaucrats and trial lawyers and HMOs, we must put doctors and nurses and patients back in charge of American medicine.

Health care reform must begin with Medicare, because Medicare is the binding commitment of a caring society. We must renew that commitment by giving seniors access to preventive medicine and new drugs that are transforming health care in America.

Seniors happy with the current Medicare system should be able to keep their coverage just the way it is. And just like you, the Members of Congress, members of your staffs, and other Federal employees, all seniors should have the choice of a health care plan that provides prescription drugs. My budget will commit an additional $400 billion over the next decade to reform and strengthen Medicare. Leaders of both political parties have talked for years about strengthening Medicare. I urge the Members of this new Congress to act this year.

To improve our health care system, we must address one of the prime causes of higher costs: the constant threat that physicians and hospitals will be unfairly sued. Because of excessive litigation, everybody pays more for health care, and many parts of America are losing fine doctors. No one has ever been healed by a frivolous lawsuit, and I urge the Congress to pass medical liability reform.

Our third goal is to promote energy independence for our country, while dramatically improving the environment.

I have sent you a comprehensive energy plan to promote energy efficiency and conservation, to develop cleaner technology, and to produce more energy at home. I have sent you Clear Skies legislation that mandates a 70 percent cut in air pollution from power plants over the next 15 years. I have sent you a Healthy Forests initiative, to help prevent the catastrophic fires that devastate communities, kill wildlife, and burn away millions of acres of treasured forests.

I urge you to pass these measures for the good of both our environment and our economy. Even more, I ask you to take a crucial step and protect our environment in ways that generations before us could not have imagined. In this century, the greatest environmental progress will come about not through endless lawsuits or command and control regulations, but through

technology and innovation. Tonight I am proposing $1.2 billion in research funding so that America can lead the world in developing clean hydrogen-powered automobiles.

A simple chemical reaction between hydrogen and oxygen generates energy, which can be used to power a car, producing only water, not exhaust fumes. With a new national commitment, our scientists and engineers will overcome obstacles to take these cars from the laboratory into the showroom so that the first car driven by a child born today could be powered by hydrogen, and pollution-free. Join me in this important innovation, to make our air significantly cleaner and our country much less dependent on foreign sources of energy.

Our fourth goal is to apply the compassion of America to the deepest problems of America. For so many in our country, the homeless and the fatherless, the addicted, the need is great. Yet, there is power, wonder-working power, in the goodness and idealism and faith of the American people.

Americans are doing the work of compassion every day, visiting prisoners, providing shelter to battered women, bringing companionship to lonely seniors. These good works deserve our praise, they deserve our personal support, and when appropriate, they deserve the assistance of the Federal Government. I urge you to pass both my faith-based initiative and the Citizen Service Act, to encourage acts of compassion that can transform America, one heart and one soul at a time.

Last year, I called on my fellow citizens to participate in the USA Freedom Corps, which is enlisting tens of thousands of new volunteers across America. Tonight I ask Congress and the American people to focus the spirit of service and the resources of government on the needs of some of our most vulnerable citizens, boys and girls trying to grow up without guidance and attention, and children who have to go through a prison gate to be hugged by their mom or dad. I propose a $450 million initiative to bring mentors to more than 1 million disadvantaged junior high students and children of prisoners. Government will support the training and recruiting of mentors; yet it is the men and women of America who will fill the need. One mentor, one person, can change a life forever, and I urge you to be that one person.

Another cause of hopelessness is addiction to drugs. Addiction crowds out friendship, ambition, moral conviction, and reduces all the richness of life to a single destructive desire. As a government, we are fighting illegal drugs by cutting off supplies and reducing demand through antidrug education programs. Yet for those already addicted, the fight against drugs is a fight for their own lives.

Too many Americans in search of treatment cannot get it. So tonight I propose a new $600 million program to help an additional 300,000 Americans receive treatment over the next 3 years.

Our Nation is blessed with recovery programs that do amazing work. One of them is found at the Healing Place Church in Baton Rouge, Louisiana. A man in the program said, ''God does miracles in people's lives, and you never think it could be you.'' Tonight, let us bring to all Americans who struggle with drug addiction this message of hope: the miracle of recovery is possible, and it could be you.

By caring for children who need mentors, and for addicted men and women who need treatment, we are building a more welcoming society, a culture that values every life. And in this work we must not overlook the weakest among us. I ask you to protect infants at the very hour of their birth, and end the practice of partial-birth abortion. And because no human life should be started or ended as the object of an experiment, I ask you to set a high standard for humanity and pass a law against all human cloning.

The qualities of courage and compassion that we strive for in America also determine our conduct abroad. The American flag stands for more than our power and our interests. Our Founders dedicated this country to the cause of human dignity, the rights of every person and the possibilities of every life. This conviction leads us into the world to help the afflicted, and defend the peace, and confound the designs of evil men. In Afghanistan, we helped to liberate an oppressed people, and we will continue helping them secure their country, rebuild their society, and educate all their children, boys and girls. In the Middle East, we will continue to seek peace between a secure Israel and a democratic Palestine. Across the Earth, America is feeding the hungry; more than 60 percent of international food aid comes as a gift from the people of the United States.

As our Nation moves troops and builds alliances to make our world safer, we must also remember our calling, as a blessed country, to make this world better. Today, on the continent of Africa, nearly 30 million people have the AIDS virus, including 3 million children under the age of 15. There are whole countries in Africa where more than one-third of the adult population carries the infection. More than 4 million require immediate drug treatment. Yet across that continent, only 50,000 AIDS victims, only 50,000, are receiving the medicine they need.

Because the AIDS diagnosis is considered a death sentence, many do not seek treatment. Almost all who do are turned away. A doctor in rural South Africa describes his frustration. He says, we have no medicines. Many hospitals tell people, you've got AIDS. We can't help you. Go home and die.

In an age of miraculous medicines, no person should have to hear those words. AIDS can be prevented. Antiretroviral drugs can extend life for many years. And the cost of those drugs has dropped from $12,000 a year to under $300 a year, which places a tremendous possibility within our grasp.

Ladies and gentlemen, seldom has history offered a greater opportunity to do so much for so many. We have confronted, and will continue to confront, HIV/AIDS in our own country. And to meet a severe and urgent crisis abroad, tonight I propose the Emergency Plan for AIDS Relief, a work of mercy beyond all current international efforts to help the people of Africa. This comprehensive plan will prevent 7 million new AIDS infections, treat at least 2 million people with life-extending drugs, and provide humane care for millions of people suffering from AIDS and for children orphaned by AIDS. I ask the Congress to commit $15 billion over the next 5 years, including nearly $10 billion in new money, to turn the tide against AIDS in the most afflicted nations of Africa and the Caribbean.

This Nation can lead the world in sparing innocent people from a plague of nature. And this Nation is leading the world in confronting and defeating the man-made evil of international terrorism.

There are days when our fellow citizens do not hear news about the war on terror. There is never a day when I do not learn of another threat, or receive reports of operations in progress, or give an order in this global war against a scattered network of killers. The war goes on, and we are winning.

To date we have arrested or otherwise dealt with many key commanders of al Qaeda. They include a man who directed logistics and funding for the September 11 attacks, the chief of al Qaeda operations in the Persian Gulf who planned the bombings of our embassies in East Africa and the USS *Cole*, an al Qaeda operations chief from Southeast Asia, a former director of al Qaeda's training camps in Afghanistan, a key al Qaeda operative in Europe, and a major al Qaeda leader in Yemen. All told, more than 3,000 suspected terrorists have been arrested in many countries, and many others have met a different fate. Let's put it this way: They are no longer a problem to the United States and our friends and allies.

We are working closely with other nations to prevent further attacks. America and coalition countries have uncovered and stopped terrorist conspiracies targeting the American Embassy in Yemen, the American Embassy in Singapore, a Saudi military base, ships in the Straits of Hormuz and the Straits of Gibraltar. We have broken al Qaeda cells in Hamburg, Milan, Madrid, London, and Paris, as well as Buffalo, New York. We have the terrorists on the run, and we are keeping them on the run. One by one, the terrorists are learning the meaning of American justice.

As we fight this war, we will remember where it began, here, in our own

country. This government is taking unprecedented measures to protect our people and defend our homeland. We have intensified security at the borders and ports of entry, posted more than 50,000 newly trained Federal screeners in airports, begun inoculating troops and first responders against smallpox, and are deploying the Nation's first early warning network of sensors to detect biological attack. And this year, for the first time, we are beginning to field a defense to protect this very Nation against ballistic missiles.

I thank the Congress for supporting these measures. I ask you tonight to add to our future security with a major research and production effort to guard our people against bioterrorism called Project Bioshield. The budget I send you will propose almost $6 billion to quickly make available effective vaccines and treatments against agents like anthrax, botulinum toxin, Ebola, and plague. We must assume that our enemies would use these diseases as weapons, and we must act before the dangers are upon us.

Since September 11th, our intelligence and law enforcement agencies have worked more closely than ever to track and dislodge the terrorists. The FBI is improving its ability to analyze intelligence, and is transforming itself to meet new threats. And tonight I am instructing the leaders of the FBI, the CIA, Homeland Security, and the Department of Defense to develop a Terrorist Threat Integration Center to merge and analyze all threat information in a single location. Our government must have the very best information possible, and we will use it to make sure the right people are in the right places to protect all our citizens.

Our war against terror is a contest of will in which perseverance is power. In the ruins of two towers, at the western wall of the Pentagon, on a field in Pennsylvania, this Nation made a pledge, and we renew that pledge tonight: Whatever the duration of this struggle, and whatever the difficulties, we will not permit the triumph of violence in the affairs of men. Free people will set the course of history.

Today, the gravest danger in the war on terror, the gravest danger facing America and the world, is outlaw regimes that seek and possess nuclear, chemical, and biological weapons. These regimes could use such weapons for blackmail, terror, and mass murder. They could also give or sell those weapons to their terrorist allies, who would use them without the least hesitation.

This threat is new; America's duty is familiar. Throughout the 20th century, small groups of men seized control of great nations, built armies and arsenals, and set out to dominate the weak and intimidate the world. In each case, their ambitions of cruelty and murder had no limit. In each case, the ambitions of Hitlerism, militarism, and communism were defeated by the will of free peoples, by the strength of great alliances, and by the might of the United States of America. Now, in this century, the ideology of power and domination has appeared again and seeks to gain the ultimate weapons of terror. Once again, this Nation and all our friends are all that stand between a world at peace and a world of chaos and constant alarm. Once again, we are called to defend the safety of our people and the hopes of all mankind. And we accept this responsibility.

America is making a broad and determined effort to confront these dangers. We have called on the United Nations to fulfill its charter and stand by its demand that Iraq disarm. We are strongly supporting the International Atomic Energy Agency in its mission to track and control nuclear materials around the world. We are working with other governments to secure nuclear materials in the former Soviet Union and to strengthen global treaties banning the production and shipment of missile technologies and weapons of mass destruction.

In all of these efforts, however, America's purpose is more than to follow a process, it is to achieve a result: the end of terrible threats to the civilized world. All free nations have a stake in preventing sudden and catastrophic attacks. We are asking them to join us, and many are doing so. Yet the course of this Nation does not depend on the decisions of others. Whatever action is required, whenever action is necessary, I will defend the freedom and security of the American people.

Different threats require different strategies. In Iran, we continue to see a government that represses its people, pursues weapons of mass destruction, and supports terror. We also see Iranian citizens risking intimidation and death as they speak out for liberty, human rights and democracy. Iranians, like all people, have a right to choose their own government and determine their own destiny; and the United States supports their aspirations to live in freedom.

On the Korean peninsula, an oppressive regime rules a people living in fear and starvation. Throughout the 1990s, the United States relied on a negotiated framework to keep North Korea from gaining nuclear weapons. We now know that the regime was deceiving the world and developing those weapons all along. And today the North Korean regime is using its nuclear program to incite fear and seek concessions. America and the world will not be blackmailed. America is working with the countries of the region, South Korea, Japan, China and Russia, to find a peaceful solution and to show the North Korean Government that nuclear weapons will only bring isolation, economic stagnation, and continued hardship. The North Korean regime will find respect in the world and revival for its people only when it turns away from its nuclear ambitions.

Our Nation and the world must learn the lessons of the Korean peninsula and not allow an even greater threat to rise up in Iraq. A brutal dictator, with a history of reckless aggression, with ties to terrorism, with great potential wealth will not be permitted to dominate a vital region and threaten the United States.

Twelve years ago Saddam Hussein faced the prospect of being the last casualty in a war he had started and lost. To spare himself, he agreed to disarm of all weapons of mass destruction. For the next 12 years, he systematically violated that agreement. He pursued chemical, biological, and nuclear weapons even while inspectors were in his country. Nothing to date has restrained him from his pursuit of these weapons, not economic sanctions, not isolation from the civilized world, not even cruise missile strikes on his military facilities.

Almost 3 months ago, the United Nations's Security Council gave Saddam Hussein his final chance to disarm. He has shown instead his utter contempt for the United Nations and for the opinion of the world.

The 108 U.N. weapons inspectors were not sent to conduct a scavenger hunt for hidden materials across a country the size of California. The job of the inspectors is to verify that Iraq's regime is disarming. It is up to Iraq to show exactly where it is hiding its banned weapons, lay those weapons out for the world to see, and destroy them as directed. Nothing like this has happened.

The United Nations concluded in 1999 that Saddam Hussein had biological weapons materials sufficient to produce over 25,000 liters of anthrax, enough doses to kill several million people. He has not accounted for that material. He has given no evidence that he has destroyed it. The United Nations concluded that Saddam Hussein had material sufficient to produce more than 38,000 liters of botulinum toxin, enough to subject millions of people to death by respiratory failure. He has not accounted for that material. He has given no evidence that he has destroyed it. Our intelligence officials estimate that Saddam Hussein has the materials to produce as much as 500 tons of sarin, mustard, and VX nerve agent. In such quantities, these chemical agents could also kill untold thousands. He has not accounted for these materials. He has given no evidence that he has destroyed them.

U.S. intelligence indicates that Saddam Hussein had upwards of 30,000 munitions capable of delivering chemical agents. Inspectors recently turned up 16 of them, despite Iraq's recent declaration denying their existence. Saddam Hussein has not accounted for the remaining 29,984 of these prohibited munitions. He has given no evidence that he has destroyed them.

From three Iraqi defectors we know that Iraq in the late 1990s had several mobile biological weapons labs. These are designed to produce germ warfare agents and can be moved from place to place to evade inspectors. Saddam Hussein has not disclosed these facilities.

He has given no evidence that he has destroyed them.

The International Atomic Energy Agency confirmed in the 1990s that Saddam Hussein had an advanced nuclear weapons development program, had a design for a nuclear weapon, and was working on five different methods of enriching uranium for a bomb. The British Government has learned that Saddam Hussein recently sought significant quantities of uranium from Africa. Our intelligence sources tell us that he has attempted to purchase high-strength aluminum tubes suitable for nuclear weapons production. Saddam Hussein has not credibly explained these activities. He clearly has much to hide.

The dictator of Iraq is not disarming. To the contrary, he is deceiving. From intelligence sources, we know, for instance, that thousands of Iraqi security personnel are at work hiding documents and materials from the U.N. inspectors, sanitizing inspection sites, and monitoring the inspectors themselves. Iraqi officials accompany the inspectors in order to intimidate witnesses. Iraq is blocking U–2 surveillance flights requested by the United Nations. Iraqi intelligence officers are posing as the scientists inspectors are supposed to interview. Real scientists have been coached by Iraqi officials on what to say. Intelligence sources indicate that Saddam Hussein has ordered that scientists who cooperate with U.N. inspectors in disarming Iraq will be killed, along with their families.

Year after year, Saddam Hussein has gone to elaborate lengths, spent enormous sums, taken great risks to build and keep weapons of mass destruction. But why? The only possibly explanation, the only possible use he could have for those weapons is to dominate, intimidate or attack. With nuclear arms or full arsenal of chemical and biological weapons, Saddam Hussein could resume his ambitions of conquest in the Middle East and create deadly havoc in that region. And this Congress and the American people must recognize another threat. Evidence from intelligence sources, secret communications, and statements by people now in custody reveal that Saddam Hussein aids and protects terrorists, including members of al Qaeda. Secretly and without fingerprints he could provide one of his hidden weapons to terrorists or help them develop their own.

Before September 11, 2001, many in the world believed that Saddam Hussein could be contained. But chemical agents, lethal viruses, and shadowy terrorist networks are not easily contained. Imagine those 19 hijackers with other weapons and other plans, this time armed by Saddam Hussein. It would take just one vile, one canister, one crate slipped into this country to bring a day of horror like none we have ever known. We will do everything in our power to make sure that that day never comes.

Some have said we must not act until the threat is imminent. Since when have terrorists and tyrants announced their intentions, politely putting us on notice before they strike? If this threat is permitted to fully and suddenly emerge, all actions, all words, and all recriminations would come too late. Trusting in the sanity and restraint of Saddam Hussein is not a strategy, and it is not an option.

This dictator who is assembling the world's most dangerous weapons has already used them on whole villages, leaving thousands of his own citizens dead, blind, or disfigured. Iraqi refugees tell us how forced confessions are obtained, by torturing children while their parents are made to watch. International human rights groups have catalogued other methods used in the torture chambers of Iraq: electric shock, burning with hot irons, dripping acid on the skin, mutilation with electric drills, cutting out tongues and rape.

If this is not evil, then evil has no meaning. And tonight I have a message for the brave and oppressed people of Iraq: your enemy is not surrounding your country. Your enemy is ruling your country. And the day he and his regime are removed from power will be the day of your liberation.

The world has waited 12 years for Iraq to disarm. America will not accept a serious and mounting threat to our country, our friends, and our allies. The United States will ask the U.N. Security Council to convene on February 5 to consider the facts of Iraq's ongoing defiance to the world. Secretary of State Powell will present information and intelligence about Iraq's illegal weapons programs, its attempts to hide those weapons from the inspectors and its links to terrorist groups. We will consult, but let there be no misunderstanding. If Saddam Hussein does not fully disarm for the safety of our people and for the peace of the world, we will lead a coalition to disarm him.

Tonight I have a message for the men and women who will keep the peace, members of the American Armed Forces. Many of you are assembling in or near the Middle East, and some crucial hours may lie ahead. In those hours, the success of our cause will depend on you. Your training has prepared you. Your honor will guide you. You believe in America, and America believes in you.

Sending Americans into battle is the most profound decision a President can make. The technologies of war have changed. The risks and suffering of war have not. For brave Americans who bear the risk, no victory is free from sorrow. This Nation fights reluctantly, because we know the cost, and we dread the days of mourning that always come.

We seek peace. We strive for peace, and sometimes peace must be defended. A future lived at the mercy of terrible threats is no peace at all. If war is forced upon us, we will fight in a just cause and by just means, sparing in every way we can the innocent, and if war is forced upon us, we will fight with the full force and might of the United States military, and we will prevail. And as we and our coalition partners are doing in Afghanistan, we will bring to the Iraqi people food and medicines and supplies and freedom.

Many challenges abroad and at home have arrived in a single season. In 2 years America has gone from a sense of invulnerability to an awareness of peril, from bitter division in small matters to calm unity in great causes. And we go forward with confidence, because this call of history has come to the right country.

Americans are a resolute people, who have risen to every test of our time. Adversity has revealed the character of our country to the world and to ourselves.

America is a strong Nation and honorable in the use of our strength. We exercise power without conquest, and we sacrifice for the liberty of strangers.

Americans are a free people who know that freedom is the right of every person and the future of every nation. The liberty we prize is not America's gift to the world. It is God's gift to humanity.

We Americans have faith in ourselves, but not in ourselves alone. We do not claim to know all the ways of Providence, yet we can trust in them, placing our confidence in the loving God behind all of life and all of history.

May He guide us now, and may God continue to bless the United States of America.

Thank you.

(Applause, the Members rising.)

At 10 o'clock and 7 minutes p.m. the President of the United States, accompanied by the committee of escort, retired from the Hall of the House of Representatives.

The Deputy Sergeant at Arms escorted the invited guests from the Chamber in the following order:

The members of the President's Cabinet.

The Associate Justice of the Supreme Court.

The Acting Dean of the Diplomatic Corps.

JOINT SESSION DISSOLVED

The SPEAKER. The Chair declares the joint meeting of the two Houses now dissolved.

Accordingly, at 10 o'clock and 9 minutes p.m., the joint meeting of the two Houses was dissolved.

The Members of the Senate retired to their Chamber.

MESSAGE OF THE PRESIDENT REFERRED TO THE COMMITTEE OF THE WHOLE HOUSE ON THE STATE OF THE UNION

Mr. MILLER of Florida. Mr. Speaker, I move that the message of the President be referred to the Committee of the Whole House on the State of the Union and ordered printed.

The motion was agreed to.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. ALLEN) to revise and extend their remarks and include extraneous material:)

Mr. OBERSTAR, for 5 minutes, today.

Mr. TANNER, for 5 minutes, today.

Mr. BERRY, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Mr. MICHAUD, for 5 minutes, today.

Mr. UDALL of New Mexico, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. BELL, for 5 minutes, today.

Mr. MARSHALL, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. STRICKLAND, for 5 minutes, today.

(The following Members (at the request of Mr. BARRETT of South Carolina) to revise and extend their remarks and include extraneous material:)

Mr. DREIER, for 5 minutes, today.

Mr. NUSSLE, for 5 minutes, today.

ADJOURNMENT

Mr. MILLER of Florida. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 11 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, January 29, 2003, at noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

255. A letter from the Administrator, Rural Housing Service, Department of Agriculture, transmitting the Department's final rule — Reengineering and Reinvention of the Direct Section 502 and 504 Single Family Housing (SFH) Programs (RIN: 0575-AB99) received December 20, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

256. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving U.S. exports to Pakistan, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Financial Services.

257. A letter from the Deputy Secretary, Division of Investment Management, Securities and Exchange Commission, transmitting the Commission's final rule — Exemption for Certain Investment Advisers Operating Through the Internet [Release No. IA-2091; File No. S7-10-02] (RIN: 3235-AI15) received December 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

258. A letter from the Deputy Secretary, Security Exchange Commission, transmitting the Commission's final rule — Repeal of the Trade-Through Disclosure Rules for Options [Release No. 34-47013; File No. S7-18-02] (RIN: 3235-AI52) received December 20, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

259. A letter from the Acting Assistant General Counsel, Division of Regulatory Services, Department of Education, transmitting the Department's final rule — Title I-Improving the Academic Achievement of the Disadvantaged (RIN: 1810-AA91) received December 2, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

260. A communication from the President of the United States, transmitting a six month periodic report on the national emergency, declared in Executive Order 12947 of January 23, 1995, with respect to terrorists who threaten to disrupt the Middle East peace process, pursuant to 50 U.S.C. 1641(c) and 50 U.S.C. 1703(c); (H. Doc. No. 108—24); to the Committee on International Relations and ordered to be printed.

261. A communication from the President of the United States, transmitting notification stating that the emergency declared with respect to foreign terrorists who threaten to disrupt the Middle East peace process is to continue in effect beyond January 23, 2003, pursuant to 50 U.S.C. 1622(d); (H. Doc. No. 108—25); to the Committee on International Relations and ordered to be printed.

262. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification that effective November 3, 2002 a 25% danger pay allowance has been designated for Indonesia, pursuant to 5 U.S.C. 5928; to the Committee on International Relations.

263. A communication from the President of the United States, transmitting a report on matters relevant to the Authorization for Use of Military Force Against Iraq Resolution of 2002, Public Law 107-243; (H. Doc. No. 108—23); to the Committee on International Relations and ordered to be printed.

264. A communication from the President of the United States, transmitting a supplemental report, consistent with the War Powers Resolution, to help ensure that the Congress is kept fully informed on continued U.S. contributions in support of peacekeeping efforts in the former Yugoslavia; (H. Doc. No. 108—26); to the Committee on International Relations and ordered to be printed.

265. A letter from the Chairman, J. William Fulbright Foreign Scholarship Board, transmitting the annual report of the Board; to the Committee on International Relations.

266. A letter from the Chair, Equal Employment Opportunity Commission, transmitting the semiannual report on the activities of the Inspector General and management's report for the period ending September 30, 2002, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

267. A letter from the Inspector General, Federal Maritime Commission, transmitting semiannual report on the activities of the Office of Inspector General for the period April 1, 2002 to September 30, 2002, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Government Reform.

268. A letter from the Deputy Associate Administrator, Office of Acquisition Policy, GSA, National Aeronautics and Space Administration, transmitting the Administration's final rule — Federal Acquisition Circular 2001-10; Introduction — received December 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

269. A letter from the Administrator, National Aeronautics and Space Administration, transmitting the semiannual report on the activities of the Inspector General for the period ending September 30, 2002, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

270. A letter from the Chairman, National Credit Union Administration, transmitting the semiannual report on the activities of the Inspector General for April 1, 2002, through September 30, 2002, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Government Reform.

271. A letter from the Director, Office of Personnel Management, transmitting the semiannual report on the activities of the Inspector General and the Management Response for the period of April 1, 2002 to September 30, 2002, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

272. A letter from the Special Counsel, Office of Special Counsel, transmitting the Office's final rule — Technical Amendment to 5 CFR Part 1800 — received December 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

273. A letter from the Chairman, Securities and Exchange Commission, transmitting the semiannual report on the activities of the Inspector General and the Management Response for the period ending September 30, 2002, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Government Reform.

274. A letter from the Chairman, U.S. Postal Service, transmitting the semiannual report on activities of the Inspector General for the period ending September 30, 2002 and the Management Response for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Government Reform.

275. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Education Tax Credit [TD 9034] (RIN: 1545-AW65) received January 2, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

276. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Examination of returns and claims for refund, credit, or abatement; determination of correct tax liability (Rev. Proc. 2003-2) received December 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

277. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Coordinated Issue All Industries Intermediary Transaction Tax Shelters (UIL 9300.16-00) received December 20, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

278. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Information Reporting for Qualified Tuition and Related Expenses; Magnetic Media Filing Requirements for Information Returns [TD 9029] (RIN: 1545-BA43) received December 20, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

279. A letter from the Regulation Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Medicare Program; Application of Inherent Reasonableness to all Medicare Part B Services (Other than Physician Services) (RIN: 0938-AJ97) received December 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. CONYERS (for himself, Mrs. MALONEY, Ms. BALDWIN, Mr. BERMAN, Mr. BOUCHER, Mr. NADLER, Ms. LOFGREN, Ms. JACKSON-LEE of Texas, Mr. MEEHAN, Mr. DELAHUNT, Mr. WEXLER, Mr. WEINER, Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. ANDREWS, Ms. BERKLEY, Mr. BRADY of Pennsylvania, Mr. BROWN of Ohio, Mr. CARDIN, Ms. CARSON of Indiana, Mr. CASE, Mrs. CHRISTENSEN, Mr. COOPER, Mr. CROWLEY, Mr. CUMMINGS, Mr. DAVIS of Illinois, Ms. DELAURO, Mr. DICKS, Mr. DOOLEY of California, Mr. ENGEL, Mr. ETHERIDGE, Mr. FARR, Mr. FILNER, Mr. GREEN of Texas, Mr. GRIJALVA, Mr. GUTIERREZ, Ms. HARMAN, Mr. HASTINGS of Florida, Mr. HINCHEY, Mr. HINOJOSA, Mr. HOEFFEL, Mr. HOLT, Mr. HONDA, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. JONES of Ohio, Ms. KAPTUR, Mr. KILDEE, Mr. LANTOS, Mr. LARSON of Connecticut, Ms. LEE, Mr. LEVIN, Mrs. LOWEY, Ms. MCCARTHY of Missouri, Ms. MCCOLLUM, Mr. MCDERMOTT, Mr. MCNULTY, Mr. MENENDEZ, Ms. MILLENDER-MCDONALD, Mr. GEORGE MILLER of California, Mr. MOORE, Mrs. NAPOLITANO, Ms. NORTON, Mr. OWENS, Mr. PALLONE, Mr. RANGEL, Mr. RYAN of Ohio, Ms. LINDA T. SANCHEZ of California, Mr. SANDERS, Ms. SCHAKOWSKY, Mr. SERRANO, Ms. SLAUGHTER, Mr. SMITH of Washington, Mr. THOMPSON of California, Mr. TIERNEY, Mr. TOWNS, Ms. WATSON, Mr. WAXMAN, Ms. WOOLSEY, Mr. WU, Mr. WYNN, and Mr. UDALL of New Mexico):

H.R. 394. A bill to restore the Federal civil remedy for crimes of violence motivated by gender; to the Committee on the Judiciary.

By Mr. TAUZIN (for himself and Mr. DINGELL):

H.R. 395. A bill to authorize the Federal Trade Commission to collect fees for the implementation and enforcement of a ''do-not-call'' registry, and for other purposes; to the Committee on Energy and Commerce.

By Mr. DEFAZIO:

H.R. 396. A bill to provide assistance to the unemployed, tax relief for average Americans, fiscal assistance to state and local governments, and jobs and security through infrastructure investment, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Transportation and Infrastructure, Education and the Workforce, Energy and Commerce, Agriculture, Financial Services, and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHIMKUS:

H.R. 397. A bill to reinstate and extend the deadline for commencement of construction of a hydroelectric project in the State of Illinois; to the Committee on Energy and Commerce.

By Mr. FERGUSON (for himself, Mr. DINGELL, Mr. BROWN of Ohio, and Mr. STUPAK):

H.R. 398. A bill to revise and extend the Birth Defects Prevention Act of 1998; to the Committee on Energy and Commerce.

By Mr. BILIRAKIS (for himself, Mr. BROWN of Ohio, Mr. TAUZIN, Mr. DINGELL, Mr. UPTON, Mr. WAXMAN, Mr. BURR, Mr. DEUTSCH, Mr. WYNN, and Mr. PALLONE):

H.R. 399. A bill to amend the Public Health Service Act to promote organ donation; to the Committee on Energy and Commerce.

By Mr. ANDREWS:

H.R. 400. A bill to amend title 49, United States Code, to direct the Secretary of Transportation to require automobile manufacturers to provide automatic door locks and interior-opening trunk locks on new passenger cars manufactured after 2005; to the Committee on Energy and Commerce.

By Mr. ANDREWS (for himself, Ms. ROS-LEHTINEN, Mr. WAXMAN, Mr. SOUDER, Mr. SCHROCK, Mr. SAXTON, and Mr. WILSON of South Carolina):

H.R. 401. A bill to create an office within the Department of Justice to undertake certain specific steps to ensure that all American citizens harmed by terrorism overseas receive equal treatment by the United States government regardless of the terrorists' country of origin or residence, and to ensure that all terrorists involved in such attacks are pursued, prosecuted, and punished with equal vigor, regardless of the terrorists' country of origin or residence; to the Committee on the Judiciary.

By Mr. ANDREWS:

H.R. 402. A bill to amend the Internal Revenue Code of 1986 to expand the incentives for the environmental cleanup of certain contaminated industrial sites designated as brownfields; to the Committee on Ways and Means.

By Mr. ANDREWS:

H.R. 403. A bill to amend the Social Security Act to require that anticipated child support be held in trust on the sale or refinancing of certain real property of an obligated parent; to the Committee on Ways and Means.

By Mr. ANDREWS:

H.R. 404. A bill to amend the Controlled Substances Act to provide penalties for open air drug markets, and for other purposes; to the Committee on the Judiciary, 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. ANDREWS:

H.R. 405. A bill to provide that a person who brings a product liability action in a Federal or State court for injuries sustained from a product that is not in compliance with a voluntary or mandatory standard issued by the Consumer Product Safety Commission may recover treble damages, and for other purposes; to the Committee on the Judiciary, 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. BALLANCE (for himself, Mr. JONES of North Carolina, Mr. MCINTYRE, and Mr. ETHERIDGE):

H.R. 406. A bill to authorize the Secretary of Agriculture to use unobligated funds from a housing demonstration program in the State of North Carolina to make grants under section 504 of the Housing Act of 1949 in such State; to the Committee on Financial Services.

By Mr. BONNER:

H.R. 407. A bill to repeal the sunset of the provisions of the Economic Growth and Tax Relief Reconciliation Act of 2001; to the Committee on Ways and Means.

By Mr. CAMP (for himself and Mr. STUPAK):

H.R. 408. A bill to provide for expansion of Sleeping Bear Dunes National Lakeshore; to the Committee on Resources.

By Mr. CARSON of Oklahoma:

H.R. 409. A bill to amend the Internal Revenue Code of 1986 to permanently extend the Indian employment credit and the depreciation rules for property used predominantly within an Indian reservation; to the Committee on Ways and Means.

By Mr. CARSON of Oklahoma:

H.R. 410. A bill to provide for the issuance of bonds to construct and modernize Indian schools and to provide a credit against Federal income tax for holders of such bonds; to the Committee on Ways and Means, and in addition to the Committees on Education and the Workforce, 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. DINGELL (for himself, Mr. LEVIN, Mr. STUPAK, Mr. KILDEE, and Mr. ROGERS of Michigan):

H.R. 411. A bill 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 Mr. FROST (for himself, Ms. DUNN, Mr. LAMPSON, Mr. POMBO, Mr. CONYERS, Ms. GRANGER, Mr. SCHIFF, Mr. HOLT, Mr. BELL, Mr. MEEHAN, Mr. MATHESON, Mr. HASTINGS of Florida, Mr. KILDEE, Mr. SERRANO, Mr. MENENDEZ, Mr. WEXLER, Mr. EDWARDS, Mrs. BONO, Mr. MCINTYRE, Mr. GUTIERREZ, Mr. BISHOP of New York, Mr. PALLONE, Mr. MOORE, Ms. MCCARTHY of Missouri, Mrs. TAUSCHER, Mr. HOLDEN, Ms. KAPTUR, Mrs. MALONEY, Mr. BROWN of Ohio, Mr. LUCAS of Kentucky, Mr. ROYCE, Ms. WOOLSEY, Mr. HONDA, Ms. NORTON, Ms. BALDWIN, Mr. HILL, Mrs. JOHNSON of Connecticut, Mr. REYES, Mr. ROSS, Mr. RODRIGUEZ, Ms. LOFGREN, Ms. HOOLEY of Oregon, Mr. BRADY of Texas, Mr. UDALL of New Mexico, Mr. LARSON of Connecticut, Mr. POMEROY, Mr. CANNON, Mr. STRICKLAND, Mr. GREEN of Texas, Mr. PASCRELL, Mr. FARR, Mr. LANGEVIN, Mr. FRELINGHUYSEN, Mr. KLECZKA, Mr. BAKER, Mr. WILSON of South Carolina, Mr. WU, Mr. RENZI, Mr. CARDOZA, Mr. LARSEN of Washington, Mr. NETHERCUTT, Mr. LEWIS of California, Mr. TERRY, Mr. ACEVEDO-VILA, Mr. RAMSTAD, Mr. DAVIS of Alabama, Mr. ENGEL, Mr. SPRATT, Mr. BARTON of Texas, Mr. STENHOLM, Mr. MARKEY, Mr. TANNER, Mr. WYNN, Mrs. DAVIS of California, Mr. CALVERT, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BACHUS, Mr. SMITH of New Jersey, Ms. BERKLEY, Mr. INSLEE, Mr. EMANUEL, Ms. DELAURO, Ms. MCCOLLUM, Ms. SCHAKOWSKY, Mrs. JONES of Ohio, Mr. SCOTT of Virginia, Mr. BACA, Ms. CORRINE BROWN of Florida, Mr. STUPAK, Mr. BURGESS, Mrs. BIGGERT, Mr. HENSARLING, Mr. MICHAUD, Mr. HEFLEY, Mr. TIERNEY, Mr. COOPER, Mr. KIND, Mr. WOLF, and Mr. MCHUGH):

H.R. 412. A bill to enhance the operation of the AMBER Alert communications network in order to facilitate the recovery of abducted children, to provide for enhanced notification on highways of alerts and information on such children, and for other purposes; to the Committee on the Judiciary, 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. GREEN of Texas:

H.R. 413. A bill to require the Surface Transportation Board to consider certain issues when deciding whether to authorize the construction of a railroad line; to the Committee on Transportation and Infrastructure.

By Mr. GREEN of Texas:

H.R. 414. A bill To deem the nondisclosure of employer-owned life insurance coverage of

employees an unfair trade practice under the Federal Trade Commission Act, and for other purposes; to the Committee on Education and the Workforce, 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. HASTINGS of Florida:

H.R. 415. A bill to establish a commission to make recommendations on the appropriate size of membership of the House of Representatives and the method by which Members are elected; to the Committee on the Judiciary.

By Mr. HASTINGS of Florida:

H.R. 416. A bill to require the Secretary of Education to provide assistance to the immediate family of a teacher or other school employee killed in an act of violence while performing school duties; to the Committee on Education and the Workforce, and in addition to the Committees on Ways and Means, and 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. HUNTER:

H.R. 417. A bill to revoke a Public Land Order with respect to certain lands erroneously included in the Cibola National Wildlife Refuge, California; to the Committee on Resources.

By Mr. KANJORSKI:

H.R. 418. A bill to authorize certain States to prohibit the importation of solid waste from other States, and for other purposes; to the Committee on Energy and Commerce.

By Mr. KANJORSKI (for himself, Mr. NEY, Mrs. CUBIN, Mr. HOLDEN, Mr. SHERWOOD, Mr. MURTHA, Mr. GREENWOOD, Mrs. CAPITO, Ms. KAPTUR, and Mr. UDALL of Colorado):

H.R. 419. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax to holders of bonds issued to finance land and water reclamation of abandoned mine land areas; to the Committee on Ways and Means.

By Mr. KOLBE:

H.R. 420. A bill to establish a user fee system that provides for an equitable return to the Federal Government for the occupancy and use of National Forest System lands and facilities by organizational camps that serve the youth and disabled adults of America, 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. KOLBE (for himself, Mr. PASTOR, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. GEORGE MILLER of California, and Mr. GRIJALVA):

H.R. 421. A bill to reauthorize the United States Institute for Environmental Conflict Resolution, and for other purposes; to the Committee on Education and the Workforce, 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. LATOURETTE:

H.R. 422. A bill to authorize the Pyramid of Remembrance Foundation to establish a memorial in the District of Columbia or its environs to soldiers who have lost their lives during peacekeeping operations, humanitarian efforts, training, terrorist attacks, or covert operations; to the Committee on Resources.

By Mr. PAUL (for himself, Mr. DUNCAN, and Mrs. MUSGRAVE):

H.R. 423. A bill to amend the Internal Revenue Code of 1986 to repeal the 1993 increase in taxes on Social Security benefits; to the Committee on Ways and Means.

By Mr. PAUL (for himself, Mr. DUNCAN, and Mrs. MUSGRAVE):

H.R. 424. A bill to amend the Internal Revenue Code of 1986 to repeal the inclusion in gross income of Social Security benefits; to the Committee on Ways and Means.

By Ms. ROS-LEHTINEN:

H.R. 425. A bill to enable the residents of the Bayshore Manor assisted living facility in Key West, Florida, to continue to receive supplemental security income benefits under title XVI of the Social Security Act; to the Committee on Ways and Means.

By Mr. SENSENBRENNER (for himself, Mr. MILLER of Florida, Mr. PAUL, Mr. COX, and Mr. FRANK of Massachusetts):

H.R. 426. A bill to prohibit the Federal Communications Commission from requiring digital television tuners in television receivers; to the Committee on Energy and Commerce.

By Mr. SENSENBRENNER:

H.R. 427. A bill to amend the Clean Air Act to permit the sale in certain States of gasoline from other regions, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SENSENBRENNER:

H.R. 428. A bill to amend the Internal Revenue Code of 1986 to make the credit for increasing research activities permanent; to the Committee on Ways and Means.

By Mr. SENSENBRENNER:

H.R. 429. A bill to amend the Internal Revenue Code of 1986 to provide that the graduated income tax rates that apply to principal campaign committees of candidates for Congress shall apply to all comparable committees of candidates for State and local offices; to the Committee on Ways and Means.

By Mr. SENSENBRENNER:

H.R. 430. A bill to amend the Internal Revenue Code of 1986 to increase the amount of capital losses that may offset ordinary income; to the Committee on Ways and Means.

By Mr. SULLIVAN (for himself, Mr. COLE, Mr. LUCAS of Oklahoma, and Mr. STUPAK):

H.R. 431. A bill to amend the Internal Revenue Code of 1986 to permanently extend the Indian employment credit and the depreciation rules for property used predominantly within an Indian reservation; to the Committee on Ways and Means.

By Ms. VELÁZQUEZ (for herself, Mr. SERRANO, Mr. OWENS, and Ms. BERKLEY):

H.R. 432. A bill to amend chapters 83 and 84 of title 5, United States Code, to provide for the indexation of deferred annuities; to provide that a survivor annuity be provided to the widow or widower of a former employee who dies after separating from Government service with title to a deferred annuity under the Civil Service Retirement System but before establishing a valid claim therefor, and for other purposes; to the Committee on Government Reform, and in addition to the Committee on 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 Mr. SAM JOHNSON of Texas (for himself, Mr. NEAL of Massachusetts, Mr. RAMSTAD, Mr. MATSUI, Mr. CRANE, Mr. MCINNIS, and Mr. TOM DAVIS of Virginia):

H.R. 433. A bill to amend the Internal Revenue Code of 1986 to allow a minimum credit against the alternative minimum tax where stock acquired pursuant to an incentive stock option is sold or exchanged at a loss; to the Committee on Ways and Means.

By Mr. SAM JOHNSON of Texas (for himself, Mr. AKIN, Mr. BURR, Mr. DEMINT, Mr. KNOLLENBERG, Mr. MICA, Mr. NEY, Mr. SMITH of New Jersey, Mr. TOOMEY, and Mr. WILSON of South Carolina):

H.R. 434. A bill to amend the Internal Revenue Code of 1986 to repeal the 1993 income tax increase on Social Security benefits; to the Committee on Ways and Means.

By Mr. PAUL:

H.J. Res. 15. A joint resolution proposing an amendment to the Constitution of the United States relative to abolishing personal income, estate, and gift taxes and prohibiting the United States Government from engaging in business in competition with its citizens; to the Committee on the Judiciary.

By Mr. ANDREWS:

H. Con. Res. 16. Concurrent resolution calling for the immediate release of all political prisoners in Cuba, including Dr. Oscar Elias Biscet, and for other purposes; to the Committee on International Relations.

By Mr. EVERETT (for himself, Mr. ROGERS of Alabama, Mr. DAVIS of Alabama, Mr. CRAMER, Mr. BACHUS, Mr. BONNER, and Mr. ADERHOLT):

H. Con. Res. 17. Concurrent resolution expressing the sense of Congress regarding the establishment by the Hyundai Motor Company of its first automotive manufacturing facility in the United States; to the Committee on Energy and Commerce.

By Mr. HASTINGS of Florida:

H. Con. Res. 18. Concurrent resolution calling on the Democratic People's Republic of Korea and the United States to return to an interim level of compliance with the Agreed Framework of 1994 while a more comprehensive and mutually acceptable agreement can be negotiated by those two nations; to the Committee on International Relations.

By Mr. HOYER (for himself, Mr. TOM DAVIS of Virginia, Mr. MORAN of Virginia, Mr. WYNN, Ms. NORTON, Mr. WOLF, Mr. VAN HOLLEN, Mr. ABERCROMBIE, Mr. SANDLIN, Mr. LEVIN, and Mr. ALLEN):

H. Con. Res. 19. Concurrent resolution expressing the sense of the Congress that rates of compensation for civilian employees of the United States should be adjusted at the same time, and in the same proportion, as are rates of compensation for members of the uniformed services; to the Committee on Government Reform.

By Mr. PASCRELL:

H. Con. Res. 20. Concurrent resolution expressing the sense of the Congress that the earned income tax credit is a program of critical importance designed to assist the working poor; to the Committee on Ways and Means.

By Mr. VITTER (for himself, Mr. ALEXANDER, Mr. BAKER, Mr. JEFFERSON, Mr. JOHN, Mr. MCCRERY, and Mr. TAUZIN):

H. Con. Res. 21. Concurrent resolution commemorating the Bicentennial of the Louisiana Purchase; to the Committee on Resources.

By Ms. PRYCE of Ohio:

H. Res. 33. A resolution designating majority membership on certain standing committees of the House; considered and agreed to.

By Mr. CALVERT:

H. Res. 34. A resolution designating majority membership on certain standing committees of the House; considered and agreed to.

By Mr. MENENDEZ:

H. Res. 35. A resolution electing Members, Delegates, and Resident Commissioners to standing committees of the House of Representatives; considered and agreed to.

By Mr. MENENDEZ:

H. Res. 36. A resolution electing a named Member to standing committees of the House of Representatives; considered and agreed to.

By Mr. ANDREWS:

H. Res. 37. A resolution congratulating the Republic of Cyprus on its recent completion of the accession process into the European Union; to the Committee on International Relations.

By Mr. ANDREWS:

H. Res. 38. A resolution requiring the House of Representatives to take any legislative action necessary to verify the ratification of the Equal Rights Amendment as part of the Constitution when the legislatures of an additional three States ratify the Equal Rights Amendment; to the Committee on the Judiciary.

By Mr. ANDREWS (for himself and Mr. PALLONE):

H. Res. 39. A resolution congratulating Armenia on its recent accession to the World Trade Organization; to the Committee on Ways and Means.

By Mr. HASTINGS of Florida:

H. Res. 40. A resolution condemning the current political unrest and political leadership in Venezuela, calling for new elections in accordance with the constitution of that country, and for other purposes; to the Committee on International Relations.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. STUPAK introduced a bill (H.R. 435) for the relief of Robert and Verda Shatusky; which was referred 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. 12: Mr. PLATTS, Mr. ANDREWS, Mr. ROSS, Mr. GORDON, and Mr. SAM JOHNSON of Texas.

H.R. 20: Mr. MCINTYRE, Mrs. CHRISTENSEN, Mr. RAHALL, Mr. SHIMKUS, Mr. SHAYS, and Mr. BOEHLERT.

H.R. 21: Mr. GREEN of Wisconsin and Mr. LIPINSKI.

H.R. 31: Mr. GREEN of Wisconsin, Mr. FLAKE, Mr. RYAN of Wisconsin, Mr. MATHESON, Mr. SHIMKUS, Ms. CARSON of Indiana, Mr. KIND, Mr. COBLE, Ms. GINNY BROWN-WAITE of Florida, Mr. SIMMONS, and Mr. BARRETT of South Carolina.

H.R. 33: Mr. MORAN of Kansas, Mrs. JO ANN DAVIS of Virginia, Mr. JENKINS, Mr. PAUL, Mr. NORWOOD, and Mrs. CHRISTENSEN.

H.R. 49: Mr. NORWOOD, Mr. KOLBE, Mr. SCHROCK, Mr. BURTON of Indiana, Mr. BARTLETT of Maryland, Mr. CRAMER, Mr. BISHOP of Georgia, Mr. KELLER, Mr. HASTINGS of Washington, Mr. SMITH of Texas, Ms. KILPATRICK, Mr. THOMPSON of California, Mr. CRENSHAW, Mr. GREENWOOD, Ms. HARRIS, Mr. HOSTETTLER, Mr. WOLF, Mrs. MILLER of Michigan, Mr. GOSS, Mr. SHIMKUS, Mr. PITTS, Mr. KLINE, and Mr. SOUDER.

H.R. 50: Mr. MANZULLO, Mr. KIRK, Mr. FRANKS of Arizona, Mr. SHIMKUS, Mr. KING of Iowa, Mr. TANCREDO, Mr. AKIN, Mr. BEAUPREZ, Mr. BARTLETT of Maryland, Mr. VITTER, and Mr. PITTS.

H.R. 57: Mr. SIMMONS, Mr. GRAVES, Mr. PENCE, Mr. JOHNSON of Illinois, Mr. SESSIONS, Mr. GOSS, Mr. MCHUGH, Mr. TANCREDO, Mr. CANNON, Mr. COBLE, Mr. BONILLA, Mr. WHITFIELD, Mr. SAXTON, Mr. BURTON of Indiana, Mr. DUNCAN, Mr. SCHROCK, Mr. OTTER, Mr. DOOLITTLE, Mr. PAUL, Mr. ROHRABACHER, Mr. JENKINS, Mr. LUCAS of Kentucky, Ms. GRANGER, Mr. HAYES, Mr. EVERETT, Mr. FERGUSON, Mr. LEWIS of Kentucky, Mr. BARTLETT of Maryland, Mr. SWEENEY, Mr. KELLER, Mr. SHADEGG, Mr. BARRETT of South Carolina, Mr. WALDEN of Oregon, Mr. WALSH, Mr. MARIO DIAZ-BALART of Florida, Ms. PRYCE of Ohio, Mr. ISTOOK, Mr. ISSA, Ms. BERKLEY, Ms. ROS-LEHTINEN, Mr. SENSENBRENNER, Mrs. CUBIN, Mr. MILLER of Florida, Mr. LATHAM, Mrs. CAPITO, Mr. RADANOVICH, and Mr. GARY G. MILLER of California.

H.R. 100: Mr. REYES and Mr. FILNER.

H.R. 115: Mr. MCHUGH.

H.R. 138: Mr. MCINTYRE.

H.R. 163: Ms. VELAZQUEZ, Mr. CUMMMINGS, Mr. MORAN of Virginia, Mr. HASTINGS of Florida, Mr. CLAY, Ms. JACKSON-LEE of Texas, Ms. CORRINE BROWN of Florida, and Ms. NORTON.

H.R. 196: Mr. CARSON of Oklahoma.

H.R. 200: Ms. WOOLSEY, Mr. OWENS, Ms. LEE, Mr. MCGOVERN, and Mr. PASTOR.

H.R. 218: Mr. JOHNSON of Illinois.

H.R. 219: Mr. NEY and Mr. WAMP.

H.R. 220: Mr. SENSENBRENNER.

H.R. 235: Mr. MILLER of Florida, Mr. BURR, Mr. HEFLEY, Mr. KING of Iowa, Mr. PICKERING, Mr. WHITFIELD, Mr. NORWOOD, Mr. SULLIVAN, Mr. LEWIS of Kentucky, Mr. GOODE, and Mr. HOSTETTLER.

H.R. 241: Mr. REYES and Mr. FILNER.

H.R. 242: Mr. GOODE.

H.R. 243: Mr. CUNNINGHAM and Mr. EHLERS.

H.R. 250: Mr. MCNULTY, Mr. BLUEMENAUER Mr. LEACH, Ms. MILLENDER-MCDONALD, Ms. NORTON, Ms. ESHOO, Ms. LEE, Ms. BORDALLO, Ms. EDDIE BERNICE JOHNSON of Texas, and Ms. CARSON of Indiana.

H.R. 265: Mr. MCDERMOTT.

H.R. 270: Mr. FERGUSON, Mrs. LOWEY, Mr. WEINER, Mr. FOSSELLA, and Mr. BASS.

H.R. 290: Mr. JACKSON of Illinois.

H.R. 302: Mr. NEY.

H.R. 303: Mr. SENSENBRENNER.

H.R. 308: Mr. ENGLISH, Mr. LATOURETTE, Mr. OWENS, and Mr. TOWNS.

H.R. 309: Mr. RADANOVICH.

H.R. 311: Mr. CANNON, Mr. MILLER of Florida, and Mr. HAYWORTH.

H.R. 315: Mr. BURR.

H.R. 318: Mr. MICHAUD and Mr. WELLER.

H.R. 323: Mr. HINCHEY, Mr. PASCRELL, Mr. JACKSON of Illinois, and Mr. BOYD.

H.R. 339: Mr. MICA, Mr. MARIO DIAZ-BALART of Florida, Mr. FEENEY, Mr. PENCE, Mr. CHOCOLA, Mr. MILLER of Florida, and Mr. ISSA.

H.R. 352: Mr. SMITH of New Jersey and Mr. MILLER of Florida.

H.R. 389: Ms. SCHAKOWSKY and Mr. FROST.

H.J. Res. 3: Mr. NETHERCUTT, Mr. JENKINS, Mr. LATOURETTE, Mr. CUNNINGHAM, Mr. FORBES, Mr. NEY, Mr. WOLF, Mr. HALL, Mr. HAYES, Mr. MILLER of Florida, Mr. PETRI, Mr. SCHROCK, Mr. MENENDEZ, Mr. WALSH, Mr. OTTER, Mr. BRADLEY of New Hampshire, Mr. PUTNAM, Mr. FROST, Mr. LARSEN of Washington, Mr. BURNS, Ms. ESHOO, Mrs. CHRISTENSEN, Mr. GOODE, Mr. HYDE, Mr. GOODLATTE, Mr. EDWARDS, Mr. MATHESON, Mr. WAMP, Mr. HULSHOF, Mr. BONILLA, Mr. KILDEE, Mrs. BIGGERT, Mrs. BLACKBURN, Mr. MORAN of Virginia, Ms. GINNY BROWN-WAITE of Florida, Mr. GINGREY, Mr. UDALL of Colorado, and Mr. BACHUS.

H. Res. 31: Mr. FOLEY.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 107: Mr. KENNEDY of Rhode Island.

H.R. 111: Mrs. MCCARTHY of New York.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 108th CONGRESS, FIRST SESSION

Vol. 149 WASHINGTON, TUESDAY, JANUARY 28, 2003 No. 15

Senate

The Senate met at 10:31 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, Sovereign of America, source of our strength, motive of our unity, and basis of our commitment to serve in Government, we praise You for the privilege of living in this land of freedom and opportunity. Grant us wisdom, grant us courage for the facing of this cruel, crucial hour of history. Inspire us with vision as we confront the enemies of despotism and terrorism in the world today.

On this day of the State of the Union Address by our President, we ask for Your special blessing on him in this strategic time in history. We renew our loyalty to him as our President, our attentiveness to listen to his vision, and our thoughtful reflection on his convictions on the awesome issues before our Nation and our terrorist-troubled world.

When the President stands before the Joint Session of Congress and the Nation, clear the prayer channels as we join with Americans everywhere in intercession for Your divine guidance for him. Be with the Senators as they live out their primary dedication to You, their patriotism for America, and their creative debate on the national and international soul-sized issues confronting our Nation. Bless our President and both Houses of Congress on this important day. You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable LARRY E. CRAIG, a Senator from the State of Idaho, led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore (Mr. CORNYN). The majority leader.

SCHEDULE

Mr. FRIST. Mr. President, today the Senate will be conducting morning business to allow Senators to speak and to introduce legislation. Under the previous order, at 12:30 p.m., the Senate will recess until 2:15 p.m. for the weekly party lunches. As previously announced, there will be no rollcall votes today.

This evening, the President will deliver his State of the Union Address. I ask all Members to be in the Senate Chamber by 8:30 p.m. so we can proceed as a body to the House Chamber for the President's speech which will begin promptly at 9 p.m.

For the remainder of the week, the Senate will consider any legislative or executive matters that become available. There may be some additional nominations that are reported by the committees of jurisdiction, and it is my hope that the Senate will be able to act on those nominations in a timely way.

In addition, it will be necessary to act on a further continuing resolution this week. Therefore, rollcall votes are possible this week.

Mr. President, I ask unanimous consent that the morning business time ordered for today be divided as follows: The time from 10:30 a.m. to 11:30 a.m. be under Republican control; the time from 11:30 a.m. to 12:30 p.m. be under Democratic control. I further ask unanimous consent that upon reconvening from the party lunches recess, the time from 2:15 p.m. to 3:15 p.m. be under Democratic control; the time from 3:15 p.m. to 4:15 p.m. be under Republican control; finally, that the time from 4:15 p.m. to 5 p.m. be equally divided between the two parties.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, can we modify the request so that we lock in which Democrats expect to be here? Some of the times are more than 10 minutes, so we will need to ask unanimous consent to do that. I will go over that now with the consent of the Republican leader: From 11:30 a.m. to 11:45 a.m., Senator DURBIN; 11:45 a.m. to 12 noon, Senator BOXER; from 12 noon to 12:15 p.m., Senator STABENOW; from 12:15 p.m. to 12:30 p.m., Senator BIDEN; from 2:15 p.m. to 2:45 p.m., Senator KENNEDY will be in control of the time. There will be some other Senators who will speak, but Senator KENNEDY will allot the time. From 2:45 p.m. to 3:05 p.m., Senators BOXER and JEFFORDS; from 3:05 p.m. to 3:15 p.m., Senator SCHUMER.

This throws morning business off by 15 minutes. If the leader wants to take 15 minutes for the Republicans at 5 o'clock, that will be appropriate, but from 4:15 p.m. to 5 p.m., Senators DAYTON and DORGAN control that time.

Mr. FRIST. Mr. President, the reason there is some discussion is that we do need to be out of the Chamber by 5 o'clock to prepare for this evening; so if we can have some modification of the time——

Mr. REID. Mr. President, the note I was given had the wrong time. It will be from 4:45 p.m. to 5 p.m., Senator DAYTON.

The PRESIDING OFFICER. Does the majority leader so modify his request?

Mr. FRIST. I so modify my request.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. Mr. President, over the course of the week, as I mentioned, we will likely have votes. We will be dealing with the continuing resolution and, I am very hopeful, nominations as they come forward.

With respect to Friday, I expect there to be no rollcall votes, and we

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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likely will not be in session on Friday out of consideration for the Democratic gathering and planned meeting. That will be similar to the following Friday as well. We will have further announcements on that schedule during the course of the week.

Mr. REID. Mr. President, if I may say before the leader leaves the floor, I believe we had a productive week last week. It was extremely difficult and contentious at times. When it ended, I think it was good. I hope the leader will use whatever influence he has, which is significant, to have the conference move forward. We need to get this bill done. I hope the leader will do whatever he can to have the House and the Senate begin meeting immediately, and, of course, the way it works is the administration is heavily involved in those conferences. This is so important. I hope we start that ''yesterday.''

Mr. FRIST. Mr. President, I, too, will encourage our colleagues in the Senate and in the House of Representatives and the administration with regard to having an expeditious process. We all did work very hard. We had a recess that had been initially planned, and with the goal of being able to accomplish what we all set out to accomplish—and that is completion of these appropriations bills—all of us came back from that recess, worked together hand in hand, and accomplished a lot. So over the course of today, we will be talking to our colleagues on both sides of the aisle, and bicamerally, so we can expeditiously bring this legislation to a conclusion.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 12:30 p.m., with the time to be divided as previously ordered, and with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. I thank the Chair.

(The remarks of Mr. CRAIG, Mr. CRAPO, and Mr. LOTT pertaining to the introduction of S. 219 are printed in today's RECORD under ''Statements on Introduced bills and Joint Resolutions.'')

THE STATE OF THE UNION

Mr. CRAIG. Mr. President, tonight our President comes to Capitol Hill, as Presidents historically do, to deliver a State of the Union Message both to us here in Congress and to the country at large. I would have to say that this State of the Union probably, in his Presidency, is one of the most critical.

We have a very bold President who has not ducked from any of his responsibilities, and in so he has been a very dynamic, forceful leader for our country. Tonight I believe he comes to Capitol Hill to challenge us here in the Congress on a variety of fronts, to challenge us to do our work in a bipartisan way, not only for our country and for the citizens of our country but for the world at large. This is a President who tonight will speak on a variety of topics. Let me talk about four areas I think he will dwell on for much of his time.

First of all is growing our economy and creating jobs. There is no question that we are in, and have come through, a recession. We have men and women in our country who are out of work. The economy has slowed. The revenues to government have frustrated our States. Certainly we have to recognize and deal with that here, as revenues have declined. But most important, clearly it is an issue of men and women out of work. He will challenge us to grow our economy and to create new jobs, and he will do so by the dynamic approach of the stimulus package that will have tax reduction in it, to get money back into the economy and out to not only the job creator but middle-income Americans themselves, those who are the hard-working men and women of our country.

It will be argued from the other side, with oftentimes the gnashing of teeth and the wringing of hands, that somehow the President is going to take money away from Government. Somehow, it is Government, if you leave the money in Government, that will create all of these jobs and will provide the safety net and the security for the American people. Yet just last week we saw our colleagues on the other side offer amendment after amendment that would have driven up our deficit by nearly $450 billion to $500 billion over the next several years. They clearly demonstrated that their intent is to keep all the money they can get and spend it, instead of in any way trying to create a package that will not take money out of the pockets of the working men and women of our country but will also generate the incentives that will cause the economy of this country to reinvest and to create jobs.

Over the next several months—and I hope it will only be a couple of months—the Finance Committee here in the Senate, and hopefully the House Ways and Means Committee, will come forth with a budget and a budget proposal that will include within it, I trust, many of the incentives that our President is proposing in his economic stimulus package that he will talk about tonight. We can be a positive force in the economy by rewarding and recognizing both investment and hard work, instead of penalizing them by taking more and more, or by creating the kinds of hurdles or obstacles that the investment community has to take to reinvest in the economy. So I hope we listen closely to that proposal tonight, as our President visits with us about it.

He has obviously talked about—and I think will talk again tonight—strengthening and improving health care in this country. We worked at it a long while last year. We were at the threshold of dealing with Medicare reform and prescription drugs. Those probably are some of the most difficult areas with which to deal, but the most important. Prescription drugs have become a dynamic part of health care delivery in this country, yet we still deal with an old Medicare model that is not paying its way to the provider and the caregiver. As a result, many of our senior citizens are having difficulty finding a primary care provider, and are paying $300, $400, $500, $600 a month oftentimes, and more, for prescription drugs. We can deal with that this year and we can deal with it in a bipartisan way. The President has supported us in that.

But last year, struggle as we might, somehow some of my colleagues thought it was an issue better left unaddressed until after the election. Why? I suspect they thought they could take it to the people and somehow gain political favor by arguing that one side or the other had denied the senior citizens of this country access to a viable modern Medicare program with prescription drugs. I believe that argument fell hollow. What was heard by all of us who were out running for reelection last year was: Congress, do your work. Do it on a timely basis. Do it on a responsible basis. Yes, and do it in a bipartisan way. But don't drag your feet, don't argue, and, most important, don't in every way avoid getting your work done, failing to address the problem with the argument that somehow you will gain political favor by doing so; that will not work.

I think the President may also talk about something else that is reshaping American health care, and that is, of course, excessive lawsuits that are causing doctors literally to pack their bags and move to other States that have been bold enough to do tort reform over the last several years and where, as a result, the cost of insurance for care providers is not as great as it is in other areas of our country. This is something we have to deal with here. Yes, we have to look at a certain segment of our economy right in the eye and say fair is fair. A reward for malpractice suit should not make both the patient and his attorney multimillionaires in a single act. Clearly, a person injured by malpractice should be rewarded for that injury. None of us argue that. But the fact that in some instances predator lawyers can make a million dollars or more a case doesn't make a lot of sense to me, and I don't think it makes a lot of sense to the consumers, who now find they have to pick up the bill because of malpractice insurance that some doctors are now paying that is in the $200,000 to $300,000

to $400,000 a year range. That is, by any definition, excessive. I think our President will speak to that this evening, will talk about tort reform, and charge us, this Congress, in a bipartisan way to deal with that responsibly.

It is obvious to me, at least, that many Americans will be tuning in tonight to listen to the President on those issues. But obviously there is now another issue on which he will spend, I would guess, a good deal of time. That is the issue of defending peace and security at home and abroad. The President came to us last year in a post-9/11 environment with a very bold reform package. In the waning days of the last Congress, we produced a new agency of our Government entitled the Department of Homeland Security. That was a bold step on the part of our President. Anyone on the other side who says that we are less secure today as a country than we were before 9/11, or that we are not as secure as we ought to be, fails to recognize the significant amount of money and the major steps that have been and are now being taken to build greater security for the citizens of our country.

I was chuckling a little bit the other day when a Member of this Senate talked about not having accomplished anything. I thought, my goodness, that Senator must never travel on the airlines anymore, must never go through security checks that sometimes take 20, 30, and 40 minutes, that sometimes require all of your bags to be inspected, your shoes taken off, your coat and jacket to be taken off.

I have seen, and I am sure the Presiding Officer has seen, 4- and 5-year-old kids almost strip-searched and wanded at the airports. Arguably, that is security. Frustrating? Yes. But I think our airlines today are substantially more secure than they have been. They will become increasingly secure as we refine security, and the people at those checkpoints become all the more efficient in their jobs. That is part of what this Congress has accomplished.

Certainly border security has become increasingly tight. The ability to identify illegal aliens who may be here for a purpose of doing us harm is now an aggressive process, well underway. Our Department of Justice has moved very aggressively to find, apprehend, and prosecute those where cases can be effectively built that they are, in one form or another, here with a purpose other than finding work and providing beneficial service to this economy.

For anyone to say we are less secure today is a surprise to me. Does it say we are as secure as we ought to be? Certainly not. But it also suggests, in light of the threat of terrorism, that we, as a country, live differently today and must think differently in a post-9/11 environment, that we must be constantly vigilant and, yes, our agencies of government—whether it be Federal, State, or local—must improve their abilities. And they are being given the resources to do just that, to the tune of hundreds of millions of dollars. Certainly, that is a challenge. I think it is a challenge that the President will speak about this evening.

Lastly, and certainly as important, will be the issue of security abroad. Our Nation is a humane and civil nation. We are a peace-loving nation. We have always taken war as a very serious undertaking and one from which—while we do not enjoy it in any way when it comes to our own citizens' security and the security of freedom-loving citizens and allies around the world—we have not stepped back. Certainly, in a post-cold-war environment, we recognize, as the world's superpower, that awesome responsibility and force we have.

This President—and I have heard him, as have all of us—speaks very clearly to that, recognizing not only his responsibilities as our President and Commander in Chief, but it is a responsibility he does not take lightly nor does he take casually. He sees it as a huge responsibility and one that he and his Cabinet treat most seriously.

In doing so, he has operated both in a bold and cautious fashion. For anyone to suggest anything less than that did not hear our President's speech at the United Nations and his willingness to challenge them to do their job with the passage of the U.N. resolution that, in fact, finally put inspectors back into Iraq to do just that, to inspect and to find if Saddam Hussein had lived up to the original U.N. resolution, first and foremost, and, secondly, to see if, in fact, he was continuing to build weapons of mass destruction and if he had gained any kind of nuclear capability.

It has already been well established that he has both chemical and biological weapons. Those were found. Those were recorded. Yet somehow today the world is cautiously saying: Well, that doesn't seem to count anymore. It is what you find today or tomorrow that will cause this country and our allies to disarm Saddam Hussein.

I do not think the President or his people see it that way. And while they have been willing to give the United Nations ample time to respond, this President does have a responsibility, and that responsibility is, yes, to the world at large and the freedom-loving people around the world, but his responsibility is to us, here at home, to make sure the actions we take in foreign policy increasingly reflect on our security and our stability.

I think the President will talk about that this evening, as certainly he and his Cabinet have been involved in that over the last good number of weeks and months. It has been one of his primary missions, along with bringing this economy back to life and moving us forward as a country.

This is a critical speech for our country, both here and abroad, as this President speaks to us and to the American people about his vision of leadership and responsibility, to move our economy, to create jobs, to put people back to work and, at the same time, to strengthen and improve health care and the general well-being of the citizens.

He will, by his proposal of faith-based approaches, encourage us to deal with acts of compassion. The President wants to apply compassion to some of the deepest problems in America. That is a side of our President that has been badly underestimated by some. He will urge Congress to pass both his faith-based and citizen service initiatives. Why? Because it is in the best interest of this country to do so. For good people to be helping good people who are in need of help, with some assistance from our Government, at a tremendously lower cost and in a considerably more compassionate way, is exactly what this President will speak to in that initiative.

Lastly, of course, as I have mentioned, is defending the peace and the security at home and abroad. September 11, nearly 2 years ago now, was a time of awakening under an attack and a loss of our fellow citizens' lives that we didn't think could happen. While some experts had studied the issue over the years and had told us that someday it would happen, I don't believe there was ever a true belief that it could happen here. Now we know it can.

For us to think it will never happen again would be to dramatically underestimate not only the ability of the human mind to figure a new approach but the intent of terrorists to do our citizens and our country wrong.

We have made some great steps forward in reshaping Government and its agencies to be more sensitive, to be able to connect the dots of intelligence and information and, out of that, to make an assessment as to the security of our country.

Also, this President has gone much beyond that. He has reached out to the world at large and challenged people not to in any way encourage or ignore a risk of terrorism and to deal with terrorists as if they were enemies of the world and enemies of the state. Clearly, we have a role, as a very powerful country, in working with our allies to make sure terrorism and terrorists have no safe haven anywhere in the world. That is why our President insisted that U.N. resolutions be enforced and that we go back into Iraq, as the United Nations inspections team has over the last several months, to determine whether Saddam Hussein was living up to U.N. resolutions that largely were to disarm and neutralize him after the Desert Storm war over a decade ago.

That will be another important part of his speech this evening, as he assesses that for us and challenges us, both as a country and as a Congress, to work with him in the days to come.

Trade and jobs and the economy on one hand, security on another, these are issues that Congresses in the past

have faced and this Congress will face. Our challenge is to be able to work together, not for one side to gain political advantage over the other but to see how we can best solve these problems. Many of them, if not most, will have to be dealt with in a bipartisan way so that our country truly does come together not only to make ourselves more secure, but in that security to be able to live in a good life, to be able to have the resources and the wherewithal to sustain life in both a livable and enjoyable fashion. That is the American dream. Most important, that is the American responsibility, be it here at home or to the world at large. That is our challenge.

I believe our President will once again challenge us this evening to greatness.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Illinois is recognized for 15 minutes.

THE PRESIDENT'S STATE OF THE UNION ADDRESS

Mr. DURBIN. Mr. President, this is one of those big days in Washington. It happens every year with the President's State of the Union Address. We look forward to it. It is an opportunity for the entire membership of the Senate and House to gather on the floor of the House of Representatives and bring in the Members of the Cabinet, Supreme Court Justices, the diplomatic corps, and Joint Chiefs of Staff. The President of the United States comes before us in a well-publicized event to speak from his heart about the State of the Union, our Nation.

For about an hour—some Presidents take a little longer than others—the President has center stage, as he should; he is our leader, our Commander in Chief. There is an air of anticipation during this lead-up time to the State of the Union Address because, until he speaks the words, we are never quite sure what he is going to say. The White House, whether it is under a Democrat or Republican, will tantalize us with hints and little notions, but I have found in the time I have served in Congress that sometimes they are misleading and they don't tell you the whole story. It is not until you go into the House Chamber and sit in the chair and listen to the President that you hear firsthand what is on his mind.

You are not certain, as well, about the people he will honor and pick out. It has become a standing tradition, I think since President Reagan, for the President to invite people to sit in the gallery, usually with the First Lady. They are pointed to with pride as great Americans who have done extraordinary deeds. There is a lot of speculation who will be up there. Will it be the family of a Reservist who has been activated for a potential war in Iraq, a firefighter, a policeman, or a member of the health professions who has distinguished himself or herself in our homeland security? You are never sure. It is this uncertainty which leads to the excitement about the State of the Union Address.

But we learned today in a story published in the Chicago Tribune that some people living here in Washington, some who work on Capitol Hill, have no uncertainty about what the President is going to say. This morning, in the Chicago Tribune, in an article written by Jeff Zeleny, it was disclosed that the White House has invited a select audience of Republican lobbyists and political executives down to the White House today to hear the State of the Union Address. I think that is unprecedented. I don't think there has been a time before when a President has invited in lobbyists, special interest groups, to hear the State of the Union Address in advance.

These top strategists and opinion leaders are going to attend a ''closed-door State of the Union briefing inside the White House complex.'' Who will be included? We are not sure of all of them. There will be about 70 top strategists, pollsters, and conservative groups, such as American Cause, founded by Pat Buchanan; Americans For Tax Reform, whose leader is Grover Norquist, someone who is well known in political circles in Washington. Then, of course, the lobbyists for the biggest corporations are going to be there in advance for the sneak preview, including personnel from AT&T and Eli Lilly, which is a major pharmaceutical company. They get a chance, before the American people, to hear the State of the Union Address.

Why would the White House want to open the doors for these special interest groups to hear the State of the Union Address before the President speaks to the American people? Well, it is certainly a special privilege he has granted to them. But it also reflects on what he is going to say in that State of the Union Address. He is certainly not bringing in these Republican strategists and business leaders and special interest groups to hear something they are going to find unsettling. He is really assembling a chorus of praise for those who will say after the speech that it is the best ever.

When the President really speaks to America and its issues, I just wonder, will we witness the same level of moral outrage from the conservative cable commandos as we heard in years gone by when special interest groups were invited to the White House? For this President to make history by bringing in lobbyists to hear the address before the people of the Nation, I am anxious to hear all of the people you see on cable channels and the reaction they will have.

Frankly, I am disappointed. I think this is a special moment for all of America. It is really not a special treat for lobbyists. Traditionally, this has been a moment for all America, to hear the President speak from his heart. When I reflect on what the President might say this evening, I know for certain he will speak about security, terrorism, North Korea and Iraq. That goes without saying. Those will be the issues that certainly will draw together many in Congress, Democrats and Republicans, on a bipartisan basis to stand behind our fighting troops and behind America as a leader in the world.

Mr. REID. Will the Senator yield for a question?

Mr. DURBIN. Yes, I am happy to yield to the Senator.

Mr. REID. I also read that article in the Senator's hometown newspaper, and I am wondering, if this is a closed hearing, is this a focus group? And I wonder if the lobbyists don't like certain lines of that speech, or certain paragraphs or phrases, do you think he will change the speech?

Mr. DURBIN. I don't know. Someone said this morning the White House said it is baked and he is not going to change a word of it. I cannot say if they are being called in as a focus group to see if there is anything they find objectionable. I think it is probably more likely that they already know in advance they are going to have a warm reception from the special interest groups for the State of the Union Address.

Mr. REID. I ask the Senator, also, based on what was reported in the Senator's home State newspaper, it appears to me, in answering my own question, that maybe they had a lot more to do with writing that speech than one would necessarily think. I think these people already know what is going to be in the speech, if you represent Eli Lilly. You can tell about that from what went on on the floor last week.

Mr. DURBIN. Eli Lilly is a special case. You will remember when we passed the homeland security bill to keep America safe from terrorism, someone stuck in a special provision that helped that drug company, which is based out of Indianapolis, IN. There was, I guess, embarrassment all around when it was discovered. Many times, these provisions are stuck in a bill in the hopes nobody will find them. Well, they were found and many people objected to that on the floor. If the Senator will remember, we had a vote on this issue. Several Republican Senators said they were embarrassed that a drug company would get a special break in the homeland security bill, which had nothing to do with homeland security, and it was going to come out soon. Despite that momentary embarrassment, the fact is that Eli Lilly is front and center in the White House when special interest groups are called in to have a preview of the President's State of the Union Address. That is troubling. I hope the press will ask those who made this decision whether they have not compromised the integrity of that institution as relates to the State of the

Union Address. Why in the world is the President letting this happen?

I know what is going to be said tonight. The President is going to speak to us about Iraq. I think it bears repeating, as I said last week, America's future is about more than Baghdad. It is about the challenges that moms and dads across America worry about every single day. It is about more than Iraq. It is about the rock and the hard place which millions of Americans find themselves between when they deal with the Bush-burdened economy. How bad is this economy? How likely is it that this President will do something now at the end of 2 years to turn it around? The numbers are staggering. The numbers I give you are not cooked by Democratic strategists. These are numbers reported by President Bush's own agencies of Government.

We have had the first back-to-back years of job loss in America in 50 years; the worst job creation record of any President in 58 years, with 2.3 million private sector jobs lost since the beginning of this administration; a 43 percent increase in unemployment rates since President Bush took office—43 percent; the loss of $4.9 trillion in the stock market. Did my colleagues notice what happened yesterday in the stock market? People who follow this, as they should, know the Dow Jones hit 8,000. It lost 141 points in 1 day. What does it mean? It means for people who have stocks that they own directly or through mutual funds for their savings or their retirement, as the people say on the late night talk shows, they have seen their 401(k)s turn into 201(k)s—and maybe 101(k)s, if we are not careful. It is hard to even smile at that suggestion because a lot of people who counted on the stock market for their future have seen it disappear over the last 2 years during the Bush administration.

We have seen the elimination of a surplus in our budget. When President Clinton left office—and these are indisputable facts—we were generating a surplus each year to pay off the debt of America. Well, we are back in debt again. We are back in deficit. The projection is that this next year, the deficit we will face in America will be the worst deficit in 20 years, worse than any deficit under President Ronald Reagan, President Bush's father, or the early years of the Clinton administration. We are back in the deficit world.

What will the President say about that tonight? Will he remind us that his response to the deficit is a $676 billion tax break primarily for the wealthiest people in America? Think about that for a moment. At a time when we are in recession, at a time when we are most certainly to be involved in war in the Middle East—I pray that does not happen, but most certainly we are going to see that, with added expense to the taxpayers—at a time when we should be funding the security of America, our homeland security, instead of meeting those obligations, the President has said give a tax break to the wealthiest people in America—a $90,000-a-year tax break to people who make $1 million a year in income.

Because of our deficits and because of the President's tax cuts, he is unable to fund things which are critically important to America. President Bush's plan is no stimulus to our economy. It is, in fact, a debt burden that we are passing on to our children and grandchildren. We have classrooms that assemble with us regularly in Washington to talk about what is going on in Washington. The sad news for those young students is that this administration, with the cooperation of this Republican Congress, is running up the balance on America's mortgage for our kids to pay. That mortgage, incidentally, is money taken directly out of the Social Security trust fund to fund the tax breaks for the wealthy people in America. That is not fair.

I think the President should address the real challenges facing America, real job creation, a stimulus plan that will put people back to work, not one that is going to help the folks who sit around the country club and try to figure out what to do with their portfolios but the people on Main Street who are trying to keep their small businesses open and the folks who are struggling to keep their jobs.

One million American workers who have run out of unemployment have been left behind by this administration. There will be more to follow unless the President changes his approach.

Secondly, this President should address the costs of health care in America. Health insurance expenses have become a crippling liability on businesses and families who cannot afford to buy protection. Instead, the President is going to talk about tort reform, an important issue but one that does not bear directly on the cost of health insurance and the run-up we have seen there. He is going to talk about privatizing Medicare. So we are going to say to senior citizens, for the first time they have a choice: They can pick their doctor or they can have their prescription bills paid, but they cannot have both. Boy, is that the future of health care in America?

We also need to give a helping hand to middle-income families. Would it not be great to have the President say tonight: We are going to provide a tax deduction for college education expenses for middle-income families? Think about families worried whether their kids can afford to graduate from college because of all the debts they are going to have. Would it not be great for the President to say, ''I believe in education''; instead of this being a tax break for millionaires, this will be a tax break for working families. Unfortunately, we should not hold our breath.

The President should also promise to fund his program of No Child Left Behind. He has created a mandate on every State and school district in America to do certain things, but he has refused to fund it. It is an unfunded mandate when the States are deep in debt. That is not fair, and the President should rise to that challenge.

Senator BOXER of California will speak to protecting the environment, so I will not dwell on that, but this President in 2 years has a dismal record. When it comes to the polluter pays for Superfund sites, the President says, no, the taxpayers should pay, not the polluting industries. That is plain wrong.

The President should commit himself to protecting Social Security. We know the baby boom generation is coming along in big numbers and they will be needing Social Security and Medicare. This President ignores that and instead increases the deficit and the debt of America at the expense of Social Security.

Finally, as to homeland security, listen carefully to see if we hear the following words tonight in the State of the Union Address: Osama bin Laden. Let's see if the President even mentions the name of the person we believe was responsible for September 11 who has disappeared from the headlines, disappeared from the news stories, because our pursuit of him has, frankly, not ended as we wanted. Let's see if the President mentions that effort. Let's see if he mentions investing in police and firefighters and health care across America to provide real security to the people of this Nation.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

AN ANXIOUS NATION

Mrs. BOXER. Mr. President, I say to my friend from Illinois I always appreciate his remarks both on the floor and when he is out meeting with people via the media. He puts his finger on a lot of important issues. He mentioned that I was going to speak about the environment. This afternoon, I will take on that issue. I will mention it this morning, but my idea this morning, in the few hours before the State of the Union, is to basically address the President of the United States from this Chamber in a way to urge him to address the anxiety of the American people because I think the state of the Union, if it can be summed up in one word, is anxious.

I want to go through why I think that is the case. So as we get ready to take part in a wonderful ritual where the Members of the Senate will gather in this Chamber—and I know the Chair, as a new Member, will experience this amazing feeling of patriotism and excitement as we gather here to make that march across the Capitol to join our colleagues in the House—we think very seriously about the state of our Union and what we hope the President will say.

In the spirit of great respect, I want to tell the President, through this short talk of mine today, what I am hearing from my constituents about the state of our Nation.

When I say ''Mr. President'' in my talk, it is directed at President Bush.

Mr. President Bush, I must tell you that the state of the Union today is anxious—anxious about the twin threats of war and terrorism, about the health of our economy and our environment; anxious about our children's education and our family's health care; anxious about our basic civil rights, including our right to privacy and the right to make personal decisions without Government interference.

Mr. President, the people are anxious and they are worried that you are leading us prematurely down a lonely path to war while ignoring other serious threats to peace and that you have lost your focus on terrorism.

As Senator DURBIN said, the people have not heard a word about Osama bin Laden, whom you placed at the top of your terrorist list. We have not heard a word about him in months.

Many believe that you are heading down the wrong path on the economy; that you are leaving too many children behind; that you are sacrificing our environment at the altar of the special interests; and that you are failing to address the health care issue.

People worry that you are actively seeking to reverse the constitutionally protected right to privacy. Two examples of this are your attacks on the right to choose and your selection of Admiral Poindexter, who was convicted of lying to Congress, to lead the Total Information Awareness Program, collecting vast amounts of personal information and intelligence about ordinary American citizens.

I am very pleased there was an amendment which passed to essentially do away with that program, but we do not know what the House of Representatives will do in conference.

Mr. President, you have not stated at all that you are for getting rid of this agency which will know everything there is to know about any citizen they decide to follow around via their use of computers.

Here is the stark contrast to where we were a year ago, when the entire world stood with the President and with all the American people as we struggled to recover from the terrorist attacks and prevent their recurrence.

I saw Senator BIDEN on a talk show yesterday. He reminded us that a headline in a French newspaper said: We are all Americans. What a moment that was in history; the world was united behind us. Somehow we have lost that leadership. We need to get it back. Today America stands far too alone when it comes to foreign policy challenges.

Many thoughtful Californians of both political parties are saying U.N. inspectors must have more time to do their work. I hope the President will state that tonight. Three weeks ago, Colin Powell said the inspectors were gaining momentum. We also know we have yet to give the inspectors a lot of information we have about what has been going on in Iraq. Information is power. The inspectors need that information, first, to find out what happened to the weapons; second, so we can make a case that we do not have to deal with Saddam Hussein alone. I don't want to see us deal with Saddam Hussein alone. Could we beat him militarily? Absolutely. But what happens after when we are alone? What happens to sharing the costs of human life? We need our allies with us, and more than Great Britain.

Yes, Iraq must disarm. After all, Saddam Hussein said he would; he has to. He agreed to the resolutions. We have to keep in mind more arms were destroyed by the weapons inspectors in Iraq after the first Persian Gulf war than we destroyed by our bombs. That is a very important point reiterated by Madeleine Albright and by others. We have a great deal of information to give the inspectors. Let's give it to them. As long as Iraq is the focus of worldwide attention, as long as the inspectors are there, as long as we are having the no-fly zones patrolled by our planes and our allies in the north and the south, this man is boxed in. He cannot put a big toe outside of that country. He cannot do anything to harm us.

I believe, therefore, we have time to avoid the devastation of war and, once again, to build the case and keep the international community with us. I worry with this focus on Iraq that we have a foreign policy elsewhere in the world that is one of deliberate negligence. As a matter of fact, if I had to put a word or two to the Bush doctrine, it appears to be a policy of designed neglect, except for Iraq. We ignore the problems. We wait for the crisis to hit us. This modus operandi is causing serious trouble in North Korea because North Korea was ignored and now it has complicated a crisis that grew out of this neglect.

Closer to home in Latin America we see unrest. I ask, why do we see unrest? We have ignored the countries in our own hemisphere. We ignored Mexico. You promised there would be a new day. Yet we see the Foreign Minister of Mexico resigning out of frustration that he cannot even get a meeting with anyone in America who has any power. To have control over what goes on, that is foreign policy.

At home, people are anxious and worried. They are worried about terrorist attacks. I am introducing a bill that will enable us to have countermeasures placed on our commercial airlines so if someone held a shoulder-fired missile aimed at one of our commercial airlines, at a takeoff or landing period, when they are most vulnerable, there would be countermeasures on that plane. The President has been studying this issue. The President is spending tens of billions on missile defense for long-range intercontinental missiles. Perhaps it is up to $60 billion. A fraction of that would retrofit all of our planes.

And, by the way, when we take care of homeland security in such a manner, we create jobs, good-paying jobs, as well. Yet we will be prepared for what will come.

We have to fund homeland security. I know Senator SCHUMER is going to talk about that later today.

Let me finish by discussing the economy. We have watched this economy spiral downward for 2 years. We have seen this economy in a free fall. We have seen the stock market in a free fall. We have seen people in the country say: My God, I cannot retire. I was planning to retire. I will have to work 5 or 6 years because my retirement nest egg is essentially gone or so greatly reduced people cannot imagine.

The unemployment rate, which was 4.2 percent when President Bush took office, now stands at 6 percent nationwide. In my home State, it is at a 5-year high of 6.6 percent. This is bringing anxiety and angst to the people. More than 2.4 million private sector jobs have disappeared. Mortgage foreclosures have reached record levels. The stock market has lost trillions of dollars. We have gone from surpluses in our Federal budget to deficits as far as the eye can see. We are headed to a path of the worst economy in 50 long years.

In California last month alone the State lost 25,800 jobs. That is real people. What is your answer? Give tax breaks to the people who have jobs, who have earned millions of dollars, who are earning $1 million a year? You want to give them back $87,000, while my middle-class people are going to get back $87 a year. Where is that fair?

More than that, what kind of stimulus is that? Think about it. Someone who earns $1 million a year is going to take that $87,000-a-year tax cut. What are they going to do with it? They already have a new refrigerator in every home they own. They already have a new car or two parked at every home they own. They already have their vacations prepaid. What are they going to do? They are not going to do anything with that money that is going to stimulate the economy. The greatest secret of America is that our middle class is what makes the country great. It is our working families who will go out and spend that money in this economy, buying a new car. My friend from Michigan knows that is important. The millionaires have their cars. It is the middle-class working people, if they get a good deal on a car, who will go out, if they feel a little more economically secure, and purchase that car. More of the same of the trickle down to the rich, which never gets down to this country, will not get us out of the economic nightmare in which we find ourselves.

What the President wants to do to Medicare sends shivers up and down my

spine. My friend from Michigan will talk about health care. I hope she talks about the fact that the so-called Medicare reform is the end of having a chance to pick your own doctor. They are blackmailing Medicare patients into thinking if they stay in that plan where they can choose their own doctor, they will not get any prescription drugs. This President wants them all in the HMOs. I say to my friend, and to the President of the United States, if the HMOs did a good job, that would be one thing. If we could pass a Patients' Bill of Rights giving people rights in an HMO, giving them the treatment they need, giving them the preventive care they need, giving them the quality doctors they deserve, it would be a different story. But pushing people into HMOs before we have solved the HMO abuse problem, and then saying, well, if you do not do that you do not get your medicine, I hope people in this country will rise up against that plan.

Mr. President, you have another 9 hours. I hope you take that plan out of your speech. I hope you will take that tax cut plan out of your speech and rewrite it and give the tax cuts to the middle class and give the tax cuts to the working poor. That will stimulate this economy and make it a 1-year stimulus that doesn't drain the revenues of Government in the outyears so that we are in deficits for as far as the eye can see. Give those tax breaks to the small business people. They are going to spend it on plant equipment.

Mr. President, go back to your speech and take a look at what you are doing on education. Fully fund the No Child Left Behind Act.

Mr. President, if you continue with your ''leave no millionaire behind'' plan, you will have no money for your Leave No Child Behind plan. You can't have it both ways. You can't go to war, promise people education, promise them this, promise them that, promise them homeland security, and then give away all the money to the millionaires and have nothing to fulfill your promises.

People are on to this. They see it. You are doing it over and over again—with homeland security, not spending the money we need. The burden is falling on the cities and the States and the localities. I met with the mayors. Do you know what they said? Senator, when something goes wrong and, God forbid, there is a terrorist attack, someone is going to call 911. They are not going to call the White House, with all due respect. And they are not going to call me either.

I used to be in local government. I respect those people. We are hanging out local government to dry—the local police, the local fire departments, and the rest. That is wrong. It is all in the name of giving tax breaks to millionaires who don't need it and won't spend it. It is unfair and it is hurtful.

I will close, because my friend, Senator STABENOW, is here, on one of the topics I will speak more about later, and that is the state of our environment. If you look back at the progress we have made in the last 50 years and more, you will see a wonderful story emerging on the environment. You will see Republican Presidents and Democratic Presidents who stood up and had great plans for this environment. Teddy Roosevelt, Dwight Eisenhower, Richard Nixon, Bill Clinton—they all made the environment stronger. Everywhere you turn, Mr. President, you are rolling back that progress.

So the state of the Union is anxious. They are anxious on all of these issues. Millions of Americans are waiting to feel less anxious. I hope, Mr. President, you will think about that before delivering your speech tonight.

I yield the floor.

The PRESIDING OFFICER (Mr. SESSIONS). Under the previous order the Senator from Michigan is recognized.

HEALTH CARE

Ms. STABENOW. Mr. President, I first thank my friend from California for her usual eloquence. I agree totally with her sense of what our people are feeling in terms of the anxiousness about possible war, the anxiousness about education for our children, about health care, about jobs, about homeland security. I thank Senator BOXER for her comments this morning.

I will follow up talking about an area that is so important to each of our families and is a growing concern to businesses in the country and to workers in the country; that is the whole question of health care.

We know there is a growing sense of anxiousness. When I sit down with small businesses across Michigan, they tell me their fastest growing cost is their health care premiums. In some cases they are doubling. When I talk to the big three automakers and the other manufacturers in Michigan, I hear the same thing. When I hear from Chrysler that they are spending more on health care than on the raw materials for the vehicles—I am concerned. This shows me we have a serious, serious crisis, a health care crisis.

At the same time, we all have spoken about the seniors of our country who are choosing between their food and their medicine. This is real. People are asking us to act. Words are not enough. Rhetoric is not enough. We have to act in a way that provides opportunity for quality, affordable, accessible health care.

On the eve of the State of the Union Address, I rise to ask the President of the United States what he intends to do. Will he, in fact, change his record and work with us on issues of health care in a bipartisan way, to actually get something done? I worry, myself, because of the record I have seen in the last 2 years. We have a record of this administration on health care that, unfortunately, is bad medicine for the American people. We have attempted on several occasions to move forward policies and proposals that are in the best interests of the American people. This administration continues to oppose those.

I am talking about a Medicare benefit for all seniors for prescription drugs under Medicare that is affordable, that is dependable, that is available to all of our seniors—this President has consistently opposed that approach. Whether it is also making prescription drugs affordable for all Americans and lowering the prices for our businesses—the President has opposed efforts to open the doors to Canada to drop prices immediately, and he has opposed efforts to make sure we have more competition in the system by closing the generic drug law loopholes. Generic drugs are made by those companies that do not do research but take the formulas after the patents expire and are able to develop and put on the market lower cost prescription drugs, oftentimes exactly like the brand-name drugs. We know they can drop the prices up to 70 percent by just having the generic drug laws work.

We have business coalitions formed across the country urging us to pass laws to shut down the loopholes so competition can work to bring prices down. Unfortunately, even after we passed a bill in this body, in the Senate, the administration has opposed it.

We have innovative State solutions like what has been done in Maine where the State wants to come in and use its bulk purchasing power and leverage that to negotiate lower prices on behalf of the uninsured who pay the top prices in the world right now for their prescriptions. Our State governments understand that. Our Governors want the flexibility to be able to bulk purchase and lower prices. This administration has opposed it.

We need fair prices for Medicare providers. While we have seen some willingness, and I appreciate that, to focus on the cuts that have been put into place for our physicians—that certainly needs to be done—what about the home health agencies that are closing? What about our nursing homes? What about our hospitals, our teaching facilities? We have a crisis in health care, and the last thing we need to do is to be making more cuts to Medicare or Medicaid. Yet the administration has, to date, opposed fixing the Medicare problem.

The Patients' Bill of Rights, a real Patients' Bill of Rights so that those who are in HMOs have the opportunity to have the physician of their choice and to have the rights available to them they wish to have to protect their families, a strong Patients' Bill of Rights—this administration has consistently opposed that, as well.

And what about assistance to States for Medicaid? Right now 25 percent of Michigan's State budget is Medicaid. We have a $2 billion deficit in Michigan out of a $9 billion budget. Our new Governor is doing a wonderful job of trying to make the numbers add up, but without Federal support and help they will

not add up and people will be hurt and doctors and health facilities will be hurt. Yet, consistently, when we have tried to put forward plans on this floor, even plans that have passed the Senate have not made it all the way because this administration will not support efforts to help our States and to help Medicaid.

Finally, there was a commitment made to double the National Institutes of Health funding by 2003. The administration supports funding cuts that will not meet that goal.

Unfortunately, the Bush record on health care to date has been bad medicine for the American people. I ask the President today, rather than moving forward with the proposals we are hearing about attempting, essentially, to privatize Medicare, this evening I urge him to reassess and to join us in bipartisan efforts to make sure our citizens have the health care they need and our businesses can afford.

Mr. DURBIN. Will the Senator yield for a question?

Ms. STABENOW. I will be happy to yield.

Mr. DURBIN. I would like to ask the Senator two brief questions, but first I salute her for her leadership. Since she has arrived in the Senate, she has been the most outspoken advocate for making health care affordable and accessible for Americans.

Let me make certain I understand. As you describe it, President Bush's proposed Medicare reform will say to seniors: If you want prescription drug coverage, you have to leave the Medicare Program and go into an HMO.

Because we have not passed the law giving people in an HMO the right to pick their own doctor, what he is saying to seniors is: If you want to have your choice of prescription drugs, then you have to give up your choice of a personal doctor.

Is that what the choice is?

Ms. STABENOW. That is absolutely correct. I thank my friend from Illinois, who is always in the Chamber fighting on behalf of the people of his State and the country.

There is no doubt about it, while the President is talking about increased choices, what he is really saying is, if you want to get help with your exploding prescription drug costs, if you want to stop having to pick between meals and your medicine, then you are going to have to go into a private insurance company, an HMO, where they will decide about your doctor. In fact, he is not willing to support a Patients' Bill of Rights to make sure they get what they need while they are in the HMO.

Mr. DURBIN. One last question. I know the Senator has more to add. Is there anything you heard about what the President is going to suggest that will lower the cost of health insurance for families and businesses across America, an exploding item in terms of their expenses which is pushing more and more people into the situation of being uninsured, underinsured, or putting more and more of their paycheck, every week, into the cost of their health insurance? Has the President suggested anything that will address that?

Ms. STABENOW. Unfortunately, no. We have seen a consistent effort to put forward plans that are supported by the brand name pharmaceutical industry itself or by the insurance companies, but not those things that will lower prices and make health care more affordable and more available.

Last summer, with a very rigorous debate on the Senate floor and a strong bipartisan vote, we passed a bill that would create more competition to lower prescription drug prices; it went to the House of Representatives where it did not see the light of day. Unfortunately, without the President's support and leadership, it will continue to be that way. We need the President to step up and say that the fact that prescription drug prices are going up three times the rate of inflation every year and that is too much.

It is too much. Our businesses cannot sustain that. They cannot sustain seeing their health care premiums double. At the same time, if you are an uninsured senior in this country, you are paying top dollar. Isn't it ironic that of all of those who pay for prescription drugs around the world, the people who pay literally the most for their medicine are uninsured people, most of whom are seniors, because they do not have anybody negotiating on their behalf. They do not have Medicare right now coming in and saying: We are going to negotiate a group price. So they pay the highest price.

Why wouldn't it make sense to have Medicare coverage? The brand name companies do not want Medicare negotiating on behalf of 40 million seniors and the disabled to lower prices. So what they have come up with is this scheme that would essentially not allow the clout of buying power because Medicare would not directly be providing the prescription drug coverage. But they want to act as if they would like to have prescription drug coverage for seniors, so they come up with this plan that would say: We will help you with your medicine if you go into a private-sector HMO.

By the way, in Michigan, now we have seen, since the inception of what is really Medicare+Choice—which is the plan that has already been out there for private sector Medicare HMO coverage—more than 51,000 seniors in Michigan have been disenrolled because plans have withdrawn from Michigan. In fact, we do not have any HMOs in the Upper Peninsula. We have very few plans in Michigan.

In fact, my own mother, who was in an HMO and enjoying the coverage under Medicare+Choice, was dropped because the plan withdrew from Michigan. So we only have four private sector HMO plans in Medicare left in Michigan, and they only serve 2 percent of the eligible Medicare beneficiaries in the State—2 percent—and the majority are in nine counties in southeastern Michigan, with the rest of the State not being covered. By the way, none of those plans are accepting new people or new enrollees.

So the President says: Let's take this plan that covers very few people, where it is not working, and let's say if you want Medicare prescription drug coverage, you have to go through this failed plan. I, for the life of me, cannot understand why this approach is being put forward except for the fact that certainly from the prescription drug industry's standpoint, it is better than going under Medicare.

So, Mr. President, I would ask this evening for you to please speak to the anxiety, the anxiousness that we all feel, that Americans feel for our families, for our businesses, that workers feel when they now find their pay being frozen so their employers can afford the explosion in the health care crisis. I would like you to speak to those issues in very real ways. Do not offer failed plans just to be able to speak about this issue. Join with us in bipartisan efforts that we know will work, efforts that have been supported by the private sector as well as the public sector, efforts that are supported by workers, by seniors, by all of those who have a stake in making sure that health care is affordable and available.

We had a plan. We had a bill, S. 812, that passed this Senate last summer. I commend all of my colleagues on both sides of the aisle who voted for that legislation. We can cut prices that lower premiums for our businesses. We can provide Medicare coverage. And we can do it in a real way.

I urge, tonight, that the President speak to us. And I invite him to join with us in a plan that will work.

The PRESIDING OFFICER. The Senator's time has expired.

The PRESIDING OFFICER. Under the previous order, the Senator from Delaware is recognized.

IRAQ

Mr. BIDEN. Mr. President, as President Bush prepares to address the Nation on the state of the Union, we stand, to state the obvious, at a precipice of a momentous decision: War, war with Iraq.

The American people, and the world, for that matter, are waiting to hear what the President's decision is and his rationale for it. They are waiting to hear a clear explanation of why war may be the only remaining alternative and what will be expected of them not only in winning the war but what will be expected of the American people for us to win the peace.

A generation ago, I and my entire generation learned a very important lesson. That lesson was: No matter how brilliant or how well thought out a foreign policy may be, it cannot be sustained without the informed consent of the American people.

To date, there has been no informed consent. That is not a criticism; it is just an objective observation. For the President, to date, has not had the requirement, in the hope of avoiding war, to inform the American people in detail of what the consequences of war will be and what will be expected of them.

To date, the American people only know that Saddam Hussein is a brutal dictator, who has used weapons of mass destruction against his own people, and that he is the man who invaded Kuwait, and we expelled him. They are not sure as to whether or not he is an imminent threat; that is, a threat to those security moms, not soccer moms, who are in their living rooms and are worried about the health of their children and the safety of their homes.

The American people are confused, I would respectfully suggest, by the President's talk and the administration's talk of a new doctrine of preemption, and whether or not this is the basis upon which we are arguing we should act, or that we are acting to enforce, essentially, a peace agreement, a peace agreement signed by Saddam Hussein at the end of the Kuwaiti war that said: In return for me being able to stay in power, I commit to do the following things.

They are under the impression—the American people—because of the signals being sent by the Secretary of Defense and his civilian subordinates, that this war will be short, essentially bloodless, and, just as in 1991, Johnny will come marching home again in several weeks, if not several months, after a decisive, bloodless military victory.

The American people are assuming we will lead a very broad coalition of other nations and have the world behind us in our effort. They further assume, contrary very much to the hard evidence, that the defeat of Saddam Hussein will be a major setback for Osama bin Laden and al-Qaida and other terrorist organizations.

In short, they are under the assumption that one of the reasons we are moving against Saddam is that we will literally make terrorists' actions much less probable in the United States of America than they are today. For why else would we use all this power we have assembled in the gulf to go after Iraq rather than using all this power to go after Osama bin Laden in Afghanistan and in northwestern Pakistan where he most probably is according to our intelligence community?

They put it together. Obviously, the President would not take 250,000 forces, invade, if we must, Iraq, if he didn't think that would materially affect what I, as an American man, or woman thinks is the greatest threat to me, another 9/11. They also assume, contrary to any hard evidence, that Saddam Hussein is months away from developing a nuclear weapon that could strike American soil, for which he has no capacity, nor in any reasonable prospect in the future would he have any capacity to send a nuclear weapon airborne from Iraq to the United States.

Lastly, they seem to think the financial cost of this war will be manageable and not cause any further economic disruption, for why else for the first time in American history is the President of the United States calling for war, the possibility of war involving 250,000 American troops, at the very same time he is going to call, tonight, for a $650 billion tax cut? That has never been done in the history of the United States of America. Obviously, they think the President wouldn't do that unless this was going to be pretty costless, this war.

In short, I don't think the American people have been told honestly what will be expected of them and what additionally may be asked of them if things don't go so well. I think they will go well. I am one who has not been happy in the way we have proceeded, who thinks this war will be prosecuted in a way that will absolutely, to use the expression younger people use, blow the mind of the world in terms of our military prowess. But it may not.

Why is it so critical to inform the American people? Why, beyond their democratic right to know, is it so vital? I will answer that by telling you a story.

On December 8, 2002, I was in Qatar being briefed by General Franks, witnessing the preparation for war, and the war games were being carried on. There were assembled in this secure room—a gigantic hangar with a movie screen literally larger than the size of the wall behind the Presiding Officer, probably somewhere around 30 feet high and 40 feet wide—200 generals. I have never seen so many stars in my life, other than when I was a little kid lying on my back looking up on a crystal clear night in the middle of the summer.

I was asked, after being briefed by these warriors, whether or not I would address the assembled crowd, all active military personnel planning this war. These men and women to a person were ready to go and were secure in their knowledge that they would successfully complete their mission if asked to by defeating Saddam Hussein, if ordered to do so. What they were unsure of was us, the politicians, and whether we were willing to tell the American people exactly what was likely to be asked of them and were the American people willing to continue to give them the support they were going to need over a long haul, not the short haul? And it will be a long haul, regardless of how quickly and successfully we wage this war.

For those fighting men and women in this room know it is going to be necessary to stay in Iraq for a long time, to have tens of thousands—I predict over 75,000 American forces remaining in Iraq a minimum of a year and a half and, I predict, 5 years after we secure victory. And they wanted to know whether or not the American people knew that, for they don't want to be over there a year from now when the debate comes up and it is between another $20 billion to stay in Iraq and $20 billion for education or for a tax cut. We have no right to put them in that squeeze again, as happened a generation ago.

They also wanted to know if Saddam, as some suggest—and I am revealing nothing; I am not speaking from classified reports—and his 120 to 150,000 Republican Guard, the only ones we are really worried about, their capacity, if they retreat to Baghdad, a city, a city of 5 million people, are the American people prepared to continue to support our military when they see the inevitable happen? Innocent women and children being killed. We know what will happen. We know if they retreat to Baghdad they will retreat to hospitals, apartment complexes, and our fighting women and men, if this happens—and it is not sure it will—would have to go door to door. They were worried that the response would be the same response that occurs seeing Israelis knocking down a building or seeing a child killed in the crossfire.

They are worried they will become the bad guys, particularly, as I said, if the Republican Guard falls back to a city of 5 million people. Imagine going house to house in Philadelphia or Houston, routing out 2, 5, 10, 20, 50, 70,000 fighters. I told them that I believed this generation and the American people would pay whatever price and pledge its support to them, but only if they had informed consent. But that has not been done yet, and it must be done.

For while it is reasonable to expect the best, it would be irresponsible not to prepare for the worst. Iraq could lash out against Israel, Saudi Arabia and/or Kuwait in an effort to start a wider war. It could use weapons of mass destruction against our troops or its neighbors. It could destroy its oil fields and those of its neighbors. It could start giving away its weapons of mass destruction to terrorists.

It could create a humanitarian nightmare among the Kurds in the north and the Shia in the south, denying them food or medicine, even using chemical weapons against them, as Saddam has done in the past, and as I saw for myself when I met the survivors a month ago in northern Iraq.

Maybe none of these unintended consequences will occur, but there is a decent chance that one or more will. We must put every chance on our side and prepare the American people for what is bad as well as what is good. Hopefully that will be done tonight or sometime soon by the President, but not after the fact. The world, our allies, also are waiting for a clearer explanation of why war.

I just returned from the World Economic Forum and found myself confronted with the most uniform and significant anti-American sentiment I

have ever encountered in my career of 30 years dealing with foreign leaders abroad. Not a single American diplomat, elected official, American journalist, businessman or labor leader would disagree with the assessment I just gave you.

It raises several questions that need to be answered. Why do they feel this way? Why should it matter? And if it does matter, what should we do about it? Why? There are multiple reasons, and my pointing them out to a predominantly non-American audience of hundreds if not thousands of world leaders was not always appreciated the last 4 days, let alone agreed with. Let me give you some of the reasons why they feel the way they do, not all of which are legitimate, by any means.

There is a lack of strong leadership in the respective countries that has been unwilling to tell their people the truth about Saddam Hussein and the commitment their country and the world made to deal with him when he sued for peace over 10 years ago. There are selfish economic motives on the part of some of our allies with regard to their favored position with regard to oil or telecom and scores of other areas.

Another reason is the resentment of America's predominant position as the world's most powerful military and economic nation as well as our cultural dominance, from Coca-Cola to rap music to English on the Internet, all of which they resent in the same way we would all resent if tomorrow our States predominantly said, we are going to switch to a different language because a predominant number of people in our State speak that language. This is compounded by the belief that the President is being pushed by the right wing of his administration to further leverage this predominant position into an even more dominant position relative to the rest of the world. It is also compounded by an inability to contribute much in the way of a fight, either by augmenting our military strength or their own, as well as a seething resentment at our unwillingness to use the forces they offered us in Afghanistan after declaring that an article 5 breach had occurred under our NATO treaty.

With regard to Iraq specifically, many don't see Saddam as a credible threat to them. Their people don't believe our assertions. They say he no longer has the weapons of mass destruction that we know he has. They believe in the aftermath of victory, we will not stay until there is a stable Government in Iraq—as we have not stayed in Afghanistan sufficiently—and they believe the resulting power struggle within Iraq, in their region, will have disastrous consequences for their Governments because they have all heard this administration say it will not be engaged in nation building. And they all know, and everyone knows, we are going to have to be engaged in nation building after we win the war.

All of this is compounded by the obvious discussion within the administration: The announcement of a new doctrine of preemption that has yet to be explained to us, let alone them; the appearance of a great power being petulant when a President stands before the world and says ''I am growing impatient, I am getting tired''; the apparent contradiction in the rest of the world's mind of the treatment of the threat from North Korea, which has weapons of mass destruction, including nuclear, has a record of proliferation, and has violated international agreements, and we are talking to them; whereas, Iraq, which has no nuclear weapons—we cannot find the weapons of mass destruction, and there is scant evidence of similar proliferation—they say we speak with two different voices—the feeling that the administration has acted, without serious consultation, unilaterally in unceremoniously withdrawing from further negotiations, from international structures, such as climate control, criminal courts, ABM, and others.

Isn't the only thing that matters whether we make it work in the long run, which is what they hear from some in this administration? Won't it all disappear when we succeed, as we hear some in this administration say, because everybody loves a winner, right? Wrong. It matters what other nations think because our most basic immediate interests cannot be fully secured without a longer term cooperation with these other nations because we must convince them and not coerce them.

Let me give a few examples of what our most immediate vital interests are. Crushing international terror: How can you do that without cooperation from the intelligence services from Jakarta to Berlin, from Paris to Beijing, from Moscow to Rio? Preventing North Korea from escalating its nuclear programs and proliferation of weapons of mass destruction, and doing so without a war: How can we succeed without the cooperation of Russia, China, Japan, and South Korea, other than through war? All of this leads to the perception that some within the administration argue that it is better to go it alone. They have a belief that is the President's position. I don't believe it is his position, but what do they hear? They hear the theories proffered by some in the civilian Defense Department saying, if we move in the face of world public opinion, the rest of the world knows we will mean business and the more we do it alone, the more we will impress upon the rogue nations that they better change or they are next. They also hear us saying that Europe is tired, indecisive, and ultimately unwilling to do what is necessary to keep the peace and commands too much of our resources and attention, particularly, as the Secretary of Defense said, ''old Europe,'' France, and Germany. They keenly resent these characterizations.

I think this is an inaccurate description of where President Bush is, but I do believe, though, that his choice of words and failure to clearly explain his choices and basis for action when we do act has been dangerous to our standing in the world, which leads me to a second question.

Why should it matter what our standing is—what the rest of the world thinks of us? I believe it matters a lot. Preventing a nuclear war on the subcontinent between India and Pakistan matters. But as we announced a unilateral pronouncement of a ''new'' doctrine of preemption—whatever that means is yet to be explained—that leads to the conclusion in India and Pakistan that if we can act preemptively, why can they not act preemptively against one another? Conveying our values to the rest of the world so as to diminish the misunderstanding of our motives runs constantly into some of the assertions that come from some in this administration.

Let me get right to it, Mr. President. It matters what other nations think, and it matters that although we can force other nations to do things, it matters how we do it. Here is an example. There is a new Government in Turkey—newly elected represented by an Islamic Party. That Islamic Party recently won the election, and the Prime Minister is a guy named Gul. The real operator is a guy named Erdogan. They were leading this Islamic Party and they have decided they want to have Turkey remain a secular state and they want to be integrated into Europe with regard to the EU. It is very much in the interest of the United States of America—very much—that that happens. We do not want an Islamic state; we want a secular state looking west.

So what is the problem? We can offer $5 billion and essentially buy the support to allow us to launch from Turkey. But if we do that in the absence of a worldwide consensus that what we are doing is right, we may meet our immediate goal and lose a heck of a lot. Here is an example. Right now, in Turkey—which I recently visited and I know the Presiding Officer knows this—over 85 percent of the Turkish people are unalterably opposed to a war with Iraq and unalterably opposed to Turkey cooperating with us in being able to successfully prosecute that war. So what happens if we go to war and we launch from Turkey with the support of the new Islamic leadership without having changed the minds of the people in Turkey and/or the world, to suggest that this is not merely us, but that it is sanctioned by the world that we do this? Well, the roughly 35 to 40 percent of this Islamic Party that is radical Islamic will play to its populist instincts and cause incredible trouble for the existing administration in Turkey and, I believe, force them to move away from their commitment to a secular state.

So that old biblical proverb, what does it profit a man if he gains the world and loses his soul—paraphrasing

it—what does it profit us to move prematurely on Iraq from Turkey if the end result is that we radicalize a government that is represented by the Islamic Party.

What have we gained?

I will answer the third question, and then conclude. So what should we do? I have argued that out of our self-interest it matters what other nations think. So what should we be doing? I begin by saying, given where we are now, coupled with Saddam Hussein being in material breach—that is a fancy phrase for saying not explaining what he has done with the weapons of mass destruction we know he has—those two things may force us to choose between the better of two not-so-pleasant options.

The option I would choose in this circumstance, if we do not get world support, is that Saddam is in material breach of the latest U.N. resolution. Yesterday's damning report by the U.N. inspectors makes clear again Saddam's contempt for the world and it has vindicated the President's decision last fall to go to the U.N.

The legitimacy of the Security Council is at stake, as well as the integrity of the U.N. So if Saddam does not give up those weapons of mass destruction and the Security Council does not call for the use of force, I think we have little option but to act with a larger group of willing nations, if possible, and alone if we must. Make no mistake about it, we will pay a price if that is the way we go. We will have no option, but we will pay a price, a price that could be significantly reduced if from this moment on we act, in my humble opinion, more wisely.

What should we be doing from this point on? I will be very brief now and expand on this later. One, we should lower the rhetoric. We should not appear to be the petulant nation, wondering why the rest of the recalcitrant world will not act with us, showing our impatience. It does not suit a great nation well. It would not suit my father well, were he alive. It does not suit someone of stature well—and we are a nation of stature.

Two, we should make the case not only privately to our partners by sharing more proof of Saddam's crimes and possessions, but also to our people and in turn to the whole world. Legally, he is in breach, but going to war based on that legal breach will cost us in ways we would not have to pay if we go to war with the rest of the world understanding that there is something there beyond the failure to account.

The third thing we should do is give inspectors more time, for their very presence in Iraq diminishes the possibility of sharing weapons of mass destruction with terrorists or continuing their quest for nuclear weapons. Inspectors are not a permanent solution. We know from our experience of the last decade that Iraq will try to make their mission impossible. We also know that sustaining a massive deployment of troops is expensive and hard on our men and women in uniform. But right now the inspectors are helping us build support for our policy, both at home and abroad, and we should let them keep working in the near term.

The fourth thing we should do is articulate clearly and repeatedly not only the legal basis for our action, if we must move, but our commitment to stay until we have a stable Iraq, and that means the following: The President should state clearly tonight, we are not acting on a doctrine of preemption, if we act. We are acting on enforcement of a U.N. resolution that is the equivalent of a peace treaty which is being violated by the signatory of that treaty, and we have a right to do that and it is the world's problem. It is not what we hear out of the civilian Defense Department, this cockamamie notion of a new doctrine of preemption which no one understands.

Two, our objective has to be clearly stated as eliminating weapons of mass destruction and not the destruction of Iraq, for that is the President's purpose.

Thirdly, we will in fact participate in nation building; we will seek U.N. support and we will tell the American people what we are asking of them and why, for they have no idea now what is expected of them. They do not know what the costs will be to remove Saddam and they should. They do not know how many troops will have to stay in Iraq to secure the country, and we have estimates, and what it will take to get a representative government that lives up to its international obligations.

Can we count on our friends and allies to share the burden? Can we afford to attack Iraq, fully fund homeland security, cut taxes for the wealthiest Americans, and finish the unfinished war on terrorism in Afghanistan and other places?

These questions should never be excuses for inaction, but they must be answered if we want the American people's support and we want to avoid the mistakes of the past.

I yield the floor.

UNANIMOUS CONSENT AGREEMENT—H.J. Res. 2

Mr. STEVENS. Mr. President, I ask unanimous consent that it be in order, notwithstanding the passage of H.J. Res. 2, in the engrossment of the joint resolution, Senate amendments Nos. 139, 166, 172, and 186 be further modified with the changes at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, as a brief explanation for the necessity for these modifications, in the case of amendment No. 139, the instruction line needed to be corrected. For amendment No. 166, in the version the Senate adopted, two pages were missing. With respect to amendment No. 172, there is a word change. And, finally, with respect to amendment No. 186, language which was supposed to be stricken was not in the version adopted by the Senate. These modifications are solely to correct these inadvertent errors.

The amendments, as further modified, are as follows:

AMENDMENT NO. 139, AS FURTHER MODIFIED

(Purpose: To direct the Corps of Engineers to construct a portion of the modified water delivery project in the State of Florida)

At the appropriate place insert the following:

SEC. 1 . MODIFIED WATER DELIVERY PROJECT IN THE STATE OF FLORIDA.

The Corps of Engineers, using funds made available for modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989 (16 U.S.C. 410r–8), may immediately carry out alternative 6D (including paying 100 percent of the cost of acquiring land or an interest in land) for the purpose of providing a flood protection system for the 8.5 square mile area described in the report entitled ''Central and South Florida Project, Modified Water Deliveries to Everglades National Park, Florida, 8.5 Square Mile Area, General Reevaluation Report and Final Supplemental Environmental Impact Statement'' and dated July 2000.

AMENDMENT NO. 166 AS FURTHER MODIFIED

(Purpose: To rename the United States-China Security Review Commission as the United States-China Economic and Security Review Commission, and for other purposes)

On page 713, strike line 23 and all that follows through page 714, line 3, and insert the following:

SEC. 209. UNITED STATES-CHINA ECONOMIC AND SECURITY REVIEW COMMISSION.

(a) APPROPRIATIONS.—There are appropriated, out of any funds in the Treasury not otherwise appropriated, $1,800,000, to remain available until expended, to the United States-China Economic and Security Review Commission.

(b) NAME CHANGE.—

(1) IN GENERAL.—Section 1238 of the Floyd D. Spence National Defense Authorization Act of 2001 (22 U.S.C. 7002) is amended—

(A) In the section heading by inserting ''**ECONOMIC AND**'' before ''**SECURITY**'';

(B) in subsection (a)—

(i) in paragraph (1), by inserting ''Economic and'' before ''Security''; and

(ii) in paragraph (2), by inserting ''Economic and'' before ''Security'';

(C) in subsection (b)—

(i) in the subsection heading, by inserting ''ECONOMIC AND'' before ''SECURITY'';

(ii) in paragraph (1), by inserting ''Economic and'' before ''Security'';

(iii) in paragraph (3)—

(I) in the matter preceding subparagraph (A), by inserting ''Economic and'' before ''Security''; and

(II) in subparagraph (II), by inserting ''Economic and'' before ''Security''; and

(iv) in paragraph (4), by inserting ''Economic and'' before ''Security'' each place it appears; and

(D) in subsection (e)—

(i) in paragraph (1), by inserting ''Economic and'' before ''Security'';

(ii) in paragraph (2), by inserting ''Economic and'' before ''Security'';

(iii) in paragraph (3)—

(I) in the first sentence, by inserting ''Economic and'' before ''Security''; and

(II) in the second sentence, by inserting ''Economic and'' before ''Security'';

(iv) in paragraph (4), by inserting ''Economic and'' before ''Security'' and

(v) in paragraph (6), by inserting ''Economic and'' before ''Security'' each place it appears.

(2) REFERENCES.—Any reference in any Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or relating to the United States-China Security Review Commission shall be deemed to refer to the United States-China Economic and Security Review Commission.

(c) MEMBERSHIP RESPONSIBILITIES, AND TERMS.—

(1) IN GENERAL.—Section 1238(b)(3) of the Floyd D. Spencer National Defense Authorization Act of 2001 (22 U.S.C. 7002) is amended—

(A) by striking subparagraph (F) and inserting the following:

''(F) each appointing authority referred to under subparagraphs (A) through (D) of this paragraph shall—

''(i) appoint 3 members to the Commission;

''(ii) make the appointments on a staggered term basis, such that—

''(I) 1 appointment shall be for a term expiring on December 31, 2003;

''(II) 1 appointment shall be for a term expiring on December 31, 2001; and

''(III) 1 appointment shall be for a term expiring on December 31, 2005;

''(iii) make all subsequent appointments on an approximate 2-year term basis to expire on December 31 of the applicable year; and

''(iv) make appointments not later than 30 days after the date on which each new Congress convenes;'',

(2) RESPONSIBILITIES OF THE COMMISSION.—The U.S.-China Commission shall focus on the following nine areas when conducting its work during fiscal year 2003 and beyond:

(A) PROLIFERATION PRACTICES.—The Commission shall analyze and assess the Chinese role in the proliferation of weapons of mass destruction and other weapons (including dual use technologies) to terrorist-sponsoring states, and suggest possible steps which the U.S. might take, including economic sanctions, to encourage the Chinese to stop such practices.

(B) ECONOMIC REFORMS AND UNITED STATES ECONOMIC TRANSFERS.—The Commission shall analyze and assess the qualitative and quantitative nature of the shift of United States production activities to China, including the relocation of high-technology, manufacturing, and R&D facilities; the impact of these transfers on United States national security, including political influence by the Chinese Government over American firms, dependence of the United States national security industrial base on Chinese imports, the adequacy of United States export control laws, and the effect of these transfers on U.S. economic security, employment, and the standard of living of the American people; analyze China's national budget and assess China's fiscal strength to address internal instability problems and assess the likelihood of externalization of such problems.

(C) ENERGY.—The Commission shall evaluate and assess how China's large and growing economy will impact upon world energy supplies and the role the U.S. can play, including joint R&D efforts and technological assistance, in influencing China's energy policy.

(D) UNITED STATES CAPITAL MARKETS.—The Commission shall evaluate the extent of Chinese access to, and use of, United States capital markets, and whether the existing disclosure and transparency rules are adequate to identify Chinese companies which are active in United States markets and are also engaged in proliferation activities.

(E) CORPORATE REPORTING.—The Commission shall assess United States trade and investment relationship with China, including the need for corporate reporting on United States investments in China and incentives that China may be offering to United States corporation to relocate production and R&D to China.

(F) REGIONAL ECONOMIC AND SECURITY IMPACTS.—The Commission shall assess the extent of China's ''hollowing-out'' of Asian manufacturing economies, and the impact on United States economic and security interests in the region; review the triangular economic and security relationship among the United States, Taipei and Beijing, including Beijing's military modernization and force deployments aimed at Taipei, and the adequacy of United States executive branch coordination and consultation with Congress on United States arms sales and defense relationship with Taipei.

(G) UNITED STATES-CHINA BILATERAL PROGRAMS.—The Commission shall assess science and technology programs to evaluate if the United States is developing an adequate coordinating mechanism with appropriate review by the intelligence community with Congress; assess the degree of non-compliance by China and United States-China agreements on prison labor imports and intellectual property rights; evaluate U.S. enforcement policies; and recommend what new measures the United States Government might take to strengthen our laws and enforcement activities and to encourage compliance by the Chinese.

(H) WORLD TRADE ORGANIZATION COMPLIANCE.—The Commission shall review China's record of compliance to date with its accession agreement to the WTO, and explore what incentives and policy initiatives should be pursued to promote further compliance by China.

(I) MEDIA CONTROL.—The Commission shall evaluate Chinese government efforts to influence and control perceptions of the United States and its policies through the internet, the Chinese print and electronic media, and Chinese internal propaganda.

(3) EFFECTIVE DATE.—This subsection shall take effect on the date of enactment of this Act.

AMENDMENT NO. 172 AS FURTHER MODIFIED

(Purpose: To provide for the protection of the rights of women in Afghanistan, and to improve the conditions for women in Afghanistan)

On page 397, line 12, delete all after ''Fund'','' through ''opportunities'' on line 17, and insert in lieu thereof: not less than $8,000,000 shall be made available for programs to support women's development in Afghanistan, including girl's and women's education, health, legal and social rights, economic opportunities, and political participation: Provided further, That of the funds provided in the previous proviso, $5,000,000 shall be made available to support activities directed by the Afghan Ministry of Women's Affairs including the establishment of women's resource centers in Afghanistan, and not less than $1,500,000 should be made available to support activities of the National Human Rights Commission of Afghanistan: Provided further, That one year after the date of enactment of this Act, the Secretary of State shall submit a report to the appropriate congressional committees that details women's development programs in Afghanistan supported by the United States Government, and barriers that impede women's development in Afghanistan.

AMENDMENT NO. 186

(Purpose: To prohibit the use of funds by the United States Fish and Wildlife Service to impose on the Corps of Engineers certain requirements relating to the Missouri River)

On page 486, between lines 8 and 9, insert the following:

SEC. 1 . MISSOURI RIVER.

It is the sense of the Congress that the member states and tribes of the Missouri River Basin Association are strongly encouraged to reach agreement on a flow schedule for the Missouri River as soon as practicable for 2003.

S–CHIP PROGRAM

Mr. CHAFEE. I have been working for the last several months with a bipartisan group of Members from both the House and Senate to protect funding for the S–CHIP program, which provides critical health care to millions of our children. In my State, over 12,000 children participate in this program. There is strong, bipartisan support for a 2-year S–CHIP proposal developed last fall that would preserve $2.7 billion in Federal S–CHIP funds that either expired at the end of fiscal year 2002 or will expire at the end of the current fiscal year. Our proposal also establishes a redistribution formula for the Centers for Medicare and Medicaid Services to use to quickly redistribute unspent fiscal year 2000 funds to those States that have exhausted their allotments and need additional funds.

Under Federal law, CMS is required to redistribute all unspent 2000 funds this year, but there is no Federal requirement on what formula it is to use. CMS is currently holding off redistributing unspent 2000 funds because it is awaiting congressional action. However, a few States, including my own State of Rhode Island, need the redistribution of 2000 funds as soon as possible so they have sufficient funds for the rest of the year to maintain services to the children currently on S–CHIP.

This S–CHIP issue is very time sensitive. State are beginning to plan their upcoming budgets for fiscal year 2004, which starts July 1 in most States. We do not want to distort State S–CHIP spending decisions by making it impossible for States to plan, in determining how much in Federal S–CHIP funds they will have and for how long those funds will be available. Some States may unnecessarily scale back S–CHIP eligibility as a result because they will assume they will have far less in Federal funds available than previously expected.

It now appears that we cannot address this issue in the omnibus appropriations bill. I appreciate the willingness of the chairman of the Finance and Budget Committees, Senators GRASSLEY and NICKLES, to work with me and the other Senators involved to address this issue in both the fiscal year 2004 budget resolution and then to move this legislation quickly in the Finance Committee.

Having said this, I think it is imperative for us to work with CMS so that they can move forward to begin to distribute some of the unspent 2000 funds to States like mine that are facing a serious S–CHIP funding problem.

There is a way to move forward to address the immediate redistribution issue of the unexpended fiscal year 2000 funds. CMS can redistribute some of

the unexpended fiscal year 2000 funds immediately to those States that face shortfalls in the coming months. This can be done administratively. We certainly want CMS to begin to redistribute at least some part of these funds to those States that are relying on this redistribution to maintain their child caseloads. For example, CMS could redistribute 100 percent of half of the unexpended funds now leaving the rest to be redistributed once Congress has acted on this legislation. As we in Congress move ahead to complete action on this full proposal, CMS should move forward on the immediate redistribution issue.

Mr. ROCKEFELLER. I am pleased to join my colleagues today in highlighting the need for timely congressional action to secure funding necessary to protect children on the S–CHIP health program. Nearly 21,000 children benefit from this program in my State of West Virginia. The S–CHIP program was created in 1997 with a bipartisan group of members to provide $40 billion over a 10-year period to extend health insurance to some uninsured children.

Senator CHAFEE and I, along with other Senators, worked last year to develop a proposal that would address the long-term funding shortfall confronting the S–CHIP program over the next several years. While this was not considered last year, in the end, we were able to develop this 2-year compromise with the authorizers in both the House and Senate as a first step towards a long-term solution for S–CHIP's funding issues. The compromise is a very reasonable one, providing assistance both to those States that have spent their allocations and need additional resources to serve their S–CHIP children as well as States that need a bit more time to utilize their S–CHIP allocations.

I share my colleagues' concerns that this issue is a very timely one, and demands fast action on our part. I recognize that the first step is to include the necessary funds for this bipartisan 2-year proposal in the fiscal year 04 budget resolution, and then to consider the specific legislation in the Finance Committee. I would hope that Chairman GRASSLEY and Senator BAUCUS would work to schedule a markup of this proposal as quickly as possible after the budget resolution is approved. We cannot wait to act on this until later this year when it is expected that we would consider broader health care measures. Contrary to what some have said, this is an emergency for our States and uninsured children. I look forward to working with my chairman on the Finance Committee, who deserves credit along with Senator BAUCUS for developing this 2-year approach, to move this proposal through the Congress as quickly as possible.

Ms. SNOWE. I would like to thank my colleagues for their willingness to work with me on restoring funding to the State Children's Health Insurance Program that is essential to ensuring continued health care coverage for America's children.

For the past week, I have worked with my colleagues to secure this agreement that will restore $2.7 billion in expired—or soon to expire—S–CHIP funding. This compromise that has been endorsed by our Nation's Governors would ensure that this funding remains in the program and continues to provide children with access to the care that is vital to their healthy development.

I appreciate the willingness of Majority Leader FRIST, Finance Committee Chairman GRASSLEY and Budget Committee Chairman NICKLES to work with us in developing this agreement. Because of their commitment to finding a solution, we are able to move forward with this important policy.

I believe this agreement is the most appropriate way to restore the S–CHIP funding. Because the budget resolution adopted by the House of Representatives does not include adequate budget authority to restore this funding, the floor amendment that I filed to the omnibus appropriations bill would be subject to a budget point of order in the House. Given that this point of order would lie against the provision, the likelihood that the House would strip this during conference is great. In light of these circumstances, I believe this agreement is the most appropriate way to ensure that this funding is restored.

The agreement that was struck would—in exchange for withdrawing the amendments that my colleagues and I filed to the omnibus appropriations bill to restore S–CHIP funding—provide the support of the majority leader and Chairmen GRASSLEY and NICKELS to make necessary changes that will remove the budget hurdles that have prevented this legislation from being enacted.

Specifically, Senator NICKLES has provided his commitment to reallocate through the fiscal year 04 budget process additional budget authority for S–CHIP in fiscal year 03 and fiscal year 04. Senator NICKLES, I am confident that under your leadership, the budget process will move smoothly and expeditiously and that we will be able to speed the adoption of this proposal in both the Senate and House of Representatives.

Further, Chairman GRASSLEY has agreed to move this policy through his committee as soon as the necessary changes are made to the budget allocations. Again, under his strong leadership I am confident that we will get this done.

Finally, Majority Leader FRIST has agreed to place the legislation on the Senate Calendar as soon as it is reported from the Finance Committee.

I might add that while I am aware that this agreement was forged in the Senate, the underlying policy proposal was developed through a bipartisan, bicameral process led by Senators GRASSLEY and BAUCUS last fall. I hope the House of Representatives will work with us to make the necessary changes to the fiscal year 03 and fiscal year 04 budget allocations and to see this vital policy enacted in a timely manner.

Since 1977, States have made historic progress in their effort to insure low-income children under S–CHIP. In fact, the National Center for Health Statistics just released data this month showing that the percentage of children 17 years of age and younger with health insurance has increased from 86.1 percent in 1997 to 91.2 percent during the first half of 2002. During this same period of time, statistics show the percentage of children insured by Government programs, such as S–CHIP, also increased to 27.2 percent. While these statistics are encouraging, a great deal of work remains if we are to address the critical issues of affordability and accessibility of health insurance, especially as they relate to health care for our children.

These compelling statistics reinforce the necessity that Congress must act to restore the expiring S–CHIP funds. If we delay, we could jeopardize the substantial progress that has been made since 1997 in increasing the number of insured children in America. It is estimated that without restoration of this funding, almost 1 million children could lose health insurance coverage.

How it works is this—once passed, the policy would restore $2.7 billion in S–CHIP funding that has either reverted to the Treasury or is scheduled to revert to HHS for redistribution. On October 1, 2002, $1.2 billion reverted to the Treasury in unspent S–CHIP funding from 1998 and 1999. If we do not recapture this funding, it will be lost to the program. Our agreement allows the States to reclaim this unspent money and provides until the end of Fiscal Year 04 to spend it on health insurance provided by S–CHIP.

It also strikes a compromise between States that have spent all of their 2000 and 2001 allotments, and those that have not, by dividing the funding evenly between them. Those States that have not spent all of their allocations would be able to retain half of their funding, while the remaining States would receive additional allotments from the redistributed funding.

It also rewards those States that used Medicaid to expand access to health care for low-income children prior to the creation of S–CHIP, by allowing them to access some of their S–CHIP funding to serve this population. This compromise has the endorsement of the National Governors Association and children's health advocates from across the country.

In my home State of Maine this proposal would allow the State to keep $13.24 million in S–CHIP funding and would provide until the end of Fiscal Year 04 to spend it. I don't know about your State, but in Maine $13.24 million will help provide health care assistance

to a lot of children—children who otherwise would not have access to immunizations, well-baby visits, and yearly checkups.

While my colleagues and I have agreed to forgo the appropriations process as the vehicle to move this package, we certainly have not abandoned our effort to restore the funding. In fact, we are more committed than ever to seeing the S–CHIP funding restored and have added the support of the majority leader and chairs of the Finance and Budget Committees. Adding their endorsement to this effort, which already has garnered strong bipartisan support, will help to speed its passage.

In closing, I would like to highlight a quote from Secretary Thompson when his agency released the positive new data I referenced earlier regarding the level of health insurance for children in our country. He said, ''More and more children are getting the health care they need, thanks in large measure to our success in working with States to expand health coverage through the S–CHIP program. We are giving Governors the flexibility they need to continue to expand coverage to more children, and our strategy is paying off for children and parents alike.''

This strong endorsement of S–CHIP should act as an impetus to getting this policy enacted and ensuring that we do so in a timely fashion. Again, I appreciate the support of my colleagues and look forward to working with you as we move forward to enact this policy.

Mr. GRASSLEY. I thank my colleagues for their attention to this important children's care policy. They are correct that something must be done to address the funds that have and will revert to the Treasury in the near future. They are also correct to the constraints within the omnibus bill. I strongly support the State Children's Health Insurance Program. It is a program that provides health care for over 16,000 low-income children in my State.

Senators CHAFEE, SNOWE, and ROCKEFELLER are looking to address a necessary maintenance issue within S–CHIP. As Senator SNOWE noted, I worked very closely with Senator BAUCUS, Senator CHAFEE, Senator ROCKEFELLER, Chairman TAUZIN, and Representative DINGELL on a bipartisan, bicameral proposal that would have addressed expired S–CHIP funds.

The proposal reflected a balanced approach to redistributing S–CHIP funding taking into account that some States are spending through their existing allotments and other States are ramping up their programs and will need additional funding in the years to come.

This proposal did not pass the Senate last year, but it is a fair approach to redistributing S–CHIP funds. Unfortunately, I cannot support including this policy at this time. The omnibus is a poor vehicle for this necessary maintenance.

I am sympathetic to the intent of this policy, although this is neither the time nor the place to address this issue. The Senate and the House have an agreement with the administration to keep the omnibus appropriations bill under $750 billion. The S–CHIP policy costs over $1.2 billion in budget authority in 2003. An amendment of this nature would break that agreement and that is simply not acceptable. I appreciate the willingness of Senators SNOWE, CHAFEE, and ROCKEFELLER to accept this reality.

I assure my colleagues that I will work with them in the near future to update the S–CHIP redistribution policy in the near future as chairman of the Finance Committee. It is my understanding that Senator NICKLES, the chairman of the Budget Committee, is also interested in a regular order approach and that he is interested in putting money aside in the budget to address the needs of S–CHIP.

With this in mind, I believe the most appropriate way to address this issue is to work with the chairman of the Budget Committee, Senator NICKLES, to secure sufficient funding for this bipartisan S–CHIP proposal and then to address it in the Finance Committee. I will also continue my work with Energy and Commerce Committee Chairman TAUZIN, so the Senate and the House can move forward in a coordinated fashion.

I assure my colleagues that I will work with them once the Budget Resolution for fiscal year 2004 has been adopted to move legislation quickly through the Finance Committee that reflects a bipartisan, bicameral 2-year agreement on S–CHIP.

Mr. NICKLES. I thank Chairman GRASSLEY for bringing this issue to the attention of Senators today. I appreciate the work of Senator SNOWE, Senator CHAFEE, and Senator ROCKEFELLER to resolve this, however I agree that the omnibus appropriations bill is not the appropriate vehicle to address the issue of the S–CHIP redistribution system. The legislation does affect spending for the next fiscal year and, as such must be addressed within the fiscal year 2004 budget resolution. I have spoken with Senator SNOWE and would be happy to work with her to address this issue. I will work closely with Senator GRASSLEY and others as we craft that resolution to secure the funds necessary for the Finance Committee to consider this S–CHIP proposal.

MAKING FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2003

On January 23, 2003, the Senate amended and passed H.J. Res. 2, as follows:

Resolved, That the resolution from the House of Representatives (H.J. Res. 2) entitled ''Joint resolution making further continuing appropriations for fiscal year 2003, and for other purposes.'' do pass with the following Amendment:

Strike out all after the resolving clause and insert:

DIVISION A—AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES PROGRAMS APPROPRIATIONS, 2003

Making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2003, and for other purposes.

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2003, and for other purposes, namely:

TITLE I

AGRICULTURAL PROGRAMS

PRODUCTION, PROCESSING, AND MARKETING

OFFICE OF THE SECRETARY

For necessary expenses of the Office of the Secretary of Agriculture, and not to exceed $75,000 for employment under 5 U.S.C. 3109, $3,412,000: Provided, That not to exceed $11,000 of this amount shall be available for official reception and representation expenses, not otherwise provided for, as determined by the Secretary.

EXECUTIVE OPERATIONS

CHIEF ECONOMIST

For necessary expenses of the Chief Economist, including economic analysis, risk assessment, cost-benefit analysis, energy and new uses, and the functions of the World Agricultural Outlook Board, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1622g), and including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $5,000 is for employment under 5 U.S.C. 3109, $12,016,000.

NATIONAL APPEALS DIVISION

For necessary expenses of the National Appeals Division, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $25,000 is for employment under 5 U.S.C. 3109, $13,759,000.

OFFICE OF BUDGET AND PROGRAM ANALYSIS

For necessary expenses of the Office of Budget and Program Analysis, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $5,000 is for employment under 5 U.S.C. 3109, $7,358,000.

OFFICE OF THE CHIEF INFORMATION OFFICER

For necessary expenses of the Office of the Chief Information Officer, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $10,000 is for employment under 5 U.S.C. 3109, $31,275,000.

COMMON COMPUTING ENVIRONMENT

For necessary expenses to acquire a Common Computing Environment for the Natural Resources Conservation Service, the Farm and Foreign Agricultural Service and Rural Development mission areas for information technology, systems, and services, $133,155,000, to remain available until expended, for the capital asset acquisition of shared information technology systems, including services as authorized by 7 U.S.C. 6915–16 and 40 U.S.C. 1421–28: Provided, That obligation of these funds shall be consistent with the Department of Agriculture Service Center Modernization Plan of the county-based agencies, and shall be with the concurrence of the Department's Chief Information Officer.

OFFICE OF THE CHIEF FINANCIAL OFFICER

For necessary expenses of the Office of the Chief Financial Officer, including employment

pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $10,000 is for employment under 5 U.S.C. 3109, $7,877,000: Provided, That the Chief Financial Officer shall actively market and expand cross-servicing activities of the National Finance Center.

OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

For necessary salaries and expenses of the Office of the Assistant Secretary for Civil Rights, $400,000.

OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION

For necessary salaries and expenses of the Office of the Assistant Secretary for Administration to carry out the programs funded by this Act, $780,000.

AGRICULTURE BUILDINGS AND FACILITIES AND RENTAL PAYMENTS

(INCLUDING TRANSFERS OF FUNDS)

For payment of space rental and related costs pursuant to Public Law 92–313, including authorities pursuant to the 1984 delegation of authority from the Administrator of General Services to the Department of Agriculture under 40 U.S.C. 486, for programs and activities of the Department which are included in this Act, and for alterations and other actions needed for the Department and its agencies to consolidate unneeded space into configurations suitable for release to the Administrator of General Services, and for the operation, maintenance, improvement, and repair of Agriculture buildings and facilities, and for related costs, $197,662,000, to remain available until expended: Provided, That the Secretary of Agriculture may transfer a share of that agency's appropriation made available by this Act to this appropriation, or may transfer a share of this appropriation to that agency's appropriation to cover the costs of new or replacement space for such agency, but such transfers shall not exceed 5 percent of the funds made available for space rental and related costs to or from this account.

HAZARDOUS MATERIALS MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Department of Agriculture, to comply with the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601 et seq.) and the Resource Conservation and Recovery Act (42 U.S.C. 6901 et seq.), $15,685,000, to remain available until expended: Provided, That appropriations and funds available herein to the Department for Hazardous Materials Management may be transferred to any agency of the Department for its use in meeting all requirements pursuant to the above Acts on Federal and non-Federal lands.

DEPARTMENTAL ADMINISTRATION

(INCLUDING TRANSFERS OF FUNDS)

For Departmental Administration, $42,479,000, to provide for necessary expenses for management support services to offices of the Department and for general administration and disaster management of the Department, repairs and alterations, and other miscellaneous supplies and expenses not otherwise provided for and necessary for the practical and efficient work of the Department, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $10,000 is for employment under 5 U.S.C. 3109: Provided, That this appropriation shall be reimbursed from applicable appropriations in this Act for travel expenses incident to the holding of hearings as required by 5 U.S.C. 551–558.

OFFICE OF THE ASSISTANT SECRETARY FOR CONGRESSIONAL RELATIONS

(INCLUDING TRANSFERS OF FUNDS)

For necessary salaries and expenses of the Office of the Assistant Secretary for Congressional Relations to carry out the programs funded by this Act, including programs involving intergovernmental affairs and liaison within the executive branch, $4,157,000: Provided, That these funds may be transferred to agencies of the Department of Agriculture funded by this Act to maintain personnel at the agency level: Provided further, That no other funds appropriated to the Department by this Act shall be available to the Department for support of activities of congressional relations.

OFFICE OF COMMUNICATIONS

For necessary expenses to carry out services relating to the coordination of programs involving public affairs, for the dissemination of agricultural information, and the coordination of information, work, and programs authorized by Congress in the Department, $9,637,000, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $10,000 shall be available for employment under 5 U.S.C. 3109, and not to exceed $2,000,000 may be used for farmers' bulletins.

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and the Inspector General Act of 1978, $78,127,000, including such sums as may be necessary for contracting and other arrangements with public agencies and private persons pursuant to section 6(a)(9) of the Inspector General Act of 1978, including not to exceed $50,000 for employment under 5 U.S.C. 3109; and including not to exceed $125,000 for certain confidential operational expenses, including the payment of informants, to be expended under the direction of the Inspector General pursuant to Public Law 95–452 and section 1337 of Public Law 97–98.

OFFICE OF THE GENERAL COUNSEL

For necessary expenses of the Office of the General Counsel, $35,588,000.

OFFICE OF THE UNDER SECRETARY FOR RESEARCH, EDUCATION AND ECONOMICS

For necessary salaries and expenses of the Office of the Under Secretary for Research, Education and Economics to administer the laws enacted by the Congress for the Economic Research Service, the National Agricultural Statistics Service, the Agricultural Research Service, and the Cooperative State Research, Education, and Extension Service, $780,000.

ECONOMIC RESEARCH SERVICE

For necessary expenses of the Economic Research Service in conducting economic research and analysis, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1621–1627) and other laws, $65,123,000: Provided, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225).

NATIONAL AGRICULTURAL STATISTICS SERVICE

For necessary expenses of the National Agricultural Statistics Service in conducting statistical reporting and service work, including crop and livestock estimates, statistical coordination and improvements, marketing surveys, and the Census of Agriculture, as authorized by 7 U.S.C. 1621–1627 and 2204g, and other laws, $140,854,000, of which up to $41,274,000 shall be available until expended for the Census of Agriculture: Provided, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $40,000 shall be available for employment under 5 U.S.C. 3109.

AGRICULTURAL RESEARCH SERVICE

SALARIES AND EXPENSES

For necessary expenses to enable the Agricultural Research Service to perform agricultural research and demonstration relating to production, utilization, marketing, and distribution (not otherwise provided for); home economics or nutrition and consumer use including the acquisition, preservation, and dissemination of agricultural information; and for acquisition of lands by donation, exchange, or purchase at a nominal cost not to exceed $100, and for land exchanges where the lands exchanged shall be of equal value or shall be equalized by a payment of money to the grantor which shall not exceed 25 percent of the total value of the land or interests transferred out of Federal ownership, $1,053,597,000: Provided, That appropriations hereunder shall be available for temporary employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $115,000 shall be available for employment under 5 U.S.C. 3109: Provided further, That appropriations hereunder shall be available for the operation and maintenance of aircraft and the purchase of not to exceed one for replacement only: Provided further, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for the construction, alteration, and repair of buildings and improvements, but unless otherwise provided, the cost of constructing any one building shall not exceed $375,000, except for headhouses or greenhouses which shall each be limited to $1,200,000, and except for 10 buildings to be constructed or improved at a cost not to exceed $750,000 each, and the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building or $375,000, whichever is greater: Provided further, That the limitations on alterations contained in this Act shall not apply to modernization or replacement of existing facilities at Beltsville, Maryland: Provided further, That appropriations hereunder shall be available for granting easements at the Beltsville Agricultural Research Center: Provided further, That the foregoing limitations shall not apply to replacement of buildings needed to carry out the Act of April 24, 1948 (21 U.S.C. 113a): Provided further, That funds may be received from any State, other political subdivision, organization, or individual for the purpose of establishing or operating any research facility or research project of the Agricultural Research Service, as authorized by law.

None of the funds in the foregoing paragraph shall be available to carry out research related to the production, processing or marketing of tobacco or tobacco products.

In fiscal year 2003, the agency is authorized to charge fees, commensurate with the fair market value, for any permit, easement, lease, or other special use authorization for the occupancy or use of land and facilities (including land and facilities at the Beltsville Agricultural Research Center) issued by the agency, as authorized by law, and such fees shall be credited to this account, and shall remain available until expended for authorized purposes.

BUILDINGS AND FACILITIES

For acquisition of land, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities as necessary to carry out the agricultural research programs of the Department of Agriculture, where not otherwise provided, $100,955,000, to remain available until expended: Provided, That funds may be received from any State, other political subdivision, organization, or individual for the purpose of establishing any research facility of the Agricultural Research Service, as authorized by law.

COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSION SERVICE

RESEARCH AND EDUCATION ACTIVITIES

For payments to agricultural experiment stations, for cooperative forestry and other research, for facilities, and for other expenses, $651,411,000, as follows: to carry out the provisions of the Hatch Act of 1887 (7 U.S.C. 361a–i), $185,553,000; for grants for cooperative forestry

research (16 U.S.C. 582a through a–7), $22,541,000; for payments to the 1890 land-grant colleges, including Tuskegee University (7 U.S.C. 3222), $35,643,000, of which $1,507,496 shall be made available only for the purpose of ensuring that each institution shall receive no less than $1,000,000; for special grants for agricultural research (7 U.S.C. 450i(c)), $103,834,000; for special grants for agricultural research on improved pest control (7 U.S.C. 450i(c)), $15,006,000; for competitive research grants (7 U.S.C. 450i(b)), $204,263,000; for the support of animal health and disease programs (7 U.S.C. 3195), $5,251,000; for supplemental and alternative crops and products (7 U.S.C. 3319d), $1,000,000; for grants for research pursuant to the Critical Agricultural Materials Act (7 U.S.C. 178 et seq.), $1,500,000, to remain available until expended; for research grants for 1994 institutions pursuant to section 536 of Public Law 103–382 (7 U.S.C. 301 note), $1,000,000, to remain available until expended; for higher education graduate fellowship grants (7 U.S.C. 3152(b)(6)), $2,993,000, to remain available until expended (7 U.S.C. 2209b); for higher education challenge grants (7 U.S.C. 3152(b)(1)), $4,340,000; for a higher education multicultural scholars program (7 U.S.C. 3152(b)(5)), $998,000, to remain available until expended (7 U.S.C. 2209b); for an education grants program for Hispanic-serving Institutions (7 U.S.C. 3241), $3,500,000; for noncompetitive grants for the purpose of carrying out all provisions of 7 U.S.C. 3242 (section 759 of Public Law 106–78) to individual eligible institutions or consortia of eligible institutions in Alaska and in Hawaii, with funds awarded equally to each of the States of Alaska and Hawaii, $3,500,000; for a secondary agriculture education program and 2-year post-secondary education (7 U.S.C. 3152(j)), $1,000,000; for aquaculture grants (7 U.S.C. 3322), $5,000,000; for sustainable agriculture research and education (7 U.S.C. 5811), $15,000,000; for a program of capacity building grants (7 U.S.C. 3152(b)(4)) to colleges eligible to receive funds under the Act of August 30, 1890 (7 U.S.C. 321–326 and 328), including Tuskegee University, $11,479,000, to remain available until expended (7 U.S.C. 2209b); for payments to the 1994 Institutions pursuant to section 534(a)(1) of Public Law 103–382, $1,700,000; and for necessary expenses of Research and Education Activities, of which not to exceed $100,000 shall be for employment under 5 U.S.C. 3109, $26,310,000.

None of the funds in the foregoing paragraph shall be available to carry out research related to the production, processing or marketing of tobacco or tobacco products: Provided, That this paragraph shall not apply to research on the medical, biotechnological, food, and industrial uses of tobacco.

NATIVE AMERICAN INSTITUTIONS ENDOWMENT FUND

For the Native American Institutions Endowment Fund authorized by Public Law 103–382 (7 U.S.C. 301 note), $7,100,000.

EXTENSION ACTIVITIES

For payments to States, the District of Columbia, Puerto Rico, Guam, the Virgin Islands, Micronesia, Northern Marianas, and American Samoa, $452,767,000, as follows: payments for cooperative extension work under the Smith-Lever Act, to be distributed under sections 3(b) and 3(c) of said Act, and under section 208(c) of Public Law 93–471, for retirement and employees' compensation costs for extension agents and for costs of penalty mail for cooperative extension agents and State extension directors, $281,218,000; payments for extension work at the 1994 Institutions under the Smith-Lever Act (7 U.S.C. 343(b)(3)), $3,500,000; payments for the nutrition and family education program for low-income areas under section 3(d) of the Act, $58,566,000; payments for the pest management program under section 3(d) of the Act, $10,759,000; payments for the farm safety program under section 3(d) of the Act, $5,250,000; payments to upgrade research, extension, and teaching facilities at the 1890 land-grant colleges, including Tuskegee University, as authorized by section 1447 of Public Law 95–113 (7 U.S.C. 3222b), $15,000,000, to remain available until expended; payments for youth-at-risk programs under section 3(d) of the Smith-Lever Act, $8,481,000; for youth farm safety education and certification extension grants, to be awarded competitively under section 3(d) of the Act, $499,000; payments for carrying out the provisions of the Renewable Resources Extension Act of 1978 (16 U.S.C. 1671 et seq.), $4,093,000; payments for Indian reservation agents under section 3(d) of the Smith-Lever Act, $1,996,000; payments for sustainable agriculture programs under section 3(d) of the Act, $5,000,000; payments for rural health and safety education as authorized by section 502(i) of Public Law 92–419 (7 U.S.C. 2662(i)), $2,622,000; payments for cooperative extension work by the colleges receiving the benefits of the second Morrill Act (7 U.S.C. 321–326 and 328) and Tuskegee University, $32,117,000, of which $1,724,884 shall be made available only for the purpose of ensuring that each institution shall receive no less than $1,000,000; for grants to youth organizations pursuant to section 7630 of title 7, United States Code, $3,000,000; and for necessary expenses of extension activities, $20,666,000.

INTEGRATED ACTIVITIES

For the integrated research, education, and extension competitive grants programs, including necessary administrative expenses, as authorized under section 406 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7626), $48,218,000, as follows: payments for the water quality program, $12,971,000; payments for the food safety program, $14,967,000; payments for the regional pest management centers program, $4,531,000; payments for the Food Quality Protection Act risk mitigation program for major food crop systems, $4,889,000; payments for the crops affected by Food Quality Protection Act implementation, $1,497,000; payments for the methyl bromide transition program, $3,000,000; payments for the organic transition program, $1,750,000; and payments for agricultural technology, $2,600,000: Provided, That of the funds made available under this heading, $500,000 shall be for payments for the critical issues program under 7 U.S.C. 450i(c) and $1,513,000 shall be for payments for the regional rural development centers program under 7 U.S.C. 450i(c).

OUTREACH FOR SOCIALLY DISADVANTAGED FARMERS

For grants and contracts pursuant to section 2501 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279), $3,493,000, to remain available until expended.

OFFICE OF THE UNDER SECRETARY FOR MARKETING AND REGULATORY PROGRAMS

For necessary salaries and expenses of the Office of the Under Secretary for Marketing and Regulatory Programs to administer programs under the laws enacted by the Congress for the Animal and Plant Health Inspection Service; the Agricultural Marketing Service; and the Grain Inspection, Packers and Stockyards Administration; $780,000.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For expenses, not otherwise provided for, necessary to prevent, control, and eradicate pests and plant and animal diseases; to carry out inspection, quarantine, and regulatory activities; and to protect the environment, as authorized by law, $735,673,000, of which $4,103,000 shall be available for the control of outbreaks of insects, plant diseases, animal diseases and for control of pest animals and birds to the extent necessary to meet emergency conditions; of which $62,000,000 shall be used for the boll weevil eradication program for cost share purposes or for debt retirement for active eradication zones: Provided, That no funds shall be used to formulate or administer a brucellosis eradication program for the current fiscal year that does not require minimum matching by the States of at least 40 percent: Provided further, That this appropriation shall be available for field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $40,000 shall be available for employment under 5 U.S.C. 3109: Provided further, That this appropriation shall be available for the operation and maintenance of aircraft and the purchase of not to exceed four, of which two shall be for replacement only: Provided further, That, in addition, in emergencies which threaten any segment of the agricultural production industry of this country, the Secretary may transfer from other appropriations or funds available to the agencies or corporations of the Department such sums as may be deemed necessary, to be available only in such emergencies for the arrest and eradication of contagious or infectious disease or pests of animals, poultry, or plants, and for expenses in accordance with sections 10411 and 10417 of the Animal Health Protection Act (7 U.S.C. 8310 and 8316) and sections 431 and 442 of the Plant Protection Act (7 U.S.C. 7751 and 7772), and any unexpended balances of funds transferred for such emergency purposes in the preceding fiscal year shall be merged with such transferred amounts: Provided further, That appropriations hereunder shall be available pursuant to law (7 U.S.C. 2250) for the repair and alteration of leased buildings and improvements, but unless otherwise provided the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

In fiscal year 2003, the agency is authorized to collect fees to cover the total costs of providing technical assistance, goods, or services requested by States, other political subdivisions, domestic and international organizations, foreign governments, or individuals, provided that such fees are structured such that any entity's liability for such fees is reasonably based on the technical assistance, goods, or services provided to the entity by the agency, and such fees shall be credited to this account, to remain available until expended, without further appropriation, for providing such assistance, goods, or services.

BUILDINGS AND FACILITIES

For plans, construction, repair, preventive maintenance, environmental support, improvement, extension, alteration, and purchase of fixed equipment or facilities, as authorized by 7 U.S.C. 2250, and acquisition of land as authorized by 7 U.S.C. 428a, $13,189,000, to remain available until expended.

AGRICULTURAL MARKETING SERVICE

MARKETING SERVICES

For necessary expenses to carry out services related to consumer protection, agricultural marketing and distribution, transportation, and regulatory programs, as authorized by law, and for administration and coordination of payments to States, including field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225) and not to exceed $90,000 for employment under 5 U.S.C. 3109, $75,411,000, including funds for the wholesale market development program for the design and development of wholesale and farmer market facilities for the major metropolitan areas of the country: Provided, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

Fees may be collected for the cost of standardization activities, as established by regulation pursuant to law (31 U.S.C. 9701).

LIMITATION ON ADMINISTRATIVE EXPENSES LEVEL

Not to exceed $61,619,000 (from fees collected) shall be obligated during the current fiscal year

for administrative expenses: Provided, That if crop size is understated and/or other uncontrollable events occur, the agency may exceed this limitation by up to 10 percent with notification to the Committees on Appropriations of both Houses of Congress.

FUNDS FOR STRENGTHENING MARKETS, INCOME, AND SUPPLY (SECTION 32)

(INCLUDING TRANSFERS OF FUNDS)

Funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), shall be used only for commodity program expenses as authorized therein, and other related operating expenses, except for: (1) transfers to the Department of Commerce as authorized by the Fish and Wildlife Act of August 8, 1956; (2) transfers otherwise provided in this Act; and (3) not more than $14,910,000 for formulation and administration of marketing agreements and orders pursuant to the Agricultural Marketing Agreement Act of 1937 and the Agricultural Act of 1961.

PAYMENTS TO STATES AND POSSESSIONS

For payments to departments of agriculture, bureaus and departments of markets, and similar agencies for marketing activities under section 204(b) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1623(b)), $1,347,000.

GRAIN INSPECTION, PACKERS AND STOCKYARDS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the United States Grain Standards Act, for the administration of the Packers and Stockyards Act, for certifying procedures used to protect purchasers of farm products, and the standardization activities related to grain under the Agricultural Marketing Act of 1946, including field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $25,000 for employment under 5 U.S.C. 3109, $44,475,000: Provided, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

LIMITATION ON INSPECTION AND WEIGHING SERVICES EXPENSES

Not to exceed $42,463,000 (from fees collected) shall be obligated during the current fiscal year for inspection and weighing services: Provided, That if grain export activities require additional supervision and oversight, or other uncontrollable factors occur, this limitation may be exceeded by up to 10 percent with notification to the Committees on Appropriations of both Houses of Congress.

OFFICE OF THE UNDER SECRETARY FOR FOOD SAFETY

For necessary salaries and expenses of the Office of the Under Secretary for Food Safety to administer the laws enacted by the Congress for the Food Safety and Inspection Service, $780,000.

FOOD SAFETY AND INSPECTION SERVICE

For necessary expenses to carry out services authorized by the Federal Meat Inspection Act, the Poultry Products Inspection Act, and the Egg Products Inspection Act, including not to exceed $50,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), $759,759,000, of which no less than $649,082,000 shall be available for Federal food safety inspection; and in addition, $1,000,000 may be credited to this account from fees collected for the cost of laboratory accreditation as authorized by section 1327 of the Food, Agriculture, Conservation and Trade Act of 1990 (7 U.S.C. 138f): Provided, That this appropriation shall be available for field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $75,000 shall be available for employment under 5 U.S.C. 3109: Provided further, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

OFFICE OF THE UNDER SECRETARY FOR FARM AND FOREIGN AGRICULTURAL SERVICES

For necessary salaries and expenses of the Office of the Under Secretary for Farm and Foreign Agricultural Services to administer the laws enacted by Congress for the Farm Service Agency, the Foreign Agricultural Service, the Risk Management Agency, and the Commodity Credit Corporation, $899,000.

FARM SERVICE AGENCY

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for carrying out the administration and implementation of programs administered by the Farm Service Agency, $986,913,000: Provided, That the Secretary is authorized to use the services, facilities, and authorities (but not the funds) of the Commodity Credit Corporation to make program payments for all programs administered by the Agency: Provided further, That other funds made available to the Agency for authorized activities may be advanced to and merged with this account: Provided further, That these funds shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $1,000,000 shall be available for employment under 5 U.S.C. 3109.

STATE MEDIATION GRANTS

For grants pursuant to section 502(b) of the Agricultural Credit Act of 1987 (7 U.S.C. 5102(b)), $4,000,000.

DAIRY INDEMNITY PROGRAM

For necessary expenses involved in making indemnity payments to dairy farmers and manufacturers of dairy products under a dairy indemnity program, $100,000, to remain available until expended: Provided, That such program is carried out by the Secretary in the same manner as the dairy indemnity program described in the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106–387; 114 Stat. 1549A–12).

AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed farm ownership (7 U.S.C. 1922 et seq.) and operating (7 U.S.C. 1941 et seq.) loans, Indian tribe land acquisition loans (25 U.S.C. 488), and boll weevil loans (7 U.S.C. 1989), to be available from funds in the Agricultural Credit Insurance Fund, as follows: farm ownership loans, $1,146,996,000, of which $1,000,000,000 shall be for guaranteed loans and $146,996,000 shall be for direct loans; operating loans, $2,816,729,000, of which $1,700,000,000 shall be for unsubsidized guaranteed loans, $505,531,000 shall be for subsidized guaranteed loans and $611,198,000 shall be for direct loans; Indian tribe land acquisition loans, $2,000,000; and for boll weevil eradication program loans, $100,000,000.

For the cost of direct and guaranteed loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, as follows: farm ownership loans, $24,566,000, of which $7,500,000 shall be for guaranteed loans, and $17,066,000 shall be for direct loans; operating loans, $219,036,000, of which $53,890,000 shall be for unsubsidized guaranteed loans, $59,653,000 shall be for subsidized guaranteed loans, and $105,493,000 shall be for direct loans; and Indian tribe land acquisition loans, $179,000.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $287,176,000, of which $279,176,000 shall be transferred to and merged with the appropriation for ''Farm Service Agency, Salaries and Expenses''.

Funds appropriated by this Act to the Agricultural Credit Insurance Program Account for farm ownership and operating direct loans and guaranteed loans may be transferred among these programs: Provided, That the Committees on Appropriations of both Houses of Congress are notified at least 15 days in advance of any transfer.

RISK MANAGEMENT AGENCY

For administrative and operating expenses, as authorized by section 226A of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6933), $70,708,000: Provided, That not to exceed $700 shall be available for official reception and representation expenses, as authorized by 7 U.S.C. 1506(i).

CORPORATIONS

The following corporations and agencies are hereby authorized to make expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accord with law, and to make contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act as may be necessary in carrying out the programs set forth in the budget for the current fiscal year for such corporation or agency, except as hereinafter provided.

FEDERAL CROP INSURANCE CORPORATION FUND

For payments as authorized by section 516 of the Federal Crop Insurance Act, such sums as may be necessary, to remain available until expended.

COMMODITY CREDIT CORPORATION FUND

REIMBURSEMENT FOR NET REALIZED LOSSES

For fiscal year 2003, such sums as may be necessary to reimburse the Commodity Credit Corporation for net realized losses sustained, but not previously reimbursed, pursuant to section 2 of the Act of August 17, 1961 (15 U.S.C. 713a–11).

HAZARDOUS WASTE MANAGEMENT

(LIMITATION ON EXPENSES)

For fiscal year 2003, the Commodity Credit Corporation shall not expend more than $5,000,000 for site investigation and cleanup expenses, and operations and maintenance expenses to comply with the requirement of section 107(g) of the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. 9607(g), and section 6001 of the Resource Conservation and Recovery Act, 42 U.S.C. 6961.

TITLE II

CONSERVATION PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR NATURAL RESOURCES AND ENVIRONMENT

For necessary salaries and expenses of the Office of the Under Secretary for Natural Resources and Environment to administer the laws enacted by the Congress for the Forest Service and the Natural Resources Conservation Service, $902,000.

NATURAL RESOURCES CONSERVATION SERVICE

CONSERVATION OPERATIONS

For necessary expenses for carrying out the provisions of the Act of April 27, 1935 (16 U.S.C. 590a–f), including preparation of conservation plans and establishment of measures to conserve soil and water (including farm irrigation and land drainage and such special measures for soil and water management as may be necessary to prevent floods and the siltation of reservoirs and to control agricultural related pollutants); operation of conservation plant materials centers; classification and mapping of soil; dissemination of information; acquisition of lands, water, and interests therein for use in the plant materials program by donation, exchange, or purchase at a nominal cost not to exceed $100 pursuant to

the Act of August 3, 1956 (7 U.S.C. 428a); purchase and erection or alteration or improvement of permanent and temporary buildings; and operation and maintenance of aircraft, $840,002,000, to remain available until expended, of which not less than $9,162,000 is for snow survey and water forecasting, and not less than $10,701,000 is for operation and establishment of the plant materials centers, and of which not less than $23,500,000 shall be for the grazing lands conservation initiative: Provided, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for construction and improvement of buildings and public improvements at plant materials centers, except that the cost of alterations and improvements to other buildings and other public improvements shall not exceed $250,000: Provided further, That when buildings or other structures are erected on non-Federal land, that the right to use such land is obtained as provided in 7 U.S.C. 2250a: Provided further, That this appropriation shall be available for technical assistance and related expenses to carry out programs authorized by section 202(c) of title II of the Colorado River Basin Salinity Control Act of 1974 (43 U.S.C. 1592(c)): Provided further, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $25,000 shall be available for employment under 5 U.S.C. 3109: Provided further, That qualified local engineers may be temporarily employed at per diem rates to perform the technical planning work of the Service: Provided further, That none of the funds made available under this paragraph by this or any other appropriations Act may be used to provide technical assistance with respect to programs listed in section 1241(a) of the Food Security Act of 1985 (16 U.S.C. 3841(a)).

WATERSHED SURVEYS AND PLANNING

For necessary expenses to conduct research, investigation, and surveys of watersheds of rivers and other waterways, and for small watershed investigations and planning, in accordance with the Watershed Protection and Flood Prevention Act (16 U.S.C. 1001–1009), $10,960,000: Provided, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $110,000 shall be available for employment under 5 U.S.C. 3109.

WATERSHED AND FLOOD PREVENTION OPERATIONS

For necessary expenses to carry out preventive measures, including but not limited to research, engineering operations, methods of cultivation, the growing of vegetation, rehabilitation of existing works and changes in use of land, in accordance with the Watershed Protection and Flood Prevention Act approved August 4, 1954 (16 U.S.C. 1001–1005 and 1007–1009), the provisions of the Act of April 27, 1935 (16 U.S.C. 590a–f), and in accordance with the provisions of laws relating to the activities of the Department, $105,000,000, to remain available until expended (of which up to $15,000,000 may be available for the watersheds authorized under the Flood Control Act approved June 22, 1936 (33 U.S.C. 701 and 16 U.S.C. 1006a)): Provided, That not to exceed $45,514,000 of this appropriation shall be available for technical assistance: Provided further, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $200,000 shall be available for employment under 5 U.S.C. 3109: Provided further, That not to exceed $1,000,000 of this appropriation is available to carry out the purposes of the Endangered Species Act of 1973 (Public Law 93–205), including cooperative efforts as contemplated by that Act to relocate endangered or threatened species to other suitable habitats as may be necessary to expedite project construction.

WATERSHED REHABILITATION PROGRAM

For necessary expenses to carry out rehabilitation of structural measures, in accordance with section 14 of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1012), and in accordance with the provisions of laws relating to the activities of the Department, $30,000,000, to remain available until expended.

RESOURCE CONSERVATION AND DEVELOPMENT

For necessary expenses in planning and carrying out projects for resource conservation and development and for sound land use pursuant to the provisions of sections 31 and 32 of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1010–1011; 76 Stat. 607); the Act of April 27, 1935 (16 U.S.C. 590a–f); and subtitle H of title XV of the Agriculture and Food Act of 1981 (16 U.S.C. 3451–3461), $50,000,000, to remain available until expended: Provided, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $50,000 shall be available for employment under 5 U.S.C. 3109.

TITLE III

RURAL DEVELOPMENT PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR RURAL DEVELOPMENT

For necessary salaries and expenses of the Office of the Under Secretary for Rural Development to administer programs under the laws enacted by the Congress for the Rural Housing Service, the Rural Business-Cooperative Service, and the Rural Utilities Service of the Department of Agriculture, $898,000.

RURAL COMMUNITY ADVANCEMENT PROGRAM

(INCLUDING TRANSFERS OF FUNDS)

For the cost of direct loans, loan guarantees, and grants, as authorized by 7 U.S.C. 1926, 1926a, 1926c, 1926d, and 1932, except for sections 381E–H and 381N of the Consolidated Farm and Rural Development Act, $867,176,000, to remain available until expended, of which $97,600,000 shall be for rural community programs described in section 381E(d)(1) of such Act; of which $682,814,000 shall be for the rural utilities programs described in sections 381E(d)(2), 306C(a)(2), and 306D of such Act; and of which $86,762,000 shall be for the rural business and cooperative development programs described in sections 381E(d)(3) and 310B(f) of such Act: Provided, That of the total amount appropriated in this account, $24,000,000 shall be for loans and grants to benefit Federally Recognized Native American Tribes, including grants for drinking water and waste disposal systems pursuant to section 306C of such Act, of which $4,000,000 shall be available for community facilities grants to tribal colleges, as authorized by section 306(a)(19) of the Consolidated Farm and Rural Development Act, and of which $250,000 shall be available for a grant to a qualified national organization to provide technical assistance for rural transportation in order to promote economic development: Provided further, That of the amount appropriated for rural community programs, $10,000,000 shall be available for a Rural Community Development Initiative: Provided further, That of the amount appropriated for the Rural Community Development Initiative, not less than $4,000,000 shall be available until expended to carry out a demonstration program on Replicating and Creating Rural Cooperative Home Based Health Care: Provided further, That of the $4,000,000 made available, not less than $1,500,000 shall be in the form of predevelopment planning grants, not to exceed $50,000 each, with the balance for low-interest revolving loans to be used for capital and other related expenses, and made available to nonprofit based community development organizations: Provided further, That such organizations should demonstrate experience in the administration of revolving loan programs and providing technical assistance to cooperatives: Provided further, That a minimum of one planning grant should be provided to a minority sponsored entity with three years experience in rural cooperative development: Provided further, That of funds appropriated for the Rural Community Development Initiative, $6,000,000 shall be used solely to develop the capacity and ability of private, nonprofit community-based housing and community development organizations, low-income rural communities, and Federally Recognized Native American Tribes to undertake projects to improve housing, community facilities, community and economic development projects in rural areas: Provided further, That such funds shall be made available to qualified private, nonprofit and public intermediary organizations proposing to carry out a program of financial and technical assistance: Provided further, That such intermediary organizations shall provide matching funds from other sources, including Federal funds for related activities, in an amount not less than funds provided: Provided further, That of the amount appropriated for the rural business and cooperative development programs, not to exceed $500,000 shall be made available for a grant to a qualified national organization to provide technical assistance for rural transportation in order to promote economic development; and $2,000,000 shall be for grants to Delta Regional Authority (7 U.S.C. 1921 et seq.): Provided further, That of the amount appropriated for rural utilities programs, not to exceed $20,000,000 shall be for water and waste disposal systems to benefit the Colonias along the United States/Mexico border, including grants pursuant to section 306C of such Act; not to exceed $30,000,000 shall be for water and waste disposal systems for rural and native villages in Alaska pursuant to section 306D of such Act, with up to 1 percent available to administer the program and up to 1 percent available to improve interagency coordination may be transferred to and merged with the appropriation for ''Rural Development, Salaries and Expenses''; not to exceed $19,200,000 shall be for technical assistance grants for rural water and waste systems pursuant to section 306(a)(14) of such Act, of which $5,775,000 shall be for Rural Community Assistance Programs; and not to exceed $12,100,000 shall be for contracting with qualified national organizations for a circuit rider program to provide technical assistance for rural water systems: Provided further, That of the total amount appropriated, not to exceed $37,624,000 shall be available through June 30, 2003, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones; of which $1,163,000 shall be for the rural community programs described in section 381E(d)(1) of such Act, of which $27,431,000 shall be for the rural utilities programs described in section 381E(d)(2) of such Act, and of which $9,030,000 shall be for the rural business and cooperative development programs described in section 381E(d)(3) of such Act: Provided further, That of the amount appropriated for rural community programs, not to exceed $25,000,000 shall be to provide grants for facilities in rural communities with extreme unemployment and severe economic depression (Public Law 106–387), with 5 percent for administration and capacity building in the State rural development offices: Provided further, That of the amount appropriated, $30,000,000 shall be transferred to and merged with the ''Rural Utilities Service, High Energy Cost Grants Account'' to provide grants authorized under section 19 of the Rural Electrification Act of 1936 (7 U.S.C. 918a): Provided further, That any funds in the ''Rural Utilities Service, High Energy Cost Grants Account'' and any remaining funds specifically appropriated in fiscal year 2002 for rural communities with extremely high energy costs under the Rural Community Advancement Program shall be merged and transferred into the Account: Provided further, That any funds in the Account shall be used to provide grants authorized under section 19 of

that Act: Provided further, That of the funds appropriated by this Act to the Rural Community Advancement Program for guaranteed business and industry loans, funds may be transferred to direct business and industry loans as deemed necessary by the Secretary and with prior approval of the Committees on Appropriations of both Houses of Congress.

RURAL DEVELOPMENT

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for carrying out the administration and implementation of programs in the Rural Development mission area, including activities with institutions concerning the development and operation of agricultural cooperatives; and for cooperative agreements; $127,502,000: Provided, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $1,000,000 may be used for employment under 5 U.S.C. 3109: Provided further, That not more than $10,000 may be expended to provide modest nonmonetary awards to non-USDA employees: Provided further, That any balances available from prior years for the Rural Utilities Service, Rural Housing Service, and the Rural Business-Cooperative Service salaries and expenses accounts shall be transferred to and merged with this appropriation.

RURAL HOUSING SERVICE

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed loans as authorized by title V of the Housing Act of 1949, to be available from funds in the rural housing insurance fund, as follows: $3,755,162,000 for loans to section 502 borrowers, as determined by the Secretary, of which $1,005,162,000 shall be for direct loans, and of which $2,750,000,000 shall be for unsubsidized guaranteed loans; $35,000,000 for section 504 housing repair loans; $120,000,000 for new construction, repair, rehabilitation, and preservation of section 515 rental housing; $5,000,000 for section 524 site loans; $12,000,000 for credit sales of acquired property, of which up to $2,000,000 may be for multi-family credit sales; and $5,011,000 for section 523 self-help housing land development loans.

For the cost of direct and guaranteed loans, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, as follows: section 502 loans, $214,500,000, of which $194,700,000 shall be for direct loans, and of which $19,800,000, to remain available until expended, shall be for unsubsidized guaranteed loans; section 504 housing repair loans, $10,857,000; section 515 rental housing, $55,956,000; section 524 site loans, $55,000; multi-family credit sales of acquired property, $934,000; and section 523 self-help housing land development loans, $221,000: Provided, That of the total amount appropriated in this paragraph, $11,656,000 shall be available through June 30, 2003, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $455,630,000, which shall be transferred to and merged with the appropriation for ''Rural Development, Salaries and Expenses''.

RENTAL ASSISTANCE PROGRAM

For rental assistance agreements entered into or renewed pursuant to the authority under section 521(a)(2) or agreements entered into in lieu of debt forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Housing Act of 1949, $730,000,000; and, in addition, such sums as may be necessary, as authorized by section 521(c) of the Act, to liquidate debt incurred prior to fiscal year 1992 to carry out the rental assistance program under section 521(a)(2) of the Act: Provided, That of this amount, not more than $5,900,000 shall be available for debt forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Act, and not to exceed $50,000 per project for advances to nonprofit organizations or public agencies to cover direct costs (other than purchase price) incurred in purchasing projects pursuant to section 502(c)(5)(C) of the Act: Provided further, That agreements entered into or renewed during fiscal year 2003 shall be funded for a 5-year period, although the life of any such agreement may be extended to fully utilize amounts obligated.

MUTUAL AND SELF-HELP HOUSING GRANTS

For grants and contracts pursuant to section 523(b)(1)(A) of the Housing Act of 1949 (42 U.S.C. 1490c), $35,000,000, to remain available until expended: Provided, That of the total amount appropriated, $1,000,000 shall be available through June 30, 2003, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

RURAL HOUSING ASSISTANCE GRANTS

For grants and contracts for very low-income housing repair, supervisory and technical assistance, compensation for construction defects, and rural housing preservation made by the Rural Housing Service, as authorized by 42 U.S.C. 1474, 1479(c), 1490e, and 1490m, $47,498,000, to remain available until expended: Provided, That of the total amount appropriated, $1,200,000 shall be available through June 30, 2003, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

FARM LABOR PROGRAM ACCOUNT

For the cost of direct loans, grants, and contracts, as authorized by 42 U.S.C. 1484 and 1486, $34,615,000, to remain available until expended, for direct farm labor housing loans and domestic farm labor housing grants and contracts.

RURAL BUSINESS-COOPERATIVE SERVICE

RURAL DEVELOPMENT LOAN FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the principal amount of direct loans, as authorized by the Rural Development Loan Fund (42 U.S.C. 9812(a)), $40,000,000.

For the cost of direct loans, $19,304,000, as authorized by the Rural Development Loan Fund (42 U.S.C. 9812(a)), of which $1,724,000 shall be available through June 30, 2003, for Federally Recognized Native American Tribes and of which $3,449,000 shall be available through June 30, 2003, for Mississippi Delta Region counties (as defined by Public Law 100–460): Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That of the total amount appropriated, $2,730,000 shall be available through June 30, 2003, for the cost of direct loans for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

In addition, for administrative expenses to carry out the direct loan programs, $4,290,000 shall be transferred to and merged with the appropriation for ''Rural Development, Salaries and Expenses''.

RURAL ECONOMIC DEVELOPMENT LOANS PROGRAM ACCOUNT

(INCLUDING RESCISSION OF FUNDS)

For the principal amount of direct loans, as authorized under section 313 of the Rural Electrification Act, for the purpose of promoting rural economic development and job creation projects, $14,967,000.

For the cost of direct loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, $3,197,000.

Of the funds derived from interest on the cushion of credit payments in fiscal year 2003, as authorized by section 313 of the Rural Electrification Act of 1936, $3,197,000 shall not be obligated and $3,197,000 are rescinded.

RURAL COOPERATIVE DEVELOPMENT GRANTS

For rural cooperative development grants authorized under section 310B(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932), $9,000,000, of which $2,500,000 shall be for cooperative agreements for the appropriate technology transfer for rural areas program: Provided, That not to exceed $1,500,000 of the total amount appropriated shall be made available to cooperatives or associations of cooperatives whose primary focus is to provide assistance to small, minority producers and whose governing board and/or membership is comprised of at least 75 percent minority.

RURAL EMPOWERMENT ZONES AND ENTERPRISE COMMUNITIES GRANTS

For grants in connection with a second round of empowerment zones and enterprise communities, $14,967,000, to remain available until expended, for designated rural empowerment zones and rural enterprise communities, as authorized by the Taxpayer Relief Act of 1997 and the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277).

RURAL UTILITIES SERVICE

RURAL ELECTRIFICATION AND TELECOMMUNICATIONS LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

Insured loans pursuant to the authority of section 305 of the Rural Electrification Act of 1936 (7 U.S.C. 935) shall be made as follows: 5 percent rural electrification loans, $121,103,000; municipal rate rural electric loans, $100,000,000; loans made pursuant to section 306 of that Act, rural electric, $2,700,000,000; Treasury rate direct electric loans, $1,150,000,000; 5 percent rural telecommunications loans, $75,029,000; cost of money rural telecommunications loans, $300,000,000; and loans made pursuant to section 306 of that Act, rural telecommunications loans, $120,000,000; and for guaranteed underwriting loans pursuant to section 313A, $1,000,000,000.

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, including the cost of modifying loans, of direct and guaranteed loans authorized by the Rural Electrification Act of 1936 (7 U.S.C. 935 and 936), as follows: cost of rural electric loans, $11,025,000, and the cost of telecommunication loans, $1,433,000: Provided, That notwithstanding section 305(d)(2) of the Rural Electrification Act of 1936, borrower interest rates may exceed 7 percent per year.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $38,035,000 which shall be transferred to and merged with the appropriation for ''Rural Development, Salaries and Expenses''.

RURAL TELEPHONE BANK PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

The Rural Telephone Bank is hereby authorized to make such expenditures, within the limits of funds available to such corporation in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as may be necessary in carrying out its authorized programs. During fiscal year 2003 and within the resources and authority available, gross obligations for the principal amount of direct loans shall be $174,615,000.

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, including the cost of modifying loans, of direct loans authorized by the Rural Electrification Act of 1936 (7 U.S.C. 935), $2,410,000.

In addition, for administrative expenses, including audits, necessary to carry out the loan programs, $3,082,000, which shall be transferred to and merged with the appropriation for ''Rural Development, Salaries and Expenses''.

DISTANCE LEARNING AND TELEMEDICINE PROGRAM

For the principal amount of direct distance learning and telemedicine loans, $50,000,000; and for the principal amount of broadband telecommunication loans, $79,535,000.

For the cost of direct loans and grants, as authorized by 7 U.S.C. 950aaa et seq., $51,941,000, to remain available until expended, to be available for loans and grants for telemedicine and distance learning services in rural areas: Provided, That $10,000,000 may be available for the continuation of a project for a loan and grant program to finance broadband transmission and local dial-up Internet service in areas that meet the definition of ''rural area'' used for the Distance Learning and Telemedicine Program authorized by 7 U.S.C. 950aaa: Provided further, That the cost of direct loans shall be as defined in section 502 of the Congressional Budget Act of 1974.

TITLE IV

DOMESTIC FOOD PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR FOOD, NUTRITION AND CONSUMER SERVICES

For necessary salaries and expenses of the Office of the Under Secretary for Food, Nutrition and Consumer Services to administer the laws enacted by the Congress for the Food and Nutrition Service, $774,000.

FOOD AND NUTRITION SERVICE

CHILD NUTRITION PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the National School Lunch Act (42 U.S.C. 1751 et seq.), except section 21, and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), except sections 17 and 21; $10,580,169,000, to remain available through September 30, 2004, of which $5,834,506,000 is hereby appropriated and $4,745,663,000 shall be derived by transfer from funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c): Provided, That of the funds made available under this heading, $3,300,000 shall be for a School Breakfast Program startup grant pilot program, of which no less than $1,000,000 is for the State of Wisconsin: Provided further, That $200,000 shall be for the Common Roots Program: Provided further, That $500,000 shall be for the Child Nutrition Archive Resource Center: Provided further, That up to $5,080,000 shall be for independent verification of school food service claims.

SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

For necessary expenses to carry out the special supplemental nutrition program as authorized by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), $4,751,000,000, to remain available through September 30, 2004, of which $125,000,000 shall be placed in reserve, to remain available until expended, for use in only such amounts, and in such manner, as the Secretary determines necessary, not withstanding section 17(i) of the Child Nutrition Act, to provide funds to support participation, should costs or participation exceed budget estimates: Provided, That of the total amount available, the Secretary shall obligate $25,000,000 for the farmers' market nutrition program within 45 days of the enactment of this Act: Provided further, That notwithstanding section 17(h)(10)(A) of such Act, $14,000,000 shall be available for the purposes specified in section 17(h)(10)(B): Provided further, That $2,000,000 shall be available for the Food and Nutrition Service to conduct a study of WIC vendor practices: Provided further, That no other funds made available under this heading shall be used for studies and evaluations: Provided further, That none of the funds in this Act shall be available to pay administrative expenses of WIC clinics except those that have an announced policy of prohibiting smoking within the space used to carry out the program: Provided further, That none of the funds provided in this account shall be available for the purchase of infant formula except in accordance with the cost containment and competitive bidding requirements specified in section 17 of such Act: Provided further, That none of the funds provided shall be available for activities that are not fully reimbursed by other Federal Government departments or agencies unless authorized by section 17 of such Act.

FOOD STAMP PROGRAM

For necessary expenses to carry out the Food Stamp Act (7 U.S.C. 2011 et seq.), $26,289,692,000, of which $2,000,000,000 shall be placed in reserve for use only in such amounts and at such times as may become necessary to carry out program operations: Provided, That of the funds made available under this heading and not already appropriated to the Food Distribution Program on Indian Reservations (FDPIR) established under section 4(b) of the Food Stamp Act of 1977 (7 U.S.C. 2013(b)), not to exceed $4,000,000 shall be used to purchase bison meat for the FDPIR from Native American bison producers as well as from producer-owned cooperatives of bison ranchers: Provided further, That funds provided herein shall be expended in accordance with section 16 of the Food Stamp Act: provided further, That this appropriation shall be subject to any work registration or workfare requirements as may be required by law: Provided further, That funds made available for Employment and Training under this heading shall remain available until expended, as authorized by section 16(h)(1) of the Food Stamp Act.

COMMODITY ASSISTANCE PROGRAM

For necessary expenses to carry out the commodity supplemental food program as authorized by section 4(a) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note) and the Emergency Food Assistance Act of 1983, $167,000,000, to remain available through September 30, 2004: Provided, That none of these funds shall be available to reimburse the Commodity Credit Corporation for commodities donated to the program: Provided further, That of the total amount available, the Secretary shall provide $5,000,000 for senior farmers' market activities: Provided further, That at the discretion of the States, any State may request that USDA use a portion of its storage and distribution funds for the Emergency Food Assistance Program to purchase additional commodities for distribution within that State.

FOOD DONATIONS PROGRAMS

For necessary expenses to carry out section 4(a) of the Agriculture and Consumer Protection Act of 1973 and special assistance for the nuclear affected islands as authorized by section 103(h)(2) of the Compacts of Free Association Act of 1985, $1,081,000, to remain available through September 30, 2004.

FOOD PROGRAM ADMINISTRATION

For necessary administrative expenses of the domestic food programs funded under this Act, $136,865,000, of which $5,000,000 shall be available only for simplifying procedures, reducing overhead costs, tightening regulations, improving food stamp benefit delivery, and assisting in the prevention, identification, and prosecution of fraud and other violations of law and of which not less than $11,000,000 shall be available to improve integrity in the Food Stamp and Child Nutrition programs: Provided, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $150,000 shall be available for employment under 5 U.S.C. 3109.

TITLE V

FOREIGN ASSISTANCE AND RELATED PROGRAMS

FOREIGN AGRICULTURAL SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Foreign Agricultural Service, including carrying out title VI of the Agricultural Act of 1954 (7 U.S.C. 1761–1769), market development activities abroad, and for enabling the Secretary to coordinate and integrate activities of the Department in connection with foreign agricultural work, including not to exceed $158,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), $131,198,000: Provided, That the Service may utilize advances of funds, or reimburse this appropriation for expenditures made on behalf of Federal agencies, public and private organizations and institutions under agreements executed pursuant to the agricultural food production assistance programs (7 U.S.C. 1737) and the foreign assistance programs of the United States Agency for International Development.

None of the funds in the foregoing paragraph shall be available to promote the sale or export of tobacco or tobacco products.

PUBLIC LAW 480 TITLE I PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of agreements under the Agricultural Trade Development and Assistance Act of 1954, and the Food for Progress Act of 1985, including the cost of modifying credit arrangements under said Acts, $116,171,000, to remain available until expended.

In addition, for administrative expenses to carry out the credit program of title I, Public Law 83–480, and the Food for Progress Act of 1985, to the extent funds appropriated for Public Law 83–480 are utilized, $2,059,000, of which $1,033,000 may be transferred to and merged with the appropriation for ''Foreign Agricultural Service, Salaries and Expenses'', and of which $1,026,000 may be transferred to and merged with the appropriation for ''Farm Service Agency, Salaries and Expenses''.

PUBLIC LAW 480 TITLE I OCEAN FREIGHT DIFFERENTIAL GRANTS

(INCLUDING TRANSFER OF FUNDS)

For ocean freight differential costs for the shipment of agricultural commodities under title I of the Agricultural Trade Development and Assistance Act of 1954 and under the Food for Progress Act of 1985, $25,159,000, to remain available until expended: Provided, That funds made available for the cost of agreements under title I of the Agricultural Trade Development and Assistance Act of 1954 and for title I ocean freight differential may be used interchangeably between the two accounts with prior notice to the Committees on Appropriations of both Houses of Congress.

PUBLIC LAW 480 TITLE II GRANTS

For expenses during the current fiscal year, not otherwise recoverable, and unrecovered prior years' costs, including interest thereon, under the Agricultural Trade Development and Assistance Act of 1954, $1,185,000,000, to remain available until expended for commodities supplied in connection with dispositions abroad under title II of said Act.

COMMODITY CREDIT CORPORATION EXPORT LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For administrative expenses to carry out the Commodity Credit Corporation's export guarantee program, GSM 102 and GSM 103, $4,058,000; to cover common overhead expenses as permitted by section 11 of the Commodity Credit Corporation Charter Act and in conformity with the Federal Credit Reform Act of 1990, of which $3,224,000 may be transferred to and merged with the appropriation for ''Foreign

Agricultural Service, Salaries and Expenses'', and of which $834,000 may be transferred to and merged with the appropriation for ''Farm Service Agency, Salaries and Expenses''.

TITLE VI

RELATED AGENCIES AND FOOD AND DRUG ADMINISTRATION

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Food and Drug Administration, including hire and purchase of passenger motor vehicles; for payment of space rental and related costs pursuant to Public Law 92–313 for programs and activities of the Food and Drug Administration which are included in this Act; for rental of special purpose space in the District of Columbia or elsewhere; and for miscellaneous and emergency expenses of enforcement activities, authorized and approved by the Secretary and to be accounted for solely on the Secretary's certificate, not to exceed $25,000; $1,631,530,000, of which not to exceed $222,900,000 to be derived from prescription drug user fees authorized by 21 U.S.C. 379h, including any such fees assessed prior to the current fiscal year but credited during the current year, in accordance with section 736(g)(4), shall be credited to this appropriation and remain available until expended; and of which not to exceed $25,125,000 to be derived from device user fees authorized by 21 U.S.C. 379j shall be credited to this appropriation, to remain available until expended: Provided, That fees derived from applications received during fiscal year 2003 shall be subject to the fiscal year 2003 limitation: Provided further, That none of these funds shall be used to develop, establish, or operate any program of user fees authorized by 31 U.S.C. 9701: Provided further, That of the total amount appropriated: (1) $412,404,000 shall be for the Center for Food Safety and Applied Nutrition and related field activities in the Office of Regulatory Affairs; (2) $426,232,000 shall be for the Center for Drug Evaluation and Research and related field activities in the Office of Regulatory Affairs, of which no less than $13,357,000 shall be available for grants and contracts awarded under section 5 of the Orphan Drug Act (21 U.S.C. 360ee); (3) $199,117,000 shall be for the Center for Biologics Evaluation and Research and for related field activities in the Office of Regulatory Affairs; (4) $88,342,000 shall be for the Center for Veterinary Medicine and for related field activities in the Office of Regulatory Affairs; (5) $211,819,000 shall be for the Center for Devices and Radiological Health and for related field activities in the Office of Regulatory Affairs; (6) $40,509,000 shall be for the National Center for Toxicological Research; (7) $36,914,000 shall be for Rent and Related activities, other than the amounts paid to the General Services Administration; (8) $108,269,000 shall be for payments to the General Services Administration for rent and related costs; and (9) $107,924,000 shall be for other activities, including the Office of the Commissioner; the Office of Management and Systems; the Office of the Senior Associate Commissioner; the Office of International and Constituent Relations; the Office of Policy, Legislation, and Planning; and central services for these offices: Provided further, That funds may be transferred from one specified activity to another with the prior approval of the Committees on Appropriations of both Houses of Congress.

In addition, mammography user fees authorized by 42 U.S.C. 263b may be credited to this account, to remain available until expended.

In addition, export certification user fees authorized by 21 U.S.C. 381 may be credited to this account, to remain available until expended.

BUILDINGS AND FACILITIES

For plans, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of or used by the Food and Drug Administration, where not otherwise provided, $11,000,000, to remain available until expended.

INDEPENDENT AGENCIES

COMMODITY FUTURES TRADING COMMISSION

For necessary expenses to carry out the provisions of the Commodity Exchange Act (7 U.S.C. 1 et seq.), including the purchase and hire of passenger motor vehicles; the rental of space (to include multiple year leases) in the District of Columbia and elsewhere; and not to exceed $25,000 for employment under 5 U.S.C. 3109, $93,985,000, including not to exceed $2,000 for official reception and representation expenses.

FARM CREDIT ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed $38,404,000 (from assessments collected from farm credit institutions and from the Federal Agricultural Mortgage Corporation) shall be obligated during the current fiscal year for administrative expenses as authorized under 12 U.S.C. 2249: Provided, That this limitation shall not apply to expenses associated with receiverships.

TITLE VII—GENERAL PROVISIONS

SEC. 701. Within the unit limit of cost fixed by law, appropriations and authorizations made for the Department of Agriculture for fiscal year 2003 under this Act shall be available for the purchase, in addition to those specifically provided for, of not to exceed 374 passenger motor vehicles, of which 372 shall be for replacement only, and for the hire of such vehicles.

SEC. 702. Funds in this Act available to the Department of Agriculture shall be available for uniforms or allowances therefor as authorized by law (5 U.S.C. 5901–5902).

SEC. 703. Not less than $1,500,000 of the appropriations of the Department of Agriculture in this Act for research and service work authorized by sections 1 and 10 of the Act of June 29, 1935 (7 U.S.C. 427, 427i; commonly known as the Bankhead-Jones Act), subtitle A of title II and section 302 of the Act of August 14, 1946 (7 U.S.C. 1621 et seq.), and chapter 63 of title 31, United States Code, shall be available for contracting in accordance with such Acts and chapter.

SEC. 704. The Secretary of Agriculture may transfer unobligated balances of funds appropriated by this Act or other available unobligated balances of the Department of Agriculture to the Working Capital Fund for the acquisition of plant and capital equipment necessary for the delivery of financial, administrative, and information technology services of primary benefit to the agencies of the Department of Agriculture: Provided, That none of the funds made available by this Act or any other Act shall be transferred to the Working Capital Fund without the prior approval of the agency administrator: Provided further, That none of the funds transferred to the Working Capital Fund pursuant to this section shall be available for obligation without the prior approval of the Committees on Appropriations of both Houses of Congress.

SEC. 705. New obligational authority provided for the following appropriation items in this Act shall remain available until expended: Animal and Plant Health Inspection Service, the contingency fund to meet emergency conditions, fruit fly program, emerging plant pests, integrated systems acquisition project, boll weevil program, up to 25 percent of the screwworm program, and up to $2,000,000 for costs associated with collocating regional offices; Food Safety and Inspection Service, field automation and information management project; Cooperative State Research, Education, and Extension Service, funds for competitive research grants (7 U.S.C. 450i(b)), funds for the Research, Education and Economics Information System (REEIS), and funds for the Native American Institutions Endowment Fund; Farm Service Agency, salaries and expenses funds made available to county committees; Foreign Agricultural Service, middle-income country training program and up to $2,000,000 of the Foreign Agricultural Service appropriation solely for the purpose of offsetting fluctuations in international currency exchange rates, subject to documentation by the Foreign Agricultural Service.

SEC. 706. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 707. Not to exceed $50,000 of the appropriations available to the Department of Agriculture in this Act shall be available to provide appropriate orientation and language training pursuant to section 606C of the Act of August 28, 1954 (7 U.S.C. 1766b).

SEC. 708. No funds appropriated by this Act may be used to pay negotiated indirect cost rates on cooperative agreements or similar arrangements between the United States Department of Agriculture and nonprofit institutions in excess of 10 percent of the total direct cost of the agreement when the purpose of such cooperative arrangements is to carry out programs of mutual interest between the two parties. This does not preclude appropriate payment of indirect costs on grants and contracts with such institutions when such indirect costs are computed on a similar basis for all agencies for which appropriations are provided in this Act.

SEC. 709. None of the funds in this Act shall be available to restrict the authority of the Commodity Credit Corporation to lease space for its own use or to lease space on behalf of other agencies of the Department of Agriculture when such space will be jointly occupied.

SEC. 710. None of the funds in this Act shall be available to pay indirect costs charged against competitive agricultural research, education, or extension grant awards issued by the Cooperative State Research, Education, and Extension Service that exceed 19 percent of total Federal funds provided under each award: Provided, That notwithstanding section 1462 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3310), funds provided by this Act for grants awarded competitively by the Cooperative State Research, Education, and Extension Service shall be available to pay full allowable indirect costs for each grant awarded under section 9 of the Small Business Act (15 U.S.C. 638).

SEC. 711. Notwithstanding any other provision of this Act, all loan levels provided in this Act shall be considered estimates, not limitations.

SEC. 712. Appropriations to the Department of Agriculture for the cost of direct and guaranteed loans made available in fiscal year 2003 shall remain available until expended to cover obligations made in fiscal year 2003 for the following accounts: the Rural Development Loan Fund program account, the Rural Telephone Bank program account, the Rural Electrification and Telecommunications Loans program account, the Rural Housing Insurance Fund program, and the Rural Economic Development Loans program account.

SEC. 713. Notwithstanding chapter 63 of title 31, United States Code, marketing services of the Agricultural Marketing Service; the Grain Inspection, Packers and Stockyards Administration; the Animal and Plant Health Inspection Service; and the food safety activities of the Food Safety and Inspection Service may use cooperative agreements to reflect a relationship between the Agricultural Marketing Service; the Grain Inspection, Packers and Stockyards Administration; the Animal and Plant Health Inspection Service; or the Food Safety and Inspection Service and a state or cooperator to carry out agricultural marketing programs, to carry out programs to protect the nation's animal and plant resources, or to carry out educational programs or special studies to improve the safety of the nation's food supply.

SEC. 714. None of the funds in this Act may be used to retire more than 5 percent of the Class

A stock of the Rural Telephone Bank or to maintain any account or subaccount within the accounting records of the Rural Telephone Bank the creation of which has not specifically been authorized by statute: Provided, That notwithstanding any other provision of law, none of the funds appropriated or otherwise made available in this Act may be used to transfer to the Treasury or to the Federal Financing Bank any unobligated balance of the Rural Telephone Bank telephone liquidating account which is in excess of current requirements and such balance shall receive interest as set forth for financial accounts in section 505(c) of the Federal Credit Reform Act of 1990.

SEC. 715. Of the funds made available by this Act, not more than $1,800,000 shall be used to cover necessary expenses of activities related to all advisory committees, panels, commissions, and task forces of the Department of Agriculture, except for panels used to comply with negotiated rule makings and panels used to evaluate competitively awarded grants.

SEC. 716. None of the funds appropriated by this Act may be used to carry out section 410 of the Federal Meat Inspection Act (21 U.S.C. 679a) or section 30 of the Poultry Products Inspection Act (21 U.S.C. 471).

SEC. 717. No employee of the Department of Agriculture may be detailed or assigned from an agency or office funded by this Act to any other agency or office of the Department for more than 30 days unless the individual's employing agency or office is fully reimbursed by the receiving agency or office for the salary and expenses of the employee for the period of assignment.

SEC. 718. None of the funds appropriated or otherwise made available to the Department of Agriculture shall be used to transmit or otherwise make available to any non-Department of Agriculture employee questions or responses to questions that are a result of information requested for the appropriations hearing process.

SEC. 719. None of the funds made available to the Department of Agriculture by this Act may be used to acquire new information technology systems or significant upgrades, as determined by the Office of the Chief Information Officer, without the approval of the Chief Information Officer and the concurrence of the Executive Information Technology Investment Review Board: Provided, That notwithstanding any other provision of law, none of the funds appropriated or otherwise made available by this Act may be transferred to the Office of the Chief Information Officer without the prior approval of the Committees on Appropriations of both Houses of Congress.

SEC. 720. (a) None of the funds provided by this Act, or provided by previous Appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2003, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds which: (1) creates new programs; (2) eliminates a program, project, or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employees; (5) reorganizes offices, programs, or activities; or (6) contracts out or privatizes any functions or activities presently performed by Federal employees; unless the Committees on Appropriations of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

(b) None of the funds provided by this Act, or provided by previous Appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2003, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of $500,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or (3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress; unless the Committees on Appropriations of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

(c) The Secretary of Agriculture shall notify the Committees on Appropriations of both Houses of Congress before implementing a program or activity not carried out during the previous fiscal year unless the program or activity is funded by this Act or specifically funded by any other Act.

SEC. 721. With the exception of funds needed to administer and conduct oversight of grants awarded and obligations incurred in prior fiscal years, none of the funds appropriated or otherwise made available by this or any other Act may be used to pay the salaries and expenses of personnel to carry out the provisions of section 401 of Public Law 105–185, the Initiative for Future Agriculture and Food Systems (7 U.S.C. 7621).

SEC. 722. None of the funds made available to the Food and Drug Administration by this Act shall be used to reduce the Detroit, Michigan, Food and Drug Administration District Office below the operating and full-time equivalent staffing level of July 31, 1999; or to change the Detroit District Office to a station, residence post or similarly modified office; or to reassign residence posts assigned to the Detroit District Office: Provided, That this section shall not apply to Food and Drug Administration field laboratory facilities or operations currently located in Detroit, Michigan, except that field laboratory personnel shall be assigned to locations in the general vicinity of Detroit, Michigan, pursuant to cooperative agreements between the Food and Drug Administration and other laboratory facilities associated with the State of Michigan.

SEC. 723. None of the funds appropriated by this Act or any other Act shall be used to pay the salaries and expenses of personnel who prepare or submit appropriations language as part of the President's Budget submission to the Congress of the United States for programs under the jurisdiction of the Appropriations Subcommittees on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies that assumes revenues or reflects a reduction from the previous year due to user fees proposals that have not been enacted into law prior to the submission of the Budget unless such Budget submission identifies which additional spending reductions should occur in the event the user fees proposals are not enacted prior to the date of the convening of a committee of conference for the fiscal year 2004 appropriations Act.

SEC. 724. None of the funds made available by this Act or any other Act may be used to close or relocate a state Rural Development office unless or until cost effectiveness and enhancement of program delivery have been determined.

SEC. 725. Of any shipments of commodities made pursuant to section 416(b) of the Agricultural Act of 1949 (7 U.S.C. 1431(b)), the Secretary of Agriculture shall, to the extent practicable, direct that tonnage equal in value to not more than $25,000,000 shall be made available to foreign countries to assist in mitigating the effects of the Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome on communities, including the provision of—

(1) agricultural commodities to—

(A) individuals with Human Immunodeficiency Virus or Acquired Immune Deficiency Syndrome in the communities; and

(B) households in the communities, particularly individuals caring for orphaned children; and

(2) agricultural commodities monetized to provide other assistance (including assistance under microcredit and microenterprise programs) to create or restore sustainable livelihoods among individuals in the communities, particularly individuals caring for orphaned children.

SEC. 726. In addition to amounts otherwise appropriated or made available by this Act, $2,496,000 is appropriated for the purpose of providing Bill Emerson and Mickey Leland Hunger Fellowships, as authorized by section 4404 of Public Law 107–71 (2 U.S.C. 1161).

SEC. 727. Notwithstanding section 412 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1736f), any balances available to carry out title III of such Act as of the date of enactment of this Act, and any recoveries and reimbursements that become available to carry out title III of such Act, may be used to carry out title II of such Act.

SEC. 728. Of the funds made available under section 27(a) of the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.), the Secretary may use up to $5,000,000 for administrative costs associated with the distribution of commodities.

SEC. 729. None of the funds made available to the Food and Drug Administration by this Act shall be used to close or relocate, or to plan to close or relocate, the Food and Drug Administration Division of Pharmaceutical Analysis in St. Louis, Missouri outside the city or county limits of St. Louis, Missouri.

SEC. 730. No funds appropriated or otherwise made available under this Act shall be made available to any person or entity that has been convicted of violating the Act of March 3, 1933 (41 U.S.C. 10a–10c; popularly known as the ''Buy American Act'').

SEC. 731. Section 17(a)(2)(B) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(a)(2)(B)) is amended by striking ''2002'' and inserting ''2003''.

SEC. 732. Notwithstanding any other provision of law, the City of Dunkirk, New York, shall be eligible for grants and loans provided through the Rural Community Advancement Program.

SEC. 733. Notwithstanding any other provision of law, of funds appropriated under the Rural Housing Assistance Grant account, $4,000,000 shall be for demonstration housing grants for agriculture processing workers in the State of Wisconsin.

SEC. 734. Notwithstanding any other provision of law, the Natural Resources Conservation Service shall provide financial and technical assistance for projects in the Embarras River Basin, Lake County Watersheds, and DuPage County, Illinois, from funds made available for Watershed and Flood Prevention Operations by Public Law 107–76.

SEC. 735. Notwithstanding any other provision of law, of the funds made available in this Act for competitive research grants (7 U.S.C. 450i(b)), the Secretary may use up to 20 percent of the amount provided to carry out a competitive grants program under the same terms and conditions as those provided in section 401 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7621).

SEC. 736. Notwithstanding any other provision of law, the Natural Resources Conservation Service shall provide financial and technical assistance through the Watershed and Flood Prevention Operations program to carry out the Upper Tygart Valley Watershed project, West Virginia: Provided, That the Natural Resources Conservation Service is authorized to provide 100 percent of the engineering assistance and 75 percent cost share for installation of the water supply component of this project.

SEC. 737. Agencies and offices of the Department of Agriculture may utilize any unobligated

salaries and expenses funds to reimburse the Office of the General Counsel for salaries and expenses of personnel, and for other related expenses, incurred in representing such agencies and offices in the resolution of complaints by employees or applicants for employment, and in cases and other matters pending before the Equal Employment Opportunity Commission, the Federal Labor Relations Authority, or the Merit Systems Protection Board with the prior approval of the Committees on Appropriations of both Houses of Congress.

SEC. 738. None of the funds appropriated or made available by this Act may be used to pay the salaries and expenses of personnel to carry out section 14(h)(1) of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1012(h)(1)).

SEC. 739. None of the funds appropriated or made available by this Act, or any other Act, may be used to pay the salaries and expenses of personnel to carry out subtitle I of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009dd through dd–7).

SEC. 740. None of the funds appropriated or made available by this Act may be used to pay the salaries and expenses of personnel to carry out section 6405 of Public Law 107–171 (7 U.S.C. 2655).

SEC. 741. None of the funds appropriated or made available by this Act may be used to pay the salaries and expenses of personnel to carry out section 9010 of Public Law 107–171 that exceed 77 percent of the payment that would otherwise be paid to eligible producers (7 U.S.C. 8108).

SEC. 742. Notwithstanding any other provision of law, the Natural Resources Conservation Service may provide financial and technical assistance through the Watershed and Flood Prevention Operations program for the Kuhn Bayou (Point Remove) project in Arkansas.

SEC. 743. Notwithstanding any other provision of law, the Natural Resources Conservation Service may provide financial and technical assistance through the Watershed and Flood Prevention Operations program for the Matanuska River erosion control project in Alaska.

SEC. 744. FOOD FOR PROGRESS. The Food for Progress Act of 1985 (7 U.S.C. 1736o) is amended—

(1) in subsections (c) and (g), by striking ''may'' each place it appears and inserting ''shall''; and

(2) by adding at the end the following:

''(o) PRIVATE VOLUNTARY ORGANIZATIONS AND OTHER PRIVATE ENTITIES.—In entering into agreements described in subsection (c), the President (acting through the Secretary)—

''(1) shall enter into agreements with eligible entities described in subparagraphs (C) and (F) of subsection (b)(5); and

''(2) shall not discriminate against such eligible entities.''.

SEC. 745. Of the unobligated balances of funds made available under the Cooperative State Research, Education, and Extension Service, Buildings and Facilities appropriation in Public Law 104–180, $795,400 are hereby rescinded.

SEC. 746. None of the funds made available in fiscal year 2003 or preceding fiscal years for programs authorized under the Agricultural Trade Development and Assistance Act of 1954 [7 U.S.C. 1691 et seq.] in excess of $20,000,000 shall be used to reimburse the Commodity Credit Corporation for the release of eligible commodities under section 302(f)(2)(A) of the Bill Emerson Humanitarian Trust Act [7 U.S.C. 1736f–1]: Provided, That any such funds made available to reimburse the Commodity Credit Corporation shall only be used pursuant to section 302(b)(2)(B)(i) of the Bill Emerson Humanitarian Trust Act.

SEC. 747. Notwithstanding any other provision of law, the Natural Resources Conservation Service may provide financial and technical assistance to the Dry Creek/Neff's Grove project, Utah, and the Jefferson River Watershed, Montana.

SEC. 748. Section 307 of Title III—Denali Commission of Division C—Other Matters of Public Law 105–277, as amended, is further amended by adding a new subsection at the end thereof as follows:

''(d) SOLID WASTE.—The Secretary of Agriculture is authorized to make direct lump sum payments to the Denali Commission to address deficiencies in solid waste disposal sites which threaten to contaminate rural drinking water supplies.''.

SEC. 749. The $5,000,000 of unobligated balances available at the beginning of fiscal year 2003 for the experimental Rural Clean Water Program authorized under the headings ''Agricultural Stabilization and Conservation Service—Rural Clean Water Program'' in Public Law 96–108 (93 Stat. 835) and Public Law 96–528 (95 Stat. 3111) are hereby rescinded.

SEC. 750. The Secretary of Agriculture is authorized to make loans and grants to expand the state of Alaska's dairy industry and related milk processing and packaging facilities. There is authorized to be appropriated $5,000,000 to carry out this section for each fiscal years 2003 through 2007.

SEC. 751. Up to $2,000,000 of the funds made available to the Food and Nutrition Service for studies and evaluations may be transferred to and merged with the appropriation for the Economic Research Service, to conduct studies and evaluations on behalf of the Food and Nutrition Service.

SEC. 752. The Secretary, if presented with a complete and fully compliant application, including an approved third party to hold the development easement, to protect the 33.8 acre farm formerly operated by American Airlines Captain John Ogonowski from development through the Farmland Protection Program, shall waive the matching fund requirements of the program, if necessary. Farmland Protection Program funds provided shall not exceed the appraised fair market value of the land, as determined consistent with program requirements. Any additional funding provided to carry out this project shall not come at the expense of an allocation to any other State.

SEC. 753. The Secretary of Agriculture is authorized to permit employees of the United States Department of Agriculture to carry and use firearms for personal protection while conducting field work in remote locations in the performance of their official duties.

SEC. 754. Of the funds made available for the Export Enhancement Program, pursuant to section 301(e) of the Agricultural Trade Act of 1978, as amended by Public Law 104–127, not more than $28,000,000 shall be available in fiscal year 2003.

SEC. 755. Notwithstanding subsections (c) and (e)(2) of section 313A of the Rural Electrification Act (7 U.S.C. 940c(c) and (e)(2)) in implementing section 313A of that Act, the Secretary shall, with the consent of the lender, structure the schedule for payment of the annual fee, not to exceed an average of 30 basis points per year for the term of the loan, to ensure that sufficient funds are available to pay the subsidy costs for note guarantees under that section.

SEC. 756. RESTORATION OF FISH, WILDLIFE, AND ASSOCIATED HABITATS IN WATERSHEDS OF CERTAIN LAKES. (a) IN GENERAL.—In carrying out section 2507 of Public Law 107–171, the Secretary of the Interior, acting through the Commissioner of Reclamation, shall—

(1) subject to paragraph (3), provide water and assistance under that section only for the Pyramid, Summit, and Walker Lakes in the State of Nevada;

(2) use $1,000,000 for the creation of a fish hatchery at Walker Lake to benefit the Walker River Paiute Tribe; and

(3) use $2,000,000 to provide grants, to be divided equally, to the State of Nevada, the State of California, the Truckee Meadows Water Authority, and the Pyramid Lake Paiute Tribe, to implement the Truckee River Settlement Act, Public Law 101–618.

(b) ADMINISTRATION.—The Secretary of the Interior, acting through the Commissioner of Reclamation, may provide financial assistance to State and local public agencies, Indian tribes, nonprofit organizations, and individuals to carry out this section and section 2507 of Public Law 107–171.

SEC. 757. In addition to amounts appropriated by this Act under the heading ''Public Law 480 Title II Grants'', there is appropriated, out of funds in the Treasury not otherwise appropriated, $500,000,000 for assistance for emergency relief activities: Provided, That the amount appropriated under this section shall remain available through September 30, 2004.

SEC. 758. MARKETING ASSISTANCE LOANS AND LOAN DEFICIENCY PAYMENTS FOR OTHER OILSEEDS, DRY PEAS, LENTILS, AND SMALL CHICKPEAS. (a) DEFINITION OF OTHER OILSEED.—Section 1001(9) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7901(9)) is amended by inserting ''crambe, sesame seed,'' after ''mustard seed,''.

(b) LOAN RATES FOR NONRECOURSE MARKETING ASSISTANCE LOANS.—Section 1202 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7932) is amended—

(1) in subsection (a), by striking paragraph (10) and inserting the following:

''(10) In the case of other oilseeds, $.0960 per pound for each of the following kinds of oilseeds:

''(A) Sunflower seed.
''(B) Rapeseed.
''(C) Canola.
''(D) Safflower.
''(E) Flaxseed.
''(F) Mustard seed.
''(G) Crambe.
''(H) Sesame seed.
''(I) Other oilseeds designated by the Secretary.'';

(2) in subsection (b), by striking paragraph (10) and inserting the following:

''(10) In the case of other oilseeds, $.0930 per pound for each of the following kinds of oilseeds:

''(A) Sunflower seed.
''(B) Rapeseed.
''(C) Canola.
''(D) Safflower.
''(E) Flaxseed.
''(F) Mustard seed.
''(G) Crambe.
''(H) Sesame seed.
''(I) Other oilseeds designated by the Secretary.'';

(3) by adding at the end the following:

''(c) SINGLE COUNTY LOAN RATE FOR OTHER OILSEEDS.—The Secretary shall establish a single loan rate in each county for each kind of other oilseeds described in subsections (a)(10) and (b)(10).

''(d) QUALITY GRADES FOR DRY PEAS, LENTILS, AND SMALL CHICKPEAS.—The loan rate for dry peas, lentils, and small chickpeas shall be based on—

''(1) in the case of dry peas, United States feed peas;

''(2) in the case of lentils, United States number 3 lentils; and

''(3) in the case of small chickpeas, United States number 3 small chickpeas that drop below a 20/64 screen.''.

(c) REPAYMENT OF LOANS.—Section 1204 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7934) is amended—

(1) in subsection (a), by striking ''and extra long staple cotton'' and inserting ''extra long staple cotton, and confectionery and each other kind of sunflower seed (other than oil sunflower seed)'';

(2) by redesignating subsection (f) as subsection (h); and

(3) by inserting after subsection (e) the following:

''(f) REPAYMENT RATES FOR CONFECTIONERY AND OTHER KINDS OF SUNFLOWER SEEDS.—The

Secretary shall permit the producers on a farm to repay a marketing assistance loan under section 1201 for confectionery and each other kind of sunflower seed (other than oil sunflower seed) at a rate that is the lesser of—

''(1) the loan rate established for the commodity under section 1202, plus interest (determined in accordance with section 163 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7283)); or

''(2) the repayment rate established for oil sunflower seed.

''(g) QUALITY GRADES FOR DRY PEAS, LENTILS, AND SMALL CHICKPEAS.—The loan repayment rate for dry peas, lentils, and small chickpeas shall be based on the quality grades for the applicable commodity specified in section 1202(d).''.

(d) APPLICABILITY.—This section and the amendments made by this section apply beginning with the 2003 crop of other oilseeds (as defined in section 1001 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7901)), dry peas, lentils, and small chickpeas.

SEC. 759. VALUE-ADDED PROJECTS FOR AGRICULTURAL DIVERSIFICATION. Of the amount of funds that are made available to producers in the State of Vermont under section 524 of the Federal Crop Insurance Act (7 U.S.C. 1524) for fiscal year 2003, the Secretary of Agriculture may make a grant of $200,000 to the Northeast Center for Food Entrepreneurship at the University of Vermont to support value-added projects that contribute to agricultural diversification in the State, to remain available until expended.

SEC. 760. PRICE SUPPORT ADJUSTMENTS. (a) CARRY FORWARD ADJUSTMENT.—Section 319(e) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1314e(e)) is amended in the fifth sentence—

(1) by striking ''; Provided, That'' and inserting '', except that (1)''; and

(2) by inserting before the period at the end the following: '', (2) the total quantity of all adjustments under this sentence for all farms for any crop year may not exceed 10 percent of the national basic quota for the preceding crop year, and (3) this sentence shall not apply to the establishment of a marketing quota for the 2003 marketing year''.

(b) SPECIAL REQUIREMENTS.—During the period beginning on the date of enactment of this Act and ending on the last day of the 2002 marketing year for the kind of tobacco involved, the Secretary of Agriculture may waive the application of section 1464.2(b)(2) of title 7, Code of Federal Regulations.

(c) REGULATIONS.—

(1) IN GENERAL.—The Secretary of Agriculture may promulgate such regulations as are necessary to implement this section and the amendments made by this section.

(2) PROCEDURE.—The promulgation of the regulations and administration of this section and the amendments made by this section shall be made without regard to—

(A) the notice and comment provisions of section 553 of title 5, United States Code;

(B) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

(C) chapter 35 of title 44, United States Code (commonly known as the ''Paperwork Reduction Act'').

(3) CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.—In carrying out this subsection, the Secretary shall use the authority provided under section 808 of title 5, United States Code.

SEC. 761. SENSE OF THE SENATE CONCERNING CERTAIN FUNDS FOR TECHNICAL ASSISTANCE FOR MANDATORY CONSERVATION PROGRAMS. (a) FINDINGS.—The Senate finds that—

(1) conservation technical assistance provided through the Department of Agriculture is essential to help the farmers, ranchers, and landowners of the United States to implement and maintain critical conservation practices;

(2) Congress provided a historic increase in mandatory funding for voluntary conservation efforts in the Farm Security and Rural Investment Act of 2002 (Public Law 107–171);

(3) in that Act, Congress provided mandatory funding sufficient to cover all conservation technical assistance needed to carry out conservation programs;

(4) under that Act, conservation technical assistance is provided to carry out conservation programs;

(5) the General Accounting Office has determined that, under the Farm Security and Rural Investment Act of 2002, funding for conservation technical assistance—

(A) is provided directly for conservation programs; and

(B) is not subject to the limitation specified in section 11 of the Commodity Credit Corporation Charter Act (15 U.S.C. 714i); and

(6) the General Accounting Office has determined that funds in the Conservation Operations account cannot be used to fund conservation technical assistance for conservation programs under the Farm Security and Rural Investment Act of 2002.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the President should provide full funding for conservation technical assistance in order to implement conservation programs under title XII of the Food Security Act of 1985 (16 U.S.C. 3801 et seq.); and

(2) the President should not use funds from the Conservation Operations account to provide conservation technical assistance for carrying out conservation programs directly funded by that title.

SEC. 762. RURAL HOUSING SERVICE. Title III of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001, is amended in the first paragraph under the heading ''RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT (INCLUDING TRANSFER OF FUNDS)'' under the heading ''RURAL HOUSING SERVICE'' (114 Stat. 1549, 1549A–19) by inserting before the period at the end the following: '': Provided further, That after September 30, 2002, any funds remaining for the demonstration program may be used, within the State in which the demonstration program is carried out, for fiscal year 2003 and subsequent fiscal years to make grants, and to cover the costs (as defined in section 502 of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 661a)) of loans authorized, under section 504 of the Housing Act of 1949 (42 U.S.C. 1474)''.

SEC. 763. CORN. (a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Agriculture shall consider the planting, prevented planting, and production of corn used to produce popcorn as the planting, prevented planting, and production of corn for the purposes of determining base acres and payment yields for direct and counter-cyclical payments under subtitle A of title I of Public Law 107–171.

(b) EFFECTIVE DATE.—This section takes effect on October 1, 2003.

SEC. 764. (a) The Senate finds that—

(1) there are immediate needs for additional food aid in sub-Saharan Africa where more than 38 million people are at risk of starvation;

(2) there are serious shortfalls of food aid in other parts of the world, including Afghanistan a key nation in the war on terror, that have put millions at risk of starvation;

(3) other potential emergencies in Iraq, North Korea, and other regions could place millions more at risk of starvation;

(4) prices have increased by 30 percent over the course of the past year for certain staple commodities;

(5) additional food aid helps build goodwill towards the United States, is consistent with the National Security Strategy of the United States, dated September 17, 2002, and reduces the conditions that can contribute to international terrorism.

(b) It is the sense of the Senate that:

(1) The Secretary of Agriculture should immediately use the funds, facilities, and authorities of the Commodity Credit Corporation to ensure that United States contributions for international humanitarian food assistance for each fiscal year 2003 through 2007 shall be no less than the previous five year average beginning on the date of enactment of this Act.

(2) The President should immediately submit an emergency supplemental request to meet any additional shortfalls in fiscal year 2003 for food aid to vulnerable populations living in sub-Saharan Africa that are not met by actions undertaken in paragraph (1) or by any other provision in this Act.

SEC. 765. (a) STUDY ON THE SALE OF MILK INTO CALIFORNIA.—Within 90 days, the Secretary shall report to Congress on the economic impacts to California dairy farmers from handlers or processors of Class I milk products in the Las Vegas-Nevada-Arizona region selling milk or milk products into the California State order.

(b) EXEMPTION OF MILK HANDLERS FROM MINIMUM PRICE REQUIREMENTS.—Section 8c(5) of the Agricultural Adjustment Act (7 U.S.C. 608c(5)), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937 (as amended by subsection (a)), is amended by adding at the end the following:

''(N) EXEMPTION OF MILK HANDLERS FROM MINIMUM PRICE REQUIREMENTS.—Notwithstanding any other provision of this subsection, prior to January 1, 2005, no handler with distribution of Class I milk products in the Arizona-Las Vegas marketing area (Order No. 131) or Pacific Northwest marketing area (Order No. 124) shall be exempt during any month from any minimum milk price requirement established by the Secretary under this subsection if the total distribution of Class I products within the Arizona-Las Vegas marketing area or the Pacific Northwest marketing area of any handler's own farm production exceeds the lesser of—

''(i) 3 percent of the total quantity of Class I products distributed in the Arizona-Las Vegas marketing area (Order No. 131) or the Pacific Northwest marketing area (Order No. 124); or

''(ii) 5,000,000 pounds.''.

(c) EXCLUSION OF CLARK COUNTY, NEVADA FROM FEDERAL MILK MARKETING ORDERS.—

(1) IN GENERAL.—Section 8c(11)(C) the Agricultural Adjustment Act (7 U.S.C. 608c(11)(C)), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, is amended by striking the last sentence and inserting the following: ''In the case of milk and its products, Clark County, Nevada shall not be within a marketing area defined in any order issued under this section.''.

(2) INFORMAL RULEMAKING.—The Secretary of Agriculture may modify an order issued under section 8c of the Agricultural Adjustment Act (7 U.S.C. 608c), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, to implement the amendment made by paragraph (1) by promulgating regulations, without regard to sections 556 and 557 of title 5, United States Code.

This division may be cited as the ''Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2003''.

DIVISION B—COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS, 2003

Making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2003, and for other purposes.

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2003, and for other purposes, namely:

TITLE I—DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for the administration of the Department of Justice, $99,696,000, of which not to exceed $3,137,000 is for the Facilities Program 2000, to remain available until expended: Provided, That not to exceed 43 permanent positions and 44 full-time equivalent workyears and $8,625,000 shall be expended for the Department Leadership Program exclusive of augmentation that occurred in these offices in fiscal year 2002: Provided further, That not to exceed 31 permanent positions, 33 full-time equivalent workyears and $3,225,000 shall be expended for the Office of Legislative Affairs: Provided further, That not to exceed 15 permanent positions, 20 full-time equivalent workyears and $1,848,000 shall be expended for the Office of Public Affairs: Provided further, That the Offices of Legislative and Public Affairs may utilize non-reimbursable details of career employees within the caps described in the preceding two provisos: Provided further, That the Attorney General is authorized to transfer, under such terms and conditions as the Attorney General shall specify, forfeited real or personal property of limited or marginal value, as such value is determined by guidelines established by the Attorney General, to a State or local government agency, or its designated contractor or transferee, for use to support drug abuse treatment, drug and crime prevention and education, housing, job skills, and other community-based public health and safety programs: Provided further, That any transfer under the preceding proviso shall not create or confer any private right of action in any person against the United States, and shall be treated as a reprogramming under section 605 of this Act.

ANTI-TERRORISM TASK FORCES

For expenses necessary for Anti-Terrorism Task Forces, including salaries and expenses, operations, equipment, and facilities, $63,700,000, notwithstanding any other provision of law.

JOINT TERRORISM TASK FORCES

For expenses necessary for Joint Terrorism Task Forces, including salaries and expenses, operations, equipment, and facilities, $158,547,000, notwithstanding any other provision of law.

FOREIGN TERRORIST TRACKING TASK FORCE

For expenses necessary for the Foreign Terrorist Tracking Task Force, including salaries and expenses, operations, equipment, and facilities, $62,000,000, notwithstanding any other provision of law.

JOINT AUTOMATED BOOKING SYSTEM

For expenses necessary for the nationwide deployment of a Joint Automated Booking System including automated capability to transmit fingerprint and image data, $15,973,000, notwithstanding any other provision of law, to remain available until expended.

AUTOMATED BIOMETRIC IDENTIFICATION SYSTEM/ INTEGRATED AUTOMATED IDENTIFICATION SYSTEM INTEGRATION

For expenses necessary for the planning, development, and deployment of an integrated fingerprint identification system, including automated capability to transmit fingerprint and image data, $9,000,000, to remain available until expended.

CHIMERA

For expenses necessary for the design, development, test, and deployment of a standards-based, integrated, interoperable computer system for the Immigration and Naturalization Service, as authorized, to be managed by Justice Management Division, $83,400,000, to remain available until expended.

LEGAL ACTIVITIES OFFICE AUTOMATION

For necessary expenses related to the design, development, engineering, acquisition, and implementation of office automation systems for the organizations funded under the headings ''Salaries and Expenses, General Legal Activities'', and ''General Administration, Salaries and Expenses'', and the United States Attorneys, the United States Marshals Service, the Antitrust Division, the United States Trustee Program, the Executive Office for Immigration Review, the Community Relations Service, the Bureau of Prisons, and the Office of Justice Programs, $77,127,000, notwithstanding any other provision of law, to remain available until expended.

NARROWBAND COMMUNICATIONS

For the expenses necessary to convert to narrowband communications, including for operation and maintenance of Land Mobile Radio legacy systems, $149,254,000, to remain available until expended.

ADMINISTRATIVE REVIEW AND APPEALS

For expenses necessary for the administration of pardon and clemency petitions and immigration-related activities, $180,466,000.

DETENTION TRUSTEE

For necessary expenses of the Federal Detention Trustee who shall exercise all power and functions authorized by law relating to the detention of Federal prisoners in non-Federal institutions or otherwise in the custody of the United States Marshals Service; and the detention of aliens in the custody of the Immigration and Naturalization Service, $1,385,966,000, to remain available until expended: Provided, That the Trustee shall be responsible for managing detention personnel and the Justice Prisoner and Alien Transportation System and for overseeing construction of detention facilities or for housing related to such detention; the management of funds appropriated to the Department for the exercise of any detention functions; and the direction of the United States Marshals Service and Immigration and Naturalization Service with respect to the exercise of detention policy setting and operations for the Department.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, $54,825,000; including not to exceed $10,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; and for the acquisition, lease, maintenance, and operation of motor vehicles, without regard to the general purchase price limitation for the current fiscal year.

UNITED STATES PAROLE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the United States Parole Commission, $10,114,000.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For expenses necessary for the legal activities of the Department of Justice, not otherwise provided for, including not to exceed $20,000 for expenses of collecting evidence, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; and rent of private or Government-owned space in the District of Columbia, $537,502,000, of which not to exceed $10,000,000 for litigation support contracts shall remain available until expended, and of which not less than $1,996,000 shall be available for necessary administrative expenses in accordance with the Radiation Exposure Compensation Act: Provided, That of the total amount appropriated, not to exceed $1,000 shall be available to the United States National Central Bureau, INTERPOL, for official reception and representation expenses: Provided further, That notwithstanding any other provision of law, upon a determination by the Attorney General that emergent circumstances require additional funding for litigation activities of the Civil Division, the Attorney General may transfer such amounts to ''Salaries and Expenses, General Legal Activities'' from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: Provided further, That any transfer pursuant to the previous proviso shall be treated as a reprogramming under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

In addition, for reimbursement of expenses of the Department of Justice associated with processing cases under the National Childhood Vaccine Injury Act of 1986, as amended, not to exceed $4,028,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

SALARIES AND EXPENSES, ANTITRUST DIVISION

For expenses necessary for the enforcement of antitrust and kindred laws, $133,133,000: Provided, That, notwithstanding any other provision of law, not to exceed $133,133,000 of offsetting collections derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18a), regardless of the year of collection, shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: Provided further, That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2003, so as to result in a final fiscal year 2003 appropriation from the general fund estimated at not more than $0.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For necessary expenses of the Offices of the United States Attorneys, including inter-governmental and cooperative agreements, $1,320,160,000; of which not to exceed $2,500,000 shall be available until September 30, 2004, for: (1) training personnel in debt collection; (2) locating debtors and their property; (3) paying the net costs of selling property; and (4) tracking debts owed to the United States Government: Provided, That of the total amount appropriated, not to exceed $8,000 shall be available for official reception and representation expenses: Provided further, That not to exceed $10,000,000 of those funds available for automated litigation support contracts shall remain available until expended: Provided further, That not to exceed $2,500,000 for the operation of the National Advocacy Center shall remain available until expended: Provided further, That, in addition to reimbursable full-time equivalent workyears available to the Offices of the United States Attorneys, not to exceed 9,571 positions and 9,776 full-time equivalent workyears shall be supported from the funds appropriated in this Act for the United States Attorneys: Provided further, That the fourth proviso under the heading ''Salaries and Expenses, United States Attorneys'' in title I of H.R. 3421 of the 106th Congress, as enacted by section 1000(a)(1) of Public Law 106–113 shall apply to amounts made available under this heading for fiscal year 2003: Provided further, That of the total amount appropriated, $20,000,000 shall be for the Anti-terrorism Task Forces to coordinate Port Security pilot projects in Norfolk, Virginia, Charleston, South Carolina, New Orleans, Louisiana, and Long Beach, California, and for the costs of reimbursable details, overtime for State and local law enforcement personnel, equipment, facilities, and other associated operational costs.

UNITED STATES TRUSTEE SYSTEM FUND

For necessary expenses of the United States Trustee Program, as authorized, $150,381,000, to remain available until expended and to be derived from the United States Trustee System Fund: Provided, That, notwithstanding any other provision of law, deposits to the Fund shall be available in such amounts as may be

necessary to pay refunds due depositors: Provided further, That, notwithstanding any other provision of law, $150,381,000 of offsetting collections pursuant to 28 U.S.C. 589a(b) shall be retained and used for necessary expenses in this appropriation and remain available until expended: Provided further, That the sum herein appropriated from the Fund shall be reduced as such offsetting collections are received during fiscal year 2003, so as to result in a final fiscal year 2003 appropriation from the Fund estimated at $0.

SALARIES AND EXPENSES, FOREIGN CLAIMS SETTLEMENT COMMISSION

For expenses necessary to carry out the activities of the Foreign Claims Settlement Commission, $1,136,000.

SALARIES AND EXPENSES, UNITED STATES MARSHALS SERVICE

For necessary expenses of the United States Marshals Service, including the acquisition, lease, maintenance, and operation of vehicles, and the purchase of passenger motor vehicles for police-type use, without regard to the general purchase price limitation for the current fiscal year, $661,085,000, of which not to exceed $6,000 shall be available for official reception and representation expenses, and of which not to exceed $4,000,000 shall remain available until expended for development, implementation, maintenance and support, and training for an automated prisoner information system.

In addition, for the costs of courthouse security equipment, including furnishings, relocations, and telephone systems and cabling, $12,061,000, to remain available until expended.

CONSTRUCTION

For planning, constructing, renovating, equipping, and maintaining United States Marshals Service prisoner-holding space in United States courthouses and Federal buildings, including the renovation and expansion of prisoner movement areas, elevators, and sallyports, $17,378,000, notwithstanding any other provision of law, to remain available until expended.

JUSTICE PRISONER AND ALIEN TRANSPORTATION SYSTEM

For necessary expenses to procure four modern, fuel efficient, wide body replacement aircraft and spares, $77,694,000, notwithstanding any other provision of law, to remain available until expended.

FEES AND EXPENSES OF WITNESSES

For expenses, mileage, compensation, and per diems of witnesses, for expenses of contracts for the procurement and supervision of expert witnesses, for private counsel expenses, and for per diems in lieu of subsistence, as authorized by law, including advances, $156,145,000, to remain available until expended; of which not to exceed $6,000,000 may be made available for planning, construction, renovations, maintenance, remodeling, and repair of buildings, and the purchase of equipment incident thereto, for protected witness safesites; of which not to exceed $1,000,000 may be made available for the purchase and maintenance of armored vehicles for transportation of protected witnesses; and of which not to exceed $5,000,000 may be made available for the purchase, installation, and maintenance of secure telecommunications equipment and a secure automated information network to store and retrieve the identities and locations of protected witnesses.

SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE

For necessary expenses of the Community Relations Service, $9,474,000.

ASSETS FORFEITURE FUND

For authorized expenses, $22,949,000, to be derived from the Department of Justice Assets Forfeiture Fund.

INTERAGENCY LAW ENFORCEMENT

INTERAGENCY CRIME AND DRUG ENFORCEMENT

For necessary expenses for the detection, investigation, and prosecution of individuals involved in organized crime drug trafficking not otherwise provided for, to include inter-governmental agreements with State and local law enforcement agencies engaged in the investigation and prosecution of individuals involved in organized crime drug trafficking, $400,102,000, of which $50,000,000 shall remain available until expended: Provided, That any amounts obligated from appropriations under this heading may be used under authorities available to the organizations reimbursed from this appropriation: Provided further, That any unobligated balances remaining available at the end of the fiscal year shall revert to the Attorney General for reallocation among participating organizations in succeeding fiscal years, subject to the reprogramming procedures set forth in section 605 of this Act.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For necessary expenses of the Federal Bureau of Investigation for detection, investigation, and prosecution of crimes against the United States; including purchase for police-type use of not to exceed 1,576 passenger motor vehicles, of which 1,085 will be for replacement only, without regard to the general purchase price limitation for the current fiscal year, and hire of passenger motor vehicles; acquisition, lease, maintenance, and operation of aircraft; and not to exceed $70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General, $3,927,587,000; of which not to exceed $65,000,000 for automated data processing and telecommunications and technical investigative equipment and not to exceed $1,000,000 for undercover operations shall remain available until September 30, 2004; of which $475,300,000 shall be for counterterrorism investigations, foreign counterintelligence, and other activities related to our national security; of which not to exceed $10,000,000 is authorized to be made available for making advances for expenses arising out of contractual or reimbursable agreements with State and local law enforcement agencies while engaged in cooperative activities related to violent crime, terrorism, organized crime, and drug investigations: Provided, That not to exceed $45,000 shall be available for official reception and representation expenses: Provided further, That funds provided under this heading shall be distributed in the manner described in the following table:

Decision unit	*Amount*
Counterterrorism	*$577,846,000*
National Security	*644,483,000*
Cyber-investigations	*155,189,000*
Criminal Enterprises and Federal Crimes	*1,412,309,000*
Forensic and Technical Services	*494,499,000*
Field Support	*224,876,000*
Training and Education	*111,831,000*
Criminal Justice Services	*306,554,000.*

CONSTRUCTION

For necessary expenses to construct or acquire buildings and sites by purchase, or as otherwise authorized by law (including equipment for such buildings); conversion and extension of federally-owned buildings; and preliminary planning and design of projects; $1,250,000, to remain available until expended.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Drug Enforcement Administration, including not to exceed $70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; expenses for conducting drug education and training programs, including travel and related expenses for participants in such programs and the distribution of items of token value that promote the goals of such programs; purchase of not to exceed 1,374 passenger motor vehicles, of which 1,354 will be for replacement only, for police-type use without regard to the general purchase price limitation for the current fiscal year; and acquisition, lease, maintenance, and operation of aircraft, $1,477,470,000: Provided, That, in addition to reimbursable full-time equivalent workyears available to the Drug Enforcement Administration, not to exceed 7,654 positions and 7,515 full-time equivalent workyears shall be supported from the funds appropriated in this Act for the Drug Enforcement Administration.

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

For expenses necessary for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration, $3,241,787,000: Provided, That of the amount appropriated under this heading $80,200,000 shall be available only for the Entry Exit System, to be managed by the Justice Management Division: Provided further, That, of the amounts made available in the preceding proviso, $42,400,000 shall only be available for planning, program support, environmental analysis and mitigation, real estate acquisition, design and construction: Provided further, That $25,500,000 shall only be available for an entry-exit system pilot, including demonstration projects on the southern and northern border, and $12,300,000 shall only be available for system development: Provided further, That none of the funds appropriated in this Act, or in Public Law 107–117, for the Immigration and Naturalization Service's Entry Exit System may be obligated until the INS submits a plan for expenditure that: (1) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including OMB Circular A–11, part 3; (2) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government; (3) is reviewed by the General Accounting Office; and (4) has been approved by the Committees on Appropriations: Provided further, That funds provided under this heading shall only be available for obligation and expenditure in accordance with the procedures applicable to reprogramming notifications set forth in section 605 of Public Law 107–77: Provided further, That none of the funds made available by this Act shall be available for any expenses relating to the National Security Entry-Exit Registration System (NSEERS), and that the Attorney General shall provide to the Committee on Appropriations all documents and materials: (1) used in the creation of the NSEERS program, including any predecessor programs; (2) assessing the effectiveness of the NSEERS program as a tool to enhance national security; (3) used to determine the scope of the NSEERS program, including countries selected for the program, and the gender, age, and immigration status of the persons required to register under the program; (4) regarding future plans to expand the NSEERS program to additional countries, age groups, women, and persons holding other immigration statuses not already covered; (5) explaining of whether the Department of Justice consulted with other federal agencies in the development of the NSEERS programs, and if so, all documents and materials relating to those consultations; (6) concerning policy directives or guidance issued to officials about implementation of NSEERS, including the role of the FBI in conducting national security background checks of registrants; (7) explaining why certain INS District Offices detained persons with pending status-adjustment applications; and (8) explaining how information gathered during interviews of registrants will be stored, used, or transmitted to other Federal, State, or local agencies.''.

CONSTRUCTION

For planning, construction, renovation, equipping, and maintenance of buildings and facilities necessary for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration, not otherwise provided for, $267,138,000, to remain available until expended.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

For expenses necessary for the administration, operation, and maintenance of Federal penal and correctional institutions, including purchase (not to exceed 713, of which 504 are for replacement only) and hire of law enforcement and passenger motor vehicles, and for the provision of technical assistance and advice on corrections related issues to foreign governments, $4,068,237,000: Provided, That the Attorney General may transfer to the Health Resources and Services Administration such amounts as may be necessary for direct expenditures by that Administration for medical relief for inmates of Federal penal and correctional institutions: Provided further, That the Director of the Federal Prison System, where necessary, may enter into contracts with a fiscal agent/fiscal intermediary claims processor to determine the amounts payable to persons who, on behalf of the Federal Prison System, furnish health services to individuals committed to the custody of the Federal Prison System: Provided further, That not to exceed $6,000 shall be available for official reception and representation expenses: Provided further, That not to exceed $50,000,000 shall remain available for necessary operations until September 30, 2004: Provided further, That the Director of the Federal Prison System may accept donated property and services relating to the operation of the prison card program from a not-for-profit entity which has operated such program in the past notwithstanding the fact that such not-for-profit entity furnishes services under contracts to the Federal Prison System relating to the operation of pre-release services, halfway houses or other custodial facilities: Provided further, That funds provided under this heading shall be distributed in the manner described in the following table:

Decision unit	*Amount*
Inmate Care and Programs ..	*$1,462,490,000*
Institution Security and Administration	*1,879,256,000*
Contract Confinement	*571,077,000*
Management and Administration	*155,414,000.*

BUILDINGS AND FACILITIES

For planning, acquisition of sites and construction of new facilities; purchase and acquisition of facilities and remodeling, and equipping of such facilities for penal and correctional use, including all necessary expenses incident thereto, by contract or force account; and constructing, remodeling, and equipping necessary buildings and facilities at existing penal and correctional institutions, including all necessary expenses incident thereto, by contract or force account, $470,221,000, to remain available until expended, of which not to exceed $14,000,000 shall be available to construct areas for inmate work programs: Provided, That labor of United States prisoners may be used for work performed under this appropriation.

FEDERAL PRISON INDUSTRIES, INCORPORATED

The Federal Prison Industries, Incorporated, is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available, and in accord with the law, and to make such contracts and commitments, without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such corporation, including purchase (not to exceed five for replacement only) and hire of passenger motor vehicles.

LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL PRISON INDUSTRIES, INCORPORATED

Not to exceed $3,429,000 of the funds of the corporation shall be available for its administrative expenses, and for services as authorized by 5 U.S.C. 3109, to be computed on an accrual basis to be determined in accordance with the corporation's current prescribed accounting system, and such amounts shall be exclusive of depreciation, payment of claims, and expenditures which the said accounting system requires to be capitalized or charged to cost of commodities acquired or produced, including selling and shipping expenses, and expenses in connection with acquisition, construction, operation, maintenance, improvement, protection, or disposition of facilities and other property belonging to the corporation or in which it has an interest.

OFFICE OF JUSTICE PROGRAMS

JUSTICE ASSISTANCE

For grants, contracts, cooperative agreements, and other assistance authorized by title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (''the 1968 Act''), and the Missing Children's Assistance Act, as amended, including salaries and expenses in connection therewith, and with the Victims of Crime Act of 1984, as amended, $194,057,000, to remain available until expended, as authorized by section 1001 of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by Public Law 102–534 (106 Stat. 3524).

In addition, for grants, cooperative agreements, and other assistance authorized by sections 819 and 821 of the Antiterrorism and Effective Death Penalty Act of 1996 and for other counterterrorism programs, notwithstanding any other provision of law, $2,038,000,000, to remain available until expended.

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For assistance authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322), as amended (''the 1994 Act''); the Omnibus Crime Control and Safe Streets Act of 1968, as amended (''the 1968 Act''); and the Victims of Child Abuse Act of 1990, as amended (''the 1990 Act''); $1,368,415,000 (including amounts for administrative costs, which shall be transferred to and merged with the ''Justice Assistance'' account), to remain available until expended as follows:

(1) $400,000,000 for Local Law Enforcement Block Grants, pursuant to H.R. 728 as passed by the House of Representatives on February 14, 1995, except that for purposes of this Act and retroactive to October 1, 2000, Guam shall be considered as one ''State'' for all purposes under H.R. 728, notwithstanding any provision of section 108(3) thereof: Provided, That no funds provided under this heading may be used as matching funds for any other Federal grant program, of which:

(A) $90,000,000 shall be for Boys and Girls Clubs in public housing facilities and other areas in cooperation with State and local law enforcement: Provided, That funds may also be used to defray the costs of indemnification insurance for law enforcement officers;

(B) $20,000,000 shall be available for grants, contracts, and other assistance to carry out section 102(c) of H.R. 728;

(2) $20,000,000 for the Cooperative Agreement Program;

(3) $48,000,000 for assistance to Indian tribes, of which:

(A) $35,000,000 shall be available for grants under section 20109(a)(2) of subtitle A of title II of the 1994 Act;

(B) $8,000,000 shall be available for the Tribal Courts Initiative; and

(C) $5,000,000 shall be available for demonstration grants on alcohol and crime in Indian Country;

(4) $134,700,000 for programs authorized by part E of title I of the 1968 Act, notwithstanding the provisions of section 511 of said Act, of which $134,700,000 shall be for discretionary grants under the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs;

(5) $12,000,000 for the Court Appointed Special Advocate Program, as authorized by section 218 of the 1990 Act;

(6) $2,300,000 for Child Abuse Training Programs for Judicial Personnel and Practitioners, as authorized by section 224 of the 1990 Act;

(7) $1,000,000 for grants for televised testimony, as authorized by section 1001(a)(7) of the 1968 Act;

(8) $184,765,000 for Grants to Combat Violence Against Women, as authorized by section 1001(a)(18) of the 1968 Act, of which:

(A) $1,000,000 shall be for the Bureau of Justice Statistics for grants, contracts, and other assistance for a domestic violence Federal case processing study;

(B) $5,200,000 shall be for the National Institute of Justice for grants, contracts, and other assistance for research and evaluation of violence against women;

(C) $10,000,000 shall be for the Office of Juvenile Justice and Delinquency Prevention for the Safe Start Program, to be administered as authorized by part C of the Juvenile Justice and Delinquency Act of 1974, as amended;

(9) $65,000,000 for Grants to Encourage Arrest Policies, as authorized by section 1001(a)(19) of the 1968 Act;

(10) $40,000,000 for Rural Domestic Violence and Child Abuse Enforcement Assistance Grants, as authorized by section 40295 of the 1994 Act;

(11) $5,000,000 for training programs, as authorized by section 40152(c) of the 1994 Act, and for local demonstration projects;

(12) $3,000,000 for grants to improve the process for entering data regarding stalking and domestic violence into local, State, and national crime information databases, as authorized by section 40602 of the 1994 Act;

(13) $10,000,000 for grants to reduce Violent Crimes Against Women on Campus, as authorized by section 1108(a) of Public Law 106–386;

(14) $40,000,000 for Legal Assistance for Victims, as authorized by section 1201 of Public Law 106–386;

(15) $5,000,000 for enhancing protection for older and disabled women from domestic violence and sexual assault as authorized by section 40801 of the 1994 Act;

(16) $15,000,000 for the Safe Havens for Children Pilot Program as authorized by section 1301 of Public Law 106–386;

(17) $7,500,000 for Education and Training to end violence against and abuse of women with disabilities, as authorized by section 1402 of Public Law 106–386;

(18) $70,000,000 for grants for residential substance abuse treatment for State prisoners, as authorized by section 1001(a)(17) of the 1968 Act;

(19) $900,000 for the Missing Alzheimer's Disease Patient Alert Program, as authorized by section 240001(c) of the 1994 Act;

(20) $50,000,000 for Drug Courts, as authorized by title I, part EE of the 1968 Act;

(21) $1,500,000 for Law Enforcement Family Support Programs, as authorized by section 1001(a)(21) of the 1968 Act;

(22) $2,000,000 for public awareness programs addressing marketing scams aimed at senior citizens, as authorized by section 250005(3) of the 1994 Act;

(23) $249,450,000 for Juvenile Accountability Incentive Block Grants.

(24) $1,300,000 for Motor Vehicle Theft Prevention Programs, as authorized by section 220002(h) of the 1994 Act:

Provided, That funds made available in fiscal year 2003 under subpart 1 of part E of title I of the 1968 Act may be obligated for programs to assist States in the litigation processing of death penalty Federal habeas corpus petitions and for drug testing initiatives: Provided further, That, if a unit of local government uses any of the

funds made available under this title to increase the number of law enforcement officers, the unit of local government will achieve a net gain in the number of law enforcement officers who perform nonadministrative public safety service.

WEED AND SEED PROGRAM FUND

For necessary expenses, including salaries and related expenses of the Executive Office for Weed and Seed, to implement ''Weed and Seed'' program activities, $58,925,000, to remain available until expended, for inter-governmental agreements, including grants, cooperative agreements, and contracts, with State and local law enforcement agencies, non-profit organizations, and agencies of local government engaged in the investigation and prosecution of violent crimes and drug offenses in ''Weed and Seed'' designated communities, and for either reimbursements or transfers to appropriation accounts of the Department of Justice and other Federal agencies which shall be specified by the Attorney General to execute the ''Weed and Seed'' program strategy: Provided, That funds designated by Congress through language for other Department of Justice appropriation accounts for ''Weed and Seed'' program activities shall be managed and executed by the Attorney General through the Executive Office for Weed and Seed: Provided further, That the Attorney General may direct the use of other Department of Justice funds and personnel in support of ''Weed and Seed'' program activities only after the Attorney General notifies the Committees on Appropriations of the House of Representatives and the Senate in accordance with section 605 of this Act.

COMMUNITY ORIENTED POLICING SERVICES

For activities authorized by the Violent Crime Control and Law Enforcement Act of 1994, Public Law 103–322 (''the 1994 Act'') (including administrative costs), $1,120,228,000, to remain available until expended: Provided, That prior year balances available in this program shall be used for the direct hiring of law enforcement officers through the Universal Hiring Program: Provided further, That section 1703 (b) and (c) of the 1968 Act shall not apply to non-hiring grants made pursuant to part Q of title I thereof (42 U.S.C. 3796dd et seq.): Provided further, That all prior year balances derived from the Violent Crime Trust Fund for Community Oriented Policing Services may be transferred into this appropriation: Provided further, That the officer redeployment demonstration described in section 1701(b)(1)(C) shall not apply to equipment, technology, support system or overtime grants made pursuant to part Q of title I thereof (42 U.S.C. 3796dd et seq.).

Of the amounts provided:

(1) for Public Safety and Community Policing Grants pursuant to title I of the 1994 Act, $492,000,000 as follows: $330,000,000 for the hiring of law enforcement officers, including up to $180,000,000 for school resource officers; $10,000,000 for training school resource officers on issues related to terrorism; $21,000,000 for training and technical assistance; $26,000,000 for the matching grant program for Law Enforcement Armor Vests pursuant to section 2501 of part Y of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (''the 1968 Act''); $40,000,000 to improve tribal law enforcement including equipment and training; $50,000,000 for policing initiatives to combat methamphetamine production and trafficking and to enhance policing initiatives in ''drug hot spots'' of which $10,000,000 will be provided for the continuance of methamphetamine reduction efforts; and $15,000,000 for Police Corps education, training, and service under sections 200101–200113 of the 1994 Act;

(2) for crime technology, $426,215,000 as follows: $158,815,000 for a law enforcement technology program; $100,000,000 for the COPS Interoperable Communications Technology Program; $35,000,000 for grants to upgrade criminal records, as authorized under the Crime Identification Technology Act of 1998 (42 U.S.C. 14601); $40,000,000 for DNA analysis and backlog reduction of which $35,000,000 shall be used as authorized by the DNA Analysis Backlog Elimination Act of 2000 (Public Law 106–546) and of which $5,000,000 shall be available for Paul Coverdell Forensic Sciences Improvement Grants under part BB of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797j et seq.); $40,000,000 for State and local DNA laboratories as authorized by section 1001(a)(22) of the 1968 Act, and improvements to forensic laboratory general forensic science capacity and capabilities; and $45,000,000 for grants, contracts and other assistance to States under section 102(b) of the Crime Identification Technology Act of 1998 (42 U.S.C. 14601), of which $17,000,000 is for the National Institute of Justice for grants, contracts, and other agreements to develop school safety technologies and training;

(3) for prosecution assistance, $100,000,000 as follows: $50,000,000 for a national program to reduce gun violence, and $50,000,000 for the Southwest Border Prosecutor Initiative to reimburse State, county, parish, tribal, or municipal governments only for Federal costs associated with the prosecution of criminal cases declined by local U.S. Attorneys offices;

(4) for grants, training, technical assistance, and other expenses to support community crime prevention efforts, $67,013,000 as follows: $15,000,000 for Project Sentry; $15,000,000 for an offender re-entry program; $20,013,000 for the Safe Schools Initiative; and $17,000,000 for a police integrity program; and

(5) not to exceed $35,000,000 for program management and administration.

JUVENILE JUSTICE PROGRAMS

For grants, contracts, cooperative agreements, and other assistance authorized by the Juvenile Justice and Delinquency Prevention Act of 1974, as amended (''the Act''), including salaries and expenses in connection therewith to be transferred to and merged with the appropriations for Justice Assistance, $315,425,000, to remain available until expended, as authorized by section 299 of part I of title II and section 506 of title V of the Act, as amended by Public Law 102–586, of which: (1) notwithstanding any other provision of law, $7,112,000 shall be available for expenses authorized by part A of title II of the Act, $88,800,000 shall be available for expenses authorized by part B of title II of the Act, and $75,513,000 shall be available for expenses authorized by part C of title II of the Act: Provided, That $26,442,000 of the amounts provided for part B of title II of the Act, as amended, is for the purpose of providing additional formula grants under part B to States that provide assurances to the Administrator that the State has in effect (or will have in effect no later than 1 year after date of application) policies and programs that ensure that juveniles are subject to accountability-based sanctions for every act for which they are adjudicated delinquent; (2) $12,000,000 shall be available for expenses authorized by sections 281 and 282 of part D of title II of the Act for prevention and treatment programs relating to juvenile gangs; (3) $10,000,000 shall be available for expenses authorized by section 285 of part E of title II of the Act; (4) $16,000,000 shall be available for expenses authorized by part G of title II of the Act for juvenile mentoring programs; and (5) $95,000,000 shall be available for expenses authorized by title V of the Act for incentive grants for local delinquency prevention programs; of which $12,500,000 shall be for delinquency prevention, control, and system improvement programs for tribal youth; of which $15,000,000 shall be available for the Safe Schools Initiative including $5,000,000 for grants, contracts, and other assistance under the Project Sentry Initiative; and of which $25,000,000 shall be available for grants of $360,000 to each State and $6,640,000 shall be available for discretionary grants to States, for programs and activities to enforce State laws prohibiting the sale of alcoholic beverages to minors or the purchase or consumption of alcoholic beverages by minors, prevention and reduction of consumption of alcoholic beverages by minors, and for technical assistance and training: Provided further, That of amounts made available under the Juvenile Justice Programs of the Office of Justice Programs to carry out part B (relating to Federal Assistance for State and Local Programs), subpart II of part C (relating to Special Emphasis Prevention and Treatment Programs), part D (relating to Gang-Free Schools and Communities and Community-Based Gang Intervention), part E (relating to State Challenge Activities), and part G (relating to Mentoring) of title II of the Juvenile Justice and Delinquency Prevention Act of 1974, and to carry out the At-Risk Children's Program under title V of that Act, not more than 10 percent of each such amount may be used for research, evaluation, and statistics activities designed to benefit the programs or activities authorized under the appropriate part or title, and not more than 2 percent of each such amount may be used for training and technical assistance activities designed to benefit the programs or activities authorized under that part or title.

In addition, for grants, contracts, cooperative agreements, and other assistance authorized by the Victims of Child Abuse Act of 1990, as amended, $11,000,000, to remain available until expended, as authorized by section 214B of the Act.

ELECTION REFORM GRANT PROGRAM

For an amount to establish the Election Reform Grant Program, to provide assistance to States and localities in improving election technology and the administration of Federal elections, $31,000,000.

PUBLIC SAFETY OFFICERS BENEFITS

To remain available until expended, for payments authorized by part L of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796), as amended, such sums as are necessary, as authorized by section 6093 of Public Law 100–690 (102 Stat. 4339–4340); and $4,000,000, to remain available until expended for payments as authorized by section 1201(b) of said Act.

GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

SEC. 101. In addition to amounts otherwise made available in this title for official reception and representation expenses, a total of not to exceed $60,000 from funds appropriated to the Department of Justice in this title shall be available to the Attorney General for official reception and representation expenses in accordance with distributions, procedures, and regulations established by the Attorney General.

SEC. 102. (a) Notwithstanding any other provision of law, not to exceed $10,000,000 of the funds made available in this Act may be used to establish and publicize a program under which publicly advertised, extraordinary rewards may be paid, which shall not be subject to spending limitations contained in sections 3059 and 3072 of title 18, United States Code: Provided, That any reward of $100,000 or more, up to a maximum of $2,000,000, may not be made without the personal approval of the President or the Attorney General and such approval may not be delegated: Provided further, That rewards made pursuant to section 501 of Public Law 107–56 shall not be subject to this section.

(b) Notwithstanding any other provision of law, payments made during fiscal year 2003 resulting from Doe v. United States [docket #98–896C], before the Court of Federal Claims, shall only be paid from appropriations made available under the headings ''Salaries and Expenses, General Legal Activities'' and ''Salaries and Expenses, United States Attorneys'' in title I of this Act.

SEC. 103. Not to exceed 5 percent of any appropriation made available for the current fiscal

year for the Department of Justice in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: Provided, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section.

SEC. 104. Notwithstanding any other provision of law, $1,000,000 shall be available for technical assistance from the funds appropriated for part G of title II of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended.

SEC. 105. The Immigration and Nationality Act of 1953 is amended—

(1) in section 344(c) (8 U.S.C. 1455(c)), by replacing ''All'' with ''Except as provided by section 286(q)(2) or any other law, all''; and

(2) in section 286(q)(2) (8 U.S.C. 1356(q)(2)), by inserting '', including receipts for services performed in processing forms I–94, I–94W, and I–68, and other similar applications processed at land border ports of entry,'' after ''subsection''.

SEC. 106. In instances where the Attorney General determines that law enforcement-, security-, or mission-related considerations mitigate against obtaining maintenance or repair services from private sector entities for equipment under warranty, the Attorney General is authorized to seek reimbursement from such entities for warranty work performed at Department of Justice facilities and, notwithstanding any other provision of law, to credit any payment made for such work to any appropriation charged therefore.

SEC. 107. Public Law 107–273 is amended—

(1) in section 12222(b), strike ''on October 1, 2002'' and insert in lieu thereof the following: ''on the effective date provided in section 12102(b)'';

(2) in section 12223(a), strike ''on the date of the enactment of this Act'' and insert in lieu thereof the following: ''on the effective date provided in section 12102(b)'';

(3) in section 12223(b), by replacing ''Act'' with ''subtitle'', and all the matter after ''beginning'' with ''on or after the effective date provided in subsection (a).''.

SEC. 108. The law enforcement training facility described in section 8150 of Public Law 107–248 is hereby established as a permanent training facility.

SEC. 109. Notwithstanding any other provision of law, in fiscal year 2003 and thereafter the Attorney General shall transfer to the ''Narrowband Communications'' account all funds made available to the Department of Justice for the purchase of portable and mobile radios: Provided, That the Attorney General shall notify the Committees on Appropriations of the Senate and House of Representatives of any transfers made under this section.

SEC. 110. In addition to the funds provided elsewhere in this joint resolution, the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for fiscal year 2003: $10,000,000 to provide for grants as authorized by section 11027 of Public Law 107–273, to implement the Crime-free Rural States Program.

(b) The amount made available under the account for buildings and facilities of the Federal Prison System in this joint resolution is reduced by $10,000,000.

SEC. 111. None of the funds appropriated by this Act may be used to remove, deport, or detain an alien spouse or child of an individual who died as a result of a September 11, 2001, terrorist attack, unless the alien spouse or child is—

(1) inadmissible under paragraph (2) or (3) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)) or deportable under paragraph (2) or (4) of section 237(a) of that Act (8 U.S.C. 1227(a)) (including any terrorist perpetrator of a September 11, 2001, terrorist attack against the United States); or

(2) a member of the family of a person described in paragraph (1).

This title may be cited as the ''Department of Justice Appropriations Act, 2003''.

TITLE II—DEPARTMENT OF COMMERCE AND RELATED AGENCIES

TRADE AND INFRASTRUCTURE DEVELOPMENT

RELATED AGENCIES

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

SALARIES AND EXPENSES

For necessary expenses of the Office of the United States Trade Representative, including the hire of passenger motor vehicles and the employment of experts and consultants as authorized by 5 U.S.C. 3109, $33,000,000, of which $1,000,000 shall remain available until expended: Provided, That not to exceed $98,000 shall be available for official reception and representation expenses.

INTERNATIONAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the International Trade Commission, including hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, and not to exceed $2,500 for official reception and representation expenses, $54,600,000, to remain available until expended.

DEPARTMENT OF COMMERCE

INTERNATIONAL TRADE ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For necessary expenses for international trade activities of the Department of Commerce provided for by law, and for engaging in trade promotional activities abroad, including expenses of grants and cooperative agreements for the purpose of promoting exports of United States firms, without regard to 44 U.S.C. 3702 and 3703; full medical coverage for dependent members of immediate families of employees stationed overseas and employees temporarily posted overseas; travel and transportation of employees of the United States and Foreign Commercial Service between two points abroad, without regard to 49 U.S.C. 1517; employment of Americans and aliens by contract for services; rental of space abroad for periods not exceeding 10 years, and expenses of alteration, repair, or improvement; purchase or construction of temporary demountable exhibition structures for use abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed $327,000 for official representation expenses abroad; purchase of passenger motor vehicles for official use abroad, not to exceed $30,000 per vehicle; obtaining insurance on official motor vehicles; and rental of tie lines, $353,242,000, to remain available until expended, of which $3,000,000 is to be derived from fees to be retained and used by the International Trade Administration, notwithstanding 31 U.S.C. 3302: Provided, That $68,083,000 shall be for Trade Development, $28,197,000 shall be for Market Access and Compliance, $44,006,000 shall be for the Import Administration, $199,631,000 shall be for the United States and Foreign Commercial Service, and $13,325,000 shall be for Executive Direction and Administration: Provided further, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities without regard to section 5412 of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4912); and that for the purpose of this Act, contributions under the provisions of the Mutual Educational and Cultural Exchange Act shall include payment for assessments for services provided as part of these activities.

BUREAU OF INDUSTRY AND SECURITY

OPERATIONS AND ADMINISTRATION

For necessary expenses for export administration and national security activities of the Department of Commerce, including costs associated with the performance of export administration field activities both domestically and abroad; full medical coverage for dependent members of immediate families of employees stationed overseas; employment of Americans and aliens by contract for services abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed $15,000 for official representation expenses abroad; awards of compensation to informers under the Export Administration Act of 1979, and as authorized by 22 U.S.C. 401(b); purchase of passenger motor vehicles for official use and motor vehicles for law enforcement use with special requirement vehicles eligible for purchase without regard to any price limitation otherwise established by law, $100,198,000, to remain available until expended: Provided, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities: Provided further, That payments and contributions collected and accepted for materials or services provided as part of such activities may be retained for use in covering the cost of such activities, and for providing information to the public with respect to the export administration and national security activities of the Department of Commerce and other export control programs of the United States and other governments: Provided further, That all programs and activities under this heading related to industry development shall be transferred to and merged with relevant programs and activities under the heading ''International Trade Administration, Operations and Administration''.

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For grants for economic development assistance as provided by the Public Works and Economic Development Act of 1965, as amended, and for trade adjustment assistance, $257,886,000, to remain available until expended.

SALARIES AND EXPENSES

For necessary expenses of administering the economic development assistance programs as provided for by law, $30,765,000: Provided, That these funds may be used to monitor projects approved pursuant to title I of the Public Works Employment Act of 1976, as amended, title II of the Trade Act of 1974, as amended, and the Community Emergency Drought Relief Act of 1977.

MINORITY BUSINESS DEVELOPMENT AGENCY

MINORITY BUSINESS DEVELOPMENT

For necessary expenses of the Department of Commerce in fostering, promoting, and developing minority business enterprise, including expenses of grants, contracts, and other agreements with public or private organizations, $28,906,000.

ECONOMIC AND INFORMATION INFRASTRUCTURE

ECONOMIC AND STATISTICAL ANALYSIS

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, of economic and statistical analysis programs of the Department of Commerce, $72,158,000, to remain available until September 30, 2004.

BUREAU OF THE CENSUS

SALARIES AND EXPENSES

For expenses necessary for collecting, compiling, analyzing, preparing, and publishing statistics, provided for by law, $173,223,000.

PERIODIC CENSUSES AND PROGRAMS

For necessary expenses to collect and publish statistics for periodic censuses and programs provided for by law, $385,696,000, to remain available until expended.

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, as provided for by law, of the National Telecommunications and Information Administration (NTIA), $14,352,000, to remain available until expended: Provided, That, notwithstanding 31 U.S.C. 1535(d), the Secretary of Commerce shall charge Federal agencies for costs incurred in spectrum management, analysis, and operations, and related services and such fees shall be retained and used as offsetting collections for costs of such spectrum services, to remain available until expended: Provided further, That hereafter, notwithstanding any other provision of law, NTIA shall not authorize spectrum use or provide any spectrum functions pursuant to the National Telecommunications and Information Administration Organization Act, 47 U.S.C. 902–903, to any Federal entity without reimbursement as required by NTIA for such spectrum management costs, and Federal entities withholding payment of such cost shall not use spectrum: Provided further, That the Secretary of Commerce is authorized to retain and use as offsetting collections all funds transferred, or previously transferred, from other Government agencies for all costs incurred in telecommunications research, engineering, and related activities by the Institute for Telecommunication Sciences of NTIA, in furtherance of its assigned functions under this paragraph, and such funds received from other Government agencies shall remain available until expended.

PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING AND CONSTRUCTION

For grants authorized by section 392 of the Communications Act of 1934, as amended, $43,616,000, to remain available until expended as authorized by section 391 of the Act, as amended: Provided, That not to exceed $2,478,000 shall be available for program administration as authorized by section 391 of the Act: Provided further, That, notwithstanding the provisions of section 391 of the Act, the prior year unobligated balances may be made available for grants for projects for which applications have been submitted and approved during any fiscal year.

INFORMATION INFRASTRUCTURE GRANTS

For grants authorized by section 392 of the Communications Act of 1934, as amended, $15,560,000, to remain available until expended as authorized by section 391 of the Act, as amended: Provided, That not to exceed $3,097,000 shall be available for program administration and other support activities as authorized by section 391: Provided further, That, of the funds appropriated herein, not to exceed 5 percent may be available for telecommunications research activities for projects related directly to the development of a national information infrastructure: Provided further, That, notwithstanding the requirements of sections 392(a) and 392(c) of the Act, these funds may be used for the planning and construction of telecommunications networks for the provision of educational, cultural, health care, public information, public safety, or other social services: Provided further, That, notwithstanding any other provision of law, no entity that receives telecommunications services at preferential rates under section 254(h) of the Act (47 U.S.C. 254(h)) or receives assistance under the regional information sharing systems grant program of the Department of Justice under part M of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796h) may use funds under a grant under this heading to cover any costs of the entity that would otherwise be covered by such preferential rates or such assistance, as the case may be.

UNITED STATES PATENT AND TRADEMARK OFFICE

SALARIES AND EXPENSES

For necessary expenses of the United States Patent and Trademark Office provided for by law, including defense of suits instituted against the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office, $1,038,800,000, to remain available until expended, which amount shall be derived from offsetting collections assessed and collected pursuant to 15 U.S.C. 1113 and 35 U.S.C. 41 and 376, and shall be retained and used for necessary expenses in this appropriation: Provided, That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2003, so as to result in a fiscal year 2003 appropriation from the general fund estimated at $0: Provided further, That during fiscal year 2003, should the total amount of offsetting fee collections be less than $1,038,800,000, the total amounts available to the United States Patent and Trademark Office shall be reduced accordingly: Provided further, That an additional amount not to exceed $166,771,000 from fees collected in prior fiscal years shall be available for obligation in fiscal year 2003, to remain available until expended: Provided further, That from amounts provided herein, not to exceed $1,000 shall be made available in fiscal year 2003 for official reception and representation expenses.

SCIENCE AND TECHNOLOGY

TECHNOLOGY ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Under Secretary for Technology/Office of Technology Policy, $7,886,000.

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

For necessary expenses of the National Institute of Standards and Technology, $363,433,000, to remain available until expended, of which not to exceed $282,000 may be transferred to the ''Working Capital Fund''.

INDUSTRIAL TECHNOLOGY SERVICES

For necessary expenses of the Manufacturing Extension Partnership of the National Institute of Standards and Technology, $106,623,000, to remain available until expended: Provided, That hereafter the Secretary of Commerce is authorized to enter into agreements with one or more nonprofit organizations for the purpose of carrying out collective research and development initiatives pertaining to 15 U.S.C. 278k paragraph (a), and is authorized to seek and accept contributions from public and private sources to support these efforts as necessary.

In addition, for necessary expenses of the Advanced Technology Program of the National Institute of Standards and Technology, $185,353,000, to remain available until expended, of which $60,700,000 shall be expended for the award of new grants before October 1, 2003.

CONSTRUCTION OF RESEARCH FACILITIES

For construction of new research facilities, including architectural and engineering design, and for renovation of existing facilities, not otherwise provided for the National Institute of Standards and Technology, as authorized by 15 U.S.C. 278c–278e, $65,460,000, to remain available until expended.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of activities authorized by law for the National Oceanic and Atmospheric Administration, including maintenance, operation, and hire of aircraft; grants, contracts, or other payments to nonprofit organizations for the purposes of conducting activities pursuant to cooperative agreements; and relocation of facilities as authorized, $2,349,301,000: Provided, That fees and donations received by the National Ocean Service for the management of the national marine sanctuaries may be retained and used for the salaries and expenses associated with those activities, notwithstanding 31 U.S.C. 3302: Provided further, That the Secretary of Commerce will designate a National Marine Fisheries Service Regional Office for the Pacific Area within sixty days of enactment of this Act: Provided further, That the Regional Administrator of the regional office for the Pacific Area, who shall be hired within sixty days of enactment of this Act, shall be a current employee of the Pacific Island Area Office and shall be an employee at the grade of GS–14 promotable to the grade of GS–15: Provided further, That of the funding provided for the National Marine Fisheries Service, $3,000,000 may be made available to the oyster industry in the State of Louisiana for economic assistance to the oyster fishery affected by Hurricane Isidore, and Hurricane Lili: Provided further, That such funds may be used only for (A) personal assistance with priority given to food, energy needs, housing assistance, transportation fuel, and other urgent needs; (B) assistance for small businesses including oystermen, oyster processors, and related businesses serving the oyster industry; (C) domestic product marketing and seafood promotion; and (D) State seafood testing programs: Provided further, That, in addition, $55,000,000 shall be derived by transfer from the fund entitled ''Promote and Develop Fishery Products and Research Pertaining to American Fisheries'': Provided further, That in addition to the amounts provided, $3,000,000 shall be derived by transfer from the fund entitled, ''Coastal Zone Management'': Provided further, That grants to States pursuant to sections 306 and 306A of the Coastal Zone Management Act of 1972, as amended, shall not exceed $2,000,000, unless funds provided for ''Coastal Zone Management Grants'' exceed funds provided in the previous fiscal year: Provided further, That if funds provided for ''Coastal Zone Management Grants'' exceed funds provided in the previous fiscal year, then no State shall receive more than five percent or less than one percent of the additional funds: Provided further, That no general administrative charge shall be applied against an assigned activity included in this Act and, further, that any direct administrative expenses applied against an assigned activity shall be limited to 5 percent of the funds provided for that assigned activity: Provided further, That any use of deobligated balances of funds provided under this heading in previous years shall be subject to the procedures set forth in section 605 of this Act.

There shall be established the Business Management Fund of the National Oceanic and Atmospheric Administration, which shall be available without fiscal year limitation for expense and equipment necessary for the maintenance and operations of such services and projects as the Administrator of the National Oceanic and Atmospheric Administration determines may be performed more advantageously when centralized: Provided, That a separate schedule of expenditures and reimbursements, and a statement of the current assets and liabilities of the Business Management Fund as of the close of the completed fiscal year, shall be prepared each year: Provided further, That notwithstanding 31 U.S.C. 3302(b), the Business Management Fund may be credited with advances and reimbursements from applicable appropriations of the National Oceanic and Atmospheric Administration and from funds of other agencies or entities for services furnished pursuant to law: Provided further, That any inventories, equipment, systems, real property and other assets over $25,000, pertaining to the services to be provided by such funds, either on hand or on order, less the related liabilities or unpaid obligations, shall be used to capitalize the Business Management

Fund: Provided further, That the National Oceanic and Atmospheric Administration shall provide for centralized services at rates which return in full all expenses of operation and services, including the full cost of salaries and accruing benefits and the annual costs of plant and equipment associated with services to be provided, plus an amount equal to projected inflation, amortization of automated data processing software and hardware systems, and an amount not to exceed four percent of the full costs necessary to maintain a reasonable operating reserve and fund new requirements as determined by the Administrator: Provided further, That the Business Management Fund shall become operational no later than thirty days after enactment of this Act.

In addition, for necessary retired pay expenses under the Retired Serviceman's Family Protection and Survivor Benefits Plan, and for payments for medical care of retired personnel and their dependents under the Dependents Medical Care Act (10 U.S.C. ch. 55), such sums as may be necessary.

PROCUREMENT, ACQUISITION AND CONSTRUCTION

(INCLUDING TRANSFERS OF FUNDS)

For procurement, acquisition and construction of capital assets, including alteration and modification costs, of the National Oceanic and Atmospheric Administration, $903,410,000, to remain available until September 30, 2005: Provided, That unexpended balances of amounts previously made available in the ''Operations, Research, and Facilities'' account for activities funded under this heading may be transferred to and merged with this account, to remain available until expended for the purposes for which the funds were originally appropriated: Provided further, That of the amounts provided for the National Polar-orbiting Operational Environmental Satellite System, funds shall only be made available on a dollar for dollar matching basis with funds provided for the same purpose by the Department of Defense: Provided further, That the Secretary shall establish a Coastal and Estuarine Land Conservation Program, for the purpose of protecting important coastal and estuarine areas that have significant conservation, recreation, ecological, historical, or aesthetic values, or that are threatened by conversion from their natural or recreational state to other uses: Provided further, That none of the funds provided in this Act or any other Act under the heading ''National Oceanic and Atmospheric Administration, Procurement, Acquisition and Construction'' shall be used to fund the General Services Administration's standard construction and tenant build-out costs of a facility at the Suitland Federal Center.

PACIFIC COASTAL SALMON RECOVERY

For necessary expenses associated with the restoration of Pacific salmon populations and the implementation of the 1999 Pacific Salmon Treaty Agreement between the United States and Canada, $78,650,000, to remain available until September 30, 2004.

In addition, for implementation of the 1999 Pacific Salmon Treaty Agreement, $20,000,000, of which $10,000,000 shall be deposited in the Northern Boundary and Transboundary Rivers Restoration and Enhancement Fund, of which $10,000,000 shall be deposited in the Southern Boundary Restoration and Enhancement Fund.

FISHERMEN'S CONTINGENCY FUND

For carrying out the provisions of title IV of Public Law 95–372, not to exceed $954,000, to be derived from receipts collected pursuant to that Act, to remain available until expended.

FOREIGN FISHING OBSERVER FUND

For expenses necessary to carry out the provisions of the Atlantic Tunas Convention Act of 1975, as amended (Public Law 96–339), the Magnuson-Stevens Fishery Conservation and Management Act of 1976, as amended (Public Law 100–627), and the American Fisheries Promotion Act (Public Law 96–561), to be derived from the fees imposed under the foreign fishery observer program authorized by these Acts, not to exceed $191,000, to remain available until expended.

FISHERIES FINANCE PROGRAM ACCOUNT

For the cost of direct loans, $287,000, as authorized by the Merchant Marine Act of 1936, as amended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $5,000,000 for Individual Fishing Quota loans, and not to exceed $19,000,000 for Traditional direct loans: Provided further, That none of the funds made available under this heading may be used for direct loans for any new fishing vessel that will increase the harvesting capacity in any United States fishery.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For expenses necessary for the departmental management of the Department of Commerce provided for by law, including not to exceed $5,000 for official entertainment, $41,494,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended (5 U.S.C. App. 1–11, as amended by Public Law 100–504), $20,635,000.

GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

SEC. 201. During the current fiscal year, applicable appropriations and funds made available to the Department of Commerce by this Act shall be available for the activities specified in the Act of October 26, 1949 (15 U.S.C. 1514), to the extent and in the manner prescribed by the Act, and, notwithstanding 31 U.S.C. 3324, may be used for advanced payments not otherwise authorized only upon the certification of officials designated by the Secretary of Commerce that such payments are in the public interest.

SEC. 202. During the current fiscal year, appropriations made available to the Department of Commerce by this Act for salaries and expenses shall be available for hire of passenger motor vehicles as authorized; services as authorized; and uniforms or allowances therefore, as authorized.

SEC. 203. Hereafter none of the funds made available by this Act may be used to support the hurricane reconnaissance aircraft and activities that are under the control of the United States Air Force or the United States Air Force Reserve.

SEC. 204. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Commerce in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: Provided, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 205. Hereafter the Secretary of Commerce may award contracts for hydrographic, geodetic, and photogrammetric surveying and mapping services in accordance with title IX of the Federal Property and Administrative Services Act of 1949.

SEC. 206. The Secretary of Commerce may use the Commerce franchise fund for expenses and equipment necessary for the maintenance and operation of such administrative services as the Secretary determines may be performed more advantageously as central services, pursuant to section 403 of Public Law 103–356: Provided, That any inventories, equipment, and other assets pertaining to the services to be provided by such fund, either on hand or on order, less the related liabilities or unpaid obligations, and any appropriations made for the purpose of providing capital shall be used to capitalize such fund: Provided further, That such fund shall be paid in advance from funds available to the Department and other Federal agencies for which such centralized services are performed, at rates which will return in full all expenses of operation, including accrued leave, depreciation of fund plant and equipment, amortization of automated data processing (ADP) software and systems (either acquired or donated), and an amount necessary to maintain a reasonable operating reserve, as determined by the Secretary: Provided further, That such fund shall provide services on a competitive basis: Provided further, That an amount not to exceed 4 percent of the total annual income to such fund may be retained in the fund for fiscal year 2003 and each fiscal year thereafter, to remain available until expended, to be used for the acquisition of capital equipment, and for the improvement and implementation of department financial management, ADP, and other support systems: Provided further, That such amounts retained in the fund for fiscal year 2003 and each fiscal year thereafter shall be available for obligation and expenditure only in accordance with section 605 of this Act: Provided further, That no later than 30 days after the end of each fiscal year, amounts in excess of this reserve limitation shall be deposited as miscellaneous receipts in the Treasury: Provided further, That such franchise fund pilot program shall terminate pursuant to section 403(f) of Public Law 103–356.

SEC. 207. Notwithstanding any other provision of law, of the amounts made available elsewhere in this title to the ''National Institute of Standards and Technology, Construction of Research Facilities'', $14,000,000 is appropriated to fund a cooperative agreement with the Medical University of South Carolina, $6,000,000 is appropriated to the Thayer School of Engineering for the nanocrystalline materials and biomass research initiative, $3,000,000 is appropriated to the Institute for Information Infrastructure Protection at the Institute for Security Technology Studies, $4,000,000 is appropriated for the Institute for Politics, and $1,260,000 is appropriated to the Franklin Pierce College.

SEC. 208. Of the amounts available from the fund entitled ''Promote and Develop Fishery Products and Research Pertaining to American Fisheries'', Saltonstall-Kennedy grants may be issued only in the priority funding areas of Fishing Capacity Reduction under the Magnuson-Stevens Act Sections 312(b)–(e), Conservation Engineering, Optimum Utilization of Harvested Resources under Federal or State Management, Marine Aquaculture, and Fisheries Socioeconomics: Provided, That no funds shall be provided under the Saltonstall-Kennedy Grant Program for any grant related to Atlantic salmon aquaculture development considering the endangered species status of Atlantic salmon.

SEC. 209. Of the amount available from the fund entitled ''Promote and Develop Fishery Products and Research Pertaining to American Fisheries'', $20,000,000 shall be provided to develop an Alaska seafood marketing program. Such amount shall be made available as a direct lump sum payment to the Alaska Fisheries Marketing Board (hereinafter ''Board'') which is hereby established to award grants to market, develop, and promote Alaska seafood and improve related technology and transportation with emphasis on wild salmon, of which 20 percent shall be transferred to the Alaska Seafood Marketing Institute. The Board shall be appointed by the Secretary of Commerce and shall be administered by an Executive Director to be appointed by the Secretary. The Board shall submit an annual report to the Secretary detailing the expenditures of the board.

SEC. 210. (a) The Secretary of Commerce is authorized to award grants and make direct lump sum payments in support of an international

advertising and promotional campaign developed in consultation with the private sector to encourage individuals to travel to the United States consisting of radio, television, and print advertising and marketing programs.

(b) The United States Travel and Tourism Promotion Advisory Board (hereinafter ''Board'') is established to recommend the appropriate coordinated activities to the Secretary for funding.

(c) The Secretary shall appoint the Board within 30 days of enactment and shall include tourism-related entities he deems appropriate.

(d) The Secretary shall consult with the Board and state and regional tourism officials on the disbursement of funds.

(e) There is authorized to be appropriated $50,000,000, to remain available until expended, and $50,000,000 is appropriated to implement this section.

SEC. 211. From funds made available from the ''Operations and Training'' account, not more than $50,000 shall be made available to the Maritime Administration for administrative expenses to oversee the implementation of this section for the purpose of recovering economic and national security benefits to the United States following the default under the construction contract described in section 8109 of the Department of Defense Appropriations Act for Fiscal Year 1998 (Public Law 105–56): Provided, That the owner of any ship documented under the authority of this section shall offset such appropriation through the payment of fees to the Maritime Administration not to exceed the appropriation and that such fees be deposited as an offsetting collection to this appropriation: Provided further, That notwithstanding any other provision of law, one or both ships originally contracted under section 8109 of Public Law 105–56 may be constructed to completion in a shipyard located outside of the United States and the owner thereof (or a related person with respect to that owner) may document one or both ships under U.S. flag with a coastwise endorsement, and notwithstanding any other provision of law, and not later than two years after entry into service of the first ship contracted for under section 8109 of Public Law 105–56, that owner (or a related person with respect to that owner) may re-document under U.S. flag with a coastwise endorsement one additional foreign-built cruise ship: Provided further, That: (1) the owner of any cruise ship documented under the authority of this section is a citizen of the United States within the meaning of 46 U.S.C. 12102(a), (2) the foreign-built cruise ship re-documented under the authority of this section meets the eligibility requirements for a certificate of inspection under section 1137(a) of Public Law 104–324 and applicable international agreements and guidelines referred to in section 1137(a)(2) thereof and the 1992 Amendments to the Safety of Life at Sea Convention of 1974, and that with respect to the re-documented foreign-built cruise ship, any repair, maintenance, alteration, or other preparation necessary to meet such requirements be performed in a United States shipyard, (3) any non-warranty repair, maintenance, or alteration work performed on any ship documented under the authority of this section shall be performed in a United States shipyard unless the Administrator of the Maritime Administration finds that such services are not available in the United States or if an emergency dictates that the ship proceed to a foreign port for such work, (4) any ship documented under the authority of this section shall operate in regular service between or among the islands of Hawaii, (5) no person, nor any ship operating between or among the islands of Hawaii, shall be entitled to the preference contained in the second proviso of section 8109 of Public Law 105–56, and (6) no cruise ship operating in coastwise trade under the authority of this section or constructed under the authority of this section shall be eligible for a guarantee of financing under title XI of the Merchant Marine Act 1936: Provided further, That any cruise ship to be documented under the authority of this section shall be immediately eligible before documentation of the vessel for the approval contained in section 1136(b) of Public Law 104–324: Provided further, That for purposes of this section the term ''cruise ship'' means a vessel that is at least 60,000 gross tons and not more than 120,000 gross tons (as measured under chapter 143 of title 46, United States Code) and has berth or stateroom accommodations for at least 1,600 passengers, the term ''one or both ships'' means collectively the partially completed hull and related components, equipment, and parts of whatever kind acquired pursuant to the construction contract described in section 8109 of Public Law 105–56 and intended to be incorporated into the ships constructed thereto, the term ''related person'' means with respect to a person: a holding company, subsidiary, or affiliate of such person meeting the citizenship requirements of section 12102(a) of title 46, United States Code, and the term ''regular service'' means the primary service in which the ship is engaged on an annual basis.

SEC. 212. WEST COAST GROUNDFISH FISHERY CAPACITY REDUCTION. (a) The Secretary of Commerce shall implement a fishing capacity reduction program for the West Coast groundfish fishery pursuant to section 212 of Public Law 107–206 and 16 U.S.C. 1861a (b)–(e); except that the program may apply to multiple fisheries; except that within 90 days after the date of enactment of this Act, the Secretary shall publish a public notice in the Federal Register and issue an invitation to bid for reduction payments that specifies the contractual terms and conditions under which bids shall he made and accepted under this section; except that section 144(d)(1)(K)(3) of title I, division B of Public Law 106–554 shall apply to the program implemented by this section.

(b) A reduction fishery is eligible for capacity reduction under the program implemented under this section; except that no vessel harvesting and processing whiting in the catcher-processors sector (section 19 660.323(a)(4)(A) of title 50, Code of Federal Regulations) may participate in any capacity reduction referendum or industry fee established under this section.

(c) A referendum on the industry fee system shall occur after bids have been submitted, and such bids have been accepted by the Secretary, as follows: members of the reduction fishery, and persons who have been issued Washington, Oregon, or California Dungeness crab and Pink shrimp permits, shall be eligible to vote in the referendum to approve an industry fee system; referendum votes cast in each fishery shall be weighted in proportion to the debt obligation of each fishery, as calculated in subsection (f) of this section; the industry fee system shall be approved if the referendum votes cast in favor of the proposed system constitute a simple majority of the participants voting; except that notwithstanding 5 U.S.C. 553 and 16 U.S.C. 1861a(e), the Secretary shall not prepare or publish proposed or final regulations for the implementation of the program under this section before the referendum is conducted.

(d) Nothing in this section shall be construed to prohibit the Pacific Fishery Management Council from recommending, or the Secretary from approving, changes to any fishery management plan, in accordance with applicable law; or the Secretary from promulgating regulations (including regulations governing this program), after an industry fee system has been approved by the reduction fishery.

(e) The Secretary shall determine, and state in the public notice published under paragraph (a), all program implementation aspects the Secretary deems relevant.

(f) Any bid submitted in response to the invitation to bid issued by the Secretary under this section shall be irrevocable; the Secretary shall use a bid acceptance procedure that ranks each bid in accordance with this paragraph and with additional criteria, if any, established by the Secretary: for each bid from a qualified bidder that meets the bidding requirements in the public notice or the invitation to bid, the Secretary shall determine a bid score by dividing the bid's dollar amount by the average annual total ex-vessel dollar value of landings of Pacific groundfish, Dungeness crab, and Pink shrimp based on the 3 highest total annual revenues earned from such stocks that the bidder's reduction vessel landed during 1998, 1999, 2000, or 2001. For purposes of this paragraph, the term ''total annual revenue'' means the revenue earned in a single year from such stocks. The Secretary shall accept each qualified bid in rank order of bid score from the lowest to the highest until acceptance of the next qualified bid with the next lowest bid score would cause the reduction cost to exceed the reduction loan's maximum amount. Acceptance of a bid by the Secretary shall create a binding reduction contract between the United States and the person whose bid is accepted, the performance of which shall be subject only to the conclusion of a successful referendum, except that a person whose bid is accepted by the Secretary under this section shall relinquish all permits in the reduction fishery and any Dungeness crab and Pink shrimp permits issued by Washington, Oregon, or California; except that the Secretary shall revoke the Pacific groundfish permit, as well as all Federal fishery licenses, fishery permits, area, and species endorsements, and any other fishery privileges issued to a vessel or vessels (or to persons on the basis of their operation or ownership of that vessel or vessels) removed under the program.

(g) The Secretary shall establish separate reduction loan sub-amounts and repayment fees for fish sellers in the reduction fishery and for fish sellers in each of the fee-share fisheries by dividing the total ex-vessel dollar value during the bid scoring period of all reduction vessel landings from the reduction fishery and from each of the fee-share fisheries by the total such value of all such landings for all such fisheries; and multiplying the reduction loan amount by each of the quotients resulting from each of the divisions above. Each of the resulting products shall be the reduction loan sub-amount for the reduction fishery and for each of the fee-share fisheries to which each of such products pertains; except that, each fish seller in the reduction fishery and in each of the fee-share fisheries shall pay the fees required by the reduction loan sub-amounts allocated to it under this paragraph; except that, the Secretary may enter into agreements with Washington, Oregon, and California to collect any fees established under this paragraph.

(h) Notwithstanding 46 U.S.C. App. 1279(b)(4), the reduction loan's term shall not be less than 30 years.

(i) It is the sense of the Congress that the States of Washington, Oregon, and California should revoke all relinquishment permits in each of the fee-share fisheries immediately after reduction payment, and otherwise to implement appropriate State fisheries management and conservation provisions in each of the fee-share fisheries that establishes a program that meets the requirements of 16 U.S.C. 141861a(b)(1)(B) as if it were applicable to fee-share fisheries.

(j) The term ''fee-share fishery'' means a fishery, other than the reduction fishery, whose members are eligible to vote in a referendum for an industry fee system under paragraph (c). The term ''reduction fishery'' means that portion of a fishery holding limited entry fishing permits endorsed for the operation of trawl gear and issued under the Federal Pacific Coast Groundfish Fishery Management Plan.

This title may be cited as the ''Department of Commerce and Related Agencies Appropriations Act, 2003''.

TITLE III—THE JUDICIARY

SUPREME COURT OF THE UNITED STATES

SALARIES AND EXPENSES

For expenses necessary for the operation of the Supreme Court, excluding care of the building and grounds; not to exceed $10,000 for official reception and representation expenses; and for miscellaneous expenses, $44,399,000.

CARE OF THE BUILDING AND GROUNDS

For expenses necessary for the care of building and grounds, $53,304,000, to remain available until expended.

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

SALARIES AND EXPENSES

For salaries of the chief judge, judges, and other officers and employees, and for necessary expenses of the court, $20,136,000.

UNITED STATES COURT OF INTERNATIONAL TRADE

SALARIES AND EXPENSES

For salaries of the chief judge and eight judges, salaries of the officers and employees of the court, services, and necessary expenses of the court, $13,529,000.

COURT OF APPEALS, DISTRICT, MAGISTRATE, AND BANKRUPTCY COURT JUDGES AND STAFF

SALARIES AND EXPENSES

For the salaries of circuit and district judges (including judges of the territorial courts of the United States), justices and judges retired from office or from regular active service, judges of the United States Court of Federal Claims, bankruptcy judges, magistrate judges, and their staff, $718,736,000.

COURT SUPPORT

SALARIES AND EXPENSES

For expenses necessary for the operation of the courts, including travel and hire of passenger motor vehicles, $1,048,877,000, of which not to exceed $45,000 is authorized for official reception and representation expenses.

In addition, for expenses of the United States Court of Federal Claims associated with processing cases under the National Childhood Vaccine Injury Act of 1986, not to exceed $2,784,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

COURT SERVICES

SALARIES AND EXPENSES

For expenses necessary for court services, including the purchase of firearms and ammunition, supplies, and equipment and the payment of rent to the General Services Administration, $1,394,039,000, of which not to exceed $29,277,000 shall remain available until expended for space alteration projects and for furniture and furnishings related to new space alteration and construction projects.

PROBATION AND PRETRIAL SERVICES

SALARIES AND EXPENSES

For expenses necessary for probation and pretrial services, $717,214,000.

DEFENDER SERVICES

For the operation of Federal Public Defender and Community Defender organizations; the compensation and reimbursement of expenses of attorneys appointed to represent persons under the Criminal Justice Act of 1964, as amended; the compensation and reimbursement of expenses of persons furnishing investigative, expert and other services under the Criminal Justice Act of 1964; the compensation (in accordance with Criminal Justice Act maximums) and reimbursement of expenses of attorneys appointed to assist the court in criminal cases where the defendant has waived representation by counsel; the compensation and reimbursement of travel expenses of guardians ad litem acting on behalf of financially eligible minor or incompetent offenders in connection with transfers from the United States to foreign countries with which the United States has a treaty for the execution of penal sentences; the compensation of attorneys appointed to represent jurors in civil actions for the protection of their employment, as authorized; and for necessary training and general administrative expenses, $531,792,000, to remain available until September 30, 2004.

FEES OF JURORS AND COMMISSIONERS

For fees and expenses of jurors as authorized; compensation of jury commissioners as authorized; and compensation of commissioners appointed in condemnation cases pursuant to rule 71A(h) of the Federal Rules of Civil Procedure, $54,636,000, to remain available until September 30, 2004: Provided, That the compensation of land commissioners shall not exceed the daily equivalent of the highest rate payable under section 5332 of title 5, United States Code.

COURT SECURITY

For necessary expenses, not otherwise provided for, incident to providing protective guard services for United States courthouses and the procurement, installation, and maintenance of security equipment for United States courthouses and other facilities housing Federal court operations, including building ingress-egress control, inspection of mail and packages, directed security patrols, and other similar activities, $276,342,000, of which not to exceed $10,000,000 shall remain available until expended for security systems or contract costs for court security officers: Provided, That, of the amounts made available under this heading, $1,000,000 shall be transferred to, and merged with, funds in the ''Salaries and Expenses, United States Marshals Service'' appropriations account, to be available only for a courthouse security survey to be conducted by Judicial Security Division/Judicial Security Systems personnel.

FEDERAL JUDICIAL CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Judicial Center, $20,156,000; of which $1,800,000 shall remain available through September 30, 2004, to provide education and training to Federal court personnel; and of which not to exceed $1,000 is authorized for official reception and representation expenses.

JUDICIAL RETIREMENT FUNDS

PAYMENT TO JUDICIARY TRUST FUNDS

For payment to the Judicial Officers' Retirement Fund, as authorized, $27,700,000; to the Judicial Survivors' Annuities Fund, as authorized, $5,200,000; and to the United States Court of Federal Claims Judges' Retirement Fund, as authorized, $2,400,000.

UNITED STATES SENTENCING COMMISSION

SALARIES AND EXPENSES

For the salaries and expenses necessary to carry out the provisions of chapter 58 of title 28, United States Code, $11,835,000, of which not to exceed $1,000 is authorized for official reception and representation expenses.

GENERAL PROVISIONS—THE JUDICIARY

SEC. 301. Appropriations and authorizations made in this title which are available for salaries and expenses shall be available for services as authorized by 5 U.S.C. 3109.

SEC. 302. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Judiciary in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: Provided, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 303. Notwithstanding any other provision of law, any salaries and expenses appropriation in this title, except probation and pretrial services, shall be available for official reception and representation expenses of the Judicial Conference of the United States: Provided, That such available funds shall not exceed $11,000 and shall be administered by the Director of the Administrative Office of the United States Courts in the capacity as Secretary of the Judicial Conference.

SEC. 304. Pursuant to section 140 of Public Law 97–92, Justices and judges of the United States are authorized during fiscal year 2003, to receive a salary adjustment in accordance with 28 U.S.C. 461: Provided, That $7,972,000 is appropriated for salary adjustments pursuant to this section and such funds shall be transferred to and merged with appropriations in title III of this Act.

This title may be cited as the ''Judiciary Appropriations Act, 2003''.

TITLE IV—DEPARTMENT OF STATE AND RELATED AGENCY

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

For necessary expenses of the Department of State and the Foreign Service not otherwise provided for, including employment, without regard to civil service and classification laws, of persons on a temporary basis (not to exceed $700,000 of this appropriation), as authorized by section 801 of the United States Information and Educational Exchange Act of 1948, as amended; representation to certain international organizations in which the United States participates pursuant to treaties ratified pursuant to the advice and consent of the Senate or specific Acts of Congress; arms control, nonproliferation and disarmament activities as authorized; acquisition by exchange or purchase of passenger motor vehicles as authorized by law; and for expenses of general administration, $3,042,096,000: Provided, That, of the amount made available under this heading, not to exceed $4,000,000 may be transferred to, and merged with, funds in the ''Emergencies in the Diplomatic and Consular Service'' appropriations account, to be available only for emergency evacuations and terrorism rewards: Provided further, That of the amount made available under this heading for Oceans and International Environmental and Scientific Affairs, $4,000,000 shall be for negotiations of a binding turtle bycatch reduction agreement for the Western and Central Pacific: Provided further, That, of the amount made available under this heading, $5,000,000 shall be made available only for the renovation of the United States Consulate facility in Istanbul for the purposes of housing an International Center on Muslim-Western Dialogue: Provided further, That, the Secretary of State shall develop a plan for the five-year graduated synchronization of the United States' and the United Nations' budget cycles: Provided further, That, of the amount made available under this heading, $1,500,000 shall be available for a grant to conduct an international forum on the rule of law: Provided further, That, of the amount made available under this heading, $500,000 shall be available for a grant to conduct an international conference on best practices on adoption: Provided further, That of the amount made available under this heading, $200,000 shall be available to conduct the Girls' International Forum: Provided further, That of the amount made available under this heading, $100,000 shall be available to conduct the Winter Cities Conference: Provided further, That no funds may be obligated or expended for processing licenses for the export of satellites of United States origin (including commercial satellites and satellite components) to the People's Republic of China unless, at least 15 days in advance, the Committees on Appropriations of the House of Representatives and the Senate are notified of such proposed action.

In addition, not to exceed $1,343,000 shall be derived from fees collected from other executive

agencies for lease or use of facilities located at the International Center in accordance with section 4 of the International Center Act, as amended; in addition, as authorized by section 5 of such Act, $490,000, to be derived from the reserve authorized by that section, to be used for the purposes set out in that section; in addition, as authorized by section 810 of the United States Information and Educational Exchange Act, not to exceed $6,000,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from English teaching, library, motion pictures, and publication programs and from fees from educational advising and counseling and exchange visitor programs; and, in addition, not to exceed $15,000, which shall be derived from reimbursements, surcharges, and fees for use of Blair House facilities.

In addition, for the costs of worldwide security upgrades, $579,086,000, to remain available until expended.

CAPITAL INVESTMENT FUND

For necessary expenses of the Capital Investment Fund, $210,000,000, to remain available until expended, as authorized: Provided, That section 135(e) of Public Law 103–236 shall not apply to funds available under this heading.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, $30,844,000, notwithstanding section 209(a)(1) of the Foreign Service Act of 1980, as amended (Public Law 96–465), as it relates to post inspections.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For expenses of educational and cultural exchange programs, as authorized, $237,881,000, to remain available until expended: Provided, That not to exceed $2,000,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from or in connection with English teaching, educational advising and counseling programs, and exchange visitor programs.

REPRESENTATION ALLOWANCES

For representation allowances as authorized, $6,485,000.

PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

For expenses, not otherwise provided, to enable the Secretary of State to provide for extraordinary protective services, as authorized, $9,400,000, to remain available until September 30, 2004.

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

For necessary expenses for carrying out the Foreign Service Buildings Act of 1926, as amended (22 U.S.C. 292–300), preserving, maintaining, repairing, and planning for buildings that are owned or directly leased by the Department of State, renovating, in addition to funds otherwise available, the Harry S. Truman Building, and carrying out the Diplomatic Security Construction Program as authorized, $523,000,000, to remain available until expended as authorized, of which not to exceed $25,000 may be used for domestic and overseas representation as authorized: Provided, That none of the funds appropriated in this paragraph shall be available for acquisition of furniture, furnishings, or generators for other departments and agencies.

In addition, for the costs of worldwide security upgrades, acquisition, and construction as authorized, $732,700,000, to remain available until expended.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

For expenses necessary to enable the Secretary of State to meet unforeseen emergencies arising in the Diplomatic and Consular Service, $6,500,000, to remain available until expended as authorized, of which not to exceed $1,000,000 may be transferred to and merged with the Repatriation Loans Program Account, subject to the same terms and conditions.

REPATRIATION LOANS PROGRAM ACCOUNT

For the cost of direct loans, $612,000, as authorized: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974. In addition, for administrative expenses necessary to carry out the direct loan program, $607,000, which may be transferred to and merged with the Diplomatic and Consular Programs account under Administration of Foreign Affairs.

PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN

For necessary expenses to carry out the Taiwan Relations Act, Public Law 96–8, $17,044,000.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the Foreign Service Retirement and Disability Fund, as authorized by law, $138,200,000.

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For expenses, not otherwise provided for, necessary to meet annual obligations of membership in international multilateral organizations, pursuant to treaties ratified pursuant to the advice and consent of the Senate, conventions or specific Acts of Congress, $866,000,000: Provided, That any payment of arrearages under this title shall be directed toward special activities that are mutually agreed upon by the United States and the respective international organization: Provided further, That none of the funds appropriated in this paragraph shall be available for a United States contribution to an international organization for the United States share of interest costs made known to the United States Government by such organization for loans incurred on or after October 1, 1984, through external borrowings: Provided further, That funds appropriated under this paragraph may be obligated and expended to pay the full United States assessment to the civil budget of the North Atlantic Treaty Organization.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For necessary expenses to pay assessed and other expenses of international peacekeeping activities directed to the maintenance or restoration of international peace and security, $673,710,000, of which 15 percent shall remain available until September 30, 2004: Provided, That none of the funds made available under this Act shall be obligated or expended for any new or expanded United Nations peacekeeping mission unless, at least 15 days in advance of voting for the new or expanded mission in the United Nations Security Council (or in an emergency as far in advance as is practicable): (1) the Committees on Appropriations of the House of Representatives and the Senate and other appropriate committees of the Congress are notified of the estimated cost and length of the mission, the vital national interest that will be served, and the planned exit strategy; and (2) a reprogramming of funds pursuant to section 605 of this Act is submitted, and the procedures therein followed, setting forth the source of funds that will be used to pay for the cost of the new or expanded mission: Provided further, That funds shall be available for peacekeeping expenses only upon a certification by the Secretary of State to the appropriate committees of the Congress that American manufacturers and suppliers are being given opportunities to provide equipment, services, and material for United Nations peacekeeping activities equal to those being given to foreign manufacturers and suppliers: Provided further, That none of the funds made available under this heading are available to pay the United States share of the cost of court monitoring that is part of any United Nations peacekeeping mission.

INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for, to meet obligations of the United States arising under treaties, or specific Acts of Congress, as follows:

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

For necessary expenses for the United States Section of the International Boundary and Water Commission, United States and Mexico, and to comply with laws applicable to the United States Section, including not to exceed $6,000 for representation; as follows:

SALARIES AND EXPENSES

For salaries and expenses, not otherwise provided for, $25,155,000.

CONSTRUCTION

For detailed plan preparation and construction of authorized projects, $5,488,000, to remain available until expended, as authorized.

AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided, for the International Joint Commission and the International Boundary Commission, United States and Canada, as authorized by treaties between the United States and Canada or Great Britain, and for the Border Environment Cooperation Commission as authorized by Public Law 103–182, $10,023,000, of which not to exceed $9,000 shall be available for representation expenses incurred by the International Joint Commission.

INTERNATIONAL FISHERIES COMMISSIONS

For necessary expenses for international fisheries commissions, not otherwise provided for, as authorized by law, $20,480,000: Provided, That the United States' share of such expenses may be advanced to the respective commissions pursuant to 31 U.S.C. 3324.

OTHER

PAYMENT TO THE ASIA FOUNDATION

For a grant to the Asia Foundation, as authorized by the Asia Foundation Act (22 U.S.C. 4402), as amended, $10,250,000, to remain available until expended, as authorized.

EISENHOWER EXCHANGE FELLOWSHIP PROGRAM TRUST FUND

For necessary expenses of Eisenhower Exchange Fellowships, Incorporated, as authorized by sections 4 and 5 of the Eisenhower Exchange Fellowship Act of 1990 (20 U.S.C. 5204–5205), all interest and earnings accruing to the Eisenhower Exchange Fellowship Program Trust Fund on or before September 30, 2003, to remain available until expended: Provided, That none of the funds appropriated herein shall be used to pay any salary or other compensation, or to enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 5376; or for purposes which are not in accordance with OMB Circulars A–110 (Uniform Administrative Requirements) and A–122 (Cost Principles for Non-profit Organizations), including the restrictions on compensation for personal services.

ISRAELI ARAB SCHOLARSHIP PROGRAM

For necessary expenses of the Israeli Arab Scholarship Program as authorized by section 214 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2452), all interest and earnings accruing to the Israeli Arab Scholarship Fund on or before September 30, 2003, to remain available until expended.

EAST-WEST CENTER

To enable the Secretary of State to provide for carrying out the provisions of the Center for Cultural and Technical Interchange Between East and West Act of 1960, by grant to the Center for Cultural and Technical Interchange Between East and West in the State of Hawaii, $18,000,000, to remain available until expended: Provided, That none of the funds appropriated herein shall be used to pay any salary, or enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 5376.

NATIONAL ENDOWMENT FOR DEMOCRACY

For grants made by the Department of State to the National Endowment for Democracy as authorized by the National Endowment for Democracy Act, $46,500,000, to remain available until expended.

RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

For expenses necessary to enable the Broadcasting Board of Governors to carry out international communication activities, $431,456,000.

BROADCASTING TO CUBA

For necessary expenses to enable the Broadcasting Board of Governors to carry out broadcasting to Cuba, including the purchase, rent, construction, and improvement of facilities for radio and television transmission and reception, and purchase and installation of necessary equipment for radio and television transmission and reception, $24,996,000, to remain available until expended.

BROADCASTING CAPITAL IMPROVEMENTS

For the purchase, rent, construction, and improvement of facilities for radio transmission and reception, and purchase and installation of necessary equipment for radio and television transmission and reception as authorized, $13,740,000, to remain available until expended.

GENERAL PROVISIONS—DEPARTMENT OF STATE AND RELATED AGENCY

SEC. 401. Funds appropriated under this title shall be available, except as otherwise provided, for allowances and differentials as authorized by subchapter 59 of title 5, United States Code; for services as authorized by 5 U.S.C. 3109; and for hire of passenger transportation pursuant to 31 U.S.C. 1343(b).

SEC. 402. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of State in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: Provided, That not to exceed 5 percent of any appropriation made available for the current fiscal year for the Broadcasting Board of Governors in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: Provided further, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 403. None of the funds made available in this Act may be used by the Department of State or the Broadcasting Board of Governors to provide equipment, technical support, consulting services, or any other form of assistance to the Palestinian Broadcasting Corporation.

SEC. 404. None of the funds appropriated or otherwise made available by this Act or any other Act for fiscal year 2003 or any fiscal year thereafter may be obligated or expended for the operation of a United States consulate or diplomatic facility in Jerusalem unless such consulate or diplomatic facility is under the supervision of the United States Ambassador to Israel.

SEC. 405. None of the funds appropriated or otherwise made available by this Act or any other Act for fiscal year 2003 or any fiscal year thereafter may be obligated or expended for the publication of any official Government document which lists countries and their capital cities unless the publication identifies Jerusalem as the capital of Israel.

SEC. 406. For the purposes of registration of birth, certification of nationality, or issuance of a passport of a United States citizen born in the city of Jerusalem, the Secretary of State shall, upon request of the citizen, record the place of birth as Israel.

SEC. 407. (a) Not later than February 15, 2003, the Secretary of the Navy shall transfer, without reimbursement, to the Secretary of State administrative jurisdiction over the parcels of real property, together with any improvements thereon, consisting in aggregate of approximately 10 acres at Naval Base, Charleston, South Carolina, described in subsection (b).

(b) The parcels of real property described in this subsection are as follows:

(1) A parcel bounded by Holland Street, Dyess Avenue, and Hobson Avenue to the entrance way immediately west of Building 202.

(2) A parcel bounded on the north by Dyess Avenue comprising Building 644.

(c) The transfer of jurisdiction of real property under subsection (a) shall not effect the validity or term of any lease with respect to such real property in effect as of the date of the transfer.

(d) The Secretary of State shall use the property transferred under subsection (a) for support of diplomatic and consular operations.

(e) The exact acreage and legal description of the property transferred under subsection (a) shall be determined by a survey satisfactory to the Secretary of the Navy. The cost of the survey shall be borne by the Secretary.

(f) The Secretary of the Navy may require such additional terms and conditions in connection with the transfer of property under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

This title may be cited as the ''Department of State and Related Agency Appropriations Act, 2003''.

TITLE V—RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

MARITIME ADMINISTRATION

MARITIME SECURITY PROGRAM

For necessary expenses to maintain and preserve a U.S.-flag merchant fleet to serve the national security needs of the United States, $98,700,000, to remain available until September 30, 2005.

OPERATIONS AND TRAINING

For necessary expenses of operations and training activities, $89,904,000, of which $13,000,000 shall remain available until expended for capital improvements at the United States Merchant Marine Academy.

MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM ACCOUNT

For the cost of guaranteed loans, as authorized, $32,852,000, to remain available until September 30, 2005: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended.

In addition, for administrative expenses to carry out the guaranteed loan program, not to exceed $4,144,000, which shall be transferred to and merged with the appropriation for Operations and Training.

ADMINISTRATIVE PROVISIONS—MARITIME ADMINISTRATION

Notwithstanding any other provision of this Act, the Maritime Administration is authorized to furnish utilities and services and make necessary repairs in connection with any lease, contract, or occupancy involving Government property under control of the Maritime Administration, and payments received therefore shall be credited to the appropriation charged with the cost thereof: Provided, That rental payments under any such lease, contract, or occupancy for items other than such utilities, services, or repairs shall be covered into the Treasury as miscellaneous receipts.

No obligations shall be incurred during the current fiscal year from the construction fund established by the Merchant Marine Act, 1936, or otherwise, in excess of the appropriations and limitations contained in this Act or in any prior Appropriations Act.

COMMISSION FOR THE PRESERVATION OF AMERICA'S HERITAGE ABROAD

SALARIES AND EXPENSES

For expenses for the Commission for the Preservation of America's Heritage Abroad, $659,000.

COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

For necessary expenses of the Commission on Civil Rights, including hire of passenger motor vehicles, $9,096,000: Provided, That not to exceed $50,000 may be used to employ consultants: Provided further, That none of the funds appropriated in this paragraph shall be used to employ in excess of four full-time individuals under Schedule C of the Excepted Service exclusive of one special assistant for each Commissioner: Provided further, That none of the funds appropriated in this paragraph shall be used to reimburse Commissioners for more than 75 billable days, with the exception of the chairperson, who is permitted 125 billable days.

COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

SALARIES AND EXPENSES

For necessary expenses for the United States Commission on International Religious Freedom, as authorized, $3,000,000.

COMMISSION ON OCEAN POLICY

SALARIES AND EXPENSES

For the necessary expenses of the Commission on Ocean Policy, $3,000,000.

COMMISSION ON SECURITY AND COOPERATION IN EUROPE

SALARIES AND EXPENSES

For necessary expenses of the Commission on Security and Cooperation in Europe, $1,550,000.

CONGRESSIONAL-EXECUTIVE COMMISSION ON THE PEOPLE'S REPUBLIC OF CHINA

SALARIES AND EXPENSES

For necessary expenses of the Congressional-Executive Commission on the People's Republic of China, $1,000,000.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Equal Employment Opportunity Commission, including services as authorized; hire of passenger motor vehicles as authorized; non-monetary awards to private citizens; and not to exceed $33,000,000 for payments to State and local enforcement agencies for authorized services to the Commission, $320,436,000: Provided, That the Commission is authorized to make available for official reception and representation expenses not to exceed $2,500 from available funds.

FEDERAL COMMUNICATIONS COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Communications Commission, as authorized by law, including uniforms and allowances therefor, as authorized by 5 U.S.C. 5901–5902; not to exceed $600,000 for land and structure; not to exceed $500,000 for improvement and care of grounds and repair to buildings; not to exceed $4,000 for official reception and representation expenses; purchase and hire of motor vehicles; special counsel fees; and services as authorized by 5 U.S.C. 3109, $275,400,000, of which not to exceed $300,000 shall remain available until September 30, 2004, for research and policy studies: Provided, That $275,400,000 of offsetting collections shall be assessed and collected pursuant to section 9 of title I of the Communications Act of 1934, as amended, and shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: Provided further, That the sum herein appropriated shall be reduced as such offsetting collections are received during fiscal year 2003: Provided further, That any offsetting collections received in excess of $275,400,000 in fiscal year 2003 shall remain available until expended, but shall not be available for obligation until October 1, 2003.

FEDERAL MARITIME COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Maritime Commission as authorized, including services; hire of passenger motor vehicles; and uniforms or allowances therefor, $16,795,000: Provided, That not to exceed $2,000 shall be available for official reception and representation expenses.

FEDERAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Trade Commission, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; not to exceed $2,000 for official reception and representation expenses, $175,148,000, to remain available until expended: Provided, That not to exceed $300,000 shall be available for use to contract with a person or persons for collection services in accordance with the terms of 31 U.S.C. 3718, as amended: Provided further, That, notwithstanding any other provision of law, not to exceed $166,000,000 of offsetting collections derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18a), regardless of the year of collection, and offsetting collections derived from fees sufficient to implement and enforce the do-not-call provisions of the Telemarketing Sales Rule, 16 C.F.R. Part 310, promulgated under the Telephone Consumer Fraud and Abuse Prevention Act (15 U.S.C. 6101 et seq.), estimated at $16,000,000, shall be collected pursuant to this authority: Provided further, That all offsetting collections shall be credited to this appropriation, used for necessary expenses, and remain available until expended: Provided further, That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2003, so as to result in a final fiscal year 2003 appropriation from the general fund estimated at not more than $9,148,000: Provided further, That none of the funds made available to the Federal Trade Commission shall be available for obligation for expenses authorized by section 151 of the Federal Deposit Insurance Corporation Improvement Act of 1991 (Public Law 102–242; 105 Stat. 2282–2285).

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, as amended, $348,397,000, of which $19,000,000 (referred to in this title as the ''supplemental legal assistance amount'') is to provide supplemental funding for basic field programs, and related administration, to ensure that no service area (including a merged or reconfigured service area) receives less funding under the Legal Services Corporation Act for fiscal year 2003 than the area received for fiscal year 2002, due to use of data from the 2000 Census, and of which $310,097,000 is for basic field programs and required independent audits; $2,600,000 is for the Office of Inspector General, of which such amounts as may be necessary may be used to conduct additional audits of recipients; $13,300,000 is for management and administration; and $3,400,000 is for client self-help and information technology.

ADMINISTRATIVE PROVISION—LEGAL SERVICES CORPORATION

None of the funds appropriated in this Act to the Legal Services Corporation shall be expended for any purpose prohibited or limited by, or contrary to any of the provisions of, sections 501, 502, 503, 504, 505, and 506 of Public Law 105–119, and all funds appropriated in this Act to the Legal Services Corporation shall be subject to the same terms and conditions set forth in such sections, except that all references in sections 502 and 503 to 1997 and 1998 shall be deemed to refer instead to 2002 and 2003, respectively.

Section 504(a)(16) of Public Law 104–134 is hereafter amended by striking ''if such relief does not involve'' and all that follows through ''representation''.

MARINE MAMMAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Marine Mammal Commission, $2,050,000.

NATIONAL VETERANS BUSINESS DEVELOPMENT CORPORATION

For necessary expenses of the National Veterans Business Development Corporation, $2,000,000.

SECURITIES AND EXCHANGE COMMISSION

SALARIES AND EXPENSES

For necessary expenses for the Securities and Exchange Commission, including services as authorized by 5 U.S.C. 3109, the rental of space (to include multiple year leases) in the District of Columbia and elsewhere, and not to exceed $3,000 for official reception and representation expenses, $656,700,000; of which not to exceed $10,000 may be used toward funding a permanent secretariat for the International Organization of Securities Commissions; and of which not to exceed $100,000 shall be available for expenses for consultations and meetings hosted by the Commission with foreign governmental and other regulatory officials, members of their delegations, appropriate representatives and staff to exchange views concerning developments relating to securities matters, development and implementation of cooperation agreements concerning securities matters and provision of technical assistance for the development of foreign securities markets, such expenses to include necessary logistic and administrative expenses and the expenses of Commission staff and foreign invitees in attendance at such consultations and meetings including: (1) such incidental expenses as meals taken in the course of such attendance; (2) any travel and transportation to or from such meetings; and (3) any other related lodging or subsistence: Provided, That fees and charges authorized by sections 6(b) of the Securities Exchange Act of 1933 (15 U.S.C. 77f(b)), and 13(e), 14(g) and 31 of the Securities Exchange Act of 1934 (15 U.S.C. 78m(e), 78n(g), and 78ee) shall be credited to this account as offsetting collections: Provided further, That not to exceed $656,700,000 of such offsetting collections shall be available until expended for necessary expenses of this account: Provided further, That the total amount appropriated under this heading from the general fund for fiscal year 2003 shall be reduced as such offsetting fees are received so as to result in a final total fiscal 2003 appropriation from the general fund estimated at not more than $0.

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the Small Business Administration as authorized, including hire of passenger motor vehicles, and not to exceed $3,500 for official reception and representation expenses, $364,357,000: Provided, That the Administrator is authorized to charge fees to cover the cost of publications developed by the Small Business Administration, and certain loan servicing activities: Provided further, That, notwithstanding 31 U.S.C. 3302, revenues received from all such activities shall be credited to this account, to be available for carrying out these purposes without further appropriations: Provided further, That $88,000,000 shall be available to fund grants for performance in fiscal year 2003 or fiscal year 2004 as authorized.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, $11,600,000.

BUSINESS LOANS PROGRAM ACCOUNT

For the cost of direct loans, $3,726,000, to be available until expended; and for the cost of guaranteed loans, $85,360,000, as authorized, of which $45,000,000 shall remain available until September 30, 2004: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That during fiscal year 2003 commitments to guarantee loans under section 503 of the Small Business Investment Act of 1958, as amended, shall not exceed $4,500,000,000, as provided under section 20(h)(1)(B)(ii) of the Small Business Act: Provided further, That during fiscal year 2003 commitments to guarantee loans for debentures and participating securities under section 303(b) of the Small Business Investment Act of 1958, as amended, shall not exceed the levels established by section 20(i)(1)(C) of the Small Business Act.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $129,000,000, which may be transferred to and merged with the appropriations for Salaries and Expenses.

DISASTER LOANS PROGRAM ACCOUNT

For the cost of direct loans authorized by section 7(b) of the Small Business Act, as amended, $76,140,000, to remain available until expended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended.

In addition, for administrative expenses to carry out the direct loan program, $118,354,000, which may be transferred to and merged with appropriations for Salaries and Expenses, of which $500,000 is for the Office of Inspector General of the Small Business Administration for audits and reviews of disaster loans and the disaster loan program and shall be transferred to and merged with appropriations for the Office of Inspector General; of which $108,000,000 is for direct administrative expenses of loan making and servicing to carry out the direct loan program; and of which $9,854,000 is for indirect administrative expenses: Provided, That any amount in excess of $9,854,000 to be transferred to and merged with appropriations for Salaries and Expenses for indirect administrative expenses shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

ADMINISTRATIVE PROVISION—SMALL BUSINESS ADMINISTRATION

Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Small Business Administration in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: Provided, That any transfer pursuant to this paragraph shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

STATE JUSTICE INSTITUTE

SALARIES AND EXPENSES

For necessary expenses of the State Justice Institute, $3,100,000: Provided, That not to exceed $2,500 shall be available for official reception and representation expenses.

TITLE VI—GENERAL PROVISIONS

SEC. 601. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 602. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 603. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public

record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 604. None of the funds appropriated or otherwise made available by this Act or any other Act may be used to implement, enforce, or otherwise abide by the Memorandum of Agreement signed by the Federal Trade Commission and the Antitrust Division of the Department of Justice on March 5, 2002.

SEC. 605. (a) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2003, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds which: (1) creates new programs; (2) eliminates a program, project, or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employees; (5) reorganizes offices, programs, or activities; or (6) contracts out or privatizes any functions or activities presently performed by Federal employees; unless the Appropriations Committees of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

(b) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2003, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of $500,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects (including construction projects), or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or (3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress; unless the Appropriations Committees of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

SEC. 606. None of the funds made available in this Act may be used for the construction, repair (other than emergency repair), overhaul, conversion, or modernization of vessels for the National Oceanic and Atmospheric Administration in shipyards located outside of the United States.

SEC. 607. Of the funds appropriated in this Act under the heading ''Office of Justice Programs—State and Local Law Enforcement Assistance'', not more than 90 percent of the amount to be awarded to an entity under the Local Law Enforcement Block Grant shall be made available to such an entity when it is made known to the Federal official having authority to obligate or expend such funds that the entity that employs a public safety officer (as such term is defined in section 1204 of title I of the Omnibus Crime Control and Safe Streets Act of 1968) does not provide such a public safety officer who retires or is separated from service due to injury suffered as the direct and proximate result of a personal injury sustained in the line of duty while responding to an emergency situation or a hot pursuit (as such terms are defined by State law) with the same or better level of health insurance benefits at the time of retirement or separation as they received while on duty.

SEC. 608. Hereafter, none of the funds provided by this Act shall be available to promote the sale or export of tobacco or tobacco products, or to seek the reduction or removal by any foreign country of restrictions on the marketing of tobacco or tobacco products, except for restrictions which are not applied equally to all tobacco or tobacco products of the same type.

SEC. 609. (a) None of the funds appropriated or otherwise made available by this Act shall be expended for any purpose for which appropriations are prohibited by section 616 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999, as amended.

(b) The requirements in subsections (b) and (c) of section 616 of that Act shall continue to apply during fiscal year 2003.

(c) Notwithstanding any other provision of law, attorneys in positions funded with amounts made available under the headings ''Salaries and Expenses, General Legal Activities'' and ''Salaries and Expenses, United States Attorneys'' in title I of this Act shall be compensated on an hourly basis, weekly compensation to be determined by mechanical means, and shall have such fixed breaks each work day as are afforded other hourly workers employed by the Department of Justice.

SEC. 610. None of the funds appropriated pursuant to this Act or any other provision of law may be used for: (1) the implementation of any tax or fee in connection with the implementation of 18 U.S.C. 922(t); and (2) any system to implement 18 U.S.C. 922(t) that does not require and result in the destruction of any identifying information submitted by or on behalf of any person who has been determined not to be prohibited from owning a firearm.

SEC. 611. Notwithstanding any other provision of law, amounts deposited or available in the Fund established under 42 U.S.C. 10601 in any fiscal year in excess of $566,500,000 shall not be available for obligation until the following fiscal year, with the exception of emergency appropriations made available by Public Law 107–38 and transferred to the Fund.

SEC. 612. None of the funds appropriated or otherwise made available to the Department of State and the Department of Justice shall be available for the purpose of granting either immigrant or nonimmigrant visas, or both, consistent with the Secretary's determination under section 243(d) of the Immigration and Nationality Act, to citizens, subjects, nationals, or residents of countries that the Attorney General has determined deny or unreasonably delay accepting the return of citizens, subjects, nationals, or residents under that section.

SEC. 613. None of the funds made available to the Department of Justice in this Act may be used for the purpose of transporting an individual who is a prisoner pursuant to conviction for crime under State or Federal law and is classified as a maximum or high security prisoner, other than to a prison or other facility certified by the Federal Bureau of Prisons as appropriately secure for housing such a prisoner.

SEC. 614. Hereafter, none of the funds appropriated by this Act or any other Act may be used by Federal prisons to purchase cable television services, to rent or purchase videocassettes, videocassette recorders, or other audiovisual or electronic equipment used primarily for recreational purposes.

SEC. 615. Of the amounts provided for ''Small Business Administration, Salaries and Expenses'', $31,625,000, of which $2,000,000 shall be available for a grant to the Innovation and Commercialization Center; $2,000,000 shall be available for the Mississippi State University MAF/TIGER database project; $1,000,000 shall be for the Black Hills Rural Tourism Marketing Program; $1,500,000 shall be for the Center for Tourism Research; $3,125,000 shall be for the National Inventor's Hall of Fame; $5,000,000 shall be for the Boston Museum of Science; $2,000,000 shall be for the Tuck School and Minority Business Development Agency Partnership; $2,000,000 shall be for the Oklahoma International Trade Processing Center; $300,000 shall be for the Center for Women and Enterprise; $500,000 shall be for the Ogontz Revitalization Corporation; $800,000 shall be for Kennesaw State University Family Business Initiative; $500,000 shall be for the Idaho Virtual Incubator, Phase III; $1,600,000 shall be for the Adelante grant; $300,000 shall be for the Immigration Services project in Iowa; $2,000,000 shall be for the Microdevice Fabrication Facility; $4,000,000 shall be for the Marine Mammal Commission; $600,000 shall be for the Carvers Bay Library; $1,000,000 shall be for technical upgrades for the Northwest Center for Engineering, Science, and Technology; $200,000 shall be for the Southern New Mexico High Technology Consortium; $1,000,000 shall be for the American Museum of Natural History; and $200,000 shall be for the Program for International Education and Training.

SEC. 616. Section 1605 of title 28, United States Code is amended by adding a new subsection (h) as follows:

''(h) CAUSE OF ACTION FOR IRANIAN HOSTAGES.—Notwithstanding any provision of the Algiers Accords, or any other international agreement, any United States citizen held hostage in Iran after November 1, 1979, and their spouses and children at the time, shall have a claim for money damages against the government of Iran. Any provision in an international agreement, including the Algiers Accords that purports to bar such suit is abrogated. This subsection shall apply retroactively to any cause of action cited in 28 U.S.C. 1605 (a)(7)(A).

SEC. 617. Any amounts previously appropriated for the Port of Anchorage for an intermodal marine facility and access thereto shall be transferred to and administered by the Administrator for the Maritime Administration including non-federal contributions. Such amounts shall be subject only to conditions and requirements required by the Maritime Administration.

SEC. 618. USE OF EMERGENCY FUNDS FOR SMALL BUSINESS LOANS. The matter under the heading ''BUSINESS LOANS PROGRAM ACCOUNT'' in chapter 2 of division B of the Department of Defense and Emergency Supplemental Appropriations for Recovery from and Response to Terrorist Attacks on the United States Act, 2002 (Public Law 107–117) is amended by striking ''For emergency expenses'' and inserting the following: ''For loan guarantee subsidies under section 7(a) of the Small Business Act (15 U.S.C. 636(a)) or for emergency expenses''.

TITLE VII—RESCISSIONS

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

WORKING CAPITAL FUND

(RESCISSION)

Of the unobligated balances available under this heading, $36,230,000 are rescinded.

LEGAL ACTIVITIES

ASSET FORFEITURE FUND

(RESCISSION)

Of the unobligated balances available under this heading, $50,874,000 are rescinded.

DEPARTMENT OF COMMERCE AND RELATED AGENCIES

DEPARTMENT OF COMMERCE

UNITED STATES PATENT AND TRADEMARK OFFICE

SALARIES AND EXPENSES

(RESCISSION)

Of the unobligated balances available under this heading, $120,000,000 are rescinded.

This division may be cited as the ''Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2003''.

DIVISION C—DISTRICT OF COLUMBIA APPROPRIATIONS, 2003

Making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2003, and for other purposes.

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the District of Columbia and related agencies for the fiscal year ending September 30, 2003, and for other purposes, namely:

FEDERAL FUNDS

FEDERAL PAYMENT FOR RESIDENT TUITION SUPPORT

For a Federal payment to the District of Columbia, to be deposited into a dedicated account, for a nationwide program to be administered by the Mayor, for District of Columbia resident tuition support, $17,000,000, to remain available until expended: Provided, That such funds, including any interest accrued thereon, may be used on behalf of eligible District of Columbia residents to pay an amount based upon the difference between in-State and out-of-State tuition at public institutions of higher education, or to pay up to $2,500 each year at eligible private institutions of higher education: Provided further, That the awarding of such funds may be prioritized on the basis of a resident's academic merit, the income and need of eligible students and such other factors as may be authorized: Provided further, That the District of Columbia government shall maintain a dedicated account for the Resident Tuition Support Program that shall consist of the Federal funds appropriated to the Program in this Act and any subsequent appropriations, any unobligated balances from prior fiscal years, and any interest earned in this or any fiscal year: Provided further, That the account shall be under the control of the District of Columbia Chief Financial Officer who shall use those funds solely for the purposes of carrying out the Resident Tuition Support Program: Provided further, That the Resident Tuition Support Program Office and the Office of the Chief Financial Officer shall provide a quarterly financial report to the Committees on Appropriations of the Senate and House of Representatives for these funds showing, by object class, the expenditures made and the purpose therefor: Provided further, That not more than seven percent of the total amount appropriated for this program may be used for administrative expenses.

FEDERAL PAYMENT FOR EMERGENCY PLANNING AND SECURITY COSTS IN THE DISTRICT OF COLUMBIA

For necessary expenses, as determined by the Mayor of the District of Columbia in written consultation with the elected county or city officials of surrounding jurisdictions, $15,000,000, to remain available until expended, to reimburse the District of Columbia for the costs of public safety expenses related to security events in the District of Columbia and for the costs of providing support to respond to immediate and specific terrorist threats or attacks in the District of Columbia or surrounding jurisdictions: Provided, That the Chief Financial Officer of the District of Columbia shall provide a report, within 15 days of an expenditure, to the President and to the Committees on Appropriations of the Senate and the House of Representatives, detailing any expenditure of these funds for public safety purposes: Provided further, That the Office of Management and Budget shall, in consultation with the United States Park Police, the National Park Service, the Secret Service, the Federal Bureau of Investigation, the United States Protective Service, the Department of State, and the General Services Administration, review the National Capital Planning Commission study on ''Designing for Security in the Nation's Capital'' and report to the Committees on Appropriations of the Senate and House of Representatives on the steps these agencies will take to improve the appearance of security measures in the District of Columbia in accordance with the National Capital Planning Commission recommendations, no later than February 5, 2003: Provided further, That the report shall include the recommendations of each agency.

FEDERAL PAYMENT FOR HOSPITAL BIOTERRORISM PREPAREDNESS IN THE DISTRICT OF COLUMBIA

For a Federal payment to support bioterrorism hospital preparedness in the District of Columbia, $10,000,000, of which $5,000,000 shall be for the Children's National Medical Center in the District of Columbia for the expansion of quarantine facilities and the establishment of a decontamination facility, and $5,000,000 shall be for the Washington Hospital Center for construction of containment facilities.

FEDERAL PAYMENT TO THE CHIEF FINANCIAL OFFICER OF THE DISTRICT OF COLUMBIA

For a Federal payment to the Chief Financial Officer of the District of Columbia, $15,000,000, for education, security, economic development, and health initiatives in the District of Columbia.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA COURTS

For salaries and expenses for the District of Columbia Courts, $166,193,000, to be allocated as follows: for the District of Columbia Court of Appeals, $8,551,000, of which not to exceed $1,500 is for official reception and representation expenses; for the District of Columbia Superior Court, $81,265,000, of which not to exceed $1,500 is for official reception and representation expenses; for the District of Columbia Court System, $39,676,000, of which not to exceed $1,500 is for official reception and representation expenses; and $35,201,000 for capital improvements for District of Columbia courthouse facilities: Provided, That these funds are expended consistent with the General Services Administration master plan study and building evaluation report: Provided further, That $1,500,000, of the funds made available under this heading, shall be deposited into a dedicated account in the U.S. Treasury and shall remain available until expended, for a program to be administered by the District of Columbia Superior Court to provide guardians ad litem to abused and neglected children: Provided further, That such program shall develop the capacity to improve the quality, training and recruitment of guardians ad litem to abused and neglected children: Provided further, That such funds, including any interest accrued thereon, shall be used to contract with a non-profit organization to act as guardians ad litem, provide training, technical assistance, and other such services including infrastructure development as are necessary to improve the quality of guardian ad litem representation to abused and neglected children in the District of Columbia Family Court: Provided further, That the non-profit organization shall have expertise in the following areas: representing children, child welfare, adoption, guardianship, special education and domestic violence: Provided further, That the District of Columbia Superior Court shall establish a dedicated account in the U.S. Treasury for the Guardian ad Litem Program that shall consist of the Federal funds appropriated to the Program in this Act and any subsequent appropriations, any necessary funds provided under the heading ''Defender Services in the District of Columbia Courts'', any unobligated balances from prior fiscal years, and any interest earned in this or any fiscal year: Provided further, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies, with payroll and financial services to be provided on a contractual basis with the General Services Administration (GSA), said services to include the preparation of monthly financial reports, copies of which shall be submitted directly by GSA to the President and to the Committees on Appropriations of the Senate and House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committee on Government Reform of the House of Representatives: Provided further, That funds made available for capital improvements may remain available until September 30, 2004: Provided further, That 30 days after providing written notice to the Committees on Appropriations of the Senate and House of Representatives, the District of Columbia Courts may reallocate not more than $1,000,000 of the funds provided under this heading among the items and entities funded under such heading: Provided further, That notwithstanding Section 446 of the District of Columbia Home Rule Act or any provision of subchapter III of chapter 13 of title 31, United States Code, the use of interest earned on the Federal payment made to the District of Columbia Courts under the District of Columbia Appropriations Act, 1998, by the Courts during fiscal year 1998 shall not constitute a violation of such Act or such subchapter.

DEFENDER SERVICES IN DISTRICT OF COLUMBIA COURTS

For payments authorized under section 11–2604 and section 11–2605, D.C. Official Code (relating to representation provided under the District of Columbia Criminal Justice Act), payments for counsel appointed in proceedings in the Family Division of the Superior Court of the District of Columbia under chapter 23 of title 16, D.C. Code, or pursuant to a contract with a non-profit organization to provide guardian ad litem representation, training, technical assistance and such other services as are necessary to improve the quality of guardian ad litem representation, and payments for counsel authorized under section 21–2060, D.C. Code (relating to representation provided under the District of Columbia Guardianship, Protective Proceedings, and Durable Power of Attorney Act of 1986), $34,000,000, to remain available until expended: Provided, That the funds provided in this Act under the heading ''Federal Payment to the District of Columbia Courts'' (other than the $35,201,000 provided under such heading for capital improvements for District of Columbia courthouse facilities) may also be used for payments under this heading: Provided further, That in addition to the funds provided under this heading, the Joint Committee on Judicial Administration in the District of Columbia shall use funds provided in this Act under the heading ''Federal Payment to the District of Columbia Courts'' (other than the $35,201,000 provided under such heading for capital improvements for District of Columbia courthouse facilities), to make payments described under this heading for obligations incurred during any fiscal year: Provided further, That funds provided under this heading shall be administered by the Joint Committee on Judicial Administration in the District of Columbia: Provided further, That notwithstanding any other provision of law, this appropriation shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for expenses of other Federal agencies, with payroll and financial services to be provided on a contractual basis with the General Services Administration (GSA), said services to include the preparation of monthly financial reports, copies of which shall be submitted directly by GSA to the President and to the Committees on Appropriations of the Senate and House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committee on Government Reform of the House of Representatives.

ADMINISTRATIVE PROVISIONS

SEC. 1. PAYMENTS FOR REPRESENTATION OF INDIGENTS. (a) SERVICES OF COUNSEL.—Section 11–2604, District of Columbia Code, is amended in subsection (a), by striking ''$65'' and inserting ''$75''.

(b) EFFECTIVE DATE.—The amendment made by this provision shall apply with respect to cases and proceedings initiated on or after October 1, 2002.

(c) The hourly rate paid to attorneys representing indigent defendants in the District of Columbia, subject to Section 11–2604 and Section 16–2326.01(b) of the District of Columbia Code shall be $90 per hour, effective October 1, 2003.

SEC. 2. INCLUSION OF COURT EMPLOYEES IN LONG TERM CARE PROGRAM. (a) Section 9001(1) of Title 5, United States Code, is amended by adding before the period ''(other than an employee of the District of Columbia Courts)''.

(b) Section 11–1726, District of Columbia Code, is amended as follows:

(1) in subsection (b)(1), by adding at the end: ''(F) Chapter 90 (relating to long-term care insurance).''.

(2) in subsection (c)(1), by adding at the end: ''(D) Chapter 90 (relating to long-term care insurance).''.

SEC. 3. CRIME VICTIMS COMPENSATION FUND. All funds from the Crime Victims Compensation Fund, established by section 16 of the Victims of Violent Crime Compensation Act of 1996, effective April 9, 1997 (D.C. Law 11–243; D.C. Official Code, sec. 4–514) (''Compensation Act''), that are designated for outreach activities pursuant to section 16(d)(2) of the Compensation Act shall be deposited in the Crime Victims Assistance Fund, established by section 16a of the Compensation Act, for the purpose of outreach activities, and shall remain available until expended.

SEC. 4. TRANSFER OF FINES. Notwithstanding any other law, the District of Columbia Courts shall transfer to the D.C. Treasury all fines levied and collected by the Courts in cases charging Driving Under the Influence and Driving While Impaired. The transferred funds shall remain available until expended and shall be used by the Office of the Corporation Counsel, for enforcement and prosecution of District traffic alcohol laws in accordance with section 10(b)(3) of the District of Columbia Traffic Control Act, approved March 3, 1925 (43 Stat. 1124; D.C. Official Code, sec. 50–2201.05(b)(3)).

SEC. 5. TRANSFER TO CHILD AND FAMILY SERVICES AGENCY. Of the amount appropriated as a Federal payment to the District of Columbia Courts in the Fiscal Year 2002 District of Columbia Appropriations Act (Public Law 107–96; 115 Stat. 927) that remain available through September 30, 2003, $560,000 are hereby transferred to the District of Columbia Child and Family Services Agency for child abuse services.

FEDERAL PAYMENT TO THE COURT SERVICES AND OFFENDER SUPERVISION AGENCY FOR THE DISTRICT OF COLUMBIA

(INCLUDING TRANSFER OF FUNDS)

For salaries and expenses, including the transfer and hire of motor vehicles, of the Court Services and Offender Supervision Agency for the District of Columbia, as authorized by the National Capital Revitalization and Self-Government Improvement Act of 1997 (Public Law 105–33; 111 Stat. 712), $154,707,000 of which not to exceed $2,000 is for official receptions related to offender and defendant support programs; of which $95,682,000 shall be for necessary expenses of Community Supervision and Sex Offender Registration, to include expenses relating to supervision of adults subject to protection orders or provision of services for or related to such persons; $23,070,000 shall be transferred to the Public Defender Service; and $35,955,000 shall be available to the Pretrial Services Agency: Provided, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies: Provided further, That notwithstanding chapter 12 of title 40, United States Code, the Director may acquire by purchase, lease, condemnation, or donation, and renovate as necessary, Building Number 17, 1900 Massachusetts Avenue, Southeast, Washington, District of Columbia, to house or supervise offenders and defendants, with funds made available for this purpose in Public Law 107–96: Provided further, That the Director is authorized to accept and use gifts in the form of in-kind contributions of space and hospitality to support offender and defendant programs, and equipment and vocational training services to educate and train offenders and defendants: Provided further, That the Director shall keep accurate and detailed records of the acceptance and use of any gift or donation under the previous proviso, and shall make such records available for audit and public inspection.

FEDERAL PAYMENT TO THE CHILDREN'S NATIONAL MEDICAL CENTER

For a Federal payment to the Children's National Medical Center in the District of Columbia, $5,000,000 for capital and equipment improvements.

ST. COLETTA OF GREATER WASHINGTON EXPANSION PROJECT

For a Federal contribution to St. Coletta of Greater Washington, Inc., for costs associated with the establishment of a day program and comprehensive case management services for mentally retarded and multiple-handicapped adolescents and adults in the District of Columbia, including property acquisition and construction, $2,000,000.

FEDERAL PAYMENT TO THE DEPARTMENT OF TRANSPORTATION

For a Federal Payment to the Department of Transportation in the District of Columbia, $1,000,000: Provided, That such funds will be used to implement Transportation Systems Management initiatives and strategies recommended in the October 2001 report by the Interagency Task Force of the National Capital Planning Commission in coordination with the National Capital Planning Commission.

FEDERAL PAYMENT FOR ANACOSTIA WATERFRONT INITIATIVE IN THE DISTRICT OF COLUMBIA

For a Federal payment to the District of Columbia for implementation of the Anacostia Waterfront Initiative, $55,000,000, to remain available until expended, of which $50,000,000 shall be for the District of Columbia Water and Sewer Authority for the Combined Sewer Overflow Long-Term Control Plan, to be used for system design and upgrades: Provided, That the District of Columbia Water and Sewer Authority provides a 100 percent match for the fiscal year 2003 Federal contribution of $50,000,000 to begin implementing the multi-year Long-Term Control Plan: Provided further, That $5,000,000 of the funds made available under this heading, shall be for environmental and infrastructure costs related to development of parks and recreation facilities on the Anacostia River.

FEDERAL PAYMENT FOR CAPITAL INFRASTRUCTURE DEVELOPMENT

For a Federal payment to the District of Columbia for improvement of city-wide capital infrastructure, $13,100,000, of which $10,000,000 shall be for construction of interoperable communications infrastructure in the Unified Communications Center; $100,000 shall be for capital improvements of Eastern Market; and $3,000,000 shall be to begin the design and construction of a state-of-the-art forensics laboratory.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA FOR FAMILY LITERACY

For a Federal payment to the District of Columbia, $4,000,000, shall be for the Family Literacy Program to address the needs of literacy-challenged parents while endowing their children with an appreciation for literacy and strengthening familial ties.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA FOR CHARTER SCHOOL FACILITIES

For a Federal Payment to the District of Columbia for development of Charter School facilities, $20,000,000, to remain available until expended, to be allocated as follows:

(1) ADMINISTRATION AND SUPPORT.—$1,000,000 for administration and contracting costs of the Office of Charter School Financing and Support to administer the Credit Enhancement Fund for Public Charter Schools, the Direct Loan Program, and other public charter school financing programs and support services as requested by the Mayor and Council of the District of Columbia.

(2) CREDIT ENHANCEMENT FUND FOR PUBLIC CHARTER SCHOOLS.—$5,000,000 to be deposited in, and administered through, the credit enhancement revolving fund established under section 603(e) of the Student Loan Marketing Association Reorganization Act of 1996 (Public Law 104–208; 110 Stat. 3009–293), as amended by the Fiscal Year 2002 District of Columbia Appropriations Act (Public Law 107–96; 115 Stat. 936) and this Act.

(3) DIRECT LOAN FUND FOR CHARTER SCHOOL IMPROVEMENT.—$10,000,000 for a Direct Loan Fund for Charter School Improvement, to be administered by the Office of Charter School Financing and Support: Provided, That loans distributed to charter schools from these funds shall not exceed $2,000,000 per charter school.

(4) PER PUPIL ALLOCATION.—$4,000,000 shall be used by the District of Columbia to supplement the per pupil facilities allocation to public charter schools in fiscal year 2003: Provided, That the per pupil facilities allocation to public charter schools shall not be less than $1,500.

ADMINISTRATIVE PROVISIONS

SEC. 6. CHARTER SCHOOL DEVELOPMENT. Section 603(e) of the Student Loan Marketing Association Reorganization Act of 1996 (Public Law 104–208; 110 Stat. 3009–293), as amended by section 153 of the District of Columbia Appropriations Act, 2000, is amended by inserting the following new paragraphs—

''(3) OFFICE OF CHARTER SCHOOL FINANCING AND SUPPORT.—

''(A) ESTABLISHMENT.—There is established within the District of Columbia, under the authority of the Department of Banking and Financial Institutions, an Office of Public Charter School Financing and Support.

''(B) FUNCTIONS.—The office shall have the following three functions—

''(i) CREDIT ENHANCEMENT FUND.—To administer the Credit Enhancement Fund for Public Charter Schools.

''(ii) DIRECT LOAN PROGRAM.—To administer the Direct Loan Program.

''(iii) OTHER.—evelop, implement and provide oversight for other public charter school financing programs and support services as requested by the Mayor and the Council of the District of Columbia.

''(C) CONTRACT AUTHORITY.—The functions described in sections (1), (2) and (3) may be provided by the Office of Public Charter School Financing and Support or under contract with a qualified provider.

''(4) CREDIT ENHANCEMENT FUND FOR PUBLIC CHARTER SCHOOLS.—

''(A) ADMINISTRATION OF PROGRAM.—The Credit Enhancement Fund for Charter Schools shall be administered by the Office of Charter School Financing and Support.

''(B) DISTRIBUTION OF AMOUNTS.—Of the amounts in the credit enhancement fund established under paragraph (2)(B)—

''(i) 50 percent shall be used to make grants under subparagraph (B); and

''(ii) 50 percent shall be used to make grants under subparagraph (C).

''(5) DIRECT LOAN FUND FOR CHARTER SCHOOL IMPROVEMENT.—

''(A) ESTABLISHMENT.—There is established a Direct Loan Fund for Charter School Improvement.

''(B) ADMINISTRATION OF PROGRAM.—The Direct Loan Fund for Charter School Improvement shall be administered by the Office of Charter School Financing and Support.

''(C) USE OF FUNDS.—Funds distributed under this paragraph shall be for construction, purchase, renovation, and maintenance of charter school facilities.

''(D) AMOUNT OF LOANS.—Loans distributed under this paragraph shall not exceed $2,000,000 per charter school.

''(E) INTEREST AND TERMS.—The Office of Charter School Financing and Support shall determine what interest rates and terms apply to loans granted under this part. In determining the rates and terms of a loan granted to a charter school, the Office of Charter School Financing and Support should do its best to provide low interest options and flexible terms.

''(F) ELIGIBLE ENTITY.—To be eligible for a loan under this paragraph, an applicant shall be—

''(i) A public charter school approved pursuant to the School Reform Act by the Chartering Authority of the District of Columbia.

''(ii) Meeting or exceeding its performance goals as outlined in its originating charter.

''(G) USE OF PER PUPIL FACILITIES ALLOWANCE IN REPAYMENT OF LOANS.—In repaying a loan granted under this paragraph, a debtor may use facility maintenance funds granted to them by the District of Columbia Public Schools.''.

SEC. 7. REPORT TO CONGRESS. No later than April 1, 2003, the Comptroller General shall prepare and submit to the Committees on Appropriations of the Senate and the House of Representatives, a detailed analysis of the national effort to establish adequate charter school facilities including a comparison to the efforts in the District of Columbia.

SEC. 8. SURPLUS BUILDINGS. The Mayor of the District of Columbia and the Chairman of the Council of the District of Columbia, in consultation with the General Services Administration, shall conduct an assessment of all buildings currently held in surplus and those that might be made available within one year of the date of enactment of this Act: Provided, That such assessment include a survey of the space available, a listing of appropriate uses, a listing of potential occupants, and the renovations or construction necessary to accommodate proposed uses: Provided further, That within 180 days of enactment, the Mayor shall report to the Committees on Appropriations of the Senate and the House of Representatives the findings of such assessment along with a plan for occupying at least 50 percent of the space available at the time such report is submitted: Provided further, That assignments of space included in this plan shall be in compliance with preferences outlined in the D.C. School Reform Act.

SEC. 9. INCENTIVES TO PROMOTE THE ADOPTION OF CHILDREN. The Mayor of the District of Columbia, in administering funds provided under the heading ''Federal Payment for Incentives for Adoption of Children'' in Public Law 106–113 (113 Stat. 1501), approved November 29, 1999, as modified by Public Law 107–96 (115 Stat. 924), approved December 21, 2001, shall establish and fulfill the following performance measures within nine months of the date of enactment of this Act: (i) the Chief Financial Officer of the District of Columbia shall certify that not less than 50 percent of the funds provided for attorney fees and home studies have been expended; (ii) the Mayor shall establish an outreach program to inform adoptive families and children without parents about the scholarship fund established with these funds; (iii) the Mayor shall establish the location, necessary personnel and mission of the adoptive family resource center in the District of Columbia; (iv) the Mayor shall identify not less than 25 percent of the eligible children in the District of Columbia foster care system with special needs and obligate not less than 25 percent of the funds provided in Public Law 106–113 (113 Stat. 1501) for adoption incentives and support for children with special needs: Provided, That the Mayor of the District of Columbia and the Chairman of the Council of the District of Columbia shall provide quarterly reports beginning on the date of enactment of this Act to the Committees on Appropriations of the Senate and the House of Representatives, detailing the expenditure of funds provided for the promotion of adoption and performance in actually promoting adoption; and (v) the Mayor and Child and Family Services Agency of the District of Columbia shall increase the number of waiting children listed in the Child and Family Services Agency of the District of Columbia adoption photo-listing by 75 percent.

SEC. 10. SPECIAL EDUCATION ACCOUNTABILITY. The Chief Financial Officer of the District of Columbia shall require attorneys in special education cases brought under the Individuals with Disabilities Act (IDEA) in the District of Columbia to certify in writing that the attorney or representative rendered any and all services for which they receive awards, including those received under a settlement agreement or as part of an administrative proceeding, under the IDEA from the District of Columbia: Provided, That as part of the certification, the Chief Financial Officer of the District of Columbia require all attorneys in IDEA cases to disclose any financial, corporate, legal, memberships on boards of directors, or other relationships with any special education diagnostic services, schools, or other special education service providers to which the attorneys have referred any clients as part of this certification: Provided further, That the Chief Financial Officer shall prepare and submit quarterly reports to the Committees on Appropriations of the Senate and the House of Representatives on the certification of and the amount paid by the government of the District of Columbia, including the District of Columbia Public Schools, to attorneys in cases brought under IDEA: Provided further, That the Inspector General of the District of Columbia may conduct investigations to determine the accuracy of the certifications.

DISTRICT OF COLUMBIA FUNDS

OPERATING EXPENSES

DIVISION OF EXPENSES

The following amounts are appropriated for the District of Columbia for the current fiscal year out of the general fund of the District of Columbia, except as otherwise specifically provided: Provided, That notwithstanding any other provision of law, except as provided in section 450A of the District of Columbia Home Rule Act and section 119 of this Act (Public Law 93–198; D.C. Official Code, sec. 1–204.50a), the total amount appropriated in this Act for operating expenses for the District of Columbia for fiscal year 2003 under this heading shall not exceed the lesser of the sum of the total revenues of the District of Columbia for such fiscal year or $6,433,359,000 (of which $3,783,948,000 shall be from local funds, $1,824,578,000 shall be from Federal funds, and $879,813,000 shall be from private and other funds) and $156,121,000 from intra-District funds: Provided further, That this amount may be increased by proceeds of one-time transactions, which are expended for emergency or unanticipated operating or capital needs: Provided further, That such increases shall be approved by enactment of local District law and shall comply with all reserve requirements contained in the District of Columbia Home Rule Act as amended by this Act: Provided further, That the Chief Financial Officer of the District of Columbia shall take such steps as are necessary to assure that the District of Columbia meets these requirements, including the apportioning by the Chief Financial Officer of the appropriations and funds made available to the District during fiscal year 2003, except that the Chief Financial Officer may not reprogram for operating expenses any funds derived from bonds, notes, or other obligations issued for capital projects.

GOVERNMENTAL DIRECTION AND SUPPORT

Governmental direction and support, $295,136,000 (including $225,234,000 from local funds, $51,554,000 from Federal funds, and $18,348,000 from other funds): Provided, That not to exceed $2,500 for the Mayor, $2,500 for the Chairman of the Council of the District of Columbia, and $2,500 for the City Administrator shall be available from this appropriation for official purposes, and $2,500 for the Office of the Chief Financial Officer: Provided further, That any program fees collected from the issuance of debt shall be available for the payment of expenses of the debt management program of the District of Columbia: Provided further, That no revenues from Federal sources shall be used to support the operations or activities of the Statehood Commission and Statehood Compact Commission: Provided further, That the District of Columbia shall identify the sources of funding for Admission to Statehood from its own locally-generated revenues: Provided further, That notwithstanding any other provision of law, or Mayor's Order 86–45, issued March 18, 1986, the Office of the Chief Technology Officer's delegated small purchase authority shall be $500,000: Provided further, That the District of Columbia government may not require the Office of the Chief Technology Officer to submit to any other procurement review process, or to obtain the approval of or be restricted in any manner by any official or employee of the District of Columbia government, for purchases that do not exceed $500,000: Provided further, That of all funds in the District of Columbia Antitrust Fund established pursuant to section 2 of the District of Columbia Antitrust Act of 1980, effective March 5, 1981 (D.C. Law 3–169; D.C. Official Code § 28–4516), an amount not to exceed $500,000, of all funds in the Antifraud Fund established pursuant to section 820 of the District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6–85; D.C. Official Code § 2–308.20), an amount not to exceed $100,000, and of all funds in the District of Columbia Consumer Protection Fund established pursuant to section 1402 of the District of Columbia Budget Support Act for Fiscal Year 2001, effective October 19, 2000 (D.C. Law 13–172; D.C. Official Code § 28–3911), an amount not to exceed $910,000, are hereby made available for the use of the Office of the Corporation Counsel of the District of Columbia until September 30, 2004, in accordance with the statutes that established these funds: Provided further, That $15,000,000, from funds appropriated earlier in this Act as a Federal Payment to the Chief Financial Officer of the District of Columbia, shall be administered by the Chief Financial Officer for education, security, economic development, and health initiatives in the District of Columbia.

ECONOMIC DEVELOPMENT AND REGULATION

Economic development and regulation, $258,539,000 (including $64,553,000 from local funds, $97,796,000 from Federal funds, and $96,190,000 from other funds), of which $15,000,000 collected by the District of Columbia in the form of BID tax revenue shall be paid to the respective BIDs pursuant to the Business Improvement Districts Act of 1996 (D.C. Law 11–134; D.C. Official Code, sec. 2–1215.01 et seq.), and the Business Improvement Districts Amendment Act of 1997 (D.C. Law 12–26; D.C. Official Code, sec. 2–1215.15 et seq.): Provided, That such funds are available for acquiring services provided by the General Services Administration: Provided further, That Business Improvement Districts shall be exempt from taxes levied by the District of Columbia: Provided further, That $725,400, of which no amount may be expended for administrative expenses, shall be available to Department of Employment Services when the Council Committee on Public Services approves

a spending plan prepared and submitted, by the agency, to the Committee on Public Services for its approval.

PUBLIC SAFETY AND JUSTICE

Public safety and justice, $639,892,000 (including $620,039,000 from local funds, $11,329,000 from Federal funds, and $8,524,000 from other funds): Provided, That not to exceed $500,000 shall be available from this appropriation for the Chief of Police for the prevention and detection of crime: Provided further, That not less than $240,000 shall be for the Corrections Information Council, established by section 11201(g) of the National Capital Revitalization and Self-Government Improvement Act of 1997, approved August 5, 1997 (111 Stat. 736; D.C. Official Code, sec. 24–101(h)), to support its operations and perform its duties; not less than $169,000 shall be for the Criminal Justice Coordinating Council, established by the Criminal Justice Coordinating Council for the District of Columbia Establishment Act of 2001, effective October 3, 2001 (D.C. Law 14–28; D.C. Official Code, sec. 22–4231 et seq.), to support its operations and perform its duties: Provided further, That the Mayor shall reimburse the District of Columbia National Guard for expenses incurred in connection with services that are performed in emergencies by the National Guard in a militia status and are requested by the Mayor, in amounts that shall be jointly determined and certified as due and payable for these services by the Mayor and the Commanding General of the District of Columbia National Guard: Provided further, That such sums as may be necessary for reimbursement to the District of Columbia National Guard under the preceding proviso shall be available from this appropriation, and the availability of the sums shall be deemed as constituting payment in advance for emergency services involved.

PUBLIC EDUCATION SYSTEM

(INCLUDING TRANSFER OF FUNDS)

Public education system, including the development of national defense education programs, $1,220,201,000 (including $980,206,000 from local funds, $208,870,000 from Federal funds, $31,525,000 from other funds), and an additional amount, not to exceed $27,000,000, which may be transferred from the Medicaid and Special Education Reform Fund, established by the Medicaid and Special Education Reform Fund Establishment Act of 2002, approved by the Council of the District of Columbia on 1st reading on May 7, 2002 (Bill 14–609): to be allocated as follows:

(1) PUBLIC SCHOOLS FOR THE DISTRICT OF COLUMBIA.—$903,157,000 (including $743,715,000 from local funds, $147,800,000 from Federal funds, $11,642,000 from other funds, for the public schools of the District of Columbia), and an additional amount, not to exceed $27,000,000 in local funds, which may be transferred from the Medicaid and Special Education Reform Fund, established by the Medicaid and Special Education Reform Fund Establishment Act of 2002, approved by the Council of the District of Columbia on 1st reading on May 7, 2002 (Bill 14–609): Provided, That notwithstanding any other provision of law, rule, or regulation, the evaluation process and instruments for evaluating District of Columbia Public School employees shall be a non-negotiable item for collective bargaining purposes: Provided further, That this appropriation shall not be available to subsidize the education of any nonresident of the District of Columbia at any District of Columbia public elementary and secondary school during fiscal year 2003 unless the nonresident pays tuition to the District of Columbia at a rate that covers 100 percent of the costs incurred by the District of Columbia which are attributable to the education of the nonresident (as established by the Superintendent of the District of Columbia Public Schools): Provided further, That notwithstanding the amounts otherwise provided under this heading or any other provision of law, there shall be appropriated to the District of Columbia Public Schools on July 1, 2003, an amount equal to 10 percent of the total amount provided for the District of Columbia Public Schools in the proposed budget of the District of Columbia for fiscal year 2004 (as submitted to Congress), and the amount of such payment shall be chargeable against the final amount provided for the District of Columbia Public Schools under the District of Columbia Appropriations Act, 2004: Provided further, That the District of Columbia Public Schools shall not spend less than $496,000,000 in the ''Schools'' responsibility centers, including 5100 (Elementary Schools), 6300 (Middle/Junior High Schools), 7100 (Senior High Schools), and 7700 (Charter and Private Schools): Provided further, That $16,800,000 shall be for negotiated teacher wage increases.

(2) THE STATE EDUCATION OFFICE.—$49,687,000 (including $22,594,000 from local funds, $26,917,000 from Federal funds, $176,000 from other funds), shall be available for the State Education Office: Provided, That of the amounts provided to the State Education Office, $500,000 from local funds shall remain available until June 30, 2004 for an audit of the student enrollment of each District of Columbia Public School and of each public charter school.

(3) THE DISTRICT OF COLUMBIA PUBLIC CHARTER SCHOOLS.—$132,865,000 from local funds shall be available for public charter schools: Provided, That there shall be quarterly disbursement of funds to the District of Columbia public charter schools, with the first payment to occur within 15 days of the beginning of each fiscal year: Provided further, That if the entirety of this allocation has not been provided as payments to any public charter school currently in operation through the per pupil funding formula, the funds shall be available in accordance with the School Reform Act of 1995 (Public Law 105–100, sec. 172; D.C. Official Code, sec. 38–1804.03(b)(2)): Provided further, That of the amounts made available to public charter schools, $25,000 shall be made available to the Office of the Chief Financial Officer as authorized by D.C. Official Code, sec. 38–1804.03(b)(6): Provided further, That $589,000 of this amount shall be available to the District of Columbia Public Charter School Board for administrative costs: Provided further, That notwithstanding the amounts otherwise provided under this heading or any other provision of law, there shall be appropriated to the District of Columbia public charter schools on July 1, 2003, an amount equal to 25 percent of the total amount provided for payments to public charter schools in the proposed budget of the District of Columbia for fiscal year 2004 (as submitted to Congress), and the amount of such payment shall be chargeable against the final amount provided for such payments under the District of Columbia Appropriations Act, 2004.

(4) THE UNIVERSITY OF THE DISTRICT OF COLUMBIA.—$83,990,000 (including $52,272,000 from local funds, $12,668,000 from Federal funds, and $19,050,000 from other funds) shall be available for the University of the District of Columbia: Provided, That this appropriation shall not be available to subsidize the education of nonresidents of the District of Columbia at the University of the District of Columbia, unless the Board of Trustees of the University of the District of Columbia adopts, for the fiscal year ending September 30, 2003, a tuition rate schedule that will establish the tuition rate for nonresident students at a level no lower than the nonresident tuition rate charged at comparable public institutions of higher education in the metropolitan area: Provided further, That notwithstanding the amounts otherwise provided under this heading or any other provision of law, there shall be appropriated to the University of the District of Columbia on July 1, 2003, an amount equal to 10 percent of the total amount provided for the University of the District of Columbia in the proposed budget of the District of Columbia for fiscal year 2004 (as submitted to Congress), and the amount of such payment shall be chargeable against the final amount provided for the University of the District of Columbia under the District of Columbia Appropriations Act, 2004: Provided further, That not to exceed $2,500 for the President of the University of the District of Columbia shall be available from this appropriation for official purposes.

(5) THE DISTRICT OF COLUMBIA PUBLIC LIBRARY.—$28,150,000 (including $27,003,000 from local funds, $610,000 from Federal funds and $537,000 other funds) shall be available for the Public Library: Provided, That not to exceed $2,000 for the Public Librarian shall be available from this appropriation for official purposes.

(6) THE COMMISSION ON THE ARTS AND HUMANITIES.—$2,352,000 (including $1,757,000 from local funds, $475,000 from Federal funds and $120,000 from other funds) shall be available for the Commission on the Arts and Humanities.

(7) CHARTER SCHOOL FACILITIES.—$20,000,000, from funds appropriated earlier in this Act as a Federal Payment, to remain available until expended, for development of Charter School facilities in the District of Columbia.

ADMINISTRATIVE PROVISION

SEC. 11. CHARTER SCHOOL FUND. The School Reform Act of 1995, approved November 19, 1997 (Public Law 105–100, sec. 172; 111 Stat. 2191; D.C. Official Code, sec. 38–1804.03(b)), is amended to read as follows:

''(b) PAYMENTS TO CHARTER SCHOOLS.—

''(1) ESTABLISHMENT OF FUND.—The fund previously established in the general fund of the District of Columbia known as the 'New Charter School Fund' shall now be known as the 'Charter School Fund'.

''(2) CONTENTS OF FUND.—The Charter School Fund shall consist of:

''(A) unexpended and unobligated amounts appropriated from local funds for public charter schools for each fiscal year that reverted to the general fund of the District of Columbia: Provided, That the amount of funds deposited shall not be an amount greater than is necessary to reach a balance of $10,000,000 from the fiscal year 2002 appropriation, and $5,000,000 from fiscal year 2003 and succeeding years appropriation; and

''(B) any interest earned on such amounts, to carry out the purposes described in paragraph (3) of this subsection.

''(3) PURPOSES OF FUND.—The Charter School Fund shall be used to carry out the activities to assist public charter schools in the District of Columbia in providing funding in such cases where the total audited enrollment, including enrollment in special needs categories, exceeds that of the student enrollment on which the annual appropriation is based in that fiscal year.

''(4) EXPENDITURES FROM FUND.—

''(A) EXPENDITURES FROM THE FUND FOR ENROLLMENT IN EXCESS OF ANNUAL PUBLIC CHARTER SCHOOL PROJECTIONS.—Funds shall be available from the Charter School Fund for any public charter school operating in that fiscal year, in such cases where the total audited enrollment, including enrollment in special needs categories, exceeds that of the student enrollment on which the annual appropriation is based in that fiscal year.

''(B) FORM OF PAYMENT.—Payments under this subsection shall be made by electronic funds transfer from the Charter School Fund to a bank designated by a public charter school.

''(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Chief Financial Officer of the District of Columbia such sums as may be necessary to carry out the purposes of this subsection for each fiscal year.''.

HUMAN SUPPORT SERVICES

(INCLUDING TRANSFER OF FUNDS)

Human support services, $2,500,297,000 (including $1,069,630,000 from local funds,

$1,377,680,000 from Federal funds, and $52,987,000 from other funds): Provided, That an additional amount of $23,867,000 from funds appropriated in this Act under the heading ''Tobacco Settlement Trust Fund Transfer Payment'', which may be transferred from the Medicaid and Special Education Reform Fund, established by the Medicaid and Special Education Reform Fund Establishment Act of 2002, approved by the Council of the District of Columbia on 1st reading on May 7, 2002 (Bill 14–609), of which, not to exceed, $7,072,000 for Child and Family Services, $5,795,000 for the Department of Human Services, and $1,000,000 for the Department of Health: Provided further, That $49,867,000, to remain available until expended, shall be deposited in the Medicaid and Special Education Reform Fund for the purpose of ensuring there are adequate resources available to support Medicaid costs and revenue shortfalls: Provided further, That $27,959,000, to remain available until expended, shall be available solely for District of Columbia employees' disability compensation: Provided further, That $7,000,000, to remain available until expended, shall be deposited in the Addiction Recovery Fund, established pursuant to section 5 of the Choice in Drug Treatment Act of 2000, effective July 8, 2000 (D.C. Law 13–146; D.C. Official Code, sec. 7–3004), and used exclusively for the purpose of the Drug Treatment Choice Program, established pursuant to section 4 of the Choice in Drug Treatment Act of 2000 (D.C. Law 13–146; D.C. Official Code, sec. 7–3003): Provided further, That no less than $2,000,000 shall be available exclusively for the purpose of funding the pilot substance abuse program for youths 16 through 21 years of age established by section 4212 of the Pilot Substance Abuse Program for Youth Act of 2001, effective October 3, 2001 (D.C. Law 14–28; D.C. Official Code, sec. 7–3101): Provided further, That $7,309,000 of this appropriation, to remain available until expended, shall be deposited in the Interim Disability Assistance Fund to be used exclusively for the Interim Disability Assistance program established by section 201 of the District of Columbia Public Assistance Act of 1982, effective April 6, 1982 (D.C. Law 4–101; D.C. Official Code, sec. 4–202.01), and the purposes for that program set forth in section 407 of the District of Columbia Public Assistance Act of 1982, effective April 3, 2001 (D.C. Law 13–252; D.C. Official Code, sec. 4–204.07): Provided further, That no less than $500,000 shall be available exclusively for the Mobile Crisis Intervention Program for Kids: Provided further, That the paragraph under the heading ''Human Support Services'' in Public Law 107–96, approved December 21, 2001, is amended to add the following: '': Provided further, That $2,468,000 shall remain available until expended for Interim Disability Assistance'': Provided further, That $4,000,000, from funds previously appropriated in this Act as a Federal Payment for Family Literacy, shall be used for the Family Literacy Program in the District of Columbia.

PUBLIC WORKS

Public works, including rental of one passenger-carrying vehicle for use by the Mayor and three passenger-carrying vehicles for use by the Council of the District of Columbia and leasing of passenger-carrying vehicles, $324,828,000 (including $309,834,000 from local funds, $4,669,000 from Federal funds, and $10,325,000 from other funds): Provided, That this appropriation shall not be available for collecting ashes or miscellaneous refuse from hotels and places of business.

WORKFORCE INVESTMENTS

For workforce investments, $54,186,000 from local funds, to be transferred by the Mayor of the District of Columbia within the various appropriation headings in this Act for which employees are properly payable.

RESERVE

For replacement of funds expended, if any, during fiscal year 2002 from the Reserve established by section 202(j) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, Public Law 104–8, $70,000,000 from local funds.

EMERGENCY AND CONTINGENCY RESERVE FUNDS

For the Emergency and Contingency Reserve Funds established under section 450A(b) of the District of Columbia Home Rule Act (Public Law 93–198; D.C. Official Code, sec. 1–204.50a(b)), the Mayor may deposit from local funds the proceeds required to maintain balance requirements pursuant to section 159(a) of Public Law 106–522 and section 404(c) of Public Law 106–554.

REPAYMENT OF LOANS AND INTEREST

For payment of principal, interest, and certain fees directly resulting from borrowing by the District of Columbia to fund District of Columbia capital projects as authorized by sections 462, 475, and 490 of the District of Columbia Home Rule Act (Public Law 93–198; D.C. Official Code, secs. 1–204.62, 1–204.75, 1–204.90), $267,451,000 from local funds: Provided, That for equipment leases, the Mayor may finance $14,300,000 of equipment cost, plus cost of issuance not to exceed 2 percent of the par amount being financed on a lease purchase basis with a maturity not to exceed 5 years.

REPAYMENT OF GENERAL FUND RECOVERY DEBT

For the purpose of eliminating the $331,589,000 general fund accumulated deficit as of September 30, 1990, $39,300,000 from local funds, as authorized by section 461(a) of the District of Columbia Home Rule Act, (105 Stat. 540; D.C. Official Code, sec. 1–204.61(a)).

PAYMENT OF INTEREST ON SHORT-TERM BORROWING

For payment of interest on short-term borrowing, $1,000,000 from local funds.

WILSON BUILDING

For expenses associated with the John A. Wilson Building, $4,194,000 from local funds.

NON-DEPARTMENTAL AGENCY

To account for anticipated costs that cannot be allocated to specific agencies during the development of the proposed budget including anticipated employee health insurance cost increases and contract security costs, $5,799,000 from local funds.

CERTIFICATES OF PARTICIPATION

For principal and interest payments on the District's Certificates of Participation, issued to finance the ground lease underlying the building located at One Judiciary Square $7,950,000 from local funds.

SETTLEMENTS AND JUDGMENTS

For making refunds and for the payment of legal settlements or judgments that have been entered against the District of Columbia government $22,822,000: Provided, That this appropriation shall not be construed as modifying or affecting the provisions of section 103 of this Act.

TOBACCO SETTLEMENT TRUST FUND TRANSFER PAYMENT

Subject to the issuance of bonds to pay the purchase price of the District of Columbia's right, title, and interest in and to the Master Settlement Agreement, and consistent with the Tobacco Settlement Trust Fund Amendment Act of 2000, effective October 20, 1999 (D.C. Law 13–38; D.C. Official Code sec. 7–1811.01 et. seq), there is transferred the amount available pursuant thereto, but not to exceed $50,867,000 to the Tobacco Settlement Trust Fund established pursuant to section 2302 of the Tobacco Settlement Trust Fund Establishment Act of 1999 (D.C. Official Code, sec. 7–1811.01) and the Tobacco Settlement Financing Act of 2000, effective October 19, 2000 (D.C. Law 13–172; D.C. Official Code, sec. 7–1831.03 et seq.): Provided, That no more than $27,000,000 is authorized to be transferred to the Public Education System: Provided further, That no more than $23,867,000 is authorized to be transferred to Human Support Services: Provided further, that $50,867,000 shall remain available until expended: Provided further, That such transfers are subject to local law.

EMERGENCY PREPAREDNESS

For necessary expenses, as determined by the Mayor of the District of Columbia in written consultation with the elected county or city officials of surrounding jurisdictions, $15,000,000, from funds appropriated earlier in this Act as a Federal Payment, to remain available until expended, to reimburse the District of Columbia for the costs of public safety expenses related to security events in the District of Columbia and for the costs of providing support to respond to immediate and specific terrorist threats or attacks in the District of Columbia or surrounding jurisdictions: Provided, That the Chief Financial Officer of the District of Columbia shall provide a report, within 15 days of an expenditure, to the President and to the Committees on Appropriations of the Senate and the House of Representatives, detailing any expenditure of these funds for public safety purposes.

PAY-AS-YOU-GO CAPITAL

For Pay-As-You-Go Capital funds in lieu of capital financing, $16,750,000, to be transferred to the Capital Fund, subject to the ''Criteria for Spending Pay-as-You-Go Funding Amendment Act of 2002, approved by the Council of the District of Columbia on 1st reading, May 7, 2002 (Title 34 of Bill 14–609). Pursuant to that Act, there are authorized to be transferred from Pay-As-You-Go Capital funds to other headings of this Act, as necessary to carry out the purposes of that Act.

CAPITAL INFRASTRUCTURE DEVELOPMENT

For improvement of city-wide capital infrastructure in the District of Columbia, $13,100,000, from funds appropriated earlier in this Act as a Federal payment, of which $10,000,000 shall be for construction of interoperable communications infrastructure in the Unified Communications Center; $100,000 shall be for capital improvements of Eastern Market; $3,000,000 shall be to begin the design and construction of a state-of-the-art forensics laboratory.

ADMINISTRATIVE PROVISIONS

SEC. 12. CHARTER SCHOOL FUND TRANSFER. Notwithstanding any other provision of law, $5,000,000 from the New Charter School Fund (renamed by this Act, ''Charter School Fund''), established pursuant to the School Reform Act of 1995 (Public Law 105–100, sec. 172; 111 Stat. 2191, 2192, 2193; D.C. Official Code, sec. 38–1804.03(b)), shall be deposited, not later than January 1, 2003, into the credit enhancement revolving fund, established pursuant to the Student Loan Marketing Association Reorganization Act of 1996 (Public Law 104–208; 110 Stat. 3009–293, as amended by Public Law 107–96, Fiscal Year 2002 District of Columbia Appropriations Act).

SEC. 13. REPROGRAMMING DURING FISCAL YEAR THAT IS NOT A CONTROL YEAR. Section 47–363(a–1) of the District of Columbia Official Code is amended by adding new paragraphs (3), (4), and (5) to read as follows:

''(3)(A) After the adoption of the annual budget for a fiscal year that is not a control year, no reprogramming of amounts in the budget may occur unless:

''(i) The Mayor submits a request for such reprogramming to the Chief Financial Officer of the District of Columbia;

''(ii) The Chief Financial Officer transmits to the Council a statement certifying the availability of the funds for such reprogramming and containing an analysis of the effect of the proposed reprogramming on the financial plan and budget for the fiscal year; and

''(iii) The Council approves the request after receiving the statement described in sub-subparagraph (ii) of this subparagraph from the Chief Financial Officer.

''(B) If the Chief Financial Officer does not transmit to the Council the statement described in subparagraph (A)(ii) of this paragraph during the 15-day period, which begins on the date the Chief Financial Officer receives the request for reprogramming from the Mayor, the Chief Financial Officer shall be deemed to have transmitted the statement to the Council. With written notice to the Mayor and Council, the Chief Financial Officer may extend the time period to transmit the statement and analysis to the Council, not to exceed 10 additional days.

''(4) After the adoption of the annual budget for a fiscal year that is a non-control year, no reprogramming of amounts in the budget may occur unless the Mayor submits to the Council a request for such reprogramming and the Council approves the request, but only if any additional expenditures provided under such request for an activity are offset by reductions in expenditures for another activity.

''(5) For the purposes of this subsection, the term control year has the meaning given such term in section 305(4) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, approved April 17, 1995 (109 Stat. 152; D.C. Official Code, sec. 47–393(4)).''.

SEC. 14. COLLECTIVE BARGAINING REPRESENTATION. From the funds appropriated under this act, any agency of the District government may transfer to the Office of Labor Relations and Collective Bargaining (OLRCB) such amounts as may be necessary to pay for representation by OLRCB in third-party cases, grievances, and dispute resolution, pursuant to an intra-District agreement with OLRCB. These amounts shall be available for use by OLRCB to reimburse the cost of providing the representation.

ENTERPRISE AND OTHER FUNDS

WATER AND SEWER AUTHORITY

For operation of the Water and Sewer Authority, $253,743,000 from other funds of which $18,093,000 shall be apportioned for repayment to the District's debt service fund for repayment of loans and interest incurred on capital improvement projects.

For construction projects, $342,458,000, in the following capital programs: $213,669,000 for the Blue Plains Wastewater Treatment Plant, $24,539,000 for the sewer program, $56,561,000 for the combined sewer program, of which $50,000,000 is from funds appropriated earlier in this Act as a Federal Payment for Anacostia Waterfront Initiative, $5,635,000 for the stormwater program, $34,054,000 for the water program, $8,000,000 for the capital equipment program: Provided, That the requirements and restrictions that are applicable to general fund capital improvements projects and set forth in this Act under the Capital Outlay appropriation account shall apply to projects approved under this appropriation account.

WASHINGTON AQUEDUCT

For operation of the Washington Aqueduct, $57,847,000 from other funds.

STORMWATER PERMIT COMPLIANCE ENTERPRISE FUND

For operation of the Stormwater Permit Compliance Enterprise Fund, $3,100,000 from other funds.

LOTTERY AND CHARITABLE GAMES ENTERPRISE FUND

For the Lottery and Charitable Games Enterprise Fund, established by the District of Columbia Appropriation Act, 1982 (95 Stat. 1174, 1175; Public Law 97–91), for the purpose of implementing the Law to Legalize Lotteries, Daily Numbers Games, and Bingo and Raffles for Charitable Purposes in the District of Columbia (D.C. Law 3–172; D.C. Official Code, sec. 3–1301 et seq. and sec. 22–1716 et seq.), $232,881,000: Provided, That the District of Columbia shall identify the source of funding for this appropriation title from the District's own locally generated revenues: Provided further, That no revenues from Federal sources shall be used to support the operations or activities of the Lottery and Charitable Games Control Board.

SPORTS AND ENTERTAINMENT COMMISSION

For the Sports and Entertainment Commission, $20,510,000, of which $15,510,000 is from other funds and $5,000,000 is from funds appropriated earlier in this Act as a Federal Payment for Anacostia Waterfront Initiative.

DISTRICT OF COLUMBIA RETIREMENT BOARD

For the District of Columbia Retirement Board, established by section 121 of the District of Columbia Retirement Reform Act of 1979 (93 Stat. 866; D.C. Official Code, sec. 1–711), $13,388,000 from the earnings of the applicable retirement funds to pay legal, management, investment, and other fees and administrative expenses of the District of Columbia Retirement Board: Provided, That the District of Columbia Retirement Board shall provide to the Congress and to the Council of the District of Columbia a quarterly report of the allocations of charges by fund and of expenditures of all funds: Provided further, That the District of Columbia Retirement Board shall provide the Mayor, for transmittal to the Council of the District of Columbia, an itemized accounting of the planned use of appropriated funds in time for each annual budget submission and the actual use of such funds in time for each annual audited financial report.

WASHINGTON CONVENTION CENTER ENTERPRISE FUND

For the Washington Convention Center Enterprise Fund, $78,700,000 from other funds.

NATIONAL CAPITAL REVITALIZATION CORPORATION

For the National Capital Revitalization Corporation, $6,745,000 from other funds.

CAPITAL OUTLAY

(INCLUDING RESCISSIONS)

For construction projects, an increase of $1,235,518,908 of which $253,991,128 shall be from a rescission from local funds appropriated under this heading in prior fiscal years, for a net amount of $981,527,780 to remain available until expended: Provided, That funds for use of each capital project implementing agency shall be managed and controlled in accordance with all procedures and limitations established under the Financial Management System: Provided further, That all funds provided by this appropriation title shall be available only for the specific projects and purposes intended: Provided further, That the District of Columbia Public Libraries shall allocate capital funds, from existing resources, in fiscal year 2003 for the planning and design of a new Francis Gregory Public Library.

GENERAL PROVISIONS

SEC. 101. Whenever in this Act, an amount is specified within an appropriation for particular purposes or objects of expenditure, such amount, unless otherwise specified, shall be considered as the maximum amount that may be expended for said purpose or object rather than an amount set apart exclusively therefor.

SEC. 102. Appropriations in this Act shall be available for expenses of travel and for the payment of dues of organizations concerned with the work of the District of Columbia government, when authorized by the Mayor: Provided, That in the case of the Council of the District of Columbia, funds may be expended with the authorization of the chair of the Council.

SEC. 103. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making refunds and for the payment of legal settlements or judgments that have been entered against the District of Columbia government: Provided, That nothing contained in this section shall be construed as modifying or affecting the provisions of section 11(c)(3) of title XII of the District of Columbia Income and Franchise Tax Act of 1947 (70 Stat. 78; Public Law 84–460; D.C. Code, sec. 47–1812.11(c)(3)).

SEC. 104. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 105. No funds appropriated in this Act for the District of Columbia government for the operation of educational institutions, the compensation of personnel, or for other educational purposes may be used to permit, encourage, facilitate, or further partisan political activities. Nothing herein is intended to prohibit the availability of school buildings for the use of any community or partisan political group during non-school hours.

SEC. 106. None of the funds appropriated in this Act shall be made available to pay the salary of any employee of the District of Columbia government whose name, title, grade, and salary are not available for inspection by the House and Senate Committees on Appropriations, the House Committee on Government Reform, the Senate Committee on Governmental Affairs, and the Council of the District of Columbia, or their duly authorized representative.

SEC. 107. (a) Except as provided in subsection (b), no part of this appropriation shall be used for publicity or propaganda purposes or implementation of any policy including boycott designed to support or defeat legislation pending before Congress or any State legislature.

(b) The District of Columbia may use local funds provided in this Act to carry out lobbying activities on any matter other than—

(1) the promotion or support of any boycott; or

(2) statehood for the District of Columbia or voting representation in Congress for the District of Columbia.

(c) Nothing in this section may be construed to prohibit any elected official from advocating with respect to any of the issues referred to in subsection (b).

SEC. 108. At the start of the fiscal year, the Mayor shall develop an annual plan, by quarter and by project, for capital outlay borrowings: Provided, That within a reasonable time after the close of each quarter, the Mayor shall report to the Council of the District of Columbia and the Congress the actual borrowings and spending progress compared with projections.

SEC. 109. (a) None of the funds provided under this Act to the agencies funded by this Act, both Federal and District government agencies, that remain available for obligation or expenditure in fiscal year 2003, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for an agency through a reprogramming of funds which: (1) creates new programs; (2) eliminates a program, project, or responsibility center; (3) establishes or changes allocations specifically denied, limited or increased by Congress in this Act; (4) increases funds or personnel by any means for any program, project, or responsibility center for which funds have been denied or restricted; (5) reestablishes through reprogramming any program or project previously deferred through reprogramming; (6) augments existing programs, projects, or responsibility centers through a reprogramming of funds in excess of $1,000,000 or 10 percent, whichever is less; or (7) increases by 20 percent or more personnel assigned to a specific program, project or responsibility center; unless the Committees on Appropriations of both the Senate and House of Representatives are notified in writing 30 days in advance of any reprogramming as set forth in this section.

(b) None of the local funds contained in this Act may be available for obligation or expenditure for an agency through a transfer of any

local funds from one appropriation heading to another unless the Committees on Appropriations of the Senate and House of Representatives are notified in writing 30 days in advance of the transfer, except that in no event may the amount of any funds transferred exceed four percent of the local funds in the appropriation.

SEC. 110. Consistent with the provisions of 31 U.S.C. 1301(a), appropriations under this Act shall be applied only to the objects for which the appropriations were made except as otherwise provided by law.

SEC. 111. Notwithstanding any other provisions of law, the provisions of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (D.C. Law 2–139; D.C. Official Code, sec. 1–601.01 et seq.), enacted pursuant to section 422(3) of the District of Columbia Home Rule Act (87 Stat. 790; Public Law 93–198; D.C. Official Code, sec. 1–204.22(3)), shall apply with respect to the compensation of District of Columbia employees: Provided, That for pay purposes, employees of the District of Columbia government shall not be subject to the provisions of title 5, United States Code.

SEC. 112. No later than 30 days after the end of the first quarter of the fiscal year ending September 30, 2003, the Mayor of the District of Columbia shall submit to the Council of the District of Columbia the new fiscal year 2003 revenue estimates as of the end of the first quarter of fiscal year 2003. These estimates shall be used in the budget request for the fiscal year ending September 30, 2004. The officially revised estimates at midyear shall be used for the midyear report.

SEC. 113. No sole source contract with the District of Columbia government or any agency thereof may be renewed or extended without opening that contract to the competitive bidding process as set forth in section 303 of the District of Columbia Procurement Practices Act of 1985 (D.C. Law 6–85; D.C. Code, sec. 2–303.03), except that the District of Columbia government or any agency thereof may renew or extend sole source contracts for which competition is not feasible or practical: Provided, That the determination as to whether to invoke the competitive bidding process has been made in accordance with duly promulgated rules and procedures and said determination has been reviewed and certified by the Chief Financial Officer of the District of Columbia.

SEC. 114. (a) In the event a sequestration order is issued pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 (99 Stat. 1037; Public Law 99–177), after the amounts appropriated to the District of Columbia for the fiscal year involved have been paid to the District of Columbia, the Mayor of the District of Columbia shall pay to the Secretary of the Treasury, within 15 days after receipt of a request therefor from the Secretary of the Treasury, such amounts as are sequestered by the order: Provided, That the sequestration percentage specified in the order shall be applied proportionately to each of the Federal appropriation accounts in this Act that are not specifically exempted from sequestration by such Act.

(b) For purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (99 Stat. 1037; Public Law 99–177), the term ''program, project, and activity'' shall be synonymous with and refer specifically to each account appropriating Federal funds in this Act, and any sequestration order shall be applied to each of the accounts rather than to the aggregate total of those accounts: Provided, That sequestration orders shall not be applied to any account that is specifically exempted from sequestration by the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 115. (a) IN GENERAL.—(1) An entity of the District of Columbia government may accept and use a gift or donation during fiscal year 2003 and any subsequent fiscal year if—

(A) the Mayor approves the acceptance and use of the gift or donation (except as provided in paragraph (2)); and

(B) the entity uses the gift or donation to carry out its authorized functions or duties.

(2) The Council of the District of Columbia and the District of Columbia courts may accept and use gifts without prior approval by the Mayor.

(b) Each entity of the District of Columbia government shall keep accurate and detailed records of the acceptance and use of any gift or donation under subsection (a), and shall make such records available for audit and public inspection.

(c) For the purposes of this section, the term ''entity of the District of Columbia government'' includes an independent agency of the District of Columbia.

(d) This section shall not apply to the District of Columbia Board of Education, which may, pursuant to the laws and regulations of the District of Columbia, accept and use gifts to the public schools without prior approval by the Mayor.

SEC. 116. None of the Federal funds provided in this Act may be used by the District of Columbia to provide for salaries, expenses, or other costs associated with the offices of United States Senator or United States Representative under section 4(d) of the District of Columbia Statehood Constitutional Convention Initiatives of 1979 (D.C. Law 3–171; D.C. Official Code, sec. 1–123).

SEC. 117. None of the funds appropriated under this Act shall be expended for any abortion except where the life of the mother would be endangered if the fetus were carried to term or where the pregnancy is the result of an act of rape or incest.

SEC. 118. None of the Federal funds made available in this Act may be used to implement or enforce the Health Care Benefits Expansion Act of 1992 (D.C. Law 9–114; D.C. Official Code, sec. 32–701 et seq.) or to otherwise implement or enforce any system of registration of unmarried, cohabiting couples, including but not limited to registration for the purpose of extending employment, health, or governmental benefits to such couples on the same basis that such benefits are extended to legally married couples.

SEC. 119. (a) Notwithstanding any other provision of this Act, the Mayor, in consultation with the Chief Financial Officer may accept, obligate, and expend Federal, private, and other grants received by the District government that are not reflected in the amounts appropriated in this Act.

(b) No such Federal, private, or other grant may be accepted, obligated, or expended pursuant to subsection (a) until—

(1) the Chief Financial Officer of the District of Columbia submits to the Council a report setting forth detailed information regarding such grant; and

(2) the Council within 15 calendar days after receipt of the report submitted under paragraph (1) has reviewed and approved the acceptance, obligation, and expenditure of such grant.

(c) No amount may be obligated or expended from the general fund or other funds of the District government in anticipation of the approval or receipt of a grant under subsection (b)(2) or in anticipation of the approval or receipt of a Federal, private, or other grant not subject to this subsection.

(d) The Chief Financial Officer of the District of Columbia shall prepare a quarterly report setting forth detailed information regarding all Federal, private, and other grants subject to this section. Each such report shall be submitted to the Council of the District of Columbia, and to the Committees on Appropriations of the House of Representatives and the Senate, not later than 15 days after the end of the quarter covered by the report.

SEC. 120. (a) Except as otherwise provided in this section, none of the funds made available by this Act or by any other Act may be used to provide any officer or employee of the District of Columbia with an official vehicle unless the officer or employee uses the vehicle only in the performance of the officer's or employee's official duties. For purposes of this paragraph, the term ''official duties'' does not include travel between the officer's or employee's residence and workplace, except in the case of—

(1) in the case of an officer or employee of the Metropolitan Police Department who resides in the District of Columbia or is otherwise designated by the Chief of the Department;

(2) at the discretion of the Fire Chief, an officer or employee of the District of Columbia Fire and Emergency Medical Services Department who resides in the District of Columbia and is on call 24 hours a day;

(3) the Mayor of the District of Columbia; and

(4) the Chairman of the Council of the District of Columbia).

(b) The Chief Financial Officer of the District of Columbia shall submit, by February 15, 2003, an inventory, as of September 30, 2002, of all vehicles owned, leased or operated by the District of Columbia government. The inventory shall include, but not be limited to, the department to which the vehicle is assigned; the year and make of the vehicle; the acquisition date and cost; the general condition of the vehicle; annual operating and maintenance costs; current mileage; and whether the vehicle is allowed to be taken home by a District officer or employee and if so, the officer or employee's title and resident location.

(c) No officer or employee of the District of Columbia government (including any independent agency of the District but excluding the Office of the Chief Technology Officer, the Chief Financial Officer of the District of Columbia, and the Metropolitan Police Department) may enter into an agreement in excess of $2,500 for the procurement of goods or services on behalf of any entity of the District government until the officer or employee has conducted an analysis of how the procurement of the goods and services involved under the applicable regulations and procedures of the District government would differ from the procurement of the goods and services involved under the Federal supply schedule and other applicable regulations and procedures of the General Services Administration, including an analysis of any differences in the costs to be incurred and the time required to obtain the goods or services.

SEC. 121. Notwithstanding any other provision of law, not later than 120 days after the date that a District of Columbia Public Schools (DCPS) student is referred for evaluation or assessment—

(1) the District of Columbia Board of Education, or its successor, and DCPS shall assess or evaluate a student who may have a disability and who may require special education services; and

(2) if a student is classified as having a disability, as defined in section 101(a)(1) of the Individuals with Disabilities Education Act (84 Stat. 175; 20 U.S.C. 1401(a)(1)) or in section 7(8) of the Rehabilitation Act of 1973 (87 Stat. 359; 29 U.S.C. 706(8)), the Board and DCPS shall place that student in an appropriate program of special education services.

SEC. 122. (a) No funds appropriated in this Act may be made available to any person or entity that violates the Buy American Act (41 U.S.C. 10a–10c).

(b)(1) In the case of any equipment or product that may be authorized to be purchased with financial assistance provided using funds made available in this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products to the greatest extent practicable.

(2) In providing financial assistance using funds made available in this Act, the head of each agency of the Federal or District of Columbia government shall provide to each recipient

of the assistance a notice describing the statement made in paragraph (1) by the Congress.

(c) If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a ''Made in America'' inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 123. None of the funds contained in this Act may be used for purposes of the annual independent audit of the District of Columbia government for fiscal year 2003 unless—

(1) the audit is conducted by the Inspector General of the District of Columbia, in coordination with the Chief Financial Officer of the District of Columbia, pursuant to section 208(a)(4) of the District of Columbia Procurement Practices Act of 1985 (D.C. Official Code, sec. 2–302.8); and

(2) the audit includes as a basic financial statement a comparison of audited actual year-end results with the revenues submitted in the budget document for such year and the appropriations enacted into law for such year using the format, terminology, and classifications contained in the law making the appropriations for the year and its legislative history.

SEC. 124. None of the funds contained in this Act may be used by the District of Columbia Corporation Counsel or any other officer or entity of the District government to provide assistance for any petition drive or civil action which seeks to require Congress to provide for voting representation in Congress for the District of Columbia.

SEC. 125. (a) None of the Federal funds contained in this Act may be used for any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug.

(b) Any individual or entity who receives any funds contained in this Act and who carries out any program described in subsection (a) shall account for all funds used for such program separately from any funds contained in this Act.

SEC. 126. None of the funds contained in this Act may be used after the expiration of the 60-day period that begins on the date of the enactment of this Act to pay the salary of any chief financial officer of any office of the District of Columbia government (including any independent agency of the District) who has not filed a certification with the Mayor and the Chief Financial Officer of the District of Columbia that the officer understands the duties and restrictions applicable to the officer and the officer's agency as a result of this Act (and the amendments made by this Act), including any duty to prepare a report requested either in the Act or in any of the reports accompanying the Act and the deadline by which each report must be submitted, and the District's Chief Financial Officer shall provide to the Committees on Appropriations of the Senate and the House of Representatives by the 10th day after the end of each quarter a summary list showing each report, the due date and the date submitted to the committees.

SEC. 127. (a) None of the funds contained in this Act may be used to enact or carry out any law, rule, or regulation to legalize or otherwise reduce penalties associated with the possession, use, or distribution of any schedule I substance under the Controlled Substances Act (21 U.S.C. 802) or any tetrahydrocannabinols derivative.

(b) The Legalization of Marijuana for Medical Treatment Initiative of 1998, also known as Initiative 59, approved by the electors of the District of Columbia on November 3, 1998, shall not take effect.

SEC. 128. Nothing in this Act may be construed to prevent the Council or Mayor of the District of Columbia from addressing the issue of the provision of contraceptive coverage by health insurance plans, but it is the intent of Congress that any legislation enacted on such issue should include a ''conscience clause'' which provides exceptions for religious beliefs and moral convictions.

SEC. 129. (a) If the Superior Court of the District of Columbia or the District of Columbia Court of Appeals does not make a payment described in subsection (b) prior to the expiration of the 45-day period which begins on the date the Court receives a completed voucher for a claim for the payment, interest shall be assessed against the amount of the payment which would otherwise be made to take into account the period which begins on the day after the expiration of such 45-day period and which ends on the day the Court makes the payment.

(b) A payment described in this subsection is—

(1) a payment authorized under section 11–2604 and section 11–2605, D.C. Code (relating to representation provided under the District of Columbia Criminal Justice Act);

(2) a payment for counsel appointed in proceedings in the Family Division of the Superior Court of the District of Columbia under chapter 23 of title 16, D.C. Code; or

(3) a payment for counsel authorized under section 21–2060, D.C. Code (relating to representation provided under the District of Columbia Guardianship, Protective Proceedings, and Durable Power of Attorney Act of 1986).

(c) The chief judges of the Superior Court of the District of Columbia and the District of Columbia Court of Appeals shall establish standards and criteria for determining whether vouchers submitted for claims for payments described in subsection (b) are complete, and shall publish and make such standards and criteria available to attorneys who practice before such Courts.

(d) Nothing in this section shall be construed to require the assessment of interest against any claim (or portion of any claim) which is denied by the Court involved.

(e) This section shall apply with respect to claims received by the Superior Court of the District of Columbia or the District of Columbia Court of Appeals during fiscal year 2003, claims received previously that remained unpaid at the end of fiscal year 2002, which would have qualified for interest payment under this section, and to claims in any subsequent fiscal year.

SEC. 130. The Mayor of the District of Columbia shall submit to the Senate and House Committees on Appropriations, the Senate Governmental Affairs Committee, and the House Government Reform Committee quarterly reports addressing the following issues—

(1) crime, including the homicide rate, implementation of community policing, the number of police officers on local beats, and the closing down of open-air drug markets;

(2) access to drug abuse treatment, including the number of treatment slots, the number of people served, the number of people on waiting lists, and the effectiveness of treatment programs;

(3) management of parolees and pre-trial violent offenders, including the number of halfway house escapes and steps taken to improve monitoring and supervision of halfway house residents to reduce the number of escapes to be provided in consultation with the Court Services and Offender Supervision Agency;

(4) education, including access to special education services and student achievement to be provided in consultation with the District of Columbia Public Schools;

(5) improvement in basic District services, including rat control and abatement;

(6) application for and management of Federal grants, including the number and type of grants for which the District was eligible but failed to apply and the number and type of grants awarded to the District but for which the District failed to spend the amounts received; and

(7) indicators of child well-being.

SEC. 131. Nothing in this Act bars the District of Columbia Corporation Counsel from reviewing or commenting on briefs in private lawsuits, or from consulting with officials of the District government regarding such lawsuits.

SEC. 132. No later than 30 calendar days after the date of the enactment of this Act, the Chief Financial Officer of the District of Columbia shall submit to the appropriate committees of Congress, the Mayor, and the Council a revised appropriated funds operating budget in the format of the budget that the District of Columbia government submitted pursuant to section 442 of the District of Columbia Home Rule Act (Public Law 93–198; D.C. Official Code, sec. 1–204.42), for all agencies of the District of Columbia government for such fiscal year that is in the total amount of the approved appropriation and that realigns all budgeted data for personal services and other-than-personal-services, respectively, with anticipated actual expenditures.

SEC. 133. In addition to any other authority to pay claims and judgments, any department, agency, or instrumentality of the District government may pay the settlement or judgment of a claim or lawsuit in an amount less than $10,000, in accordance with the Risk Management for Settlements and Judgments Amendment Act of 2000, effective October 19, 2000 (D.C. Law 13–172; D.C. Official Code, sec. 2–402).

SEC. 134. None of the funds contained in this Act may be used to issue, administer, or enforce any order by the District of Columbia Commission on Human Rights relating to docket numbers 93–030–(PA) and 93–031–(PA).

SEC. 135. None of the funds contained in this Act may be made available to pay—

(1) the fees of an attorney who represents a party in an action or an attorney who defends any action, including an administrative proceeding, brought against the District of Columbia Public Schools under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) in excess of $4,000 for that action; or

(2) the fees of an attorney or firm whom the Chief Financial Officer of the District of Columbia determines to have a pecuniary interest, either through an attorney, officer or employee of the firm, in any special education diagnostic services, schools, or other special education service providers.

This division may be cited as the ''District of Columbia Appropriations Act, 2003''.

DIVISION D—ENERGY AND WATER DEVELOPMENT APPROPRIATIONS, 2003

Making appropriations for energy and water development for the fiscal year ending September 30, 2003, and for other purposes.

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2003, for energy and water development, and for other purposes, namely:

TITLE I

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

The following appropriations shall be expended under the direction of the Secretary of the Army and the supervision of the Chief of Engineers for authorized civil functions of the Department of the Army pertaining to rivers and harbors, flood control, shore protection, and related purposes.

GENERAL INVESTIGATIONS

For expenses necessary for the collection and study of basic information pertaining to river and harbor, flood control, shore protection, and related projects, restudy of authorized projects, miscellaneous investigations, and, when authorized by laws, surveys and detailed studies and plans and specifications of projects prior to construction, $148,304,000, to remain available until expended.

CONSTRUCTION, GENERAL

For the prosecution of river and harbor, flood control, shore protection, and related projects authorized by laws; and detailed studies, and plans and specifications, of projects (including those for development with participation or under consideration for participation by States, local governments, or private groups) authorized or made eligible for selection by law (but such studies shall not constitute a commitment of the Government to construction), $1,636,602,000, to remain available until expended, of which such sums as are necessary for the Federal share of construction costs for facilities under the Dredged Material Disposal Facilities program shall be derived from the Harbor Maintenance Trust Fund, as authorized by Public Law 104–303; and of which such sums as are necessary pursuant to Public Law 99–662 shall be derived from the Inland Waterways Trust Fund, for one-half of the costs of construction and rehabilitation of inland waterways projects, including rehabilitation costs for the Lock and Dam 11, Mississippi River, Iowa; Lock and Dam 12, Mississippi River, Iowa; Lock and Dam 24, Mississippi River, Illinois and Missouri; Lock and Dam 3, Mississippi River, Minnesota; and London Locks and Dam, Kanawha River, West Virginia, projects; and of which $500,000 may be available for dispersal barriers in the Chicago Ship and Sanitary Canal, Illinois: Provided, That using $2,000,000 of the funds provided herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to conduct, at full Federal expense, technical studies of individual ditch systems identified by the State of Hawaii, and to assist the State in diversification by helping to define the cost of repairing and maintaining selected ditch systems: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use $2,000,000 of the funds appropriated herein to continue construction of the navigation project at Kaumalapau Harbor, Hawaii: Provided further, That the Secretary of the Army is directed to use $5,000,000 of the funds provided herein for Dam safety and Seepage/Stability Correction Program to continue construction of seepage control features at Waterbury Dam, Vermont: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use $11,400,000 of the funds appropriated herein to proceed with planning, engineering, design or construction of the Grundy, Buchanan County, and Dickenson County, Virginia elements of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River Project: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use $5,500,000 of the funds appropriated herein to proceed with the planning, engineering, design or construction of the Lower Mingo County, Upper Mingo County, Wayne County, McDowell County, West Virginia elements of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River Project: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to continue the Dickenson County Detailed Project Report as generally defined in Plan 4 of the Huntington District Engineer's Draft Supplement to the Section 202 General Plan for Flood Damage Reduction dated April 1997, including all Russell Fork tributary streams within the County and special considerations as may be appropriate to address the unique relocations and resettlement needs for the flood prone communities within the County: Provided further, That the Assistant Secretary of the Army, acting through the Chief of Engineers is directed to proceed with the construction of the Dallas Floodway Extension, Texas, in accordance with the Chief of Engineers report dated December 7, 1999: Provided further, That the Assistant Secretary of the Army, acting through the Chief of Engineers is directed to proceed with the construction of the Seward Harbor, Alaska project, in accordance with the Report of the Chief of Engineers dated June 8, 1999 and the economic justification contained therein: Provided further, That the Assistant Secretary of the Army, acting through the Chief of Engineers is directed to proceed with the construction of the Wrangell Harbor, Alaska project in accordance with the Chief of Engineer's report dated December 23, 1999: Provided further, That, of the funds provided herein, $3,000,000 shall be made available for the Galena Bank Stabilization Project in Galena, Alaska: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to use $5,000,000 of Construction, General funding as provided herein for construction of an emergency outlet from Devils Lake, North Dakota, to the Sheyenne River, at an estimated total cost of $100,000,000, which shall be cost-shared in accordance with section 103 of the Water Resources Development Act of 1986, as amended (33 U.S.C. 2213), except that the funds shall not become available unless the Secretary of the Army determines that an emergency (as defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) exists with respect to the emergency need for the outlet and reports to Congress that the construction is technically sound and environmentally acceptable, and in compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.): Provided further, That the justification for the emergency outlet shall be fully described, including the analysis of the benefits and costs, in the project plan documents: Provided further, That the plans for the emergency outlet shall be reviewed and, to be effective, shall contain assurances provided by the Secretary of State, that the project will not violate the Treaty Between the United States and Great Britain Relating to the Boundary Waters Between the United States and Canada, signed at Washington, January 11, 1909 (36 Stat. 2448; TS 548) (commonly known as the ''Boundary Waters Treaty of 1909''): Provided further, That the Secretary of the Army shall submit the final plans and other documents for the emergency outlet to Congress: Provided further, That no funds made available under this Act or any other Act for any fiscal year may be used by the Secretary of the Army to carry out the portion of the feasibility study of the Devils Lake Basin, North Dakota, authorized under the Energy and Water Development Appropriations Act, 1993 (Public Law 102–377), that addresses the needs of the area for stabilized lake levels through inlet controls, or to otherwise study any facility or carry out any activity that would permit the transfer of water from the Missouri River Basin into Devils Lake.

FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES, ARKANSAS, ILLINOIS, KENTUCKY, LOUISIANA, MISSISSIPPI, MISSOURI, AND TENNESSEE

For expenses necessary for prosecuting work of flood control, rescue work, repair, restoration, or maintenance of flood control projects threatened or destroyed by flood, as authorized by law (33 U.S.C. 702a and 702g–1), $346,437,000, to remain available until expended: Provided, That the Secretary of the Army, acting through the Chief of Engineers, using $15,000,000 of the funds provided herein, is directed to continue design and real estate activities and to initiate the pump supply contract for the Yazoo Basin, Yazoo Backwater Pumping Plant, Mississippi: Provided further, That the pump supply contract shall be performed by awarding continuing contracts in accordance with 33 U.S.C. §621.

OPERATION AND MAINTENANCE, GENERAL

For expenses necessary for the protection, preservation, operation, maintenance, and care of existing river and harbor, flood control, and related works, including such sums as may be necessary for the maintenance of harbor channels provided by a State, municipality or other public agency, outside of harbor lines, and serving essential needs of general commerce and navigation; surveys and charting of northern and northwestern lakes and connecting waters; clearing and straightening channels; and removal of obstructions to navigation, $1,956,182,000, to remain available until expended, of which such sums as become available in the Harbor Maintenance Trust Fund, pursuant to Public Law 99–662, may be derived from that Fund, and of which such sums as become available from the special account established by the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 460l), may be derived from that account for construction, operation, and maintenance of outdoor recreation facilities: Provided, That of funds appropriated herein, for the Intracoastal Waterway, Delaware River to Chesapeake Bay, Delaware and Maryland, the Secretary of the Army, acting through the Chief of Engineers, is directed to reimburse the State of Delaware for normal operation and maintenance costs incurred by the State of Delaware for the SR1 Bridge from station 58+00 to station 293+00 between May 12, 1997 and September 30, 2002.

REGULATORY PROGRAM

For expenses necessary for administration of laws pertaining to regulation of navigable waters and wetlands, $144,252,000, to remain available until expended.

FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM

For expenses necessary to clean up contamination from sites throughout the United States resulting from work performed as part of the Nation's early atomic energy program, $140,298,000, to remain available until expended.

FLOOD CONTROL AND COASTAL EMERGENCIES

For expenses necessary for emergency flood control, hurricane response, and emergency shore protection, and related activities, $20,227,000, to remain available until expended.

GENERAL EXPENSES

For expenses necessary for general administration and related functions in the Office of the Chief of Engineers and offices of the Division Engineers; activities of the Humphreys Engineer Center Support Activity, the Institute for Water Resources, and headquarters support functions at the USACE Finance Center, $155,651,000, to remain available until expended: Provided, That no part of any other appropriation provided in title I of this Act shall be available to fund the activities of the Office of the Chief of Engineers or the executive direction and management activities of the division offices: Provided further, That none of these funds shall be available to support an Office of Congressional Affairs within the Executive Office of the Chief of Engineers.

ADMINISTRATIVE PROVISIONS

Appropriations in this title shall be available for official reception and representation expenses (not to exceed $5,000); and during the current fiscal year the Revolving Fund, Corps of Engineers, shall be available for purchase (not to exceed 100 for replacement only) and hire of passenger motor vehicles.

GENERAL PROVISIONS

CORPS OF ENGINEERS—CIVIL

SEC. 101. Agreements proposed for execution by the Assistant Secretary of the Army for Civil Works or the United States Army Corps of Engineers after the date of the enactment of this Act pursuant to section 4 of the Rivers and Harbor Act of 1915, Public Law 64–291; section 11 of the River and Harbor Act of 1925, Public Law 68–585; the Civil Functions Appropriations Act, 1936, Public Law 75–208; section 215 of the Flood Control Act of 1968, as amended, Public Law 90–483; sections 104, 203, and 204 of the Water Resources Development Act of 1986, as amended (Public Law 99–662); section 206 of the Water Resources Development Act of 1992, as amended,

Public Law 102–580; section 211 of the Water Resources Development Act of 1996, Public Law 104–303, and any other specific project authority, shall be limited to credits and reimbursements per project not to exceed $10,000,000 in each fiscal year, and total credits and reimbursements for all applicable projects not to exceed $50,000,000 in each fiscal year.

SEC. 102. ST. GEORGES BRIDGE, DELAWARE. None of the funds made available in this Act may be used to carry out any activity relating to closure or removal of the St. Georges Bridge across the Intracoastal Waterway, Delaware River to Chesapeake Bay, Delaware and Maryland, including a hearing or any other activity relating to preparation of an environmental impact statement concerning the closure or removal.

SEC. 103. Section 595(h)(1) of Public Law 106–53 is amended by striking ''$25,000,000'' and inserting in lieu thereof ''$100,000,000''.

SEC. 104. The Secretary of the Army, acting through the Chief of Engineers is directed to increase the use of the private sector in performing planning, engineering and design work for Corps' projects to 40 percent of the planning, engineering and design work conducted by the Corps.

SEC. 105. ST. PAUL ISLAND HARBOR, ST. PAUL, ALASKA TECHNICAL CORRECTIONS. Section 101(b)(3) of Public Law 104–303 (the Water Resources Development Act of 1996), (110 Stat. 3667) is amended by—

(1) striking ''$18,981,000'' and inserting in lieu thereof ''$52,300,000''; and

(2) striking ''$12,239,000'' and inserting in lieu thereof ''$45,558,000''.

SEC. 106. ABIQUIU DAM, NEW MEXICO. Section 1112 of Public Law 99–662 (the Water Resources Development Act of 1986), (100 Stat. 4232) is amended by striking ''$2,700,000'' and inserting in lieu thereof ''$10,000,000''.

SEC. 107. The project for flood control, Las Vegas Wash and Tributaries (Flamingo and Tropicana Washes), Nevada, authorized by section 101(13) of Public Law 102–580 [106 Stat. 4803] is modified to include as a part of the project channel crossings that are necessary for those existing and proposed highways and roads shown on the Clark County Comprehensive Plan Transportation Element, approved by the Clark County Board of County Commissioners on October 1, 1996. The performance of work required for construction of such channel crossings and the costs incurred in performing such work shall be considered part of the non-Federal sponsor's responsibility to provide lands, easements, and rights-of-way, and to perform relocations for the project. Costs incurred in performing such work may not exceed $16,000,000.

SEC. 108. The Secretary of the Army may expend funds under normal competitive procedures for necessary maintenance of the dredge McFARLAND. The Secretary shall not obligate any funds to place the dredge in ready reserve status.

SEC. 109. ATLANTIC INTRACOASTAL WATERWAY BRIDGE REPLACEMENT AT GREAT BRIDGE, CHESAPEAKE, VIRGINIA. The project for replacement of the bridge at Great Bridge, Chesapeake, Virginia, authorized by Section 339(h) of Public Law 104–59 is modified to authorize the Secretary to construct the project at an estimated cost of $46,000,000.

SEC. 110. None of the funds appropriated herein or hereafter in this Act, or any other Act, shall be used to study or implement any plans privatizing, divesting or transferring of any Civil Works missions, functions, or responsibilities for the U.S. Army Corps of Engineers to other government agencies without specific direction in a subsequent Act of Congress.

SEC. 111. The project for flood control for the American and Sacramento Rivers, California, authorized by Section 101(a)(1) of the Water Resources Development Act of 1996 (Public Law 104–303) and Section 366 of the Water Resources Development Act of 1999, is modified to authorize the Secretary of the Army, acting through the Chief of Engineers, to construct the project at a total cost of $205,000,000, with an estimated Federal share of $153,840,000 and an estimated non-Federal share of $51,160,000. For purposes of section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213), the modifications authorized by this section shall be subject to the same cost sharing in effect for the project authorized by 101(a)(1) of the Water Resources Development Act of 1996.

SEC. 112. The project for flood control for Terminus Dam, Kaweah River, California, authorized by Section 101(b)(5) of the Water Resources Development Act of 1996, is modified to authorize the Secretary of the Army, acting through the Chief of Engineers, to construct the project at a total cost of $50,000,000, with an estimated Federal share of $28,600,000 and an estimated non-Federal share of $21,400,000.

TITLE II

DEPARTMENT OF THE INTERIOR

CENTRAL UTAH PROJECT

CENTRAL UTAH PROJECT COMPLETION ACCOUNT

For carrying out activities authorized by the Central Utah Project Completion Act, $34,902,000, to remain available until expended, of which $11,259,000 shall be deposited into the Utah Reclamation Mitigation and Conservation Account for use by the Utah Reclamation Mitigation and Conservation Commission.

In addition, for necessary expenses incurred in carrying out related responsibilities of the Secretary of the Interior, $1,326,000, to remain available until expended.

BUREAU OF RECLAMATION

The following appropriations shall be expended to execute authorized functions of the Bureau of Reclamation:

WATER AND RELATED RESOURCES

(INCLUDING TRANSFER OF FUNDS)

For management, development, and restoration of water and related natural resources and for related activities, including the operation, maintenance and rehabilitation of reclamation and other facilities, participation in fulfilling related Federal responsibilities to Native Americans, and related grants to, and cooperative and other agreements with, State and local governments, Indian tribes, and others, $816,147,000, to remain available until expended, of which $36,400,000 shall be available for transfer to the Upper Colorado River Basin Fund and $34,327,000 shall be available for transfer to the Lower Colorado River Basin Development Fund; of which such amounts as may be necessary may be advanced to the Colorado River Dam Fund; of which $4,600,000 shall be for on-reservation water development, feasibility studies, and related administrative costs under Public Law 106–163; (of which not more than 25 percent of the amount provided for drought emergency assistance may be used for financial assistance for the preparation of cooperative drought contingency plans under title II of Public Law 102–250;) and of which not more than $500,000 is for high priority projects which shall be carried out by the Youth Conservation Corps, as authorized by 16 U.S.C. 1706: Provided, That such transfers may be increased or decreased within the overall appropriation under this heading: Provided further, That of the total appropriated, the amount for program activities that can be financed by the Reclamation Fund or the Bureau of Reclamation special fee account established by 16 U.S.C. 460l–6a(i) shall be derived from that Fund or account: Provided further, That funds contributed under 43 U.S.C. 395 are available until expended for the purposes for which contributed: Provided further, That funds advanced under 43 U.S.C. 397a shall be credited to this account and are available until expended for the same purposes as the sums appropriated under this heading: Provided further, That funds available for expenditure for the Departmental Irrigation Drainage Program may be expended by the Bureau of Reclamation for site remediation on a non-reimbursable basis: Provided further, That section 301 of Public Law 102–250, Reclamation States Emergency Drought Relief Act of 1991, as amended, is amended further by inserting ''2002, and 2003'' in lieu of ''and 2002''.

CENTRAL VALLEY PROJECT RESTORATION FUND

For carrying out the programs, projects, plans, and habitat restoration, improvement, and acquisition provisions of the Central Valley Project Improvement Act, $48,904,000, to be derived from such sums as may be collected in the Central Valley Project Restoration Fund pursuant to sections 3407(d), 3404(c)(3), 3405(f), and 3406(c)(1) of Public Law 102–575, to remain available until expended: Provided, That the Bureau of Reclamation is directed to assess and collect the full amount of the additional mitigation and restoration payments authorized by section 3407(d) of Public Law 102–575.

CALIFORNIA BAY-DELTA RESTORATION

(INCLUDING TRANSFER OF FUNDS)

For carrying out authorized activities that are in accord with the CALFED Bay-Delta Program, including activities that would improve fish and wildlife habitat, water supply reliability, and water quality, consistent with plans to be approved by the Secretary of the Interior, $0, to remain available until expended, of which such amounts as may be necessary to carry out such activities may be transferred to appropriate accounts of other participating Federal agencies to carry out authorized purposes: Provided, That funds appropriated herein may be used for the Federal share of the costs of CALFED Program management.

POLICY AND ADMINISTRATION

For necessary expenses of policy, administration, and related functions in the office of the Commissioner, the Denver office, and offices in the five regions of the Bureau of Reclamation, to remain available until expended, $54,870,000, to be derived from the Reclamation Fund and be nonreimbursable as provided in 43 U.S.C. 377: Provided, That no part of any other appropriation in this Act shall be available for activities or functions budgeted as policy and administration expenses.

ADMINISTRATIVE PROVISION

Appropriations for the Bureau of Reclamation shall be available for purchase of not to exceed four passenger motor vehicles for replacement only.

GENERAL PROVISIONS

DEPARTMENT OF THE INTERIOR

SEC. 201. None of the funds appropriated or otherwise made available by this or any other Act may be used to pay the salaries and expenses of personnel to purchase or lease water in the Middle Rio Grande or the Carlsbad Projects in New Mexico unless said purchase or lease is in compliance with the purchase requirements of section 202 of Public Law 106–60.

SEC. 202. Funds under this title for Drought Emergency Assistance shall be made available primarily for leasing of water for specified drought related purposes from willing lessors, in compliance with existing State laws and administered under State water priority allocation. Such leases may be entered into with an option to purchase: Provided, That such purchase is approved by the State in which the purchase takes place and the purchase does not cause economic harm within the State in which the purchase is made.

SEC. 203. The natural desert terminal lakes program administered by the Bureau of Reclamation shall apply only to Walker and Pyramid Lakes in the State of Nevada.

SEC. 204. The Commissioner of the Bureau of Reclamation is directed to increase the use of the private sector in performing planning, engineering and design work for Bureau of Reclamation's projects to 10 percent in fiscal year 2003, and in each subsequent year until the level

of work is at least 40 percent for the planning, engineering and design work conducted by the Bureau of Reclamation.

SEC. 205. NORTH CENTRAL MONTANA RURAL WATER SUPPLY. Using previously appropriated funds, the Bureau is directed to undertake activities related to the development of the North Central Montana Rural Water Supply system. Such sums shall remain available, without fiscal year limitation, until expended.

SEC. 206. Section 8 of Public Law 104–298 (the Water Desalination Act of 1996), (110 Stat. 3624) is amended further by—

(1) in paragraph (a) by striking ''2002'' and inserting in lieu thereof ''2004''; and

(2) in paragraph (b) by striking ''2002'' and inserting in lieu thereof ''2004''.

SEC. 207. (a) None of the funds appropriated or otherwise made available by this Act may be used to determine the final point of discharge for the interceptor drain for the San Luis Unit until development by the Secretary of the Interior and the State of California of a plan, which shall conform to the water quality standards of the State of California as approved by the Administrator of the Environmental Protection Agency, to minimize any detrimental effect of the San Luis drainage waters.

(b) The costs of the Kesterson Reservoir Cleanup Program and the costs of the San Joaquin Valley Drainage Program shall be classified by the Secretary of the Interior as reimbursable or nonreimbursable and collected until fully repaid pursuant to the ''Cleanup Program—Alternative Repayment Plan'' and the ''SJVDP—Alternative Repayment Plan'' described in the report entitled ''Repayment Report, Kesterson Reservoir Cleanup Program and San Joaquin Valley Drainage Program, February 1995'', prepared by the Department of the Interior, Bureau of Reclamation. Any future obligations of funds by the United States relating to, or providing for, drainage service or drainage studies for the San Luis Unit shall be fully reimbursable by San Luis Unit beneficiaries of such service or studies pursuant to Federal reclamation law.

Sec. 208. HERRING CREEK-TALL TIMBERS, MARYLAND. (a) IN GENERAL.—Using funds made available by this Act, the Secretary of the Army, acting through the Chief of Engineers, may provide immediate corrective maintenance to the project at Herring Creek-Tall Timbers, Maryland, at full Federal expense.

(b) INCLUSIONS.—The corrective maintenance described in subsection (a), and any other maintenance performed after the date of enactment of this Act with respect to the project described in that subsection, may include repair or replacement, as appropriate, of the foundation and structures adjacent and structurally integral to the project.

SEC. 209. (a) NORTH LAS VEGAS WATER REUSE PROJECT.—

(1) AUTHORIZATION.—The Secretary of the Interior, in cooperation with the appropriate local authorities, may participate in the design, planning, and construction of the North Las Vegas Water Reuse Project (hereinafter referred to as the ''Project'') to reclaim and reuse water in the service area of the North Las Vegas Utility Division Service Area of the city North Las Vegas and county of Clark, Nevada.

(2) COST SHARE.—The Federal share of the cost of the Project shall not exceed 25 percent of the total cost.

(3) LIMITATION.—Funds provided by the Secretary shall not be used for the operation or maintenance of the Project.

(4) FUNDING.—Funds appropriated pursuant to section 1631 of the Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h–13) may be used for the Project.

(b) RECLAMATION WASTEWATER AND GROUNDWATER STUDY AND FACILITIES ACT.—Design, planning, and construction of the Project authorized by this Act shall be in accordance with, and subject to the limitations contained in, the Reclamation Wastewater and Groundwater Study and Facilities Act (106 Stat. 4663–4669, 43 U.S.C. 390h et seq.), as amended.

TITLE III

DEPARTMENT OF ENERGY

ENERGY PROGRAMS

ENERGY SUPPLY

For Department of Energy expenses including the purchase, construction and acquisition of plant and capital equipment, and other expenses necessary for energy supply, and uranium supply and enrichment activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $815,306,000, to remain available until expended.

NON-DEFENSE ENVIRONMENTAL MANAGEMENT

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other expenses necessary for non-defense environmental management activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction or expansion, $176,000,000, to remain available until expended.

URANIUM FACILITIES MAINTENANCE AND REMEDIATION

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to maintain, decontaminate, decommission, and otherwise remediate uranium processing facilities, $471,154,000, of which $334,523,000 shall be derived from the Uranium Enrichment Decontamination and Decommissioning Fund, all of which shall remain available until expended.

SCIENCE

For Department of Energy expenses including the purchase, construction and acquisition of plant and capital equipment, and other expenses necessary for science activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or facility or for plant or facility acquisition, construction, or expansion, and purchase of not to exceed 25 passenger motor vehicles for replacement only, $3,329,456,000, to remain available until expended.

NUCLEAR WASTE DISPOSAL

For nuclear waste disposal activities to carry out the purposes of Public Law 97–425, as amended, including the acquisition of real property or facility construction or expansion, $56,000,000, to remain available until expended and to be derived from the Nuclear Waste Fund: Provided, That $2,500,000 shall be provided to the State of Nevada solely for expenditures, other than salaries and expenses of State employees, to conduct scientific oversight responsibilities and participate in licensing activities pursuant to the Nuclear Waste Policy Act of 1982, Public Law 97–425, as amended: Provided further, That $6,000,000 shall be provided to affected units of local governments, as defined in Public Law 97–425, to conduct appropriate activities pursuant to the Act: Provided further, That the distribution of the funds as determined by the units of local government shall be approved by the Department of Energy: Provided further, That the funds for the State of Nevada shall be made available solely to the Nevada Division of Emergency Management by direct payment and units of local government by direct payment: Provided further, That within 90 days of the completion of each Federal fiscal year, the Nevada Division of Emergency Management and the Governor of the State of Nevada and each local entity shall provide certification to the Department of Energy that all funds expended from such payments have been expended for activities authorized by Public Law 97–425 and this Act. Failure to provide such certification shall cause such entity to be prohibited from any further funding provided for similar activities: Provided further, That none of the funds herein appropriated may be: (1) used directly or indirectly to influence legislative action on any matter pending before Congress or a State legislature or for lobbying activity as provided in 18 U.S.C. 1913; (2) used for litigation expenses; or (3) used to support multi-State efforts or other coalition building activities inconsistent with the restrictions contained in this Act: Provided further, That all proceeds and recoveries by the Secretary in carrying out activities authorized by the Nuclear Waste Policy Act of 1982 in Public Law 97–425, as amended, including but not limited to, any proceeds from the sale of assets, shall be available without further appropriation and shall remain available until expended.

DEPARTMENTAL ADMINISTRATION

For salaries and expenses of the Department of Energy necessary for departmental administration in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the hire of passenger motor vehicles and official reception and representation expenses (not to exceed $35,000), $235,000,000, to remain available until expended, plus such additional amounts as necessary to cover increases in the estimated amount of cost of work for others notwithstanding the provisions of the Anti-Deficiency Act (31 U.S.C. 1511 et seq.): Provided, That such increases in cost of work are offset by revenue increases of the same or greater amount, to remain available until expended: Provided further, That moneys received by the Department for miscellaneous revenues estimated to total $137,524,000 in fiscal year 2003 may be retained and used for operating expenses within this account, and may remain available until expended, as authorized by section 201 of Public Law 95–238, notwithstanding the provisions of 31 U.S.C. 3302: Provided further, That the sum herein appropriated shall be reduced by the amount of miscellaneous revenues received during fiscal year 2003 so as to result in a final fiscal year 2003 appropriation from the General Fund estimated at not more than $97,476,000.

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $37,671,000, to remain available until expended.

ATOMIC ENERGY DEFENSE ACTIVITIES

NATIONAL NUCLEAR SECURITY ADMINISTRATION

WEAPONS ACTIVITIES

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense weapons activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; and the purchase of passenger motor vehicles (not to exceed one for replacement only), $6,108,959,000, to remain available until expended: Provided, That $16,000,000 is authorized to be appropriated for Project 03–D–103, LANL administration building, Los Alamos National Laboratory, Los Alamos, New Mexico: Provided further, That $123,000,000 is authorized to be appropriated for Project 01–D–108, Microsystems and engineering sciences applications (MESA), Sandia National Laboratories, Albuquerque, New Mexico.

DEFENSE NUCLEAR NONPROLIFERATION

For Department of Energy expenses, including the purchase, construction and acquisition of

plant and capital equipment and other incidental expenses necessary for atomic energy defense, Defense Nuclear Nonproliferation activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $1,115,630,000, to remain available until expended.

NAVAL REACTORS

For Department of Energy expenses necessary for naval reactors activities to carry out the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition (by purchase, condemnation, construction, or otherwise) of real property, plant, and capital equipment, facilities, and facility expansion, $706,790,000, to remain available until expended.

OFFICE OF THE ADMINISTRATOR

For necessary expenses of the Office of the Administrator of the National Nuclear Security Administration, including official reception and representation expenses (not to exceed $12,000), $335,929,000, to remain available until expended.

OTHER DEFENSE RELATED ACTIVITIES

DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other expenses necessary for atomic energy defense environmental restoration and waste management activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; and the purchase of 24 passenger motor vehicles for replacement only, $5,370,532,000, to remain available until expended.

DEFENSE FACILITIES CLOSURE PROJECTS

For expenses of the Department of Energy to accelerate the closure of defense environmental management sites, including the purchase, construction and acquisition of plant and capital equipment and other necessary expenses, $1,125,314,000, to remain available until expended.

DEFENSE ENVIRONMENTAL MANAGEMENT PRIVATIZATION

For Department of Energy expenses for privatization projects necessary for atomic energy defense environmental management activities authorized by the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), $158,399,000, to remain available until expended.

OTHER DEFENSE ACTIVITIES

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other expenses necessary for atomic energy defense, other defense activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $537,664,000, to remain available until expended.

DEFENSE NUCLEAR WASTE DISPOSAL

For nuclear waste disposal activities to carry out the purposes of Public Law 97–425, as amended, including the acquisition of real property or facility construction or expansion, $280,000,000, to remain available until expended.

POWER MARKETING ADMINISTRATIONS

BONNEVILLE POWER ADMINISTRATION FUND

Expenditures from the Bonneville Power Administration Fund, established pursuant to Public Law 93–454, are approved for official reception and representation expenses in an amount not to exceed $1,500. During fiscal year 2003, no new direct loan obligations may be made.

For the purposes of providing funds to assist in financing the construction, acquisition, and replacement of the transmission system of the Bonneville Power Administration and to implement the authority of the Administrator under the Pacific Northwest Electric Power Planning and Conservation Act (16 U.S.C. 839 et seq.), an additional $700,000,000 in borrowing authority is made available under the Federal Columbia River Transmission System Act (16 U.S.C. 838 et seq.), to remain outstanding at any time: Provided, That the Bonneville Power Administration shall not use more than $531,000,000 of its permanent borrowing authority in fiscal year 2003.

OPERATION AND MAINTENANCE, SOUTHEASTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, including transmission wheeling and ancillary services, pursuant to the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southeastern power area, $4,534,000, to remain available until expended; in addition, notwithstanding the provisions of 31 U.S.C. 3302, up to $14,463,000 collected by the Southeastern Power Administration pursuant to the Flood Control Act to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures.

OPERATION AND MAINTENANCE, SOUTHWESTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, and for construction and acquisition of transmission lines, substations and appurtenant facilities, and for administrative expenses, including official reception and representation expenses in an amount not to exceed $1,500 in carrying out the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southwestern power area, $27,378,000, to remain available until expended; in addition, notwithstanding the provisions of 31 U.S.C. 3302, not to exceed $16,455,000 in reimbursements, to remain available until expended: Provided, That up to $1,912,000 collected by the Southwestern Power Administration pursuant to the Flood Control Act to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures.

CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE, WESTERN AREA POWER ADMINISTRATION

For carrying out the functions authorized by title III, section 302(a)(1)(E) of the Act of August 4, 1977 (42 U.S.C. 7152), and other related activities including conservation and renewable resources programs as authorized, including official reception and representation expenses in an amount not to exceed $1,500, $168,858,000, to remain available until expended, of which $156,124,000 shall be derived from the Department of the Interior Reclamation Fund: Provided, That of the amount herein appropriated, $6,100,000 is for deposit into the Utah Reclamation Mitigation and Conservation Account pursuant to title IV of the Reclamation Projects Authorization and Adjustment Act of 1992: Provided further, That up to $186,124,000 collected by the Western Area Power Administration pursuant to the Flood Control Act of 1944 and the Reclamation Project Act of 1939 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures: Provided further, That, of the amounts appropriated, not less than $400,000 to be spent as described in House Report 107–258 under this heading shall be nonreimbursable: Provided further, That, of the amount appropriated for corridor review and environmental review required for the construction of a 230 kv transmission line between Belfield and Hettinger, not less than $200,000 shall be provided for corridor review and environmental review for the construction of a high voltage line in Western North Dakota that would facilitate the upgrade of the Miles City DC tie.

FALCON AND AMISTAD OPERATING AND MAINTENANCE FUND

For operation, maintenance, and emergency costs for the hydroelectric facilities at the Falcon and Amistad Dams, $2,734,000, to remain available until expended, and to be derived from the Falcon and Amistad Operating and Maintenance Fund of the Western Area Power Administration, as provided in section 423 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995.

FEDERAL ENERGY REGULATORY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Energy Regulatory Commission to carry out the provisions of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including services as authorized by 5 U.S.C. 3109, the hire of passenger motor vehicles, and official reception and representation expenses (not to exceed $3,000), $192,000,000, to remain available until expended: Provided, That notwithstanding any other provision of law, not to exceed $192,000,000 of revenues from fees and annual charges, and other services and collections in fiscal year 2003 shall be retained and used for necessary expenses in this account, and shall remain available until expended: Provided further, That the sum herein appropriated from the General Fund shall be reduced as revenues are received during fiscal year 2003 so as to result in a final fiscal year 2003 appropriation from the General Fund estimated at not more than $0.

GENERAL PROVISIONS

DEPARTMENT OF ENERGY

SEC. 301. (a) None of the funds appropriated by this Act may be used to award a management and operating contract unless such contract is awarded using competitive procedures or the Secretary of Energy grants, on a case-by-case basis, a waiver to allow for such a deviation. The Secretary may not delegate the authority to grant such a waiver.

(b) At least 60 days before a contract award, amendment, or modification for which the Secretary intends to grant such a waiver, the Secretary shall submit to the Subcommittees on Energy and Water Development of the Committees on Appropriations of the House of Representatives and the Senate a report notifying the subcommittees of the waiver and setting forth the reasons for the waiver.

SEC. 302. None of the funds appropriated by this Act may be used to—

(1) develop or implement a workforce restructuring plan that covers employees of the Department of Energy; or

(2) provide enhanced severance payments or other benefits for employees of the Department of Energy,

under section 3161 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2644; 42 U.S.C. 7274h).

SEC. 303. None of the funds appropriated by this Act may be used to augment the $22,965,000 made available for obligation by this Act for severance payments and other benefits and community assistance grants under section 3161 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2644; 42 U.S.C. 7274h) unless the Department of Energy submits a reprogramming request subject to approval by the appropriate Congressional committees.

SEC. 304. None of the funds appropriated by this Act may be used to prepare or initiate Requests For Proposals (RFPs) for a program if the program has not been funded by Congress.

(TRANSFERS OF UNEXPENDED BALANCES)

SEC. 305. The unexpended balances of prior appropriations provided for activities in this Act may be transferred to appropriation accounts for such activities established pursuant to this title. Balances so transferred may be merged with funds in the applicable established accounts and thereafter may be accounted for as one fund for the same time period as originally enacted.

SEC. 306. None of the funds in this Act may be used to dispose of transuranic waste in the Waste Isolation Pilot Plant which contains concentrations of plutonium in excess of 20 percent by weight for the aggregate of any material category on the date of enactment of this Act, or is generated after such date. For the purposes of this section, the material categories of transuranic waste at the Rocky Flats Environmental Technology Site include: (1) ash residues; (2) salt residues; (3) wet residues; (4) direct repackage residues; and (5) scrub alloy as referenced in the ''Final Environmental Impact Statement on Management of Certain Plutonium Residues and Scrub Alloy Stored at the Rocky Flats Environmental Technology Site''.

SEC. 307. The Administrator of the National Nuclear Security Administration may authorize the plant manager of a covered nuclear weapons production plant to engage in research, development, and demonstration activities with respect to the engineering and manufacturing capabilities at such plant in order to maintain and enhance such capabilities at such plant: Provided, That of the amount allocated to a covered nuclear weapons production plant each fiscal year from amounts available to the Department of Energy for such fiscal year for national security programs, not more than an amount equal to 2 percent of such amount may be used for these activities: Provided further, That for purposes of this section, the term ''covered nuclear weapons production plant'' means the following:

(1) The Kansas City Plant, Kansas City, Missouri.

(2) The Y–12 Plant, Oak Ridge, Tennessee.

(3) The Pantex Plant, Amarillo, Texas.

(4) The Savannah River Plant, South Carolina.

SEC. 308. The Administrator of the National Nuclear Security Administration may authorize the manager of the Nevada Operations Office to engage in research, development, and demonstration activities with respect to the development, test, and evaluation capabilities necessary for operations and readiness of the Nevada Test Site: Provided, That of the amount allocated to the Nevada Operations Office each fiscal year from amounts available to the Department of Energy for such fiscal year for national security programs at the Nevada Test Site, not more than an amount equal to 2 percent of such amount may be used for these activities.

SEC. 309. Funds appropriated in Public Law 107–066 for the Kachemak Bay submarine cable project may be available to reimburse the local sponsor for the federal share of the project costs assumed by the local sponsor prior to final passage of that Act.

SEC. 310. STAY AND REINSTATEMENT OF FERC LICENSE NO. 11393. (a) Upon the request of the licensee for FERC Project No. 11393, the Federal Energy Regulatory Commission shall issue an order staying the license.

(b) Upon the request of the licensee for FERC Project No. 11393, but not later than 6 years after the date that the Federal Energy Regulatory Commission receives written notice that construction of the Swan-Tyee transmission line is completed, the Federal Energy Regulatory Commission shall issue an order lifting the stay and make the effective date of the license the date on which the stay is lifted.

(c) Upon request of the licensee for FERC Project No. 11393 and notwithstanding the time period specified in section 13 of the Federal Power Act for the commencement of construction, the Commission shall, after reasonable notice and in accordance with the good faith, due diligence, and public interest requirements of that section, extend the time period during which licensee is required to commence the construction of the project for not more than one 2-year time period.

SEC. 311. (a) None of the funds made available under the accounts ''non-defense environmental management'', ''uranium facilities maintenance and remediation'', ''defense environmental restoration and waste management'', or ''defense facilities closure projects'' may be obligated at a Department of Energy site or laboratory, or in association with a site or laboratory, if the effect of such would result in the Department of Energy exceeding for that site or laboratory the comparable current-year level of funding, or the amount of the fiscal year 2003 budget request, whichever is greater.

(b) The limitation of subsection (a) will not apply to a site or laboratory after such time that the Department has entered into a final revised clean-up agreement and a final performance management plan for that site or laboratory consistent with the intent of the Department's environmental management acceleration and reform initiative.

SEC. 312. GAO STUDY ON SUBTITLE D OF THE ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM ACT. (a) STUDY.—The General Accounting Office (in this section referred to as the ''GAO'') shall conduct a study on the effectiveness of the benefit program under subtitle D of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7385o) in assisting the Department of Energy (in this section referred to as the ''DOE'') contractor employees in obtaining compensation for occupational illness.

(b) REPORT TO CONGRESS.—Not later than 120 days after the date of enactment of this Act, the GAO shall submit a report to the Senate Energy and Natural Resources Committee and the House of Representative Energy and Commerce Committee on the results of the study conducted under subsection (a).

SEC. 313. GAO STUDY OF CLEANUP AT THE PADUCAH GASEOUS DIFFUSION PLANT IN PADUCAH, KENTUCKY. (a) STUDY.—The General Accounting Office (in this section referred to as the ''GAO'') shall conduct a study of the cleanup progress at the Paducah Gaseous Diffusion Plant in Paducah, Kentucky.

(b) REPORT TO CONGRESS.—Not later than six months after the date of enactment of this Act, the GAO shall submit a report to the Senate Energy and Natural Resources Committee and the House of Representatives Energy and Commerce Committee on the results of the study conducted under subsection (a).

SEC. 314. None of the funds appropriated by this or any other Act may be used to defer, deobligate, withdraw to headquarters, reserve for contemplated future rescissions, or otherwise adversely affect the planned and continuing expenditure of funds previously made available for Cerro Grande Fire Activities in Public Law 106–246 and Public Law 106–377.

SEC. 315. Notwithstanding any other provision of law, the National Nuclear Security Administration is prohibited from taking any actions adversely affecting employment at its Nevada Operations Office for a period of not less than 365 days.

SEC. 316. The Secretary of the Interior, and the heads of other participating Federal agencies, may participate in the CALFED Bay-Delta Authority established by the California Bay-Delta Act (2002 Cal. Stat. Chap. 812), to the extent not inconsistent with other law. The Secretary of the Interior, in carrying out CALFED activities, may undertake feasibility studies for Sites Reservoir, Los Vaqueros Enlargement, In-Delta Storage, and Upper San Joaquin Storage projects. These storage studies should be pursued along with on-going environmental and other projects in a balanced manner.

TITLE IV

INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

For expenses necessary to carry out the programs authorized by the Appalachian Regional Development Act of 1965, as amended, notwithstanding section 405 of said Act and for necessary expenses for the Federal Co-Chairman and the alternate on the Appalachian Regional Commission, for payment of the Federal share of the administrative expenses of the Commission, including services as authorized by 5 U.S.C. 3109, and hire of passenger motor vehicles, $74,400,000, to remain available until expended.

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the Defense Nuclear Facilities Safety Board in carrying out activities authorized by the Atomic Energy Act of 1954, as amended by Public Law 100–456, section 1441, $19,000,000, to remain available until expended.

DELTA REGIONAL AUTHORITY

SALARIES AND EXPENSES

For necessary expenses of the Delta Regional Authority and to carry out its activities, as authorized by the Delta Regional Authority Act of 2000, notwithstanding section 382N of said Act, $15,000,000, to remain available until expended.

DENALI COMMISSION

For expenses of the Denali Commission including the purchase, construction and acquisition of plant and capital equipment as necessary and other expenses, $50,000,000, to remain available until expended.

NUCLEAR REGULATORY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Commission in carrying out the purposes of the Energy Reorganization Act of 1974, as amended, and the Atomic Energy Act of 1954, as amended, including official representation expenses (not to exceed $15,000), and purchase of promotional items for use in the recruitment of individuals for employment, $578,184,000, to remain available until expended: Provided, That of the amount appropriated herein, $24,900,000 shall be derived from the Nuclear Waste Fund: Provided further, That revenues from licensing fees, inspection services, and other services and collections estimated at $520,087,000 in fiscal year 2003 shall be retained and used for necessary salaries and expenses in this account, notwithstanding 31 U.S.C. 3302, and shall remain available until expended: Provided further, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2003 so as to result in a final fiscal year 2003 appropriation estimated at not more than $58,097,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $6,800,000, to remain available until expended: Provided, That revenues from licensing fees, inspection services, and other services and collections estimated at $6,392,000 in fiscal year 2003 shall be retained and be available until expended, for necessary salaries and expenses in this account notwithstanding 31 U.S.C. 3302: Provided further, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2003 so as to result in a final fiscal year 2003 appropriation estimated at not more than $408,000.

NUCLEAR WASTE TECHNICAL REVIEW BOARD

SALARIES AND EXPENSES

For necessary expenses of the Nuclear Waste Technical Review Board, as authorized by Public Law 100–203, section 5051, $3,200,000, to be

derived from the Nuclear Waste Fund, and to remain available until expended.

TITLE V

GENERAL PROVISIONS

SEC. 501. None of the funds appropriated by this Act may be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before Congress, other than to communicate to Members of Congress as described in section 1913 of title 18, United States Code.

SEC. 502. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) NOTICE REQUIREMENT.—In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a ''Made in America'' inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 503. Section 309 of Title III—Denali Commission of Division C—Other Matters of Public Law 105–277, as amended, is further amended by striking ''2003'' and inserting in lieu thereof ''thereafter''.

This division may be cited as the ''Energy and Water Development Appropriations Act, 2003''.

DIVISION E—FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS, 2003

Making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2003, and for other purposes.

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2003, and for other purposes, namely:

TITLE I—EXPORT AND INVESTMENT ASSISTANCE

EXPORT-IMPORT BANK OF THE UNITED STATES

The Export-Import Bank of the United States is authorized to make such expenditures within the limits of funds and borrowing authority available to such corporation, and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations, as provided by section 104 of the Government Corporation Control Act, as may be necessary in carrying out the program for the current fiscal year for such corporation: Provided, That none of the funds available during the current fiscal year may be used to make expenditures, contracts, or commitments for the export of nuclear equipment, fuel, or technology to any country, other than a nuclear-weapon state as defined in Article IX of the Treaty on the Non-Proliferation of Nuclear Weapons eligible to receive economic or military assistance under this Act, that has detonated a nuclear explosive after the date of the enactment of this Act: Provided further, That notwithstanding section 1(c) of Public Law 103–428, as amended, sections 1(a) and (b) of Public Law 103–428 shall remain in effect through September 30, 2003.

SUBSIDY APPROPRIATION

For the cost of direct loans, loan guarantees, insurance, and tied-aid grants as authorized by section 10 of the Export-Import Bank Act of 1945, as amended, $541,400,000, to remain available until September 30, 2006: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That such sums shall remain available until September 30, 2021 for the disbursement of direct loans, loan guarantees, insurance and tied-aid grants obligated in fiscal years 2003, 2004, 2005, and 2006: Provided further, That none of the funds appropriated by this Act or any prior Act appropriating funds for foreign operations, export financing, and related programs for tied-aid credits or grants may be used for any other purpose except through the regular notification procedures of the Committees on Appropriations: Provided further, That funds appropriated by this paragraph are made available notwithstanding section 2(b)(2) of the Export-Import Bank Act of 1945, in connection with the purchase or lease of any product by any East European country, any Baltic State or any agency or national thereof.

ADMINISTRATIVE EXPENSES

For administrative expenses to carry out the direct and guaranteed loan and insurance programs, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, and not to exceed $30,000 for official reception and representation expenses for members of the Board of Directors, $68,300,000: Provided, That the Export-Import Bank may accept, and use, payment or services provided by transaction participants for legal, financial, or technical services in connection with any transaction for which an application for a loan, guarantee or insurance commitment has been made: Provided further, That, notwithstanding subsection (b) of section 117 of the Export Enhancement Act of 1992, subsection (a) thereof shall remain in effect until October 1, 2003.

OVERSEAS PRIVATE INVESTMENT CORPORATION

NONCREDIT ACCOUNT

The Overseas Private Investment Corporation is authorized to make, without regard to fiscal year limitations, as provided by 31 U.S.C. 9104, such expenditures and commitments within the limits of funds available to it and in accordance with law as may be necessary: Provided, That the amount available for administrative expenses to carry out the credit and insurance programs (including an amount for official reception and representation expenses which shall not exceed $35,000) shall not exceed $39,885,000: Provided further, That project-specific transaction costs, including direct and indirect costs incurred in claims settlements, and other direct costs associated with services provided to specific investors or potential investors pursuant to section 234 of the Foreign Assistance Act of 1961, shall not be considered administrative expenses for the purposes of this heading.

PROGRAM ACCOUNT

For the cost of direct and guaranteed loans, $24,000,000, as authorized by section 234 of the Foreign Assistance Act of 1961, to be derived by transfer from the Overseas Private Investment Corporation Non-Credit Account: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That such sums shall be available for direct loan obligations and loan guaranty commitments incurred or made during fiscal years 2003 and 2004: Provided further, That such sums shall remain available through fiscal year 2011 for the disbursement of direct and guaranteed loans obligated in fiscal year 2003, and through fiscal year 2012 for the disbursement of direct and guaranteed loans obligated in fiscal year 2004.

In addition, such sums as may be necessary for administrative expenses to carry out the credit program may be derived from amounts available for administrative expenses to carry out the credit and insurance programs in the Overseas Private Investment Corporation Noncredit Account and merged with said account.

FUNDS APPROPRIATED TO THE PRESIDENT

TRADE AND DEVELOPMENT AGENCY

For necessary expenses to carry out the provisions of section 661 of the Foreign Assistance Act of 1961, $44,696,000, to remain available until September 30, 2004.

TITLE II—BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

For expenses necessary to enable the President to carry out the provisions of the Foreign Assistance Act of 1961, and for other purposes, to remain available until September 30, 2003, unless otherwise specified herein, as follows:

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

CHILD SURVIVAL AND HEALTH PROGRAMS FUND

For necessary expenses to carry out the provisions of chapters 1 and 10 of part I of the Foreign Assistance Act of 1961, for child survival, health, and family planning/reproductive health activities, in addition to funds otherwise available for such purposes, $1,790,000,000, to remain available until expended: Provided, That this amount shall be made available for such activities as: (1) immunization programs; (2) oral rehydration programs; (3) health, nutrition, water and sanitation programs which directly address the needs of mothers and children, and related education programs; (4) assistance for displaced and orphaned children; (5) programs for the prevention, treatment, and control of, and research on, HIV/AIDS, tuberculosis, malaria, polio and other infectious diseases; and (6) family planning/reproductive health: Provided further, That none of the funds appropriated under this heading may be made available for nonproject assistance, except that funds may be made available for such assistance for ongoing health activities: Provided further, That of the funds appropriated under this heading, not to exceed $125,000, in addition to funds otherwise available for such purposes, may be used to monitor and provide oversight of child survival, maternal and family planning/reproductive health, and infectious disease programs: Provided further, That the following amounts should be allocated as follows: $350,000,000 for child survival and maternal health; $25,000,000 for vulnerable children; $541,500,000 for HIV/AIDS including not less than $18,000,000 which shall be made available to support the development of microbicides as a means for combating HIV/AIDS; $185,000,000 for other infectious diseases, of which not less than $65,000,000 should be made available for the prevention, treatment, and control of, and research on, tuberculosis, and of which not less than $75,000,000 should be made available to combat malaria; $385,000,000 for family planning/reproductive health, including in areas where population growth threatens biodiversity or endangered species; and $120,000,000 for UNICEF: Provided further, That of the funds appropriated under this heading, and in addition to funds allocated under the previous proviso, $200,000,000 shall be made available, notwithstanding any other provision of law, for a United States contribution to the Global Fund to Fight AIDS, Tuberculosis and Malaria, and shall be expended at the minimum rate necessary to make timely payment for projects and activities: Provided further, That of the funds appropriated under this heading that are available for HIV/AIDS programs and activities, up to $60,000,000 should be made available for a United States contribution to The Vaccine Fund, up to $12,000,000 should be made available for the International AIDS Vaccine Initiative, and $100,000,000 should be made available for the International Mother and Child HIV Prevention Initiative: Provided further, That notwithstanding any other provision of this Act, funds appropriated under this heading that are available for child survival and health programs

shall be apportioned to the United States Agency for International Development, and the authority of sections 632(a) or 632(b) of the Foreign Assistance Act of 1961, or any comparable provision of law, may not be used to transfer or allocate any part of such funds to the Department of Health and Human Services including any office of that agency, except that the authority of those sections may be used to transfer or allocate up to $25,000,000 of such funds to the Centers for Disease Control and Prevention: Provided further, That none of the funds made available in this Act nor any unobligated balances from prior appropriations may be made available to any organization or program which, as determined by the President of the United States, supports or participates in the management of a program of coercive abortion or involuntary sterilization: Provided further, That none of the funds made available under this Act may be used to pay for the performance of abortion as a method of family planning or to motivate or coerce any person to practice abortions: Provided further, That none of the funds made available under this Act may be used to lobby for or against abortion: Provided further, That in order to reduce reliance on abortion in developing nations, funds shall be available only to voluntary family planning projects which offer, either directly or through referral to, or information about access to, a broad range of family planning methods and services, and that any such voluntary family planning project shall meet the following requirements: (1) service providers or referral agents in the project shall not implement or be subject to quotas, or other numerical targets, of total number of births, number of family planning acceptors, or acceptors of a particular method of family planning (this provision shall not be construed to include the use of quantitative estimates or indicators for budgeting and planning purposes); (2) the project shall not include payment of incentives, bribes, gratuities, or financial reward to: (A) an individual in exchange for becoming a family planning acceptor; or (B) program personnel for achieving a numerical target or quota of total number of births, number of family planning acceptors, or acceptors of a particular method of family planning; (3) the project shall not deny any right or benefit, including the right of access to participate in any program of general welfare or the right of access to health care, as a consequence of any individual's decision not to accept family planning services; (4) the project shall provide family planning acceptors comprehensible information on the health benefits and risks of the method chosen, including those conditions that might render the use of the method inadvisable and those adverse side effects known to be consequent to the use of the method; and (5) the project shall ensure that experimental contraceptive drugs and devices and medical procedures are provided only in the context of a scientific study in which participants are advised of potential risks and benefits; and, not less than 60 days after the date on which the Administrator of the United States Agency for International Development determines that there has been a violation of the requirements contained in paragraph (1), (2), (3), or (5) of this proviso, or a pattern or practice of violations of the requirements contained in paragraph (4) of this proviso, the Administrator shall submit to the Committees on Appropriations a report containing a description of such violation and the corrective action taken by the Agency: Provided further, That in awarding grants for natural family planning under section 104 of the Foreign Assistance Act of 1961 no applicant shall be discriminated against because of such applicant's religious or conscientious commitment to offer only natural family planning; and, additionally, all such applicants shall comply with the requirements of the previous proviso: Provided further, That for purposes of this or any other Act authorizing or appropriating funds for foreign operations, export financing, and related programs, the term ''motivate'', as it relates to family planning assistance, shall not be construed to prohibit the provision, consistent with local law, of information or counseling about all pregnancy options: Provided further, That restrictions with respect to assistance for HIV/AIDS, family planning, or child survival and health activities shall not be construed to restrict assistance in support of programs to expand the availability and use of condoms for HIV/AIDS prevention and of contraceptives from funds appropriated by this Act: Provided further, That nothing in this paragraph shall be construed to alter any existing statutory prohibitions against abortion under section 104 of the Foreign Assistance Act of 1961: Provided further, That the funds under this heading that are available for the treatment and prevention of HIV/AIDS should also include programs and activities that are designed to maintain and preserve the families of those persons afflicted with HIV/AIDS and to reduce the numbers of orphans created by HIV/AIDS.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

CHILD SURVIVAL AND HEALTH PROGRAMS FUND

ADDITIONAL AMOUNT FOR GLOBAL HIV/AIDS PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For an additional amount to carry out the provisions of chapters 1 and 10 of part I of the Foreign Assistance Act of 1961, for child survival, health, and family planning/reproductive health activities, $180,000,000, to remain available until September 30, 2004: Provided, That of such amount, not less than $100,000,000 shall be made available for a United States contribution to the Global Fund to Fight AIDS, Tuberculosis and Malaria (in addition to amounts made available for contribution to such Fund under any other provision of this Act): Provided, further, That, of the additional amount appropriated under this heading, up to $25,000,000 (not to be derived from the amount made available for contribution under the preceding proviso) may be transferred to (and upon transfer shall be merged with) amounts appropriated for the Department of Health and Human Services for the Centers for Disease Control and Prevention for disease control, research, and training under title II of division G of this Act, which shall be made available for child survival, maternal health, and other disease programs and development activities to prevent, treat, care for, and address the impact and consequences of HIV/AIDS: Provided, further, That not more than seven percent of the total amount appropriated under this heading may be made available for administrative costs of departments and agencies of the United States that carry out programs for which funds are appropriated under this heading, but funds made available for such costs may not to be derived from amounts made available for contribution and transfer under the preceding provisos.

DEVELOPMENT ASSISTANCE

For necessary expenses to carry out the provisions of sections 103, 105, 106, and 131, and chapter 10 of part I of the Foreign Assistance Act of 1961, $1,365,500,000, to remain available until September 30, 2004: Provided, That none of the funds appropriated under title II of this Act that are managed by or allocated to the United States Agency for International Development's Global Development Alliance Secretariat, may be made available except through the regular notification procedures of the Committees on Appropriations: Provided further, That $200,000,000 should be allocated for children's basic education: Provided further, That none of the funds appropriated under this heading may be made available for any activity which is in contravention to the Convention on International Trade in Endangered Species of Flora and Fauna: Provided further, That of the funds appropriated under this heading that are made available for assistance programs for displaced and orphaned children and victims of war, not to exceed $32,500, in addition to funds otherwise available for such purposes, may be used to monitor and provide oversight of such programs: Provided further, That of the aggregate amount of the funds appropriated by this Act that are made available for agriculture and rural development programs, $35,000,000 should be made available for plant biotechnology research and development: Provided further, That not less than $2,300,000 should be made available for core support for the International Fertilizer Development Center: Provided further, That of the funds appropriated under this heading, not less than $1,000,000 shall be made available for support of the United States Telecommunications Training Institute: Provided further, That of the funds appropriated under this heading, not less than $19,000,000 should be made available for the American Schools and Hospitals Abroad program: Provided further, That of the funds appropriated by this Act, $450,000,000 should be made available for water-related assistance programs, of which $100,000,000 shall be made available for drinking water supply projects: Provided further, That funds made available under this heading should be made available for programs to provide alternative livelihoods for Vietnamese coffee growers.

INTERNATIONAL DISASTER ASSISTANCE

For necessary expenses for international disaster relief, rehabilitation, and reconstruction assistance pursuant to section 491 of the Foreign Assistance Act of 1961, as amended, $230,000,000, to remain available until expended.

In addition, for assistance for Afghanistan, $60,000,000 to remain available until expended: Provided, That these funds shall be used for humanitarian and reconstruction assistance for the Afghan people including health and education programs, housing, to improve the status of women, infrastructure, to further political reforms, and assistance for victims of war and displaced persons.

TRANSITION INITIATIVES

For necessary expenses for international disaster rehabilitation and reconstruction assistance pursuant to section 491 of the Foreign Assistance Act of 1961, $55,000,000, to remain available until expended, to support transition to democracy and to long-term development of countries in crisis: Provided, That such support may include assistance to develop, strengthen, or preserve democratic institutions and processes, revitalize basic infrastructure, and foster the peaceful resolution of conflict: Provided further, That the United States Agency for International Development shall submit a report to the Committees on Appropriations at least 5 days prior to beginning a new program of assistance.

DEVELOPMENT CREDIT AUTHORITY

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans and loan guarantees, as authorized by sections 108 and 635 of the Foreign Assistance Act of 1961, funds may be derived by transfer from funds appropriated by this Act to carry out part I of such Act and under the heading ''Assistance for Eastern Europe and the Baltic States'': Provided, That such funds when added to the funds transferred pursuant to the authority contained under this heading in Public Law 107–115, shall not exceed $24,500,000, which shall be made available only for micro and small enterprise programs, urban programs, and other programs which further the purposes of part I of the Act: Provided further, That of the funds made available pursuant to the previous proviso, not less than $4,000,000 shall be made available for urban programs: Provided further, That such costs shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That the provisions of section 107A(d) (relating to general provisions applicable to the Development Credit Authority) of the Foreign Assistance Act of 1961, as contained in section 306 of H.R. 1486 as reported by the House Committee on International

Relations on May 9, 1997, shall be applicable to direct loans and loan guarantees provided under this heading. In addition, for administrative expenses to carry out credit programs administered by the United States Agency for International Development, $7,591,000, which may be transferred to and merged with the appropriation for Operating Expenses of the United States Agency for International Development: Provided further, That funds made available under this heading shall remain available until September 30, 2007.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the ''Foreign Service Retirement and Disability Fund'', as authorized by the Foreign Service Act of 1980, $45,200,000.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

For necessary expenses to carry out the provisions of section 667, $571,087,000: Provided, That none of the funds appropriated under this heading may be made available to finance the construction (including architect and engineering services), purchase, or long term lease of offices for use by the United States Agency for International Development, unless the Administrator has identified such proposed construction (including architect and engineering services), purchase, or long term lease of offices in a report submitted to the Committees on Appropriations at least 15 days prior to the obligation of these funds for such purposes: Provided further, That the previous proviso shall not apply where the total cost of construction (including architect and engineering services), purchase, or long term lease of offices does not exceed $1,000,000.

CAPITAL INVESTMENT FUND

For necessary expenses for overseas construction and related costs, and for the procurement and enhancement of information technology and related capital investments, pursuant to section 667, $65,000,000, to remain available until expended: Provided, That of the funds appropriated under this heading, not less than $13,000,000 shall be available for the procurement and enhancement of information technology and related capital investments: Provided further, That of the funds appropriated under this heading, up to $10,000,000 shall be made available for costs related to the construction of temporary, secure facilities for United States Agency for International Development personnel in Afghanistan: Provided further, That the funds appropriated under this heading are in addition to funds otherwise available for such purposes.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT OFFICE OF INSPECTOR GENERAL

For necessary expenses to carry out the provisions of section 667, $33,046,000, to remain available until September 30, 2004, which sum shall be available for the Office of the Inspector General of the United States Agency for International Development.

OTHER BILATERAL ECONOMIC ASSISTANCE

ECONOMIC SUPPORT FUND

For necessary expenses to carry out the provisions of chapter 4 of part II, $2,260,000,000, to remain available until September 30, 2004: Provided, That of the funds appropriated under this heading, not less than $600,000,000 shall be available only for Israel, which sum shall be available on a grant basis as a cash transfer and shall be disbursed within 30 days of the enactment of this Act: Provided further, That not less than $615,000,000 shall be available only for Egypt, which sum shall be provided on a grant basis, and of which sum cash transfer assistance shall be provided with the understanding that Egypt will undertake significant economic reforms which are additional to those which were undertaken in previous fiscal years, and of which not less than $200,000,000 shall be provided as Commodity Import Program assistance: Provided further, That in exercising the authority to provide cash transfer assistance for Israel, the President shall ensure that the level of such assistance does not cause an adverse impact on the total level of nonmilitary exports from the United States to such country and that Israel enters into a side letter agreement in an amount proportional to the fiscal year 1999 agreement: Provided further, That of the funds appropriated under this heading and in addition to funds previously allocated, not less than $5,000,000 should be made available for programs and activities which bring together Arabs and Israelis to promote understanding and shared solutions to common problems, including through the ''Arava Institute for Environmental Studies'', ''Seeds of Peace'', and ''Jerusalem International YMCA'': Provided further, That of the funds appropriated under this heading, $250,000,000 shall be made available for assistance for Jordan: Provided further, That of the funds appropriated under this heading, not less than $75,000,000 shall be made available for humanitarian, refugee, reconstruction, and development activities, including activities to promote democratic and economic reform, for the West Bank and Gaza: Provided further, That not less than $1,000,000 of the funds provided in the previous proviso may be used to further legal reforms in the West Bank and Gaza, including judicial training on commercial disputes and ethics: Provided further, That not to exceed $200,000,000 of the funds appropriated under this heading in this Act may be made available for the costs, as defined in section 502 of the Congressional Budget Act of 1974, of modifying direct loans and guarantees for Pakistan: Provided further, That not to exceed $15,000,000 of the funds appropriated under this heading in Public Law 107–206, the Supplemental Appropriations Act for Further Recovery From and Response To Terrorist Attacks on the United States, FY 2002, may be made available for the costs, as defined in section 502 of the Congressional Budget Act of 1974, of modifying direct loans and guarantees for Jordan: Provided further, That $15,000,000 of the funds appropriated under this heading shall be made available for Cyprus to be used only for scholarships, administrative support of the scholarship program, bicommunal projects, and measures aimed at reunification of the island and designed to reduce tensions and promote peace and cooperation between the two communities on Cyprus: Provided further, That $35,000,000 of the funds appropriated under this heading shall be made available for assistance for Lebanon to be used, among other programs, for scholarships and direct support of the American educational institutions in Lebanon: Provided further, That none of the funds appropriated under this heading may be made available for assistance for the Central Government of Lebanon: Provided further, That the Government of Lebanon should enforce the custody and international pickup orders, issued during calendar year 2001, of Lebanon's civil courts regarding abducted American children in Lebanon: Provided further, That not less than $150,000,000 of the funds appropriated under this Act shall be made available for assistance for Indonesia, of which not less than $10,000,000 shall be made available for programs and activities in Aceh, and not less than $5,000,000 for reconstruction and recovery efforts in Bali: Provided further, That none of the funds made available for Aceh in this Act may be used to construct roads or other infrastructure that threatens the habitat of orangutans or other endangered species: Provided further, That of the funds appropriated under this heading, not less than $25,000,000 shall be made available for assistance for the Democratic Republic of Timor-Leste of which up to $1,000,000 may be available for administrative expenses of the United States Agency for International Development: Provided further, That of the funds appropriated under this heading, not less than $3,500,000 shall be made available for assistance for countries to implement and enforce the Kimberly Process Certification Scheme: Provided further, That of the funds appropriated under this heading, not less than $250,000 shall be made available for programs and activities administered by the National Endowment for Democracy that promote human rights in North Korea: Provided further, That $3,000,000 shall be made available for the international youth exchange program for secondary students from countries with significant Muslim populations: Provided further, That of the funds appropriated under this heading, $10,000,000 shall be made available to continue to support the provision of wheelchairs for needy persons in developing countries: Provided further, That funds appropriated under this heading may be used, notwithstanding any other provision of law, to provide assistance to the National Democratic Alliance of Sudan to strengthen its ability to protect civilians from attacks, slave raids, and aerial bombardment by the Sudanese Government forces and its militia allies, and the provision of such funds shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That in the previous proviso, the term ''assistance'' includes non-lethal, non-food aid such as blankets, medicine, fuel, mobile clinics, water drilling equipment, communications equipment to notify civilians of aerial bombardment, non-military vehicles, tents, and shoes: Provided further, That of the funds appropriated under this heading, not less than $10,000,000 shall be made available during fiscal year 2003 for a contribution to the Special Court for Sierra Leone: Provided further, That with respect to funds appropriated under this heading in this Act or prior Acts making appropriations for foreign operations, export financing, and related programs, the responsibility for policy decisions and justifications for the use of such funds, including whether there will be a program for a country that uses those funds and the amount of each such program, shall be the responsibility of the Secretary of State and the Deputy Secretary of State and this responsibility shall not be delegated.

ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC STATES

(a) For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 and the Support for East European Democracy (SEED) Act of 1989, $530,000,000, to remain available until September 30, 2004, which shall be available, notwithstanding any other provision of law, for assistance and for related programs for Eastern Europe and the Baltic States: Provided, That funds made available for assistance for Kosovo from funds appropriated under this heading and under the headings ''Economic Support Fund'' and ''International Narcotics Control and Law Enforcement'' should not exceed 15 percent of the total resources pledged by all donors for calendar year 2003 for assistance for Kosovo as of March 31, 2003: Provided further, That none of the funds made available under this Act for assistance for Kosovo shall be made available for large scale physical infrastructure reconstruction: Provided further, That of the funds made available under this heading for assistance for Kosovo, $2,000,000 shall be made available for assistance to support training programs for Kosovar women: Provided further, That of the funds made available under this heading for assistance for Bulgaria, $5,000,000 shall be made available for full scope simulators to enhance safety at nuclear power plants: Provided further, That of the funds made available under this heading, $750,000 shall be made available for regional programs and activities to promote reconciliation among ethnic groups within the former Yugoslavia.

(b) Funds appropriated under this heading or in prior appropriations Acts that are or have been made available for an Enterprise Fund may be deposited by such Fund in interest-bearing accounts prior to the Fund's disbursement of

such funds for program purposes. The Fund may retain for such program purposes any interest earned on such deposits without returning such interest to the Treasury of the United States and without further appropriation by the Congress. Funds made available for Enterprise Funds shall be expended at the minimum rate necessary to make timely payment for projects and activities.

(c) Funds appropriated under this heading shall be considered to be economic assistance under the Foreign Assistance Act of 1961 for purposes of making available the administrative authorities contained in that Act for the use of economic assistance.

(d) With regard to funds appropriated under this heading for the economic revitalization program in Bosnia and Herzegovina, and local currencies generated by such funds (including the conversion of funds appropriated under this heading into currency used by Bosnia and Herzegovina as local currency and local currency returned or repaid under such program) the Administrator of the United States Agency for International Development shall provide written approval for grants and loans prior to the obligation and expenditure of funds for such purposes, and prior to the use of funds that have been returned or repaid to any lending facility or grantee.

(e) The provisions of section 528 of this Act shall apply to funds made available under subsection (d) and to funds appropriated under this heading: Provided, That notwithstanding any provision of this or any other Act, including provisions in this subsection regarding the application of section 528 of this Act, local currencies generated by, or converted from, funds appropriated by this Act and by previous appropriations Acts and made available for the economic revitalization program in Bosnia may be used in Eastern Europe and the Baltic States to carry out the provisions of the Foreign Assistance Act of 1961 and the Support for East European Democracy (SEED) Act of 1989.

(f) The President is authorized to withhold funds appropriated under this heading made available for economic revitalization programs in Bosnia and Herzegovina, if he determines and certifies to the Committees on Appropriations that the Federation of Bosnia and Herzegovina has not complied with article III of annex 1–A of the General Framework Agreement for Peace in Bosnia and Herzegovina concerning the withdrawal of foreign forces, and that intelligence cooperation on training, investigations, and related activities between state sponsors of terrorism and terrorist organizations and Bosnian officials has not been terminated.

ASSISTANCE FOR THE INDEPENDENT STATES OF THE FORMER SOVIET UNION

(a) For necessary expenses to carry out the provisions of chapters 11 and 12 of part I of the Foreign Assistance Act of 1961 and the FREEDOM Support Act, for assistance for the Independent States of the former Soviet Union and for related programs, $765,000,000, to remain available until September 30, 2004: Provided, That the provisions of such chapters shall apply to funds appropriated by this paragraph: Provided further, That of the funds made available for the Southern Caucasus region, notwithstanding any other provision of law, funds may be used for confidence-building measures and other activities in furtherance of the peaceful resolution of the regional conflicts, especially those in the vicinity of Abkhazia and Nagorno-Karabagh: Provided further, That of the funds appropriated under this heading $17,500,000 shall be made available solely for assistance for the Russian Far East: Provided further, That, notwithstanding any other provision of law, funds appropriated under this heading in this Act or prior Acts making appropriations for foreign operations, export financing, and related programs, that are made available pursuant to the provisions of section 807 of the FREEDOM Support Act (Public Law 102–511) shall be subject to the ceiling on administrative expenses contained in section 807(a)(5) of the FREEDOM Support Act.

(b) Of the funds appropriated under this heading that are made available for assistance for Ukraine, not less than $30,000,000 shall be made available for nuclear reactor safety initiatives and not less than $3,000,000 shall be made available for coal mine safety programs, including mine ventilation and fire prevention and control.

(c) Of the funds appropriated under this heading, not less than $90,000,000 shall be made available for assistance for Armenia.

(d) Of the funds appropriated under this heading, $87,000,000 should be made available for assistance for Georgia.

(e)(1) Of the funds appropriated under this heading that are allocated for assistance for the Government of the Russian Federation, 60 percent shall be withheld from obligation until the President determines and certifies in writing to the Committees on Appropriations that the Government of the Russian Federation:

(A) has terminated implementation of arrangements to provide Iran with technical expertise, training, technology, or equipment necessary to develop a nuclear reactor, related nuclear research facilities or programs, or ballistic missile capability; and

(B) is providing unimpeded access to international non-government organizations providing humanitarian relief to refugees and internally displaced persons in Chechnya.

(2) Paragraph (1) shall not apply to—

(A) assistance to combat infectious diseases, child survival activities, or assistance for victims of trafficking in persons; and

(B) activities authorized under title V (Nonproliferation and Disarmament Programs and Activities) of the FREEDOM Support Act.

(f) Section 907 of the FREEDOM Support Act shall not apply to—

(1) activities to support democracy or assistance under title V of the FREEDOM Support Act and section 1424 of Public Law 104–201 or non-proliferation assistance;

(2) any assistance provided by the Trade and Development Agency under section 661 of the Foreign Assistance Act of 1961 (22 U.S.C. 2421);

(3) any activity carried out by a member of the United States and Foreign Commercial Service while acting within his or her official capacity;

(4) any insurance, reinsurance, guarantee or other assistance provided by the Overseas Private Investment Corporation under title IV of chapter 2 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2191 et seq.);

(5) any financing provided under the Export-Import Bank Act of 1945; or

(6) humanitarian assistance.

INDEPENDENT AGENCIES

INTER-AMERICAN FOUNDATION

For necessary expenses to carry out the functions of the Inter-American Foundation in accordance with the provisions of section 401 of the Foreign Assistance Act of 1969, $16,385,000, to remain available until September 30, 2004.

AFRICAN DEVELOPMENT FOUNDATION

For necessary expenses to carry out title V of the International Security and Development Cooperation Act of 1980, Public Law 96–533, $17,689,000, to remain available until September 30, 2004: Provided, That funds made available to grantees may be invested pending expenditure for project purposes when authorized by the board of directors of the Foundation: Provided further, That interest earned shall be used only for the purposes for which the grant was made: Provided further, That this authority applies to interest earned both prior to and following enactment of this provision: Provided further, That notwithstanding section 505(a)(2) of the African Development Foundation Act, in exceptional circumstances the board of directors of the Foundation may waive the $250,000 limitation contained in that section with respect to a project: Provided further, That the Foundation shall provide a report to the Committees on Appropriations after each time such waiver authority is exercised.

PEACE CORPS

For necessary expenses to carry out the provisions of the Peace Corps Act (75 Stat. 612), $285,000,000, including the purchase of not to exceed five passenger motor vehicles for administrative purposes for use outside of the United States: Provided, That none of the funds appropriated under this heading shall be used to pay for abortions: Provided further, That funds appropriated under this heading shall remain available until September 30, 2004.

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

For necessary expenses to carry out section 481 of the Foreign Assistance Act of 1961, $196,713,000, to remain available until expended: Provided, That any funds made available under this heading for anti-crime programs and activities shall be made available subject to the regular notification procedures of the Committees on Appropriations: Provided further, That during fiscal year 2003, the Department of State may also use the authority of section 608 of the Foreign Assistance Act of 1961, without regard to its restrictions, to receive excess property from an agency of the United States Government for the purpose of providing it to a foreign country under chapter 8 of part I of that Act subject to the regular notification procedures of the Committees on Appropriations: Provided further, That of the funds appropriated under this heading, $20,000,000 should be made available for anti-trafficking in persons programs, including trafficking prevention, protection and assistance for victims, and prosecution of traffickers: Provided further, That of the funds appropriated under this heading, not more than $24,300,000 may be available for administrative expenses.

ANDEAN COUNTERDRUG INITIATIVE

For necessary expenses to carry out section 481 of the Foreign Assistance Act of 1961 solely to support counterdrug activities in the Andean region of South America, $650,000,000, to remain available until expended: Provided, That in addition to the funds appropriated under this heading and subject to the regular notification procedures of the Committees on Appropriations, the President may make available up to an additional $35,000,000 for the Andean Counterdrug Initiative, which may be derived from funds appropriated under the heading ''International Narcotics Control and Law Enforcement'' in this Act and in prior Acts making appropriations for foreign operations, export financing, and related programs: Provided further, That of the amount appropriated under this heading, not less than $225,000,000 shall be apportioned directly to the United States Agency for International Development, to be used for economic and social programs: Provided further, That of the funds appropriated under this heading and under the heading ''Foreign Military Financing Program'', not less than $5,000,000 shall be made available to train and equip a Colombian Armed Forces unit dedicated to apprehending the leaders of paramilitary organizations: Provided further, That of the funds made available for assistance for Colombia under this heading, up to $3,000,000 shall be made available for commercially developed, web monitoring software, and training on the usage thereof, for the Colombian National Police: Provided further, That of the funds made available for assistance for Colombia under this heading, not less than $2,000,000 shall be made available for vehicles, equipment, and other assistance for the human rights unit of the Procurador General: Provided further, That funds appropriated by this Act that are used for the procurement of chemicals, equipment or services for aerial coca and poppy fumigation programs may be made available for such

programs only if the Secretary of State and the Administrator of the Environmental Protection Agency (EPA) certify to the Committees on Appropriations that (1) an environmental impact statement (EIS) has been completed in a manner consistent with that required for comparable use of the herbicide mixture in the United States; (2) the herbicide mixture is being used in accordance with the EIS, EPA label requirements for comparable use in the United States and any additional controls recommended by the EPA for this program, and with Colombian laws including the Environmental Management Plan for aerial fumigation; (3) the herbicide mixture, in the manner it is being used, does not pose unreasonable risks or adverse effects to humans or the environment; and (4) there is effective monitoring of compliance with the requirements of this proviso; and the Secretary of State certifies that effective procedures are being utilized to evaluate claims of local citizens that their health was harmed or their licit agricultural crops were damaged by such aerial coca and poppy fumigation, and to provide fair compensation for meritorious claims; and such funds may not be made available for such purposes unless programs are being implemented by the United States Agency for International Development and the Government of Colombia, in consultation with local communities, to provide alternative sources of income in areas where security permits for small-acreage growers whose illicit crops are targeted for fumigation: Provided further, That section 482(b) of the Foreign Assistance Act of 1961 shall not apply to funds appropriated under this heading: Provided further, That assistance provided with funds appropriated under this heading that is made available notwithstanding section 482(b) of the Foreign Assistance Act of 1961, as amended, shall be made available subject to the regular notification procedures of the Committees on Appropriations: Provided further, That the provisions of section 3204(b) through (h) of Public Law 106–246, as amended by Public Law 107–115, shall be applicable to funds appropriated for fiscal year 2003: Provided further, That no United States Armed Forces personnel or United States civilian contractor employed by the United States will participate in any combat operation in connection with assistance made available by this Act for Colombia: Provided further, That the President shall ensure that if any helicopter procured with funds under this heading is used to aid or abet the operations of any illegal self-defense group or illegal security cooperative, such helicopter shall be immediately returned to the United States: Provided further, That of the funds appropriated under this heading, not less than $3,500,000 shall be made available for assistance for the Colombian National Park Service for training, equipment, and other assistance to protect Colombia's national parks and reserves: Provided further, That funds made available under this heading shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That of the funds appropriated under this heading, not more than $14,800,000 may be available for administrative expenses of the Department of State, and not more than $4,500,000 may be available, in addition to amounts otherwise available for such purposes, for administrative expenses of the United States Agency for International Development.

MIGRATION AND REFUGEE ASSISTANCE

For expenses, not otherwise provided for, necessary to enable the Secretary of State to provide, as authorized by law, a contribution to the International Committee of the Red Cross, assistance to refugees, including contributions to the International Organization for Migration and the United Nations High Commissioner for Refugees, and other activities to meet refugee and migration needs; salaries and expenses of personnel and dependents as authorized by the Foreign Service Act of 1980; allowances as authorized by sections 5921 through 5925 of title 5, United States Code; purchase and hire of passenger motor vehicles; and services as authorized by section 3109 of title 5, United States Code, $787,000,000, which shall remain available until expended: Provided, That not more than $16,565,000 may be available for administrative expenses: Provided further, That not less than $60,000,000 of the funds made available under this heading shall be made available for refugees from the former Soviet Union and Eastern Europe and other refugees resettling in Israel: Provided further, That funds made available under this heading should be made available to inernational organizations for assistance for refugees from North Korea: Provided further, That funds appropriated under this heading may be made available for a headquarters contribution to the International Committee of the Red Cross only if the Secretary of State determines (and so reports to the appropriate committees of Congress) that the Magen David Adom Society of Israel is not being denied participation in the activities of the International Red Cross and Red Crescent Movement.

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

For necessary expenses to carry out the provisions of section 2(c) of the Migration and Refugee Assistance Act of 1962, as amended (22 U.S.C. 260(c)), $32,000,000, to remain available until expended: Provided, That the funds made available under this heading are appropriated notwithstanding the provisions contained in section 2(c)(2) of the Act which would limit the amount of funds which could be appropriated for this purpose.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

For necessary expenses for nonproliferation, anti-terrorism, demining and related programs and activities, $306,400,000, to carry out the provisions of chapter 8 of part II of the Foreign Assistance Act of 1961 for anti-terrorism assistance, chapter 9 of part II of the Foreign Assistance Act of 1961, section 504 of the FREEDOM Support Act, section 23 of the Arms Export Control Act or the Foreign Assistance Act of 1961 for demining activities, the clearance of unexploded ordnance, the destruction of small arms, and related activities, notwithstanding any other provision of law, including activities implemented through nongovernmental and international organizations, and section 301 of the Foreign Assistance Act of 1961 for a voluntary contribution to the International Atomic Energy Agency: Provided, That of this amount, $17,300,000 shall be made available for a United States contribution to the Comprehensive Nuclear Test Ban Treaty Preparatory Commission: Provided further, That of this amount not to exceed $15,000,000, to remain available until expended, may be made available for the Nonproliferation and Disarmament Fund, notwithstanding any other provision of law, to promote bilateral and multilateral activities relating to nonproliferation and disarmament: Provided further, That such funds may also be used for such countries other than the Independent States of the former Soviet Union and international organizations when it is in the national security interest of the United States to do so following consultation with the appropriate committees of Congress: Provided further, That funds appropriated under this heading may be made available for the International Atomic Energy Agency only if the Secretary of State determines (and so reports to the Congress) that Israel is not being denied its right to participate in the activities of that Agency: Provided further, That of the funds appropriated under this heading, $57,000,000 should be made available for demining and related activities, of which not to exceed $675,000, in addition to funds otherwise available for such purposes, may be used for administrative expenses related to the operation and management of the demining program: Provided further, That the Secretary of State is authorized to support public-private partnerships for mine action by grant, cooperative agreement, or otherwise: Provided further, That of the funds appropriated under this heading, $54,400,000 should be made available for a voluntary contribution to the International Atomic Energy Agency: Provided further, That of the funds appropriated under this heading, $4,000,000 should be made available to support the Small Arms Destruction Initiative.

DEPARTMENT OF THE TREASURY

INTERNATIONAL AFFAIRS TECHNICAL ASSISTANCE

For necessary expenses to carry out the provisions of section 129 of the Foreign Assistance Act of 1961 (relating to international affairs technical assistance activities), $10,500,000, to remain available until expended, which shall be available notwithstanding any other provision of law.

TITLE III—MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL MILITARY EDUCATION AND TRAINING

For necessary expenses to carry out the provisions of section 541 of the Foreign Assistance Act of 1961, $80,000,000, of which up to $3,000,000 may remain available until expended: Provided, That the civilian personnel for whom military education and training may be provided under this heading may include civilians who are not members of a government whose participation would contribute to improved civil-military relations, civilian control of the military, or respect for human rights: Provided further, That none of the funds appropriated under this heading may be made available for travel or other purposes that do not directly expose the individual participants to government officials or institutions or to other individuals or organizations engaged in activities involving public policy: Provided further, That funds appropriated under this heading for military education and training for Guatemala may only be available for expanded international military education and training and funds made available for Algeria and Guatemala may only be provided through the regular notification procedures of the Committees on Appropriations: Provided further, That the Secretary of Defense, in consultation with the Secretary of State, shall keep a record of each foreign military and civilian participant in activities provided under this heading, consistent with current Security Assistance Management Manual practices, updated annually for at least six years after the individual completes participation in such activities, and such records shall be included in the database required by section 548 of the Foreign Assistance Act of 1961.

FOREIGN MILITARY FINANCING PROGRAM

For expenses necessary for grants to enable the President to carry out the provisions of section 23 of the Arms Export Control Act, $4,072,000,000: Provided, That of the funds appropriated under this heading, not less than $2,100,000,000 shall be available for grants only for Israel, and not less than $1,300,000,000 shall be made available for grants only for Egypt: Provided further, That the funds appropriated by this paragraph for Israel shall be disbursed within 30 days of the enactment of this Act: Provided further, That to the extent that the Government of Israel requests that funds be used for such purposes, grants made available for Israel by this paragraph shall, as agreed by Israel and the United States, be available for advanced weapons systems, of which not less than $550,000,000 shall be available for the procurement in Israel of defense articles and defense services, including research and development: Provided further, That of the funds appropriated by this paragraph, $198,000,000 shall be made available for assistance for Jordan: Provided further, That of the funds appropriated by this paragraph, not less than

$3,000,000 shall be made available for assistance for Armenia: Provided further, That except as provided in the following proviso, none of the funds appropriated by this paragraph shall be made available for helicopters and related support costs for Colombia: Provided further, That up to $88,000,000 of the funds appropriated by this paragraph may be transferred to and merged with funds appropriated under the heading ''Andean Counterdrug Initiative'' for helicopters, training and other assistance for the Colombian Armed Forces for security for the Cano Limon pipeline: Provided further, That funds appropriated by this paragraph shall be nonrepayable notwithstanding any requirement in section 23 of the Arms Export Control Act: Provided further, That funds made available under this paragraph shall be obligated upon apportionment in accordance with paragraph (5)(C) of title 31, United States Code, section 1501(a).

None of the funds made available under this heading shall be available to finance the procurement of defense articles, defense services, or design and construction services that are not sold by the United States Government under the Arms Export Control Act unless the foreign country proposing to make such procurements has first signed an agreement with the United States Government specifying the conditions under which such procurements may be financed with such funds: Provided, That all country and funding level increases in allocations shall be submitted through the regular notification procedures of section 515 of this Act: Provided further, That none of the funds appropriated under this heading shall be available for assistance for Sudan and Liberia: Provided further, That funds made available under this heading may be used, notwithstanding any other provision of law, for demining, the clearance of unexploded ordnance, and related activities, and may include activities implemented through nongovernmental and international organizations: Provided further, That none of the funds appropriated under this heading shall be available for assistance for Guatemala: Provided further, That only those countries for which assistance was justified for the ''Foreign Military Sales Financing Program'' in the fiscal year 1989 congressional presentation for security assistance programs may utilize funds made available under this heading for procurement of defense articles, defense services or design and construction services that are not sold by the United States Government under the Arms Export Control Act: Provided further, That funds appropriated under this heading shall be expended at the minimum rate necessary to make timely payment for defense articles and services: Provided further, That not more than $38,000,000 of the funds appropriated under this heading may be obligated for necessary expenses, including the purchase of passenger motor vehicles for replacement only for use outside of the United States, for the general costs of administering military assistance and sales: Provided further, That not more than $356,000,000 of funds realized pursuant to section 21(e)(1)(A) of the Arms Export Control Act may be obligated for expenses incurred by the Department of Defense during fiscal year 2003 pursuant to section 43(b) of the Arms Export Control Act, except that this limitation may be exceeded only through the regular notification procedures of the Committees on Appropriations: Provided further, That foreign military financing program funds estimated to be outlayed for Egypt during fiscal year 2003 shall be transferred to an interest bearing account for Egypt in the Federal Reserve Bank of New York within 30 days of enactment of this Act .

PEACEKEEPING OPERATIONS

For necessary expenses to carry out the provisions of section 551 of the Foreign Assistance Act of 1961, $120,250,000: Provided, That of the funds appropriated under this heading, not less than $7,000,000 should be made available for assistance for Afghanistan: Provided further, That of the funds appropriated under this heading, not less than $50,000,000 should be available for assistance for Africa Regional Peacekeeping Operations and the Africa Crisis Response Initiative: Provided further, That none of the funds appropriated under this heading shall be obligated or expended except as provided through the regular notification procedures of the Committees on Appropriations.

TITLE IV—MULTILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL FINANCIAL INSTITUTIONS

GLOBAL ENVIRONMENT FACILITY

For the United States contribution for the Global Environment Facility, $177,812,533, to the International Bank for Reconstruction and Development as trustee for the Global Environment Facility, by the Secretary of the Treasury, to remain available until expended.

CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT ASSOCIATION

For payment to the International Development Association by the Secretary of the Treasury, $837,338,333, to remain available until expended: Provided, That in negotiating United States participation in the next replenishment of the International Development Association, the Secretary of the Treasury shall accord high priority to providing the International Development Association with the policy flexibility to provide new grant assistance to countries eligible for debt reduction under the enhanced HIPC Initiative.

CONTRIBUTION TO THE MULTILATERAL INVESTMENT GUARANTEE AGENCY

For payment to the Multilateral Investment Guarantee Agency by the Secretary of the Treasury, $1,631,000, for the United States paid-in share of the increase in capital stock, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the Multilateral Investment Guarantee Agency may subscribe without fiscal year limitation for the callable capital portion of the United States share of such capital stock in an amount not to exceed $14,825,178.

CONTRIBUTION TO THE INTER-AMERICAN INVESTMENT CORPORATION

For payment to the Inter-American Investment Corporation, by the Secretary of the Treasury, $18,351,667, for the United States share of the increase in subscriptions to capital stock, to remain available until expended.

CONTRIBUTION TO THE ENTERPRISE FOR THE AMERICAS MULTILATERAL INVESTMENT FUND

For payment to the Enterprise for the Americas Multilateral Investment Fund by the Secretary of the Treasury, for the United States contribution to the fund, $29,590,667, to remain available until expended.

CONTRIBUTION TO THE ASIAN DEVELOPMENT FUND

For the United States contribution by the Secretary of the Treasury to the increase in resources of the Asian Development Fund, as authorized by the Asian Development Bank Act, as amended, $100,386,133, to remain available until expended.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT BANK

For payment to the African Development Bank by the Secretary of the Treasury, $5,104,473, for the United States paid-in share of the increase in capital stock, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the African Development Bank may subscribe without fiscal year limitation for the callable capital portion of the United States share of such capital stock in an amount not to exceed $79,602,688.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT FUND

For the United States contribution by the Secretary of the Treasury to the increase in resources of the African Development Fund, $108,073,333, to remain available until expended.

CONTRIBUTION TO THE EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT

For payment to the European Bank for Reconstruction and Development by the Secretary of the Treasury, $35,804,955 for the United States share of the paid-in portion of the increase in capital stock, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the European Bank for Reconstruction and Development may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed $123,328,178.

CONTRIBUTION TO THE INTERNATIONAL FUND FOR AGRICULTURAL DEVELOPMENT

For the United States contribution by the Secretary of the Treasury to increase the resources of the International Fund for Agricultural Development, $15,003,667, to remain available until expended.

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

For necessary expenses to carry out the provisions of section 301 of the Foreign Assistance Act of 1961, and of section 2 of the United Nations Environment Program Participation Act of 1973, $215,000,000: Provided, That none of the funds appropriated under this heading may be made available to the Korean Peninsula Energy Development Organization or the International Atomic Energy Agency: Provided further, That of the funds appropriated under this heading, not less than $35,000,000 shall be made available for the United Nations Population Fund: Provided further, That funds appropriated under this heading in this Act and in Public Law 107–115 that were available for the United Nations Population Fund (UNFPA) shall be made available for UNFPA if the President determines that UNFPA no longer supports or participates in the management of a program of coercive abortion or involuntary sterilization: Provided further, That none of the funds made available for the UNFPA may be used in the People's Republic of China: Provided further, That the conditions on availability of funds for the UNFPA as contained in section 576(c) of Public Law 107–115 shall apply to any assistance provided for the UNFPA in this Act: Provided further, That of the funds appropriated under this heading, $12,025,000 shall be made available for the United Nations Environment Program: Provided further, That of the funds appropriated under this heading, a total of $12,825,000 should be made available for International Conservation Programs and the International Panel on Climate Change/United Nations Framework Convention on Climate Change: Provided further, That of the funds appropriated under this heading, not less than the following amounts should be made available for the following programs: $6,500,000 for Organization of American States Democracy Assistance Programs, $3,500,000 for the Organization of American States Fund for Strengthening Democracy, $6,000,000 for the World Food Program, $2,000,000 for International Contributions for Scientific, Educational, and Cultural Activities, and $1,000,000 for the United Nations Center for Human Settlements: Provided further, That of the funds appropriated under this heading not less than $500,000 should be made available for a United States contribution to the International Coffee Organization (ICO) if the United States becomes a member of the ICO prior to June 1, 2003.

TITLE V—GENERAL PROVISIONS

OBLIGATIONS DURING LAST MONTH OF AVAILABILITY

SEC. 501. Except for the appropriations entitled ''International Disaster Assistance'', and ''United States Emergency Refugee and Migration Assistance Fund'', not more than 15 percent of any appropriation item made available by this Act shall be obligated during the last month of availability.

PRIVATE AND VOLUNTARY ORGANIZATIONS

SEC. 502. (a) None of the funds appropriated or otherwise made available by this Act for development assistance may be made available to any United States private and voluntary organization, except any cooperative development organization, which obtains less than 20 percent of its total annual funding for international activities from sources other than the United States Government: Provided, That the Administrator of the United States Agency for International Development, after informing the Committees on Appropriations, may, on a case-by-case basis, waive the restriction contained in this subsection, after taking into account the effectiveness of the overseas development activities of the organization, its level of volunteer support, its financial viability and stability, and the degree of its dependence for its financial support on the agency.

(b) Funds appropriated or otherwise made available under title II of this Act should be made available to private and voluntary organizations at a level which is at least equivalent to the level provided in fiscal year 1995.

LIMITATION ON RESIDENCE EXPENSES

SEC. 503. Of the funds appropriated or made available pursuant to this Act, not to exceed $100,500 shall be for official residence expenses of the United States Agency for International Development during the current fiscal year: Provided, That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars.

LIMITATION ON EXPENSES

SEC. 504. Of the funds appropriated or made available pursuant to this Act, not to exceed $5,000 shall be for entertainment expenses of the United States Agency for International Development during the current fiscal year.

LIMITATION ON REPRESENTATIONAL ALLOWANCES

SEC. 505. Of the funds appropriated or made available pursuant to this Act, not to exceed $125,000 shall be available for representation allowances for the United States Agency for International Development during the current fiscal year: Provided, That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars: Provided further, That of the funds made available by this Act for general costs of administering military assistance and sales under the heading ''Foreign Military Financing Program'', not to exceed $2,000 shall be available for entertainment expenses and not to exceed $125,000 shall be available for representation allowances: Provided further, That of the funds made available by this Act under the heading ''International Military Education and Training'', not to exceed $50,000 shall be available for entertainment allowances: Provided further, That of the funds made available by this Act for the Inter-American Foundation, not to exceed $2,000 shall be available for entertainment and representation allowances: Provided further, That of the funds made available by this Act for the Peace Corps, not to exceed a total of $4,000 shall be available for entertainment expenses: Provided further, That of the funds made available by this Act under the heading ''Trade and Development Agency'', not to exceed $2,000 shall be available for representation and entertainment allowances.

PROHIBITION ON FINANCING NUCLEAR GOODS

SEC. 506. None of the funds appropriated or made available (other than funds for ''Nonproliferation, Anti-terrorism, Demining and Related Programs'') pursuant to this Act, for carrying out the Foreign Assistance Act of 1961, may be used, except for purposes of nuclear safety, to finance the export of nuclear equipment, fuel, or technology.

PROHIBITION AGAINST DIRECT FUNDING FOR CERTAIN COUNTRIES

SEC. 507. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance directly any assistance or reparations to Cuba, Iraq, Libya, North Korea, Iran, Sudan, or Syria: Provided, That for purposes of this section, the prohibition on obligations or expenditures shall include direct loans, credits, insurance and guarantees of the Export-Import Bank or its agents: Provided further, That assistance or other financing under this Act may be provided for Iraq notwithstanding the provisions of this section or any other law, including comparable provisions contained in prior foreign operations, export financing, and related programs appropriations Acts, if the President determines that the provision of assistance or other financing for Iraq is important to the national security interests of the United States: Provided further, That such assistance or financing shall be subject to the regular notification procedures of the Committees on Appropriations.

MILITARY COUPS

SEC. 508. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance directly any assistance to the government of any country whose duly elected head of government is deposed by decree or military coup: Provided, That assistance may be resumed to such government if the President determines and certifies to the Committees on Appropriations that subsequent to the termination of assistance a democratically elected government has taken office: Provided further, That the provisions of this section shall not apply to assistance to promote democratic elections or public participation in democratic processes: Provided further, That funds made available pursuant to the previous provisos shall be subject to the regular notification procedures of the Committees on Appropriations.

TRANSFERS BETWEEN ACCOUNTS

SEC. 509. None of the funds made available by this Act may be obligated under an appropriation account to which they were not appropriated, except for transfers specifically provided for in this Act, unless the President, prior to the exercise of any authority contained in the Foreign Assistance Act of 1961 to transfer funds, consults with and provides a written policy justification to the Committees on Appropriations.

DEOBLIGATION/REOBLIGATION AUTHORITY

SEC. 510. Obligated balances of funds appropriated to carry out section 23 of the Arms Export Control Act as of the end of the fiscal year immediately preceding the current fiscal year are, if deobligated, hereby continued available during the current fiscal year for the same purpose under any authority applicable to such appropriations under this Act: Provided, That the authority of this section may not be used in fiscal year 2003.

AVAILABILITY OF FUNDS

SEC. 511. No part of any appropriation contained in this Act shall remain available for obligation after the expiration of the current fiscal year unless expressly so provided in this Act: Provided, That funds appropriated for the purposes of chapters 1, 8, 11, and 12 of part I, section 667, chapter 4 of part II of the Foreign Assistance Act of 1961, as amended, section 23 of the Arms Export Control Act, and funds provided under the heading ''Assistance for Eastern Europe and the Baltic States'', shall remain available for an additional four years from the date on which the availability of such funds would otherwise have expired, if such funds are initially obligated before the expiration of their respective periods of availability contained in this Act: Provided further, That, notwithstanding any other provision of this Act, any funds made available for the purposes of chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961 which are allocated or obligated for cash disbursements in order to address balance of payments or economic policy reform objectives, shall remain available until expended.

LIMITATION ON ASSISTANCE TO COUNTRIES IN DEFAULT

SEC. 512. No part of any appropriation contained in this Act shall be used to furnish assistance to the government of any country which is in default during a period in excess of one calendar year in payment to the United States of principal or interest on any loan made to the government of such country by the United States pursuant to an assistance program for which funds are appropriated under this Act unless the Secretary of State determines, following consultations with the Committees on Appropriations, that assistance to such country is in the national interest of the United States.

COMMERCE AND TRADE

SEC. 513. (a) None of the funds appropriated or made available pursuant to this Act for direct assistance and none of the funds otherwise made available pursuant to this Act to the Export-Import Bank and the Overseas Private Investment Corporation shall be obligated or expended to finance any loan, any assistance or any other financial commitments for establishing or expanding production of any commodity for export by any country other than the United States, if the commodity is likely to be in surplus on world markets at the time the resulting productive capacity is expected to become operative and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity: Provided, That such prohibition shall not apply to the Export-Import Bank if in the judgment of its Board of Directors the benefits to industry and employment in the United States are likely to outweigh the injury to United States producers of the same, similar, or competing commodity, and the Chairman of the Board so notifies the Committees on Appropriations.

(b) None of the funds appropriated by this or any other Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 shall be available for any testing or breeding feasibility study, variety improvement or introduction, consultancy, publication, conference, or training in connection with the growth or production in a foreign country of an agricultural commodity for export which would compete with a similar commodity grown or produced in the United States: Provided, That this subsection shall not prohibit—

(1) activities designed to increase food security in developing countries where such activities will not have a significant impact in the export of agricultural commodities of the United States; or

(2) research activities intended primarily to benefit American producers.

SURPLUS COMMODITIES

SEC. 514. The Secretary of the Treasury shall instruct the United States Executive Directors of the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the International Monetary Fund, the Asian Development Bank, the Inter-American Investment Corporation, the North American Development Bank, the European Bank for Reconstruction and Development, the African Development Bank, and the African Development Fund to use the voice and vote of the United States to

oppose any assistance by these institutions, using funds appropriated or made available pursuant to this Act, for the production or extraction of any commodity or mineral for export, if it is in surplus on world markets and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity.

NOTIFICATION REQUIREMENTS

SEC. 515. For the purposes of providing the executive branch with the necessary administrative flexibility, none of the funds made available under this Act for ''Child Survival and Health Programs Fund'', ''Development Assistance'', ''International Organizations and Programs'', ''Trade and Development Agency'', ''International Narcotics Control and Law Enforcement'', ''Andean Counterdrug Initiative'', ''Assistance for Eastern Europe and the Baltic States'', ''Assistance for the Independent States of the Former Soviet Union'', ''Economic Support Fund'', ''Peacekeeping Operations'', ''Operating Expenses of the United States Agency for International Development'', ''Operating Expenses of the United States Agency for International Development Office of Inspector General'', ''Nonproliferation, Anti-terrorism, Demining and Related Programs'', ''Foreign Military Financing Program'', ''International Military Education and Training'', ''Peace Corps'', and ''Migration and Refugee Assistance'', shall be available for obligation for activities, programs, projects, type of materiel assistance, countries, or other operations not justified or in excess of the amount justified to the Appropriations Committees for obligation under any of these specific headings unless the Appropriations Committees of both Houses of Congress are previously notified 15 days in advance: Provided, That the President shall not enter into any commitment of funds appropriated for the purposes of section 23 of the Arms Export Control Act for the provision of major defense equipment, other than conventional ammunition, or other major defense items defined to be aircraft, ships, missiles, or combat vehicles, not previously justified to Congress or 20 percent in excess of the quantities justified to Congress unless the Committees on Appropriations are notified 15 days in advance of such commitment: Provided further, That this section shall not apply to any reprogramming for an activity, program, or project under chapter 1 of part I of the Foreign Assistance Act of 1961 of less than 10 percent of the amount previously justified to the Congress for obligation for such activity, program, or project for the current fiscal year: Provided further, That the requirements of this section or any similar provision of this Act or any other Act, including any prior Act requiring notification in accordance with the regular notification procedures of the Committees on Appropriations, may be waived if failure to do so would pose a substantial risk to human health or welfare: Provided further, That in case of any such waiver, notification to the Congress, or the appropriate congressional committees, shall be provided as early as practicable, but in no event later than 3 days after taking the action to which such notification requirement was applicable, in the context of the circumstances necessitating such waiver: Provided further, That any notification provided pursuant to such a waiver shall contain an explanation of the emergency circumstances.

LIMITATION ON AVAILABILITY OF FUNDS FOR INTERNATIONAL ORGANIZATIONS AND PROGRAMS

SEC. 516. Subject to the regular notification procedures of the Committees on Appropriations, funds appropriated under this Act or any previously enacted Act making appropriations for foreign operations, export financing, and related programs, which are returned or not made available for organizations and programs because of the implementation of section 307(a) of the Foreign Assistance Act of 1961, shall remain available for obligation until September 30, 2004.

INDEPENDENT STATES OF THE FORMER SOVIET UNION

SEC. 517. (a) None of the funds appropriated under the heading ''Assistance for the Independent States of the Former Soviet Union'' shall be made available for assistance for a government of an Independent State of the former Soviet Union—

(1) unless that government is making progress in implementing comprehensive economic reforms based on market principles, private ownership, respect for commercial contracts, and equitable treatment of foreign private investment; and

(2) if that government applies or transfers United States assistance to any entity for the purpose of expropriating or seizing ownership or control of assets, investments, or ventures.

Assistance may be furnished without regard to this subsection if the President determines that to do so is in the national interest.

(b) None of the funds appropriated under the heading ''Assistance for the Independent States of the Former Soviet Union'' shall be made available for assistance for a government of an Independent State of the former Soviet Union if that government directs any action in violation of the territorial integrity or national sovereignty of any other Independent State of the former Soviet Union, such as those violations included in the Helsinki Final Act: Provided, That such funds may be made available without regard to the restriction in this subsection if the President determines that to do so is in the national security interest of the United States.

(c) None of the funds appropriated under the heading ''Assistance for the Independent States of the Former Soviet Union'' shall be made available for any state to enhance its military capability: Provided, That this restriction does not apply to demilitarization, demining or nonproliferation programs.

(d) Funds appropriated under the heading ''Assistance for the Independent States of the Former Soviet Union'' for the Russian Federation, Armenia, Georgia, and Ukraine shall be subject to the regular notification procedures of the Committees on Appropriations.

(e) Funds made available in this Act for assistance for the Independent States of the former Soviet Union shall be subject to the provisions of section 117 (relating to environment and natural resources) of the Foreign Assistance Act of 1961.

(f) Funds appropriated in this or prior appropriations Acts that are or have been made available for an Enterprise Fund in the Independent States of the Former Soviet Union may be deposited by such Fund in interest-bearing accounts prior to the disbursement of such funds by the Fund for program purposes. The Fund may retain for such program purposes any interest earned on such deposits without returning such interest to the Treasury of the United States and without further appropriation by the Congress. Funds made available for Enterprise Funds shall be expended at the minimum rate necessary to make timely payment for projects and activities.

(g) In issuing new task orders, entering into contracts, or making grants, with funds appropriated in this Act or prior appropriations Acts under the heading ''Assistance for the Independent States of the Former Soviet Union'' and under comparable headings in prior appropriations Acts, for projects or activities that have as one of their primary purposes the fostering of private sector development, the Coordinator for United States Assistance to the New Independent States and the implementing agency shall encourage the participation of and give significant weight to contractors and grantees who propose investing a significant amount of their own resources (including volunteer services and in-kind contributions) in such projects and activities.

EXPORT FINANCING TRANSFER AUTHORITIES

SEC. 518. Not to exceed 5 percent of any appropriation other than for administrative expenses made available for fiscal year 2003, for programs under title I of this Act may be transferred between such appropriations for use for any of the purposes, programs, and activities for which the funds in such receiving account may be used, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 25 percent by any such transfer: Provided, That the exercise of such authority shall be subject to the regular notification procedures of the Committees on Appropriations.

SPECIAL NOTIFICATION REQUIREMENTS

SEC. 519. None of the funds appropriated by this Act shall be obligated or expended for Colombia, Haiti, Liberia, Serbia, Sudan, Zimbabwe, Nigeria, Pakistan, or the Democratic Republic of the Congo except as provided through the regular notification procedures of the Committees on Appropriations.

DEFINITION OF PROGRAM, PROJECT, AND ACTIVITY

SEC. 520. For the purpose of this Act, ''program, project, and activity'' shall be defined at the appropriations Act account level and shall include all appropriations and authorizations Acts earmarks, ceilings, and limitations with the exception that for the following accounts: Economic Support Fund and Foreign Military Financing Program, ''program, project, and activity'' shall also be considered to include country, regional, and central program level funding within each such account; for the development assistance accounts of the United States Agency for International Development ''program, project, and activity'' shall also be considered to include central program level funding, either as: (1) justified to the Congress; or (2) allocated by the executive branch in accordance with a report, to be provided to the Committees on Appropriations within 30 days of the enactment of this Act, as required by section 653(a) of the Foreign Assistance Act of 1961.

CHILD SURVIVAL AND HEALTH ACTIVITIES

SEC. 521. Up to $15,500,000 of the funds made available by this Act for assistance under the heading ''Child Survival and Health Programs Fund'', may be used to reimburse United States Government agencies, agencies of State governments, institutions of higher learning, and private and voluntary organizations for the full cost of individuals (including for the personal services of such individuals) detailed or assigned to, or contracted by, as the case may be, the United States Agency for International Development for the purpose of carrying out activities under that heading: Provided, That up to $3,500,000 of the funds made available by this Act for assistance under the heading ''Development Assistance'' may be used to reimburse such agencies, institutions, and organizations for such costs of such individuals carrying out other development assistance activities: Provided further, That funds appropriated by this Act that are made available for child survival activities or health programs including activities relating to research on, and the prevention, treatment and control of, HIV/AIDS may be made available notwithstanding any other provision of law: Provided further, That funds appropriated under title II of this Act may be made available pursuant to section 301 of the Foreign Assistance Act of 1961 if a primary purpose of the assistance is for child survival and related programs: Provided further, That of the funds appropriated under title II of this Act, not less than $435,000,000 shall be made available for family planning/reproductive health.

NOTIFICATION ON EXCESS DEFENSE EQUIPMENT

SEC. 522. Prior to providing excess Department of Defense articles in accordance with section 516(a) of the Foreign Assistance Act of 1961, the Department of Defense shall notify the Committees on Appropriations to the same extent and under the same conditions as are other committees pursuant to subsection (f) of that section: Provided, That before issuing a letter of offer to sell excess defense articles under the Arms Export Control Act, the Department of Defense

shall notify the Committees on Appropriations in accordance with the regular notification procedures of such Committees if such defense articles are significant military equipment (as defined in section 47(9) of the Arms Export Control Act) or are valued (in terms of original acquisition cost) at $7,000,000 or more, or if notification is required elsewhere in this Act for the use of appropriated funds for specific countries that would receive such excess defense articles: Provided further, That such Committees shall also be informed of the original acquisition cost of such defense articles.

AUTHORIZATION REQUIREMENT

SEC. 523. Funds appropriated by this Act, except funds appropriated under the headings ''Trade and Development Agency'', ''International Military Education and Training'', ''Foreign Military Financing Program'', ''Migration and Refugee Assistance'', and ''Nonproliferation, Anti-Terrorism, Demining and Related Programs'', may be obligated and expended notwithstanding section 10 of Public Law 91–672 and section 15 of the State Department Basic Authorities Act of 1956.

DEMOCRACY PROGRAMS

SEC. 524. (a) Notwithstanding any other provision of law, of the funds appropriated by this Act to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961, not less than $25,000,000 shall be made available for assistance for activities to support democracy, human rights, and the rule of law in the People's Republic of China, Hong Kong and Tibet, of which not less than $15,000,000 shall be made available for the Human Rights and Democracy Fund of the Bureau of Democracy, Human Rights and Labor, Department of State, for such activities in the People's Republic of China: Provided, That not to exceed $3,000,000 may be made available to nongovernmental organizations to support activities which preserve cultural traditions and promote sustainable development and environmental conservation in Tibetan communities in Tibetan autonomous areas, including the area designated as the ''Tibetan Autonomous Region'': Provided further, That funds appropriated under the heading ''Economic Support Fund'' should be made available for assistance for Taiwan for the purposes of furthering political and legal reforms: Provided further, That such funds shall only be made available to the extent that they are matched from sources other than the United States Government: Provided further, That funds appropriated by this Act that are provided to the National Endowment for Democracy may be made available notwithstanding any other provision of law or regulation and shall be obligated and disbursed within 90 days of enactment of this Act: Provided further, That funds made available pursuant to the authority of this subsection shall be subject to the regular notification procedures of the Committees on Appropriations.

(b) In addition to the funds made available in subsection (a), of the funds appropriated by this Act under the heading ''Economic Support Fund'' not less than $20,000,000 shall be made available for programs and activities to foster democracy, human rights, civic education, women's development, press freedoms, and the rule of law in countries with a significant Muslim population, and where such programs and activities would be important to United States efforts to respond to, deter, or prevent acts of international terrorism: Provided, That funds made available pursuant to the authority of this subsection should support new initiatives or bolster ongoing programs and activities in those countries: Provided further, That of this amount, not less than $10,000,000 shall be made available for the Human Rights and Democracy Fund of the Bureau of Democracy, Human Rights and Labor, Department of State, and not less than $3,000,000 shall be made available for programs and activities that provide professional training for journalists: Provided further, That notwithstanding any other provision of law, funds made available pursuant to the authority of this subsection may be made available to support the advancement of democracy and human rights in Iran: Provided further, That funds made available pursuant to this subsection shall be subject to the regular notification procedures of the Committees on Appropriations.

(c) Funds made available under this section that are made available for the Human Rights and Democracy Fund of the Bureau of Democracy, Human Rights, and Labor, Department of State, are in addition to the $12,000,000 requested by the President for the Fund for fiscal year 2003.

PROHIBITION ON BILATERAL ASSISTANCE TO TERRORIST COUNTRIES

SEC. 525. (a) Funds appropriated for bilateral assistance under any heading of this Act and funds appropriated under any such heading in a provision of law enacted prior to the enactment of this Act, shall not be made available to the government of any country which the President determines—

(1) grants sanctuary from prosecution to any individual or group which has committed an act of international terrorism; or

(2) otherwise supports international terrorism.

(b) The President may waive the application of subsection (a) to the government of a country if the President determines that national security or humanitarian reasons justify such waiver. At least 15 days before the waiver takes effect, the President shall notify the Committees on Appropriations of the waiver (including the justification for the waiver) in accordance with the regular notification procedures of the Committees on Appropriations.

PROHIBITION ON ASSISTANCE TO FOREIGN GOVERNMENTS THAT EXPORT LETHAL MILITARY EQUIPMENT TO COUNTRIES SUPPORTING INTERNATIONAL TERRORISM

SEC. 526. (a) None of the funds appropriated or otherwise made available by this Act may be available to any foreign government which provides lethal military equipment to a country the government of which the Secretary of State has determined is a terrorist government for purposes of section 6(j) of the Export Administration Act. The prohibition under this section with respect to a foreign government shall terminate 12 months after that government ceases to provide such military equipment. This section applies with respect to lethal military equipment provided under a contract entered into after October 1, 1997.

(b) Assistance restricted by subsection (a) or any other similar provision of law, may be furnished if the President determines that furnishing such assistance is important to the national interests of the United States.

(c) Whenever the waiver of subsection (b) is exercised, the President shall submit to the appropriate congressional committees a report with respect to the furnishing of such assistance. Any such report shall include a detailed explanation of the assistance to be provided, including the estimated dollar amount of such assistance, and an explanation of how the assistance furthers United States national interests.

DEBT-FOR-DEVELOPMENT

SEC. 527. In order to enhance the continued participation of nongovernmental organizations in economic assistance activities under the Foreign Assistance Act of 1961, including endowments, debt-for-development and debt-for-nature exchanges, a nongovernmental organization which is a grantee or contractor of the United States Agency for International Development may place in interest bearing accounts funds made available under this Act or prior Acts or local currencies which accrue to that organization as a result of economic assistance provided under title II of this Act and any interest earned on such investment shall be used for the purpose for which the assistance was provided to that organization.

SEPARATE ACCOUNTS

SEC. 528. (a) SEPARATE ACCOUNTS FOR LOCAL CURRENCIES.—(1) If assistance is furnished to the government of a foreign country under chapters 1 and 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961 under agreements which result in the generation of local currencies of that country, the Administrator of the United States Agency for International Development shall—

(A) require that local currencies be deposited in a separate account established by that government;

(B) enter into an agreement with that government which sets forth—

(i) the amount of the local currencies to be generated; and

(ii) the terms and conditions under which the currencies so deposited may be utilized, consistent with this section; and

(C) establish by agreement with that government the responsibilities of the United States Agency for International Development and that government to monitor and account for deposits into and disbursements from the separate account.

(2) USES OF LOCAL CURRENCIES.—As may be agreed upon with the foreign government, local currencies deposited in a separate account pursuant to subsection (a), or an equivalent amount of local currencies, shall be used only—

(A) to carry out chapter 1 or 10 of part I or chapter 4 of part II (as the case may be), for such purposes as—

(i) project and sector assistance activities; or

(ii) debt and deficit financing; or

(B) for the administrative requirements of the United States Government.

(3) PROGRAMMING ACCOUNTABILITY.—The United States Agency for International Development shall take all necessary steps to ensure that the equivalent of the local currencies disbursed pursuant to subsection (a)(2)(A) from the separate account established pursuant to subsection (a)(1) are used for the purposes agreed upon pursuant to subsection (a)(2).

(4) TERMINATION OF ASSISTANCE PROGRAMS.—Upon termination of assistance to a country under chapter 1 or 10 of part I or chapter 4 of part II (as the case may be), any unencumbered balances of funds which remain in a separate account established pursuant to subsection (a) shall be disposed of for such purposes as may be agreed to by the government of that country and the United States Government.

(5) REPORTING REQUIREMENT.—The Administrator of the United States Agency for International Development shall report on an annual basis as part of the justification documents submitted to the Committees on Appropriations on the use of local currencies for the administrative requirements of the United States Government as authorized in subsection (a)(2)(B), and such report shall include the amount of local currency (and United States dollar equivalent) used and/or to be used for such purpose in each applicable country.

(b) SEPARATE ACCOUNTS FOR CASH TRANSFERS1) If assistance is made available to the government of a foreign country, under chapter 1 or 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961, as cash transfer assistance or as nonproject sector assistance, that country shall be required to maintain such funds in a separate account and not commingle them with any other funds.

(2) APPLICABILITY OF OTHER PROVISIONS OF LAW.—Such funds may be obligated and expended notwithstanding provisions of law which are inconsistent with the nature of this assistance including provisions which are referenced in the Joint Explanatory Statement of the Committee of Conference accompanying House Joint Resolution 648 (House Report No. 98–1159).

(3) NOTIFICATION.—At least 15 days prior to obligating any such cash transfer or nonproject sector assistance, the President shall submit a notification through the regular notification procedures of the Committees on Appropriations, which shall include a detailed description of how the funds proposed to be made available will be used, with a discussion of the United States interests that will be served by the assistance (including, as appropriate, a description of the economic policy reforms that will be promoted by such assistance).

(4) EXEMPTION.—Nonproject sector assistance funds may be exempt from the requirements of subsection (b)(1) only through the notification procedures of the Committees on Appropriations.

COMPENSATION FOR UNITED STATES EXECUTIVE DIRECTORS TO INTERNATIONAL FINANCIAL INSTITUTIONS

SEC. 529. (a) No funds appropriated by this Act may be made as payment to any international financial institution while the United States Executive Director to such institution is compensated by the institution at a rate which, together with whatever compensation such Director receives from the United States, is in excess of the rate provided for an individual occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, or while any alternate United States Director to such institution is compensated by the institution at a rate in excess of the rate provided for an individual occupying a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(b) For purposes of this section, ''international financial institutions'' are: the International Bank for Reconstruction and Development, the Inter-American Development Bank, the Asian Development Bank, the Asian Development Fund, the African Development Bank, the African Development Fund, the International Monetary Fund, the North American Development Bank, and the European Bank for Reconstruction and Development.

COMPLIANCE WITH UNITED NATIONS SANCTIONS AGAINST IRAQ

SEC. 530. None of the funds appropriated or otherwise made available pursuant to this Act to carry out the Foreign Assistance Act of 1961 (including title IV of chapter 2 of part I, relating to the Overseas Private Investment Corporation) or the Arms Export Control Act may be used to provide assistance to any country that is not in compliance with the United Nations Security Council sanctions against Iraq unless the President determines and so certifies to the Congress that—

(1) such assistance is in the national interest of the United States;

(2) such assistance will directly benefit the needy people in that country; or

(3) the assistance to be provided will be humanitarian assistance for foreign nationals who have fled Iraq and Kuwait.

AUTHORITIES FOR THE PEACE CORPS, INTER-AMERICAN FOUNDATION AND AFRICAN DEVELOPMENT FOUNDATION

SEC. 531. Unless expressly provided to the contrary, provisions of this or any other Act, including provisions contained in prior Acts authorizing or making appropriations for foreign operations, export financing, and related programs, shall not be construed to prohibit activities authorized by or conducted under the Peace Corps Act, the Inter-American Foundation Act or the African Development Foundation Act. The agency shall promptly report to the Committees on Appropriations whenever it is conducting activities or is proposing to conduct activities in a country for which assistance is prohibited.

IMPACT ON JOBS IN THE UNITED STATES

SEC. 532. None of the funds appropriated by this Act may be obligated or expended to provide—

(a) any financial incentive to a business enterprise currently located in the United States for the purpose of inducing such an enterprise to relocate outside the United States if such incentive or inducement is likely to reduce the number of employees of such business enterprise in the United States because United States production is being replaced by such enterprise outside the United States; or

(b) assistance for any program, project, or activity that contributes to the violation of internationally recognized workers rights, as defined in section 507(4) of the Trade Act of 1974, of workers in the recipient country, including any designated zone or area in that country: Provided, That the application of section 507(4)(D) and (E) of such Act should be commensurate with the level of development of the recipient country and sector, and shall not preclude assistance for the informal sector in such country, micro and small-scale enterprise, and smallholder agriculture.

SPECIAL AUTHORITIES

SEC. 533. (a) AFGHANISTAN, VICTIMS OF WAR, DISPLACED CHILDREN, VICTIMS OF HUMAN TRAFFICKING AND DISPLACED BURMESE.—Funds appropriated by this Act that are made available for assistance for Afghanistan may be made available notwithstanding section 512 of this Act and any similar provision of law, and funds appropriated in titles I and II of this Act that are made available for victims of war, displaced children, and displaced Burmese, and to assist victims of trafficking in persons and, subject to the regular notification procedures of the Committees on Appropriations, to combat such trafficking, may be made available notwithstanding any other provision of law: Provided, That any such funds that are made available for Cambodia shall be subject to the provisions of section 531(e) of the Foreign Assistance Act of 1961 and section 906 of the International Security and Development Cooperation Act of 1985.

(b) TROPICAL FORESTRY AND BIODIVERSITY CONSERVATION ACTIVITIES.—Funds appropriated by this Act to carry out the provisions of sections 103 through 106, and chapter 4 of part II, of the Foreign Assistance Act of 1961 may be used, notwithstanding any other provision of law, for the purpose of supporting tropical forestry and biodiversity conservation activities and energy programs aimed at reducing greenhouse gas emissions: Provided, That such assistance shall be subject to sections 116, 502B, and 620A of the Foreign Assistance Act of 1961.

(c) PERSONAL SERVICES CONTRACTORS.—Funds appropriated by this Act to carry out chapter 1 of part I, chapter 4 of part II, and section 667 of the Foreign Assistance Act of 1961, and title II of the Agricultural Trade Development and Assistance Act of 1954, may be used by the United States Agency for International Development to employ up to 25 personal services contractors in the United States, notwithstanding any other provision of law, for the purpose of providing direct, interim support for new or expanded overseas programs and activities and managed by the agency until permanent direct hire personnel are hired and trained: Provided, That not more than 10 of such contractors shall be assigned to any bureau or office: Provided further, That such funds appropriated to carry out the Foreign Assistance Act of 1961 may be made available for personal services contractors assigned only to the Office of Health and Nutrition; the Office of Procurement; the Bureau for Africa; the Bureau for Latin America and the Caribbean; and the Bureau for Asia and the Near East: Provided further, That such funds appropriated to carry out title II of the Agricultural Trade Development and Assistance Act of 1954, may be made available only for personal services contractors assigned to the Office of Food for Peace.

(d)(1) WAIVER.—The President may waive the provisions of section 1003 of Public Law 100–204 if the President determines and certifies in writing to the Speaker of the House of Representatives and the President pro tempore of the Senate that it is important to the national security interests of the United States.

(2) PERIOD OF APPLICATION OF WAIVER.—Any waiver pursuant to paragraph (1) shall be effective for no more than a period of 6 months at a time and shall not apply beyond 12 months after the enactment of this Act.

(e) CONTINGENCIES.—During fiscal year 2003, the President may use up to $45,000,000 under the authority of section 451 of the Foreign Assistance Act, notwithstanding the funding ceiling in section 451(a).

(f) SMALL BUSINESS.—In entering into multiple award indefinite-quantity contracts with funds appropriated by this Act, the United States Agency for International Development may provide an exception to the fair opportunity process for placing task orders under such contracts when the order is placed with any category of small or small disadvantaged business.

(g) RECONSTITUTING CIVILIAN POLICE AUTHORITY.—In providing assistance with funds appropriated by this Act under section 660(b)(6) of the Foreign Assistance Act of 1961, support for a nation emerging from instability may be deemed to mean support for regional, district, municipal, or other sub-national entity emerging from instability, as well as a nation emerging from instability.

(h) REPEAL.—Section 545(d) of Public Law 106–429, and comparable provisions contained in prior Acts making appropriations for foreign operations, export financing, and related programs, are hereby repealed.

ARAB LEAGUE BOYCOTT OF ISRAEL

SEC. 534. It is the sense of the Senate that—

(1) the Arab League boycott of Israel, and the secondary boycott of American firms that have commercial ties with Israel, is an impediment to peace in the region and to United States investment and trade in the Middle East and North Africa;

(2) the Arab League boycott, which was regrettably reinstated in 1997, should be immediately and publicly terminated, and the Central Office for the Boycott of Israel immediately disbanded;

(3) the three Arab League countries with diplomatic and trade relations with Israel should return their ambassadors to Israel, should refrain from downgrading their relations with Israel, and should play a constructive role in securing a peaceful resolution of the Israeli-Arab conflict;

(4) the remaining Arab League states should normalize relations with their neighbor Israel;

(5) the President and the Secretary of State should continue to vigorously oppose the Arab League boycott of Israel and find concrete steps to demonstrate that opposition by, for example, taking into consideration the participation of any recipient country in the boycott when determining to sell weapons to said country; and,

(6) the President should report to Congress annually on specific steps being taken by the United States to encourage Arab League states to normalize their relations with Israel to bring about the termination of the Arab League boycott of Israel, including those to encourage allies and trading partners of the United States to enact laws prohibiting businesses from complying with the boycott and penalizing businesses that do comply.

ADMINISTRATION OF JUSTICE ACTIVITIES

SEC. 535. Of the funds appropriated or otherwise made available by this Act for ''Economic Support Fund'', assistance may be provided to strengthen the administration of justice in countries in Latin America and the Caribbean and in other regions consistent with the provisions of section 534(b) of the Foreign Assistance Act of 1961, except that programs to enhance protection of participants in judicial cases may be conducted notwithstanding section 660 of that Act. Funds made available pursuant to this section may be made available notwithstanding

section 534(c) and the second and third sentences of section 534(e) of the Foreign Assistance Act of 1961.

ELIGIBILITY FOR ASSISTANCE

SEC. 536. (a) ASSISTANCE THROUGH NONGOVERNMENTAL ORGANIZATIONS.—Restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance in support of programs of nongovernmental organizations from funds appropriated by this Act to carry out the provisions of chapters 1, 10, 11, and 12 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961, and from funds appropriated under the heading ''Assistance for Eastern Europe and the Baltic States'': Provided, That before using the authority of this subsection to furnish assistance in support of programs of nongovernmental organizations, the President shall notify the Committees on Appropriations under the regular notification procedures of those committees, including a description of the program to be assisted, the assistance to be provided, and the reasons for furnishing such assistance: Provided further, That nothing in this subsection shall be construed to alter any existing statutory prohibitions against abortion or involuntary sterilizations contained in this or any other Act.

(b) PUBLIC LAW 480.—During fiscal year 2003, restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance under the Agricultural Trade Development and Assistance Act of 1954: Provided, That none of the funds appropriated to carry out title I of such Act and made available pursuant to this subsection may be obligated or expended except as provided through the regular notification procedures of the Committees on Appropriations.

(c) EXCEPTION.—This section shall not apply—

(1) with respect to section 620A of the Foreign Assistance Act of 1961 or any comparable provision of law prohibiting assistance to countries that support international terrorism; or

(2) with respect to section 116 of the Foreign Assistance Act of 1961 or any comparable provision of law prohibiting assistance to the government of a country that violates internationally recognized human rights.

EARMARKS

SEC. 537. (a) Funds appropriated by this Act which are earmarked may be reprogrammed for other programs within the same account notwithstanding the earmark if compliance with the earmark is made impossible by operation of any provision of this or any other Act: Provided, That any such reprogramming shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That assistance that is reprogrammed pursuant to this subsection shall be made available under the same terms and conditions as originally provided.

(b) In addition to the authority contained in subsection (a), the original period of availability of funds appropriated by this Act and administered by the United States Agency for International Development that are earmarked for particular programs or activities by this or any other Act shall be extended for an additional fiscal year if the Administrator of such agency determines and reports promptly to the Committees on Appropriations that the termination of assistance to a country or a significant change in circumstances makes it unlikely that such earmarked funds can be obligated during the original period of availability: Provided, That such earmarked funds that are continued available for an additional fiscal year shall be obligated only for the purpose of such earmark.

CEILINGS AND EARMARKS

SEC. 538. Ceilings and earmarks contained in this Act shall not be applicable to funds or authorities appropriated or otherwise made available by any subsequent Act unless such Act specifically so directs. Earmarks or minimum funding requirements contained in any other Act shall not be applicable to funds appropriated by this Act.

PROHIBITION ON PUBLICITY OR PROPAGANDA

SEC. 539. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes within the United States not authorized before the date of the enactment of this Act by the Congress: Provided, That not to exceed $750,000 may be made available to carry out the provisions of section 316 of Public Law 96–533.

PROHIBITION OF PAYMENTS TO UNITED NATIONS MEMBERS

SEC. 540. None of the funds appropriated or made available pursuant to this Act for carrying out the Foreign Assistance Act of 1961, may be used to pay in whole or in part any assessments, arrearages, or dues of any member of the United Nations or, from funds appropriated by this Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961, the costs for participation of another country's delegation at international conferences held under the auspices of multilateral or international organizations.

NONGOVERNMENTAL ORGANIZATIONS—DOCUMENTATION

SEC. 541. None of the funds appropriated or made available pursuant to this Act shall be available to a nongovernmental organization which fails to provide upon timely request any document, file, or record necessary to the auditing requirements of the United States Agency for International Development.

WITHHOLDING OF ASSISTANCE FOR PARKING FINES OWED BY FOREIGN COUNTRIES

SEC. 542. (a) IN GENERAL.—Of the funds appropriated under this Act that are made available for a foreign country under part I of the Foreign Assistance Act of 1961, an amount equivalent to 110 percent of the total unpaid fines determined to be owed under the parking programs in the District of Columbia and New York City, New York by such country as of September 30, 2002 that were incurred after the first day of the fiscal year preceding the current fiscal year shall be withheld from obligation for such country until the Secretary of State certifies and reports in writing to the appropriate congressional committees that such fines and penalties are fully paid to the governments of the District of Columbia and New York City, New York.

(b) DEFINITION.—For purposes of this section, the term ''appropriate congressional committees'' means the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives.

LIMITATION ON ASSISTANCE FOR THE PLO FOR THE WEST BANK AND GAZA

SEC. 543. None of the funds appropriated by this Act may be obligated for assistance for the Palestine Liberation Organization for the West Bank and Gaza unless the President has exercised the authority under section 604(a) of the Middle East Peace Facilitation Act of 1995 (title VI of Public Law 104–107) or any other legislation to suspend or make inapplicable section 307 of the Foreign Assistance Act of 1961 and that suspension is still in effect: Provided, That if the President fails to make the certification under section 604(b)(2) of the Middle East Peace Facilitation Act of 1995 or to suspend the prohibition under other legislation, funds appropriated by this Act may not be obligated for assistance for the Palestine Liberation Organization for the West Bank and Gaza.

WAR CRIMES TRIBUNALS DRAWDOWN

SEC. 544. If the President determines that doing so will contribute to a just resolution of charges regarding genocide or other violations of international humanitarian law, the President may direct a drawdown pursuant to section 552(c) of the Foreign Assistance Act of 1961, as amended, of up to $30,000,000 of commodities and services for the United Nations War Crimes Tribunal established with regard to the former Yugoslavia by the United Nations Security Council or such other tribunals or commissions as the Council may establish or authorize to deal with such violations, without regard to the ceiling limitation contained in paragraph (2) thereof: Provided, That the determination required under this section shall be in lieu of any determinations otherwise required under section 552(c): Provided further, That funds made available for tribunals other than Yugoslavia or Rwanda shall be made available subject to the regular notification procedures of the Committees on Appropriations.

LANDMINES

SEC. 545. Notwithstanding any other provision of law, demining equipment available to the United States Agency for International Development and the Department of State and used in support of the clearance of landmines and unexploded ordnance for humanitarian purposes may be disposed of on a grant basis in foreign countries, subject to such terms and conditions as the President may prescribe.

RESTRICTIONS CONCERNING THE PALESTINIAN AUTHORITY

SEC. 546. None of the funds appropriated by this Act may be obligated or expended to create in any part of Jerusalem a new office of any department or agency of the United States Government for the purpose of conducting official United States Government business with the Palestinian Authority over Gaza and Jericho or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles: Provided, That this restriction shall not apply to the acquisition of additional space for the existing Consulate General in Jerusalem: Provided further, That meetings between officers and employees of the United States and officials of the Palestinian Authority, or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles, for the purpose of conducting official United States Government business with such authority should continue to take place in locations other than Jerusalem. As has been true in the past, officers and employees of the United States Government may continue to meet in Jerusalem on other subjects with Palestinians (including those who now occupy positions in the Palestinian Authority), have social contacts, and have incidental discussions.

PROHIBITION OF PAYMENT OF CERTAIN EXPENSES

SEC. 547. None of the funds appropriated or otherwise made available by this Act under the heading ''International Military Education and Training'' or ''Foreign Military Financing Program'' for Informational Program activities or under the headings ''Child Survival and Health Programs Fund'', ''Development Assistance'', and ''Economic Support Fund'' may be obligated or expended to pay for—

(1) alcoholic beverages; or

(2) entertainment expenses for activities that are substantially of a recreational character, including but not limited to entrance fees at sporting events, theatrical and musical productions, and amusement parks.

PALESTINIAN STATEHOOD

SEC. 548. (a) LIMITATION ON ASSISTANCE.—None of the funds appropriated by this Act may be provided to support a Palestinian state unless the Secretary of State determines and certifies to the appropriate congressional committees that—

(1) a new leadership of a Palestinian governing entity, that has not supported acts of terrorism, has been democratically elected through free and fair elections;

(2) the newly elected Palestinian governing entity—

(A) has demonstrated a firm commitment to peaceful coexistence with the State of Israel;

(B) has taken appropriate measures to counter terrorism and terrorist financing in the West

Bank and Gaza, including the dismantling of terrorist infrastructures;

(C) has established a Palestinian security entity that is fully cooperating with appropriate Israeli security organizations; and,

(D) has taken appropriate measures to enact a constitution assuring the rule of law and other reforms assuring transparent and accountable governance.

(b) WAIVER.—The President may waive the requirements of subsection (a) if he determines that it is important to the national security interests of the United States to do so.

(c) EXEMPTION.—The restriction of subsection (a) shall not apply to assistance intended to help reform the Palestinian Authority and affiliated institutions, or a newly elected governing entity, in order to help meet the requirements of subsection (a), consistent with the provisions of sections 543 and 551 of this Act.

TIBET

SEC. 549. The Secretary of the Treasury should instruct the United States executive director to each international financial institution to use the voice and vote to support projects in Tibet if such projects do not provide incentives for the migration and settlement of non-Tibetans into Tibet or facilitate the transfer of ownership of Tibetan land and natural resources to non-Tibetans; are based on a thorough needs-assessment; foster self-sufficiency of the Tibetan people and respect Tibetan culture and traditions; and are subject to effective monitoring.

HAITI COAST GUARD

SEC. 550. The Government of Haiti shall be eligible to purchase defense articles and services under the Arms Export Control Act (22 U.S.C. 2751 et seq.), for the Coast Guard.

LIMITATION ON ASSISTANCE TO THE PALESTINIAN AUTHORITY

SEC. 551. (a) PROHIBITION OF FUNDS.—None of the funds appropriated by this Act to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961 may be obligated or expended with respect to providing funds to the Palestinian Authority.

(b) WAIVER.—The prohibition included in subsection (a) shall not apply if the President certifies in writing to the Speaker of the House of Representatives and the President pro tempore of the Senate that waiving such prohibition is important to the national security interests of the United States.

(c) PERIOD OF APPLICATION OF WAIVER.—Any waiver pursuant to subsection (b) shall be effective for no more than a period of 6 months at a time and shall not apply beyond 12 months after the enactment of this Act.

LIMITATION ON ASSISTANCE TO SECURITY FORCES

SEC. 552. None of the funds made available by this Act may be provided to any unit of the security forces of a foreign country if the Secretary of State has credible evidence that such unit has committed gross violations of human rights, unless the Secretary determines and reports to the Committees on Appropriations that the government of such country is taking effective measures to bring the responsible members of the security forces unit to justice: Provided, That nothing in this section shall be construed to withhold funds made available by this Act from any unit of the security forces of a foreign country not credibly alleged to be involved in gross violations of human rights: Provided further, That in the event that funds are withheld from any unit pursuant to this section, the Secretary of State shall promptly inform the foreign government of the basis for such action and shall, to the maximum extent practicable, assist the foreign government in taking effective measures to bring the responsible members of the security forces to justice.

PROTECTION OF TROPICAL FORESTS AND BIODIVERSITY

SEC. 553. Of the funds appropriated under the heading ''Development Assistance'', not less than $150,000,000 shall be made available for programs and activities which directly protect tropical forests and biodiversity, including activities to deter illegal logging: Provided, That of the funds made available pursuant to this section, not less than $15,000,000 shall be made available for the Central African Regional Program for the Environment.

ENERGY CONSERVATION, ENERGY EFFICIENCY AND CLEAN ENERGY PROGRAMS

SEC. 554. (a) FUNDING.—Of the funds appropriated by this Act, not less than $185,000,000 shall be made available to support policies and programs in developing countries, countries in transition and other partner countries that directly (1) promote a wide range of energy conservation, energy efficiency and clean energy programs and activities, including the transfer of clean and environmentally sustainable energy technologies; (2) measure, monitor, and reduce greenhouse gas emissions; (3) increase carbon sequestration activities; and (4) enhance climate change mitigation and adaptation programs: Provided, That of the funds made available under this heading, not less than $13,000,000 should be made available for the United States Agency for International Development's Office of Energy and Information Technology.

(b) GREENHOUSE GAS EMISSIONS REPORT.—Not later than 45 days after the date on which the President's fiscal year 2004 budget request is submitted to Congress, the President shall submit a report to the Committees on Appropriations describing in detail the following—

(1) all Federal agency obligations and expenditures, domestic and international, for climate change programs and activities in fiscal year 2003, including an accounting of expenditures by agency with each agency identifying climate change activities and associated costs by line item as presented in the President's Budget Appendix; and

(2) all fiscal year 2002 obligations and estimated expenditures, fiscal year 2003 estimated expenditures and estimated obligations, and fiscal year 2004 requested funds by the United States Agency for International Development, by country and central program, for each of the following: (1) to promote the transfer and deployment of a wide range of United States clean energy and energy efficiency technologies; (2) to assist in the measurement, monitoring, reporting, verification, and reduction of greenhouse gas emissions; (3) to promote carbon capture and sequestration measures; (4) to help meet such countries' responsibilities under the Framework Convention on Climate Change; and (5) to develop assessments of the vulnerability to impacts of climate change and mitigation and adaptation response strategies.

AFGHANISTAN

SEC. 555. Of the funds appropriated by this Act under the headings ''Child Survival and Health Programs Fund'', ''Development Assistance'', ''International Disaster Assistance'', ''Transition Initiatives'', ''Economic Support Fund'', ''International Narcotics Control and Law Enforcement'', ''Migration and Refugee Assistance'', ''Nonproliferation, Anti-Terrorism, Demining and Related Programs'', ''International Military Education and Training'', and ''Foreign Military Financing Program'', not less than $213,000,000 should be made available for humanitarian, reconstruction, and other assistance for Afghanistan, including repairing homes of Afghan citizens that were damaged or destroyed as a result of military operations: Provided, That of the funds made available pursuant to this section that are appropriated under the heading ''Economic Support Fund'', not less than $8,000,000 shall be made available for programs to support women's development in Afghanistan, including girls' and women's education, health, legal and social rights, economic opportunities, and political participation: Provided further, That of the funds provided in the previous proviso, $5,000,000 shall be made available to support activities directed by the Afghan Ministry of Women's Affairs including the establishment of women's resource centers in Afghanistan, and not less than $1,500,000 should be made available to support activities of the National Human Rights Commission of Afghanistan: Provided further, That 1 year after the date of enactment of this Act, the Secretary of State shall submit a report to the appropriate congressional committees that details women's development programs in Afghanistan supported by the United States Government, and barriers that impede women's development in Afghanistan.

ZIMBABWE

SEC. 556. The Secretary of the Treasury shall instruct the United States executive director to each international financial institution to vote against any extension by the respective institution of any loans, to the Government of Zimbabwe, except to meet basic human needs or to promote democracy, unless the Secretary of State determines and certifies to the Committees on Appropriations that the rule of law has been restored in Zimbabwe, including respect for ownership and title to property, freedom of speech and association.

NIGERIA

SEC. 557. Funds appropriated under the headings ''International Military Education and Training'' and ''Foreign Military Financing Program'' may be made available for Nigeria only for expanded international military education and training and non-lethal defense articles, until the President certifies to the appropriate congressional committees that the Nigerian Minister of Defense, the Chief of the Army Staff, and the Minister of State for Defense/Army are suspending from the Armed Forces those members, of whatever rank, against whom there is credible evidence of gross violations of human rights in Benue State in October 2001, and the Government of Nigeria and the Nigerian Armed Forces are taking effective measures to bring such individuals to justice.

BURMA

SEC. 558. Of the funds appropriated under the heading ''Economic Support Fund'', not less than $6,500,000 shall be made available to support democracy activities in Burma, democracy and humanitarian activities along the Burma-Thailand border, and for Burmese student groups and other organizations located outside Burma: Provided, That funds made available for Burma-related activities under this heading may be made available notwithstanding any other provision of law: Provided further, That funds made available by this section shall be subject to the regular notification procedures of the Committees on Appropriations.

ENTERPRISE FUND RESTRICTIONS

SEC. 559. Prior to the distribution of any assets resulting from any liquidation, dissolution, or winding up of an Enterprise Fund, in whole or in part, the President shall submit to the Committees on Appropriations, in accordance with the regular notification procedures of the Committees on Appropriations, a plan for the distribution of the assets of the Enterprise Fund.

CAMBODIA

SEC. 560. (a) The Secretary of the Treasury shall instruct the United States executive directors of the international financial institutions to use the voice and vote of the United States to oppose loans to the Central Government of Cambodia, except loans to meet basic human needs.

(b)(1) None of the funds appropriated by this Act may be made available for assistance for the Central Government of Cambodia.

(2) Paragraph (1) shall not apply to assistance for basic education, reproductive and maternal and child health, cultural and historic preservation, and for the Ministry of Women and Veterans Affairs to combat human trafficking.

(c) Of the funds appropriated by this Act under the heading ''Economic Support Fund'', $5,000,000 shall be made available, notwithstanding subsection (b), for assistance for democratic opposition political parties in Cambodia.

(d) Of the funds appropriated by this Act, $3,750,000 shall be made available, notwithstanding subsection (b), as a contribution for an endowment to sustain rehabilitation programs for Cambodians suffering from physical disabilities that are administered by an American nongovernmental organization that is directly supported by the United States Agency for International Development: Provided, That funds made available for such assistance shall be in addition to the level of assistance proposed by the President for Cambodia for fiscal year 2003: Provided further, That such funds may be made available only if an amount at least equal to one-half the United States contribution is provided for the endowment from sources other than the United States Government.

FOREIGN MILITARY TRAINING REPORT

SEC. 561. (a) The Secretary of Defense and the Secretary of State shall jointly provide to the Congress by March 1, 2003, a report on all military training provided to foreign military personnel (excluding sales, and excluding training provided to the military personnel of countries belonging to the North Atlantic Treaty Organization) under programs administered by the Department of Defense and the Department of State during fiscal years 2002 and 2003, including those proposed for fiscal year 2003. This report shall include, for each such military training activity, the foreign policy justification and purpose for the training activity, the cost of the training activity, the number of foreign students trained and their units of operation, and the location of the training. In addition, this report shall also include, with respect to United States personnel, the operational benefits to United States forces derived from each such training activity and the United States military units involved in each such training activity. This report may include a classified annex if deemed necessary and appropriate.

(b) For purposes of this section a report to Congress shall be deemed to mean a report to the Appropriations and Foreign Relations Committees of the Senate and the Appropriations and International Relations Committees of the House of Representatives.

KOREAN PENINSULA ENERGY DEVELOPMENT ORGANIZATION

SEC. 562. None of the funds appropriated by this Act, or prior Acts making appropriations for foreign operations, export financing, and related programs, may be made available for assistance to the Korean Peninsula Energy Organization (KEDO): Provided, That the President may waive this restriction and provide up to $3,500,000 of funds appropriated under the heading ''Nonproliferation, Anti-Terrorism, Demining and Related Programs'' for assistance to KEDO for administrative expenses only notwithstanding any other provision of law, if he determines that it is vital to the national security interests of the United States and provides a written policy justification to the appropriate congressional committees: Provided further, That funds may be obligated for assistance to KEDO subject to the regular notification procedures of the Committees on Appropriations.

COLOMBIA

SEC. 563. (a) DETERMINATION AND CERTIFICATION REQUIRED.—Notwithstanding any other provision of law, funds appropriated by this Act that are available for assistance for the Colombian Armed Forces, may be made available for assistance to support the Colombian Government's unified campaign against narcotics trafficking and against paramilitary and guerrilla organizations designated as terrorist organizations in that country, as follows:

(1) Up to 75 percent of such funds may be obligated prior to a determination and certification by the Secretary of State pursuant to paragraph (2).

(2) Up to 12.5 percent of such funds may be obligated only after the Secretary of State certifies and reports to the appropriate congressional committees that:

(A) The Commander General of the Colombian Armed Forces is suspending from the Armed Forces those members, of whatever rank, who have been credibly alleged to have committed gross violations of human rights, including extra-judicial killings, or to have aided or abetted paramilitary organizations.

(B) The Colombian Government is prosecuting and punishing those members of the Colombian Armed Forces, of whatever rank, who have been credibly alleged to have committed gross violations of human rights, including extra-judicial killings, or to have aided or abetted paramilitary organizations, and the Colombian Armed Forces are cooperating with civilian prosecutors and judicial authorities in such cases (including providing requested information, such as the identity of persons suspended from the Armed Forces and the nature and cause of the suspension, and access to witnesses, relevant military documents, and other requested information).

(C) The Colombian Armed Forces are severing links (including denying access to military intelligence, vehicles, and other equipment or supplies, and ceasing other forms of active or tacit cooperation) at the command, battalion, and brigade levels, with paramilitary organizations.

(D) The Colombian Armed Forces are apprehending the leaders of paramilitary organizations.

(3) The balance of such funds may be obligated after July 1, 2003, if the Secretary of State certifies and reports to the appropriate congressional committees, after such date, that the Colombian Armed Forces are continuing to meet the conditions contained in paragraph (2) and are conducting vigorous operations to restore government authority and respect for human rights in areas under the effective control of paramilitary and guerrilla organizations.

(b) CONSULTATIVE PROCESS.—At least 10 days prior to making the certifications required by subsection (a), the Secretary of State shall consult with internationally recognized human rights organizations regarding progress in meeting the conditions contained in that subsection.

(c) DEFINITIONS.—In this section:

(1) AIDED OR ABETTED.—The term ''aided or abetted'' means to provide any support to paramilitary groups, including taking actions which allow, facilitate, or otherwise foster the activities of such groups.

(2) PARAMILITARY GROUPS.—The term ''paramilitary groups'' means illegal self-defense groups and illegal security cooperatives.

ILLEGAL ARMED GROUPS

SEC. 564. (a) DENIAL OF VISAS TO SUPPORTERS OF COLOMBIAN ILLEGAL ARMED GROUPS.—Subject to subsection (b), the Secretary of State shall not issue a visa to any alien who the Secretary determines, based on credible evidence—

(1) has willfully provided any support to the Revolutionary Armed Forces of Colombia (FARC), the National Liberation Army (ELN), or the United Self-Defense Forces of Colombia (AUC), including taking actions or failing to take actions which allow, facilitate, or otherwise foster the activities of such groups; or

(2) has committed, ordered, incited, assisted, or otherwise participated in the commission of gross violations of human rights, including extra-judicial killings, in Colombia.

(b) WAIVER.—Subsection (a) shall not apply if the Secretary of State determines and certifies to the appropriate congressional committees, on a case-by-case basis, that the issuance of a visa to the alien is necessary to support the peace process in Colombia or for urgent humanitarian reasons.

PROHIBITION ON ASSISTANCE TO THE PALESTINIAN BROADCASTING CORPORATION

SEC. 565. None of the funds appropriated or otherwise made available by this Act may be used to provide equipment, technical support, consulting services, or any other form of assistance to the Palestinian Broadcasting Corporation.

IRAQ

SEC. 566. Notwithstanding any other provision of law, funds appropriated under the heading ''Economic Support Fund'' may be made available for programs benefitting the Iraqi people and to support efforts to bring about a transition to democracy in Iraq: Provided, That not more than 15 percent of the funds, except for costs related to broadcasting activities, may be used for administrative and representational expenses, including expenditures for salaries, office rent and equipment: Provided further, That none of the funds made available pursuant to the authorities provided in this section may be made available to any organization to reimburse or pay for costs incurred by such organization in prior fiscal years: Provided further, That funds made available under this heading are made available subject to the regular notification procedures of the Committees on Appropriations.

WEST BANK AND GAZA PROGRAM

SEC. 567. For fiscal year 2003, 30 days prior to the initial obligation of funds for the bilateral West Bank and Gaza Program, the Secretary of State shall certify to the appropriate committees of Congress that procedures have been established to assure the Comptroller General of the United States will have access to appropriate United States financial information in order to review the uses of United States assistance for the Program funded under the heading ''Economic Support Fund'' for the West Bank and Gaza.

INDONESIA

SEC. 568. (a) Funds appropriated by this Act under the heading ''Foreign Military Financing Program'' may be made available for assistance for Indonesia, and licenses may be issued for the export of lethal defense articles to Indonesia, only if the President certifies to the appropriate congressional committees that—

(1) the Indonesia Minister of Defense is suspending from the Armed Forces those members, of whatever rank, who have been credibly alleged to have committed gross violations of human rights, or to have aided or abetted militia groups;

(2) the Indonesian Government is prosecuting and punishing those members of the Indonesian Armed Forces, of whatever rank, who have been credibly alleged to have committed gross violations of human rights, or to have aided or abetted militia groups, and the Indonesian Armed Forces are cooperating with civilian prosecutors and judicial authorities in such cases (including providing access to witnesses, relevant military documents, and other requested information); and

(3) the Minister of Defense is making publicly available audits of receipts and expenditures of the Indonesian Armed Forces, including audits of receipts from private enterprises and foundations.

RESTRICTIONS ON ASSISTANCE TO GOVERNMENTS DESTABILIZING SIERRA LEONE

SEC. 569. (a) None of the funds appropriated by this Act may be made available for assistance for the government of any country for which the Secretary of State determines there is credible evidence that such government has knowingly facilitated the safe passage of weapons or other equipment, or has provided lethal or non-lethal military support or equipment, directly or through intermediaries, within the previous six months to the Sierra Leone Revolutionary United Front, Liberian Security Forces, or any other group intent on destabilizing the democratically elected government of the Republic of Sierra Leone.

(b) None of the funds appropriated by this Act may be made available for assistance for the government of any country for which the Secretary of State determines there is credible evidence that such government has aided or abetted, within the previous six months, in the illicit distribution, transportation, or sale of diamonds mined in Sierra Leone.

(c) Whenever the prohibition on assistance required under subsection (a) or (b) is exercised, the Secretary of State shall notify the Committees on Appropriations in a timely manner.

VOLUNTARY SEPARATION INCENTIVES

SEC. 570. Section 579(c)(2)(D) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2000, as enacted by section 1000(a)(2) of the Consolidated Appropriations Act, 2000 (Public Law 106–113), as amended, is amended by striking ''December 31, 2002'' and inserting in lieu thereof ''December 31, 2003''.

CENTRAL ASIA

SEC. 571. (a) Funds appropriated by this Act may be made available for assistance for the Government of Uzbekistan only if the Secretary of State determines and reports to the Committees on Appropriations that the Government of Uzbekistan is making substantial and continuing progress in meeting its commitments under the ''Declaration on the Strategic Partnership and Cooperation Framework Between the Republic of Uzbekistan and the United States of America''.

(b) Funds appropriated by this Act may be made available for assistance for the Government of Kazakhstan only if the Secretary of State determines and reports to the Committees on Appropriations that the Government of Kazakhstan has made significant improvements in the protection of human rights during the preceding six month period.

(c) Not later than three months after the date of the enactment of this Act, and seven months thereafter, the Secretary of State shall submit a report to the Committees on Appropriations describing the following:

(1) The defense articles, defense services, and financial assistance provided by the United States to the countries of Central Asia during the six-month period ending 30 days prior to submission of each such report.

(2) The use during such period of defense articles, defense services, and financial assistance provided by the United States by units of the armed forces, border guards, or other security forces of such countries.

(d) For purposes of this section, the term ''countries of Central Asia'' means Uzbekistan, Kazakhstan, Kyrgyz Republic, Tajikistan, and Turkmenistan.

AMERICAN CHURCHWOMEN AND OTHER CITIZENS IN EL SALVADOR AND GUATEMALA

SEC. 572. (a) Information relevant to the December 2, 1980, murders of four American churchwomen in El Salvador, and the May 5, 2001, murder of Sister Barbara Ann Ford and the murders of other American citizens in Guatemala since December 1999, should be investigated and made public.

(b) Not later than 45 days after enactment of this Act, the President shall order all Federal agencies and departments, including the Federal Bureau of Investigation, that possess relevant information, to expeditiously declassify and release to the victims' families such information, consistent with existing standards and procedures on classification, and shall provide a copy of such order to the Committees on Appropriations.

(c) In making determinations concerning declassification and release of relevant information, all Federal agencies and departments should use the discretion contained within such existing standards and procedures on classification in support of releasing, rather than withholding, such information.

(d) All reasonable efforts should be taken by the American Embassy in Guatemala to work with relevant agencies of the Guatemalan Government to protect the safety of American citizens in Guatemala, and to assist in the investigations of violations of human rights.

COMMERCIAL LEASING OF DEFENSE ARTICLES

SEC. 573. Notwithstanding any other provision of law, and subject to the regular notification procedures of the Committees on Appropriations, the authority of section 23(a) of the Arms Export Control Act may be used to provide financing to Israel, Egypt and NATO and major non-NATO allies for the procurement by leasing (including leasing with an option to purchase) of defense articles from United States commercial suppliers, not including Major Defense Equipment (other than helicopters and other types of aircraft having possible civilian application), if the President determines that there are compelling foreign policy or national security reasons for those defense articles being provided by commercial lease rather than by government-to-government sale under such Act.

WAR CRIMINALS

SEC. 574. (a)(1) None of the funds appropriated or otherwise made available pursuant to this Act may be made available for assistance, and the Secretary of the Treasury shall instruct the United States executive directors to the international financial institutions to vote against any new project involving the extension by such institutions of any financial or technical assistance, to any country, entity, or municipality whose competent authorities have failed, as determined by the Secretary of State, to take necessary and significant steps to implement its international legal obligations to apprehend and transfer to the International Criminal Tribunal for the former Yugoslavia (the ''Tribunal'') all persons in their territory who have been publicly indicted by the Tribunal and to otherwise cooperate with the Tribunal.

(2) The provisions of this subsection shall not apply to humanitarian assistance or assistance for democratization.

(b) The provisions of subsection (a) shall apply unless the Secretary of State determines and reports to the appropriate congressional committees that the competent authorities of such country, entity, or municipality are—

(1) cooperating with the Tribunal, including unimpeded access for investigators to archives and witnesses, the provision of documents, and the surrender and transfer of indictees or assistance in their apprehension; and

(2) are acting consistently with the Dayton Accords.

(c) Not less than 10 days before any vote in an international financial institution regarding the extension of any new project involving financial or technical assistance or grants to any country or entity described in subsection (a), the Secretary of the Treasury, in consultation with the Secretary of State, shall provide to the Committees on Appropriations a written justification for the proposed assistance, including an explanation of the United States position regarding any such vote, as well as a description of the location of the proposed assistance by municipality, its purpose, and its intended beneficiaries.

(d) In carrying out this section, the Secretary of State, the Administrator of the United States Agency for International Development, and the Secretary of the Treasury shall consult with representatives of human rights organizations and all government agencies with relevant information to help prevent indicted war criminals from benefiting from any financial or technical assistance or grants provided to any country or entity described in subsection (a).

(e) The Secretary of State may waive the application of subsection (a) with respect to projects within a country, entity, or municipality upon a written determination to the Committees on Appropriations that such assistance directly supports the implementation of the Dayton Accords.

(f) DEFINITIONS.—As used in this section—

(1) COUNTRY.—The term ''country'' means Bosnia and Herzegovina, Croatia and Serbia.

(2) ENTITY.—The term ''entity'' refers to the Federation of Bosnia and Herzegovina, Kosovo, Montenegro and the Republika Srpska.

(3) MUNICIPALITY.—The term ''municipality'' means a city, town or other subdivision within a country or entity as defined herein.

(4) DAYTON ACCORDS.—The term ''Dayton Accords'' means the General Framework Agreement for Peace in Bosnia and Herzegovina, together with annexes relating thereto, done at Dayton, November 10 through 16, 1995.

USER FEES

SEC. 575. The Secretary of the Treasury shall instruct the United States Executive Director at each international financial institution (as defined in section 1701(c)(2) of the International Financial Institutions Act) and the International Monetary Fund to oppose any loan, grant, strategy or policy of these institutions that would require user fees or service charges on poor people for primary education or primary healthcare, including prevention and treatment efforts for HIV/AIDS, malaria, tuberculosis, and infant, child, and maternal well-being, in connection with the institutions' financing programs.

FUNDING FOR SERBIA

SEC. 576. (a) Funds appropriated by this Act may be made available for assistance for Serbia after March 31, 2003, if the President has made the determination and certification contained in subsection (c).

(b) After March 31, 2003, the Secretary of the Treasury should instruct the United States executive directors to the international financial institutions to support loans and assistance to the Government of the Federal Republic of Yugoslavia subject to the conditions in subsection (c): Provided, That section 576 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997, as amended, shall not apply to the provision of loans and assistance to the Federal Republic of Yugoslavia through international financial institutions.

(c) The determination and certification referred to in subsection (a) is a determination by the President and a certification to the Committees on Appropriations that the Government of the Federal Republic of Yugoslavia is—

(1) cooperating, on a continuing basis, with the International Criminal Tribunal for the former Yugoslavia including unimpeded access for investigators to archives and witnesses, the provision of documents, and the surrender and transfer of indictees or assistance in their apprehension;

(2) taking steps to implement policies which reflect a respect for minority rights and the rule of law, including ending Serbian financial, political, security and other support which has served to maintain separate Republika Srpska institutions.

(d) Subsections (b) and (c) shall not apply to Montenegro, Kosovo, humanitarian assistance, assistance to promote democracy in municipalities, or assistance to promote reconciliation among ethnic groups within the former Yugoslavia.

COMMUNITY-BASED POLICE ASSISTANCE

SEC. 577. (a) AUTHORITY.—Funds made available to carry out the provisions of chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961, may be used, notwithstanding section 660 of that Act, to enhance the effectiveness and accountability of civilian police authority in Jamaica, Indonesia, and El Salvador through training and technical assistance in human rights, the rule of law, strategic planning, and through assistance to foster civilian police roles that support democratic governance including assistance for programs to prevent conflict and foster improved police relations with the communities they serve.

(b) REPORT.—

(1) The Administrator of the United States Agency for International Development shall submit, at the time of submission of the agency's Congressional Budget Justification Document for fiscal year 2004, and annually thereafter, a report to the Committees on Appropriations describing the progress these programs are making toward improving police relations with the communities they serve and institutionalizing an effective community-based police program.

(2) The requirements of paragraph (1) are in lieu of the requirements contains in section 587(b) of Public Law 107–115.

(c) NOTIFICATION.—Assistance provided under subsection (a) shall be subject to the regular notification procedures of the Committees on Appropriations.

EXCESS DEFENSE ARTICLES FOR CENTRAL AND SOUTHERN EUROPEAN COUNTRIES AND CERTAIN OTHER COUNTRIES

SEC. 578. Notwithstanding section 516(e) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(e)), during each of the fiscal years 2003 and 2004, funds available to the Department of Defense may be expended for crating, packing, handling, and transportation of excess defense articles transferred under the authority of section 516 of such Act to Albania, Bulgaria, Croatia, Estonia, Former Yugoslavia Republic of Macedonia, Georgia, India, Kazakhstan, Kyrgyzstan, Latvia, Lithuania, Moldova, Mongolia, Pakistan, Romania, Slovakia, Slovenia, Tajikistan, Turkmenistan, Ukraine, and Uzbekistan: Provided, That section 105 of Public Law 104–164 is amended by striking ''2002 and 2003'' and inserting ''2003 and 2004''.

OVERSEAS PRIVATE INVESTMENT CORPORATION AND EXPORT-IMPORT BANK RESTRICTIONS

SEC. 579. (a) LIMITATION ON USE OF FUNDS BY OPIC.—None of the funds made available in this Act may be used by the Overseas Private Investment Corporation to insure, reinsure, guarantee, or finance any investment in connection with a project involving the mining, polishing or other processing, or sale of diamonds in a country that fails to meet the requirements of subsection (c).

(b) LIMITATION ON USE OF FUNDS BY THE EXPORT-IMPORT BANK.—None of the funds made available in this Act may be used by the Export-Import Bank of the United States to guarantee, insure, extend credit, or participate in an extension of credit in connection with the export of any goods to a country for use in an enterprise involving the mining, polishing or other processing, or sale of diamonds in a country that fails to meet the requirements of subsection (c).

(c) REQUIREMENTS.—The requirements referred to in subsections (a) and (b) are that the country concerned is implementing the recommendations, obligations and requirements developed by the Kimberley Process on conflict diamonds, or taking other measures that the Secretary of State determines to contribute effectively to preventing and eliminating the trade in conflict diamonds.

COOPERATION WITH CUBA ON COUNTER-NARCOTICS MATTERS

SEC. 580. (a) Subject to subsection (b), of the funds appropriated under the heading ''International Narcotics Control and Law Enforcement'', $3,000,000 should be made available for the purposes of preliminary work by the Department of State, or such other entities as the Secretary of State may designate, to establish cooperation with appropriate agencies of the Government of Cuba on counter-narcotics matters, including matters relating to cooperation, coordination, and mutual assistance in the interdiction of illicit drugs being transported through Cuba airspace or over Cuba waters.

(b) The amount in subsection (a) shall not be available if the President certifies that—

(1) Cuba does not have in place appropriate procedures to protect against the loss of innocent life in the air and on the ground in connection with the interdiction of illegal drugs; and

(2) there is evidence of involvement of the Government of Cuba in drug trafficking.

PROHIBITION ON FUNDING FOR ABORTIONS AND INVOLUNTARY STERILIZATION

SEC. 581. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of abortions as a method of family planning or to motivate or coerce any person to practice abortions. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of involuntary sterilization as a method of family planning or to coerce or provide any financial incentive to any person to undergo sterilizations. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for any biomedical research which relates in whole or in part, to methods of, or the performance of, abortions or involuntary sterilization as a means of family planning. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be obligated or expended for any country or organization if the President certifies that the use of these funds by any such country or organization would violate any of the above provisions related to abortions and involuntary sterilizations.

TROPICAL FOREST CONSERVATION

SEC. 582. Of the funds appropriated under the headings ''Development Assistance'' and ''Economic Support Fund'', $50,000,000 is available to carry out tropical forest conservation activities authorized by the Foreign Assistance Act of 1961, of which amount up to $40,000,000 may be available for the cost, as defined in section 502 of the Congressional Budget Act of 1974, of modifying loans and loan guarantees, pursuant to the provisions of part V of such Act, the Tropical Forest Conservation Act of 1998.

REGIONAL DEMOCRACY PROGRAMS FOR EAST ASIA AND THE PACIFIC

SEC. 583. Funds appropriated by this Act under the heading ''Economic Support Fund'' that are available for ''Regional Democracy'' assistance for East Asia and the Pacific shall be made available only through the National Endowment for Democracy.

TRANSPARENCY AND ACCOUNTABILITY

SEC. 584. (a) FINDINGS.—The Congress finds that—

(1) There is a lack of transparency in the revenues and expenditures of the national budgets of many developing countries that receive United States assistance.

(2) In such countries, official revenues—particularly from natural resource extraction—are often unreported, under-reported, or inaccurately recorded by foreign government agencies.

(3) Such inefficiencies—which in some instances mask outright theft—result in the failure of such governments to adequately provide their citizens with social, political, economic, and legal benefits and opportunities, and undermine the effectiveness of assistance provided to such countries by the United States and other international donors.

(4) Good governance and respect for the rule of law are critical to a nation's development.

(b) REPORT.—Not more than 90 days after enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations, describing in detail—

(1) Those countries whose central governments receive foreign assistance from the United States;

(2) Relevant laws and regulations in such countries governing the public disclosure of revenues and expenditures in national budgets;

(3) The adequacy of those laws and regulations, and the extent to which they are implemented and enforced;

(4) Those countries receiving such assistance where no such laws or regulations exist, and the extent to which such revenues and expenditures are publicly disclosed; and

(5) Programs and activities sponsored by the United States Government to promote accurate disclosure of revenues and expenditures in the national budgets of such countries, and the results of those programs and activities.

SEC. 585. EXTENSION OF PROHIBITION OF OIL AND GAS DRILLING IN THE GREAT LAKES. Section 503 of the Energy and Water Resources Development Appropriations Act, 2002 (115 Stat. 512), is amended by striking ''2002 and 2003'' and inserting ''2002 through 2005''.

SEC. 586. SENSE OF THE SENATE WITH RESPECT TO NORTH KOREA. It is the sense of the Senate that—

(1) North Korea has violated the basic terms of the Agreed Framework Between the United States of America and the Democratic People's Republic of Korea, signed in Geneva on October 21, 1994 (and the Confidential Minute to that agreement), and the North-South Joint Declaration on the Denuclearization of the Korean Peninsula by pursuing the enrichment of uranium for the purpose of building a nuclear weapon and by ''nuclearizing'' the Korean peninsula;

(2) North Korea has announced its intention to restart the 5-megawatt reactor and related reprocessing facility at Yongbyon, which were frozen under the Agreed Framework, and has expelled the International Atomic Energy Agency personnel monitoring the freeze;

(3) North Korea has announced its intention to withdraw from the Treaty on the Non-Proliferation of Nuclear Weapons, done at Washington, London, and Moscow on July 1, 1968 (21 UST 483);

(4) the Agreed Framework is, as a result of North Korea's own actions over several years and recent declaration, null and void;

(5) North Korea's pursuit and development of nuclear weapons is of grave concern and represents a serious threat to the security of the United States, its regional allies, and friends;

(6) North Korea must immediately come into compliance with its obligations under the Treaty on the Non-Proliferation of Nuclear Weapons and other commitments to the international community;

(7) any diplomatic solution to the North Korean crisis must achieve the total dismantlement of North Korea's nuclear weapons and nuclear production capability, including effective and comprehensive verification requirements, on-site monitoring, and free access for the investigation of all sites of concern;

(8) the United States, in conjunction with the Republic of Korea and other allies in the Pacific region, should take measures to ensure the highest possible level of deterrence and military readiness against the multiple threats that North Korea poses;

(9) since 1995, the United States has been the single largest food donor to North Korea, providing $620,000,000 in food aid assistance over that time;

(10) North Korea does not allow full verification of the use of food aid assistance, as shown by the failure of North Korea to permit the World Food Program to introduce a system of random access monitoring of such use in North Korea and the failure of North Korea to provide the World Food Program with a list of institutions through which World Food Program food is provided to beneficiaries;

(11) the failures described in paragraph (10) fall short of humanitarian practice in emergency operations in other parts of the world; and

(12) North Korea should allow full verification of the use of food aid assistance by—

(A) providing the World Food Program with a list of institutions through which World Food Program food is provided to beneficiaries;

(B) permitting the World Food Program to introduce a system of random access monitoring in North Korea; and

(C) providing access for the World Food Program in all counties in North Korea.

This division may be cited as the ''Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2003''.

DIVISION F—INTERIOR AND RELATED AGENCIES APPROPRIATIONS, 2003

Making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes.

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes, namely:

TITLE I—DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

For expenses necessary for protection, use, improvement, development, disposal, cadastral surveying, classification, acquisition of easements and other interests in lands, and performance of other functions, including maintenance of facilities, as authorized by law, in the management of lands and their resources under the jurisdiction of the Bureau of Land Management, including the general administration of the Bureau, and assessment of mineral potential of public lands pursuant to Public Law 96–487 (16 U.S.C. 3150(a)), $816,062,000, to remain available until expended, of which $1,000,000 is for high priority projects which shall be carried out by the Youth Conservation Corps; of which $4,000,000 shall be available for assessment of the mineral potential of public lands in Alaska pursuant to section 1010 of Public Law 96–487 (16 U.S.C. 3150); and of which not to exceed $1,000,000 shall be derived from the special receipt account established by the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 460l–6a(i)); and of which $3,000,000 shall be available in fiscal year 2003 subject to a match by at least an equal amount by the National Fish and Wildlife Foundation, to such Foundation for cost-shared projects supporting conservation of Bureau lands and such funds shall be advanced to the Foundation as a lump sum grant without regard to when expenses are incurred; in addition, $32,696,000 for Mining Law Administration program operations, including the cost of administering the mining claim fee program; to remain available until expended, to be reduced by amounts collected by the Bureau and credited to this appropriation from annual mining claim fees so as to result in a final appropriation estimated at not more than $816,062,000, and $2,000,000, to remain available until expended, from communication site rental fees established by the Bureau for the cost of administering communication site activities: Provided, That appropriations herein made shall not be available for the destruction of healthy, unadopted, wild horses and burros in the care of the Bureau or its contractors.

WILDLAND FIRE MANAGEMENT

For necessary expenses for fire preparedness, suppression operations, fire science and research, emergency rehabilitation, hazardous fuels reduction, and rural fire assistance by the Department of the Interior, $654,254,000, to remain available until expended, of which not to exceed $12,374,000 shall be for the renovation or construction of fire facilities: Provided, That such funds are also available for repayment of advances to other appropriation accounts from which funds were previously transferred for such purposes: Provided further, That persons hired pursuant to 43 U.S.C. 1469 may be furnished subsistence and lodging without cost from funds available from this appropriation: Provided further, That notwithstanding 42 U.S.C. 1856d, sums received by a bureau or office of the Department of the Interior for fire protection rendered pursuant to 42 U.S.C. 1856 et seq., protection of United States property, may be credited to the appropriation from which funds were expended to provide that protection, and are available without fiscal year limitation: Provided further, That using the amounts designated under this title of this Act, the Secretary of the Interior may enter into procurement contracts, grants, or cooperative agreements, for hazardous fuels reduction activities, and for training and monitoring associated with such hazardous fuels reduction activities, on Federal land, or on adjacent non-Federal land for activities that benefit resources on Federal land: Provided further, That the costs of implementing any cooperative agreement between the Federal government and any non-Federal entity may be shared, as mutually agreed on by the affected parties: Provided further, That in entering into such grants or cooperative agreements, the Secretary may consider the enhancement of local and small business employment opportunities for rural communities, and that in entering into procurement contracts under this section on a best value basis, the Secretary may take into account the ability of an entity to enhance local and small business employment opportunities in rural communities, and that the Secretary may award procurement contracts, grants, or cooperative agreements under this section to entities that include local non-profit entities, Youth Conservation Corps or related partnerships, or small or disadvantaged businesses: Provided further, That funds appropriated under this head may be used to reimburse the United States Fish and Wildlife Service and the National Marine Fisheries Service for the costs of carrying out their responsibilities under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) to consult and conference, as required by section 7 of such Act in connection with wildland fire management activities.

CENTRAL HAZARDOUS MATERIALS FUND

For necessary expenses of the Department of the Interior and any of its component offices and bureaus for the remedial action, including associated activities, of hazardous waste substances, pollutants, or contaminants pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601 et seq.), $9,978,000, to remain available until expended: Provided, That notwithstanding 31 U.S.C. 3302, sums recovered from or paid by a party in advance of or as reimbursement for remedial action or response activities conducted by the Department pursuant to section 107 or 113(f) of such Act, shall be credited to this account to be available until expended without further appropriation: Provided further, That such sums recovered from or paid by any party are not limited to monetary payments and may include stocks, bonds or other personal or real property, which may be retained, liquidated, or otherwise disposed of by the Secretary and which shall be credited to this account.

CONSTRUCTION

For construction of buildings, recreation facilities, roads, trails, and appurtenant facilities, $12,976,000, to remain available until expended.

PAYMENTS IN LIEU OF TAXES

For expenses necessary to implement the Act of October 20, 1976, as amended (31 U.S.C. 6901–6907), $210,000,000, of which not to exceed $400,000 shall be available for administrative expenses: Provided, That no payment shall be made to otherwise eligible units of local government if the computed amount of the payment is less than $100.

LAND ACQUISITION

For expenses necessary to carry out sections 205, 206, and 318(d) of Public Law 94–579, including administrative expenses and acquisition of lands or waters, or interests therein, $30,150,000, to be derived from the Land and Water Conservation Fund and to remain available until expended.

OREGON AND CALIFORNIA GRANT LANDS

For expenses necessary for management, protection, and development of resources and for construction, operation, and maintenance of access roads, reforestation, and other improvements on the revested Oregon and California Railroad grant lands, on other Federal lands in the Oregon and California land-grant counties of Oregon, and on adjacent rights-of-way; and acquisition of lands or interests therein including existing connecting roads on or adjacent to such grant lands; $105,633,000, to remain available until expended: Provided, That 25 percent of the aggregate of all receipts during the current fiscal year from the revested Oregon and California Railroad grant lands is hereby made a charge against the Oregon and California land-grant fund and shall be transferred to the General Fund in the Treasury in accordance with the second paragraph of subsection (b) of title II of the Act of August 28, 1937 (50 Stat. 876).

FOREST ECOSYSTEMS HEALTH AND RECOVERY FUND

(REVOLVING FUND, SPECIAL ACCOUNT)

In addition to the purposes authorized in Public Law 102–381, funds made available in the Forest Ecosystem Health and Recovery Fund can be used for the purpose of planning, preparing, implementing and monitoring salvage timber sales and forest ecosystem health and recovery activities such as release from competing vegetation and density control treatments. The Federal share of receipts (defined as the portion of salvage timber receipts not paid to the counties under 43 U.S.C. 1181f and 43 U.S.C. 1181f–1 et seq., and Public Law 106–393) derived from treatments funded by this account shall be deposited into the Forest Ecosystem Health and Recovery Fund.

RANGE IMPROVEMENTS

For rehabilitation, protection, and acquisition of lands and interests therein, and improvement of Federal rangelands pursuant to section 401 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701), notwithstanding any other Act, sums equal to 50 percent of all moneys received during the prior fiscal year under sections 3 and 15 of the Taylor Grazing Act (43 U.S.C. 315 et seq.) and the amount designated for range improvements from grazing fees and mineral leasing receipts from Bankhead-Jones lands transferred to the Department of the Interior pursuant to law, but not less than $10,000,000, to remain available until expended: Provided, That not to exceed $600,000 shall be available for administrative expenses.

SERVICE CHARGES, DEPOSITS, AND FORFEITURES

For administrative expenses and other costs related to processing application documents and other authorizations for use and disposal of public lands and resources, for costs of providing copies of official public land documents, for monitoring construction, operation, and termination of facilities in conjunction with use authorizations, and for rehabilitation of damaged property, such amounts as may be collected under Public Law 94–579, as amended, and Public Law 93–153, to remain available until expended: Provided, That notwithstanding any provision to the contrary of section 305(a) of Public Law 94–579 (43 U.S.C. 1735(a)), any moneys that have been or will be received pursuant to that section, whether as a result of forfeiture, compromise, or settlement, if not appropriate for refund pursuant to section 305(c) of that Act (43 U.S.C. 1735(c)), shall be available and may be expended under the authority of this Act by the Secretary to improve, protect, or rehabilitate any public lands administered through the Bureau of Land Management which have been damaged by the action of a resource developer, purchaser, permittee, or any unauthorized person, without regard to whether all moneys collected from each such action are used on the exact lands damaged which led to the action: Provided further, That any such moneys that are in excess of amounts needed to repair damage to the exact land for which funds

were collected may be used to repair other damaged public lands.

MISCELLANEOUS TRUST FUNDS

In addition to amounts authorized to be expended under existing laws, there is hereby appropriated such amounts as may be contributed under section 307 of the Act of October 21, 1976 (43 U.S.C. 1701), and such amounts as may be advanced for administrative costs, surveys, appraisals, and costs of making conveyances of omitted lands under section 211(b) of that Act, to remain available until expended.

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Land Management shall be available for purchase, erection, and dismantlement of temporary structures, and alteration and maintenance of necessary buildings and appurtenant facilities to which the United States has title; up to $100,000 for payments, at the discretion of the Secretary, for information or evidence concerning violations of laws administered by the Bureau; miscellaneous and emergency expenses of enforcement activities authorized or approved by the Secretary and to be accounted for solely on her certificate, not to exceed $10,000: Provided, That notwithstanding 44 U.S.C. 501, the Bureau may, under cooperative cost-sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share the cost of printing either in cash or in services, and the Bureau determines the cooperator is capable of meeting accepted quality standards.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For necessary expenses of the United States Fish and Wildlife Service, for scientific and economic studies, conservation, management, investigations, protection, and utilization of fishery and wildlife resources, except whales, seals, and sea lions, maintenance of the herd of longhorned cattle on the Wichita Mountains Wildlife Refuge, general administration, and for the performance of other authorized functions related to such resources by direct expenditure, contracts, grants, cooperative agreements and reimbursable agreements with public and private entities, $902,697,000, to remain available until September 30, 2004, except as otherwise provided herein: Provided, That not less than $2,000,000 shall be provided to local governments in southern California for planning associated with the Natural Communities Conservation Planning (NCCP) program and shall remain available until expended: Provided further, That $2,000,000 is for high priority projects which shall be carried out by the Youth Conservation Corps: Provided further, That not to exceed $9,077,000 shall be used for implementing subsections (a), (b), (c), and (e) of section 4 of the Endangered Species Act, as amended, for species that are indigenous to the United States (except for processing petitions, developing and issuing proposed and final regulations, and taking any other steps to implement actions described in subsection (c)(2)(A), (c)(2)(B)(i), or (c)(2)(B)(ii)), of which not to exceed $5,000,000 shall be used for any activity regarding the designation of critical habitat, pursuant to subsection (a)(3), excluding litigation support, for species already listed pursuant to subsection (a)(1) as of the date of enactment this Act: Provided further, That of the amount available for law enforcement, up to $400,000 to remain available until expended, may at the discretion of the Secretary, be used for payment for information, rewards, or evidence concerning violations of laws administered by the Service, and miscellaneous and emergency expenses of enforcement activity, authorized or approved by the Secretary and to be accounted for solely on her certificate: Provided further, That of the amount provided for environmental contaminants, up to $1,000,000 may remain available until expended for contaminant sample analyses.

CONSTRUCTION

For construction, improvement, acquisition, or removal of buildings and other facilities required in the conservation, management, investigation, protection, and utilization of fishery and wildlife resources, and the acquisition of lands and interests therein; $42,882,000, to remain available until expended: Provided, That notwithstanding any other provision of law, a single procurement for the construction of the Kodiak National Wildlife Refuge visitor center may be issued which includes the full scope of the project: Provided further, That the solicitation and the contract shall contain the clause ''availability of funds'' found at 48 CFR 52.232.18.

LAND ACQUISITION

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the United States Fish and Wildlife Service, $81,555,000, to be derived from the Land and Water Conservation Fund and to remain available until expended: Provided, That none of the funds appropriated for specific land acquisition projects can be used to pay for any administrative overhead, planning or other management costs.

LANDOWNER INCENTIVE PROGRAM

For administrative expenses associated with a Landowner Incentive Program established in Public Law 107–63, $600,000, to be derived from the Land and Water Conservation Fund and to remain available until expended.

STEWARDSHIP GRANTS

For administrative expenses associated with a Private Stewardship Program established in Public Law 107–63, $200,000, to be derived from the Land and Water Conservation Fund and to remain available until expended.

COOPERATIVE ENDANGERED SPECIES CONSERVATION FUND

For expenses necessary to carry out section 6 of the Endangered Species Act of 1973 (16 U.S.C. 1531–1543), as amended, $81,000,000, to be derived from the Cooperative Endangered Species Conservation Fund and to remain available until expended.

NATIONAL WILDLIFE REFUGE FUND

For expenses necessary to implement the Act of October 17, 1978 (16 U.S.C. 715s), $14,414,000.

NORTH AMERICAN WETLANDS CONSERVATION FUND

For expenses necessary to carry out the provisions of the North American Wetlands Conservation Act, Public Law 101–233, as amended, $38,560,000, to remain available until expended.

NEOTROPICAL MIGRATORY BIRD CONSERVATION

For financial assistance for projects to promote the conservation of neotropical migratory birds in accordance with the Neotropical Migratory Bird Conservation Act, Public Law 106–247 (16 U.S.C. 6101–6109), $2,000,000, to remain available until expended.

MULTINATIONAL SPECIES CONSERVATION FUND

For expenses necessary to carry out the African Elephant Conservation Act (16 U.S.C. 4201–4203, 4211–4213, 4221–4225, 4241–4245, and 1538), the Asian Elephant Conservation Act of 1997 (Public Law 105–96; 16 U.S.C. 4261–4266), the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5301–5306), and the Great Ape Conservation Act of 2000 (16 U.S.C. 6301), $4,200,000, to remain available until expended.

STATE AND TRIBAL WILDLIFE GRANTS

For wildlife conservation grants to States and to the District of Columbia, Puerto Rico, Guam, the United States Virgin Islands, the Northern Mariana Islands, American Samoa, and federally recognized Indian tribes under the provisions of the Fish and Wildlife Act of 1956 and the Fish and Wildlife Coordination Act, for the development and implementation of programs for the benefit of wildlife and their habitat, including species that are not hunted or fished, $45,000,000, to be derived from the Land and Water Conservation Fund and to remain available until expended: Provided, That of the amount provided herein, $3,000,000 is for a competitive grant program for Indian tribes not subject to the remaining provisions of this appropriation: Provided further, That the Secretary shall, after deducting said $3,000,000 and administrative expenses, apportion the amount provided herein in the following manner: (A) to the District of Columbia and to the Commonwealth of Puerto Rico, each a sum equal to not more than one-half of 1 percent thereof: and (B) to Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, each a sum equal to not more than one-fourth of 1 percent thereof: Provided further, That the Secretary shall apportion the remaining amount in the following manner: (A) one-third of which is based on the ratio to which the land area of such State bears to the total land area of all such States; and (B) two-thirds of which is based on the ratio to which the population of such State bears to the total population of all such States: Provided further, That the amounts apportioned under this paragraph shall be adjusted equitably so that no State shall be apportioned a sum which is less than 1 percent of the amount available for apportionment under this paragraph for any fiscal year or more than 5 percent of such amount: Provided further, That the Federal share of planning grants shall not exceed 75 percent of the total costs of such projects and the Federal share of implementation grants shall not exceed 50 percent of the total costs of such projects: Provided further, That the non-Federal share of such projects may not be derived from Federal grant programs: Provided further, That no State, territory, or other jurisdiction shall receive a grant unless it has developed, or committed to develop by October 1, 2005, a comprehensive wildlife conservation plan, consistent with criteria established by the Secretary of the Interior, that considers the broad range of the State, territory, or other jurisdiction's wildlife and associated habitats, with appropriate priority placed on those species with the greatest conservation need and taking into consideration the relative level of funding available for the conservation of those species: Provided further, That any amount apportioned in 2003 to any State, territory, or other jurisdiction that remains unobligated as of September 30, 2004, shall be reapportioned, together with funds appropriated in 2005, in the manner provided herein.

ADMINISTRATIVE PROVISIONS

Appropriations and funds available to the United States Fish and Wildlife Service shall be available for purchase of not to exceed 102 passenger motor vehicles, of which 75 are for replacement only (including 39 for police-type use); repair of damage to public roads within and adjacent to reservation areas caused by operations of the Service; options for the purchase of land at not to exceed $1 for each option; facilities incident to such public recreational uses on conservation areas as are consistent with their primary purpose; and the maintenance and improvement of aquaria, buildings, and other facilities under the jurisdiction of the Service and to which the United States has title, and which are used pursuant to law in connection with management and investigation of fish and wildlife resources: Provided, That notwithstanding 44 U.S.C. 501, the Service may, under cooperative cost sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share at least one-half the cost of

printing either in cash or services and the Service determines the cooperator is capable of meeting accepted quality standards: Provided further, That the Service may accept donated aircraft as replacements for existing aircraft: Provided further, That the United States Fish and Wildlife Service is authorized to grant $500,000 appropriated in Public Law 107–63 for land acquisition to the Narragansett Indian Tribe for acquisition of the Great Salt Pond burial tract: Provided further, That notwithstanding any other provision of law, the Secretary of the Interior may not spend any of the funds appropriated in this Act for the purchase of lands or interests in lands to be used in the establishment of any new unit of the National Wildlife Refuge System unless the purchase is approved in advance by the House and Senate Committees on Appropriations in compliance with the reprogramming procedures contained in House Report 107–63.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For expenses necessary for the management, operation, and maintenance of areas and facilities administered by the National Park Service (including special road maintenance service to trucking permittees on a reimbursable basis), and for the general administration of the National Park Service, $1,571,065,000, of which $6,878,000 for planning and interagency coordination in support of Everglades restoration shall remain available until expended; of which $88,280,000, to remain available until September 30, 2004, is for maintenance repair or rehabilitation projects for constructed assets, operation of the National Park Service automated facility management software system, and comprehensive facility condition assessments; of which not less than $9,000,000 is for reimbursement of the United States Geological Survey for conduct of National Park Service natural resource challenge activities; and of which $2,000,000 is for the Youth Conservation Corps for high priority projects: Provided, That the only funds in this account which may be made available to support United States Park Police are those funds approved for emergency law and order incidents pursuant to established National Park Service procedures, those funds needed to maintain and repair United States Park Police administrative facilities, and those funds necessary to reimburse the United States Park Police account for the unbudgeted overtime and travel costs associated with special events for an amount not to exceed $10,000 per event subject to the review and concurrence of the Washington headquarters office.

UNITED STATES PARK POLICE

For expenses necessary to carry out the programs of the United States Park Police, $78,431,000.

NATIONAL RECREATION AND PRESERVATION

For expenses necessary to carry out recreation programs, natural programs, cultural programs, heritage partnership programs, environmental compliance and review, international park affairs, statutory or contractual aid for other activities, and grant administration, not otherwise provided for, $62,978,000.

URBAN PARK AND RECREATION FUND

For expenses necessary to carry out the provisions of the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2501 et seq.), $10,000,000, to remain available until expended.

HISTORIC PRESERVATION FUND

For expenses necessary in carrying out the Historic Preservation Act of 1966, as amended (16 U.S.C. 470), and the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333), $67,000,000, to be derived from the Historic Preservation Fund and to remain available until September 30, 2004: Provided, That of the total amount provided, $30,000,000 shall be for Save America's Treasures for priority preservation projects of nationally significant sites, structures, and artifacts: Provided further, That any individual Save America's Treasures grant shall be matched by non-Federal funds: Provided further, That individual projects shall only be eligible for one grant, and all projects to be funded shall be approved by the House and Senate Committees on Appropriations prior to the commitment of grant funds: Provided further, That Save America's Treasures funds allocated for Federal projects shall be available by transfer to appropriate accounts of individual agencies, after approval of such projects by the Secretary of the Interior, in consultation with the President's Committee on the Arts and Humanities: Provided further, That none of the funds provided for Save America's Treasures may be used for administrative expenses, and staffing for the program shall be available from the existing staffing levels in the National Park Service.

CONSTRUCTION

For construction, improvements, repair or replacement of physical facilities, including the modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989, $322,826,000, to remain available until expended, of which $2,500,000 for the Virginia City Historic District, and $500,000 for the Fort Osage National Historic Landmark shall be derived from the Historic Preservation Fund pursuant to 16 U.S.C. 470a.

LAND AND WATER CONSERVATION FUND

(RESCISSION)

The contract authority provided for fiscal year 2003 by 16 U.S.C. 460l–10a is rescinded.

LAND ACQUISITION AND STATE ASSISTANCE

For expenses necessary to carry out the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for acquisition of lands or waters, or interest therein, in accordance with the statutory authority applicable to the National Park Service, $204,005,000, to be derived from the Land and Water Conservation Fund and to remain available until expended, of which $115,000,000 is for the State assistance program including $4,000,000 to administer the State assistance program: Provided, That of the amounts provided under this heading, $20,000,000 may be for Federal grants, including Federal administrative expenses, to the State of Florida for the acquisition of lands or waters, or interests therein, within the Everglades watershed (consisting of lands and waters within the boundaries of the South Florida Water Management District, Florida Bay and the Florida Keys, including the areas known as the Frog Pond, the Rocky Glades and the Eight and One-Half Square Mile Area) under terms and conditions deemed necessary by the Secretary to improve and restore the hydrological function of the Everglades watershed: Provided further, That funds provided under this heading for assistance to the State of Florida to acquire lands within the Everglades watershed are contingent upon new matching non-Federal funds by the State, or are matched by the State pursuant to the cost-sharing provisions of section 316(b) of Public Law 104–303, and shall be subject to an agreement that the lands to be acquired will be managed in perpetuity for the restoration of the Everglades: Provided further, That none of the funds provided for the State Assistance program may be used to establish a contingency fund.

ADMINISTRATIVE PROVISIONS

Appropriations for the National Park Service shall be available for the purchase of not to exceed 301 passenger motor vehicles, of which 273 shall be for replacement only, including not to exceed 226 for police-type use, 10 buses, and 8 ambulances: Provided, That none of the funds appropriated to the National Park Service may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: Provided further, That none of the funds appropriated to the National Park Service may be used to implement an agreement for the redevelopment of the southern end of Ellis Island until such agreement has been submitted to the Congress and shall not be implemented prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than 3 calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full and comprehensive report on the development of the southern end of Ellis Island, including the facts and circumstances relied upon in support of the proposed project.

The National Park Service may distribute to operating units based on the safety record of each unit the costs of programs designed to improve workplace and employee safety, and to encourage employees receiving workers' compensation benefits pursuant to chapter 81 of title 5, United States Code, to return to appropriate positions for which they are medically able.

Notwithstanding any other provision of law, in fiscal year 2003 and thereafter, sums provided to the National Park Service by private entities for utility services shall be credited to the appropriate account and remain available until expended: Provided, That heretofore and hereafter, in carrying out the work under reimbursable agreements with any State, local or tribal government, the National Park Service may, without regard to 31 U.S.C. 1341 or any other provision of law or regulation, record obligations against accounts receivable from such entities, and shall credit amounts received from such entities to the appropriate account, such credit to occur within 90 days of the date of the original request by the National Park Service for payment.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For expenses necessary for the United States Geological Survey to perform surveys, investigations, and research covering topography, geology, hydrology, biology, and the mineral and water resources of the United States, its territories and possessions, and other areas as authorized by 43 U.S.C. 31, 1332, and 1340; classify lands as to their mineral and water resources; give engineering supervision to power permittees and Federal Energy Regulatory Commission licensees; administer the minerals exploration program (30 U.S.C. 641); and publish and disseminate data relative to the foregoing activities; and to conduct inquiries into the economic conditions affecting mining and materials processing industries (30 U.S.C. 3, 21a, and 1603; 50 U.S.C. 98g(1)) and related purposes as authorized by law and to publish and disseminate data; $914,617,000, of which $64,974,000 shall be available only for cooperation with States or municipalities for water resources investigations; and of which $15,499,000 shall remain available until expended for conducting inquiries into the economic conditions affecting mining and materials processing industries; and of which $8,000,000 shall remain available until expended for satellite operations; and of which $22,623,000 shall be available until September 30, 2004, for the operation and maintenance of facilities and deferred maintenance; and of which $166,927,000 shall be available until September 30, 2004, for the biological research activity and the operation of the Cooperative Research Units; and of which $4,000,000 shall remain available until expended for interagency research, planning, monitoring, and assessment, for everglades restoration; and with the funds provided in this title, the Secretary shall release a plan for assisting States, Federal agencies and tribes in managing chronic wasting disease in wild and captive cervids within 90 days of enactment of this Act: Provided, That none of these funds provided for the biological research activity shall be used to conduct new surveys on private property, unless specifically authorized

in writing by the property owner: Provided further, That no part of this appropriation shall be used to pay more than one-half the cost of topographic mapping or water resources data collection and investigations carried on in cooperation with States and municipalities.

ADMINISTRATIVE PROVISION

The amount appropriated for the United States Geological Survey shall be available for the purchase of not to exceed 53 passenger motor vehicles, of which 48 are for replacement only; reimbursement to the General Services Administration for security guard services; contracting for the furnishing of topographic maps and for the making of geophysical or other specialized surveys when it is administratively determined that such procedures are in the public interest; construction and maintenance of necessary buildings and appurtenant facilities; acquisition of lands for gauging stations and observation wells; expenses of the United States National Committee on Geology; and payment of compensation and expenses of persons on the rolls of the Survey duly appointed to represent the United States in the negotiation and administration of interstate compacts: Provided, That activities funded by appropriations herein made may be accomplished through the use of contracts, grants, or cooperative agreements as defined in 31 U.S.C. 6302 et seq.

MINERALS MANAGEMENT SERVICE

ROYALTY AND OFFSHORE MINERALS MANAGEMENT

For expenses necessary for minerals leasing and environmental studies, regulation of industry operations, and collection of royalties, as authorized by law; for enforcing laws and regulations applicable to oil, gas, and other minerals leases, permits, licenses and operating contracts; and for matching grants or cooperative agreements; including the purchase of not to exceed eight passenger motor vehicles for replacement only, $164,322,000, of which $83,284,000, shall be available for royalty management activities; and an amount not to exceed $100,230,000, to be credited to this appropriation and to remain available until expended, from additions to receipts resulting from increases to rates in effect on August 5, 1993, from rate increases to fee collections for Outer Continental Shelf administrative activities performed by the Minerals Management Service over and above the rates in effect on September 30, 1993, and from additional fees for Outer Continental Shelf administrative activities established after September 30, 1993: Provided, That to the extent $100,230,000 in additions to receipts are not realized from the sources of receipts stated above, the amount needed to reach $100,230,000 shall be credited to this appropriation from receipts resulting from rental rates for Outer Continental Shelf leases in effect before August 5, 1993: Provided further, That $3,000,000 for computer acquisitions shall remain available until September 30, 2004: Provided further, That funds appropriated under this Act shall be available for the payment of interest in accordance with 30 U.S.C. 1721(b) and (d): Provided further, That not to exceed $3,000 shall be available for reasonable expenses related to promoting volunteer beach and marine cleanup activities: Provided further, That notwithstanding any other provision of law, $15,000 under this heading shall be available for refunds of overpayments in connection with certain Indian leases in which the Director of the Minerals Management Service (MMS) concurred with the claimed refund due, to pay amounts owed to Indian allottees or tribes, or to correct prior unrecoverable erroneous payments: Provided further, That MMS may under the royalty-in-kind pilot program, or under its authority to transfer oil to the Strategic Petroleum Reserve, use a portion of the revenues from royalty-in-kind sales, without regard to fiscal year limitation, to pay for transportation to wholesale market centers or upstream pooling points, to process or otherwise dispose of royalty production taken in kind, and to recover MMS transportation costs, salaries, and other administrative costs directly related to filling the Strategic Petroleum Reserve: Provided further, That MMS shall analyze and document the expected return in advance of any royalty-in-kind sales to assure to the maximum extent practicable that royalty income under the pilot program is equal to or greater than royalty income recognized under a comparable royalty-in-value program.

OIL SPILL RESEARCH

For necessary expenses to carry out title I, section 1016, title IV, sections 4202 and 4303, title VII, and title VIII, section 8201 of the Oil Pollution Act of 1990, $6,105,000, which shall be derived from the Oil Spill Liability Trust Fund, to remain available until expended.

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

REGULATION AND TECHNOLOGY

For necessary expenses to carry out the provisions of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, as amended, including the purchase of not to exceed 10 passenger motor vehicles, for replacement only; $105,092,000: Provided, That the Secretary of the Interior, pursuant to regulations, may use directly or through grants to States, moneys collected in fiscal year 2003 for civil penalties assessed under section 518 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1268), to reclaim lands adversely affected by coal mining practices after August 3, 1977, to remain available until expended: Provided further, That appropriations for the Office of Surface Mining Reclamation and Enforcement may provide for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training.

ABANDONED MINE RECLAMATION FUND

For necessary expenses to carry out title IV of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, as amended, including the purchase of not more than 10 passenger motor vehicles for replacement only, $191,745,000, to be derived from receipts of the Abandoned Mine Reclamation Fund and to remain available until expended; of which up to $10,000,000, to be derived from the Federal Expenses Share of the Fund, shall be for supplemental grants to States for the reclamation of abandoned sites with acid mine rock drainage from coal mines, and for associated activities, through the Appalachian Clean Streams Initiative: Provided, That grants to minimum program States will be $1,500,000 per State in fiscal year 2003: Provided further, That of the funds herein provided up to $18,000,000 may be used for the emergency program authorized by section 410 of Public Law 95–87, as amended, of which no more than 25 percent shall be used for emergency reclamation projects in any one State and funds for federally administered emergency reclamation projects under this proviso shall not exceed $11,000,000: Provided further, That prior year unobligated funds appropriated for the emergency reclamation program shall not be subject to the 25 percent limitation per State and may be used without fiscal year limitation for emergency projects: Provided further, That pursuant to Public Law 97–365, the Department of the Interior is authorized to use up to 20 percent from the recovery of the delinquent debt owed to the United States Government to pay for contracts to collect these debts: Provided further, That funds made available under title IV of Public Law 95–87 may be used for any required non-Federal share of the cost of projects funded by the Federal Government for the purpose of environmental restoration related to treatment or abatement of acid mine drainage from abandoned mines: Provided further, That such projects must be consistent with the purposes and priorities of the Surface Mining Control and Reclamation Act: Provided further, That the State of Maryland may set aside the greater of $1,000,000 or 10 percent of the total of the grants made available to the State under title IV of the Surface Mining Control and Reclamation Act of 1977, as amended (30 U.S.C. 1231 et seq.), if the amount set aside is deposited in an acid mine drainage abatement and treatment fund established under a State law, pursuant to which law the amount (together with all interest earned on the amount) is expended by the State to undertake acid mine drainage abatement and treatment projects, except that before any amounts greater than 10 percent of its title IV grants are deposited in an acid mine drainage abatement and treatment fund, the State of Maryland must first complete all Surface Mining Control and Reclamation Act priority one projects.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

For expenses necessary for the operation of Indian programs, as authorized by law, including the Snyder Act of November 2, 1921 (25 U.S.C. 13), the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450 et seq.), as amended, the Education Amendments of 1978 (25 U.S.C. 2001–2019), and the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.), as amended, $1,855,635,000, to remain available until September 30, 2004 except as otherwise provided herein, of which not to exceed $85,857,000 shall be for welfare assistance payments and notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, not to exceed $133,209,000 shall be available for payments to tribes and tribal organizations for contract support costs associated with ongoing contracts, grants, compacts, or annual funding agreements entered into with the Bureau prior to or during fiscal year 2003, as authorized by such Act, except that tribes and tribal organizations may use their tribal priority allocations for unmet indirect costs of ongoing contracts, grants, or compacts, or annual funding agreements and for unmet welfare assistance costs; and up to $2,000,000 shall be for the Indian Self-Determination Fund which shall be available for the transitional cost of initial or expanded tribal contracts, grants, compacts or cooperative agreements with the Bureau under such Act; and of which not to exceed $442,985,000 for school operations costs of Bureau-funded schools and other education programs shall become available on July 1, 2003, and shall remain available until September 30, 2004; and of which not to exceed $57,686,000 shall remain available until expended for housing improvement, road maintenance, attorney fees, litigation support, the Indian Self-Determination Fund, land records improvement, and the Navajo-Hopi Settlement Program: Provided, That notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, and 25 U.S.C. 2008, not to exceed $43,065,000 within and only from such amounts made available for school operations shall be available to tribes and tribal organizations for administrative cost grants associated with the operation of Bureau-funded schools: Provided further, That any forestry funds allocated to a tribe which remain unobligated as of September 30, 2004, may be transferred during fiscal year 2005 to an Indian forest land assistance account established for the benefit of such tribe within the tribe's trust fund account: Provided further, That any such unobligated balances not so transferred shall expire on September 30, 2005.

CONSTRUCTION

For construction, repair, improvement, and maintenance of irrigation and power systems, buildings, utilities, and other facilities, including architectural and engineering services by contract; acquisition of lands, and interests in lands; and preparation of lands for farming, and for construction of the Navajo Indian Irrigation Project pursuant to Public Law 87–483,

$348,252,000, to remain available until expended: Provided, That such amounts as may be available for the construction of the Navajo Indian Irrigation Project may be transferred to the Bureau of Reclamation: Provided further, That not to exceed 6 percent of contract authority available to the Bureau of Indian Affairs from the Federal Highway Trust Fund may be used to cover the road program management costs of the Bureau: Provided further, That any funds provided for the Safety of Dams program pursuant to 25 U.S.C. 13 shall be made available on a nonreimbursable basis: Provided further, That for fiscal year 2003, in implementing new construction or facilities improvement and repair project grants in excess of $100,000 that are provided to tribally controlled grant schools under Public Law 100–297, as amended, the Secretary of the Interior shall use the Administrative and Audit Requirements and Cost Principles for Assistance Programs contained in 43 CFR part 12 as the regulatory requirements: Provided further, That such grants shall not be subject to section 12.61 of 43 CFR; the Secretary and the grantee shall negotiate and determine a schedule of payments for the work to be performed: Provided further, That in considering applications, the Secretary shall consider whether the Indian tribe or tribal organization would be deficient in assuring that the construction projects conform to applicable building standards and codes and Federal, tribal, or State health and safety standards as required by 25 U.S.C. 2005(a), with respect to organizational and financial management capabilities: Provided further, That if the Secretary declines an application, the Secretary shall follow the requirements contained in 25 U.S.C. 2505(f): Provided further, That any disputes between the Secretary and any grantee concerning a grant shall be subject to the disputes provision in 25 U.S.C. 2508(e).

INDIAN LAND AND WATER CLAIM SETTLEMENTS AND MISCELLANEOUS PAYMENTS TO INDIANS

For miscellaneous payments to Indian tribes and individuals and for necessary administrative expenses, $57,949,000, to remain available until expended; of which $24,870,000 shall be available for implementation of enacted Indian land and water claim settlements pursuant to Public Laws 101–618 and 102–575, and for implementation of other enacted water rights settlements; of which $5,068,000 shall be available for future water supplies facilities under Public Law 106–163; and of which $28,011,000 shall be available pursuant to Public Laws 99–264, 100–580, 106–263, 106–425 and 106–554.

INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

For the cost of guaranteed and insured loans, $5,000,000, as authorized by the Indian Financing Act of 1974, as amended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $72,464,000.

In addition, for administrative expenses to carry out the guaranteed and insured loan programs, $493,000.

ADMINISTRATIVE PROVISIONS

The Bureau of Indian Affairs may carry out the operation of Indian programs by direct expenditure, contracts, cooperative agreements, compacts and grants, either directly or in cooperation with States and other organizations.

Appropriations for the Bureau of Indian Affairs (except the revolving fund for loans, the Indian loan guarantee and insurance fund, and the Indian Guaranteed Loan Program account) shall be available for expenses of exhibits, and purchase of not to exceed 229 passenger motor vehicles, of which not to exceed 187 shall be for replacement only.

Notwithstanding any other provision of law, no funds available to the Bureau of Indian Affairs for central office operations, pooled overhead general administration (except facilities operations and maintenance), or provided to implement the recommendations of the National Academy of Public Administration's August 1999 report shall be available for tribal contracts, grants, compacts, or cooperative agreements with the Bureau of Indian Affairs under the provisions of the Indian Self-Determination Act or the Tribal Self-Governance Act of 1994 (Public Law 103–413).

In the event any tribe returns appropriations made available by this Act to the Bureau of Indian Affairs for distribution to other tribes, this action shall not diminish the Federal Government's trust responsibility to that tribe, or the government-to-government relationship between the United States and that tribe, or that tribe's ability to access future appropriations.

Notwithstanding any other provision of law, no funds available to the Bureau, other than the amounts provided herein for assistance to public schools under 25 U.S.C. 452 et seq., shall be available to support the operation of any elementary or secondary school in the State of Alaska.

Appropriations made available in this or any other Act for schools funded by the Bureau shall be available only to the schools in the Bureau school system as of September 1, 1996. No funds available to the Bureau shall be used to support expanded grades for any school or dormitory beyond the grade structure in place or approved by the Secretary of the Interior at each school in the Bureau school system as of October 1, 1995. Funds made available under this Act may not be used to establish a charter school at a Bureau-funded school (as that term is defined in section 1146 of the Education Amendments of 1978 (25 U.S.C. 2026)), except that a charter school that is in existence on the date of the enactment of this Act and that has operated at a Bureau-funded school before September 1, 1999, may continue to operate during that period, but only if the charter school pays to the Bureau a pro rata share of funds to reimburse the Bureau for the use of the real and personal property (including buses and vans), the funds of the charter school are kept separate and apart from Bureau funds, and the Bureau does not assume any obligation for charter school programs of the State in which the school is located if the charter school loses such funding. Employees of Bureau-funded schools sharing a campus with a charter school and performing functions related to the charter school's operation and employees of a charter school shall not be treated as Federal employees for purposes of chapter 171 of title 28, United States Code (commonly known as the ''Federal Tort Claims Act'').

DEPARTMENTAL OFFICES

INSULAR AFFAIRS

ASSISTANCE TO TERRITORIES

For expenses necessary for assistance to territories under the jurisdiction of the Department of the Interior, $75,217,000, of which: (1) $70,102,000 shall be available until expended for technical assistance, including maintenance assistance, disaster assistance, insular management controls, coral reef initiative activities, and brown tree snake control and research; grants to the judiciary in American Samoa for compensation and expenses, as authorized by law (48 U.S.C. 1661(c)); grants to the Government of American Samoa, in addition to current local revenues, for construction and support of governmental functions; grants to the Government of the Virgin Islands as authorized by law; grants to the Government of Guam, as authorized by law; and grants to the Government of the Northern Mariana Islands as authorized by law (Public Law 94–241; 90 Stat. 272); and (2) $5,295,000 shall be available for salaries and expenses of the Office of Insular Affairs: Provided, That all financial transactions of the territorial and local governments herein provided for, including such transactions of all agencies or instrumentalities established or used by such governments, may be audited by the General Accounting Office, at its discretion, in accordance with chapter 35 of title 31, United States Code: Provided further, That Northern Mariana Islands Covenant grant funding shall be provided according to those terms of the Agreement of the Special Representatives on Future United States Financial Assistance for the Northern Mariana Islands approved by Public Law 104–134: Provided further, That of the amounts provided for technical assistance, sufficient funding shall be made available for a grant to the Close Up Foundation: Provided further, That the funds for the program of operations and maintenance improvement are appropriated to institutionalize routine operations and maintenance improvement of capital infrastructure with territorial participation and cost sharing to be determined by the Secretary based on the grantee's commitment to timely maintenance of its capital assets: Provided further, That any appropriation for disaster assistance under this heading in this Act or previous appropriations Acts may be used as non-Federal matching funds for the purpose of hazard mitigation grants provided pursuant to section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c).

COMPACT OF FREE ASSOCIATION

For economic assistance and necessary expenses for the Federated States of Micronesia and the Republic of the Marshall Islands as provided for in sections 122, 221, 223, 232, and 233 of the Compact of Free Association, and for economic assistance and necessary expenses for the Republic of Palau as provided for in sections 122, 221, 223, 232, and 233 of the Compact of Free Association, $20,925,000, to remain available until expended, as authorized by Public Law 99–239 and Public Law 99–658.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For necessary expenses for management of the Department of the Interior, $72,427,000, of which not to exceed $8,500 may be for official reception and representation expenses, and of which up to $1,000,000 shall be available for workers compensation payments and unemployment compensation payments associated with the orderly closure of the United States Bureau of Mines.

OFFICE OF THE SOLICITOR

SALARIES AND EXPENSES

For necessary expenses of the Office of the Solicitor, $47,773,000.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General, $36,239,000, of which $3,812,000 shall be for procurement by contract of independent auditing services to audit the consolidated Department of the Interior annual financial statement and the annual financial statement of the Department of the Interior bureaus and offices funded in this Act.

OFFICE OF SPECIAL TRUSTEE FOR AMERICAN INDIANS

FEDERAL TRUST PROGRAMS

For operation of trust programs for Indians by direct expenditure, contracts, cooperative agreements, compacts, and grants, $151,027,000, to remain available until expended: Provided, That funds for trust management improvements may be transferred, as needed, to the Bureau of Indian Affairs ''Operation of Indian Programs'' account and to the Departmental Management ''Salaries and Expenses'' account: Provided further, That funds made available to Tribes and Tribal organizations through contracts or grants obligated during fiscal year 2003, as authorized by the Indian Self-Determination Act of 1975 (25 U.S.C. 450 et seq.), shall remain available until expended by the contractor or grantee: Provided further, That notwithstanding any other provision of law, the statute of limitations shall not commence to run on any

claim, including any claim in litigation pending on the date of the enactment of this Act, concerning losses to or mismanagement of trust funds, until the affected tribe or individual Indian has been furnished with an accounting of such funds from which the beneficiary can determine whether there has been a loss: Provided further, That notwithstanding any other provision of law, the Secretary shall not be required to provide a quarterly statement of performance for any Indian trust account that has not had activity for at least 18 months and has a balance of $1.00 or less: Provided further, That the Secretary shall issue an annual account statement and maintain a record of any such accounts and shall permit the balance in each such account to be withdrawn upon the express written request of the account holder: Provided further, That not to exceed $50,000 is available for the Secretary to make payments to correct administrative errors of either disbursements from or deposits to Individual Indian Money or Tribal accounts after September 30, 2002: Provided further, That erroneous payments that are recovered shall be credited to this account.

INDIAN LAND CONSOLIDATION

For consolidation of fractional interests in Indian lands and expenses associated with redetermining and redistributing escheated interests in allotted lands, and for necessary expenses to carry out the Indian Land Consolidation Act of 1983, as amended, by direct expenditure or cooperative agreement, $7,980,000, to remain available until expended and which may be transferred to the Bureau of Indian Affairs and Departmental Management.

For implementation of a water rights and habitat acquisition program pursuant to section 10 of Public Law 106–263, $3,000,000, to remain available until expended and to be derived from the Land and Water Conservation Fund: Provided, That these funds may be available for transfer to the Bureau of Indian Affairs.

NATURAL RESOURCE DAMAGE ASSESSMENT AND RESTORATION

NATURAL RESOURCE DAMAGE ASSESSMENT FUND

To conduct natural resource damage assessment and restoration activities by the Department of the Interior necessary to carry out the provisions of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601 et seq.), Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq.), the Oil Pollution Act of 1990 (Public Law 101–380) (33 U.S.C. 2701 et seq.), and Public Law 101–337, as amended (16 U.S.C. 19jj et seq.), $5,538,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

There is hereby authorized for acquisition from available resources within the Working Capital Fund, 15 aircraft, 10 of which shall be for replacement and which may be obtained by donation, purchase or through available excess surplus property: Provided, That notwithstanding any other provision of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft: Provided further, That notwithstanding any other provision of law, the Office of Aircraft Services shall transfer to the Sheriff's Office, Kane County, Utah, without restriction, a Cessna U206G, identification number N211S, serial number 20606916, for the purpose of facilitating more efficient law enforcement activities at Glen Canyon National Recreation Area and the Grand Staircase Escalante National Monument: Provided further, That no programs funded with appropriated funds in the ''Departmental Management'', ''Office of the Solicitor'', and ''Office of Inspector General'' may be augmented through the Working Capital Fund or the Consolidated Working Fund.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

SEC. 101. Appropriations made in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement, or repair of aircraft, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: Provided, That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted: Provided further, That all funds used pursuant to this section are hereby designated by Congress to be ''emergency requirements'' pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, and must be replenished by a supplemental appropriation which must be requested as promptly as possible.

SEC. 102. The Secretary may authorize the expenditure or transfer of any no year appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of wildland fires on or threatening lands under the jurisdiction of the Department of the Interior; for the emergency rehabilitation of burned-over lands under its jurisdiction; for emergency actions related to potential or actual earthquakes, floods, volcanoes, storms, or other unavoidable causes; for contingency planning subsequent to actual oil spills; for response and natural resource damage assessment activities related to actual oil spills; for the prevention, suppression, and control of actual or potential grasshopper and Mormon cricket outbreaks on lands under the jurisdiction of the Secretary, pursuant to the authority in section 1773(b) of Public Law 99–198 (99 Stat. 1658); for emergency reclamation projects under section 410 of Public Law 95–87; and shall transfer, from any no year funds available to the Office of Surface Mining Reclamation and Enforcement, such funds as may be necessary to permit assumption of regulatory authority in the event a primacy State is not carrying out the regulatory provisions of the Surface Mining Act: Provided, That appropriations made in this title for wildland fire operations shall be available for the payment of obligations incurred during the preceding fiscal year, and for reimbursement to other Federal agencies for destruction of vehicles, aircraft, or other equipment in connection with their use for wildland fire operations, such reimbursement to be credited to appropriations currently available at the time of receipt thereof: Provided further, That for wildland fire operations, no funds shall be made available under this authority until the Secretary determines that funds appropriated for ''wildland fire operations'' shall be exhausted within 30 days: Provided further, That all funds used pursuant to this section are hereby designated by Congress to be ''emergency requirements'' pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, and must be replenished by a supplemental appropriation which must be requested as promptly as possible: Provided further, That such replenishment funds shall be used to reimburse, on a pro rata basis, accounts from which emergency funds were transferred.

SEC. 103. Appropriations made in this title shall be available for operation of warehouses, garages, shops, and similar facilities, wherever consolidation of activities will contribute to efficiency or economy, and said appropriations shall be reimbursed for services rendered to any other activity in the same manner as authorized by sections 1535 and 1536 of title 31, United States Code: Provided, That reimbursements for costs and supplies, materials, equipment, and for services rendered may be credited to the appropriation current at the time such reimbursements are received.

SEC. 104. Appropriations made to the Department of the Interior in this title shall be available for services as authorized by 5 U.S.C. 3109, when authorized by the Secretary, in total amount not to exceed $500,000; hire, maintenance, and operation of aircraft; hire of passenger motor vehicles; purchase of reprints; payment for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and the payment of dues, when authorized by the Secretary, for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members.

SEC. 105. Appropriations available to the Department of the Interior for salaries and expenses shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902 and D.C. Code 4–204).

SEC. 106. Annual appropriations made in this title shall be available for obligation in connection with contracts issued for services or rentals for periods not in excess of 12 months beginning at any time during the fiscal year.

SEC. 107. No funds provided in this title may be expended by the Department of the Interior for the conduct of offshore preleasing, leasing and related activities placed under restriction in the President's moratorium statement of June 12, 1998, in the areas of northern, central, and southern California; the North Atlantic; Washington and Oregon; and the eastern Gulf of Mexico south of 26 degrees north latitude and east of 86 degrees west longitude.

SEC. 108. No funds provided in this title may be expended by the Department of the Interior for the conduct of offshore oil and natural gas preleasing, leasing, and related activities, on lands within the North Aleutian Basin planning area.

SEC. 109. No funds provided in this title may be expended by the Department of the Interior to conduct offshore oil and natural gas preleasing, leasing and related activities in the eastern Gulf of Mexico planning area for any lands located outside Sale 181, as identified in the final Outer Continental Shelf 5-Year Oil and Gas Leasing Program, 1997–2002.

SEC. 110. No funds provided in this title may be expended by the Department of the Interior to conduct oil and natural gas preleasing, leasing and related activities in the Mid-Atlantic and South Atlantic planning areas.

SEC. 111. Advance payments made under this title to Indian tribes, tribal organizations, and tribal consortia pursuant to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) or the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.) may be invested by the Indian tribe, tribal organization, or consortium before such funds are expended for the purposes of the grant, compact, or annual funding agreement so long as such funds are—

(1) invested by the Indian tribe, tribal organization, or consortium only in obligations of the United States, or in obligations or securities that are guaranteed or insured by the United States, or mutual (or other) funds registered with the Securities and Exchange Commission and which only invest in obligations of the United States or securities that are guaranteed or insured by the United States; or

(2) deposited only into accounts that are insured by an agency or instrumentality of the United States, or are fully collateralized to ensure protection of the funds, even in the event of a bank failure.

SEC. 112. Appropriations made in this Act under the headings Bureau of Indian Affairs and Office of the Special Trustee for American Indians and any available unobligated balances from prior appropriations Acts made under the same headings, shall be available for expenditure or transfer for Indian trust management activities pursuant to the Trust Management Improvement Project High Level Implementation Plan.

SEC. 113. Notwithstanding any other provision of law, for the purpose of reducing the backlog of Indian probate cases in the Department of the Interior, the hearing requirements of chapter 10 of title 25, United States Code, are deemed satisfied by a proceeding conducted by an Indian probate judge, appointed by the Secretary without regard to the provisions of title 5, United States Code, governing the appointments in the competitive service, for such period of time as the Secretary determines necessary: Provided, That the basic pay of an Indian probate judge so appointed may be fixed by the Secretary without regard to the provisions of chapter 51, and subchapter III of chapter 53 of title 5, United States Code, governing the classification and pay of General Schedule employees, except that no such Indian probate judge may be paid at a level which exceeds the maximum rate payable for the highest grade of the General Schedule, including locality pay.

SEC. 114. Notwithstanding any other provision of law, the Secretary of the Interior is authorized to redistribute any Tribal Priority Allocation funds, including tribal base funds, to alleviate tribal funding inequities by transferring funds to address identified, unmet needs, dual enrollment, overlapping service areas or inaccurate distribution methodologies. No tribe shall receive a reduction in Tribal Priority Allocation funds of more than 10 percent in fiscal year 2003. Under circumstances of dual enrollment, overlapping service areas or inaccurate distribution methodologies, the 10 percent limitation does not apply.

SEC. 115. Funds appropriated for the Bureau of Indian Affairs for postsecondary schools for fiscal year 2003 shall be allocated among the schools proportionate to the unmet need of the schools as determined by the Postsecondary Funding Formula adopted by the Office of Indian Education Programs.

SEC. 116. (a) The Secretary of the Interior shall take such action as may be necessary to ensure that the lands comprising the Huron Cemetery in Kansas City, Kansas (as described in section 123 of Public Law 106–291) are used only in accordance with this section.

(b) The lands of the Huron Cemetery shall be used only: (1) for religious and cultural uses that are compatible with the use of the lands as a cemetery; and (2) as a burial ground.

SEC. 117. Notwithstanding any other provision of law, in conveying the Twin Cities Research Center under the authority provided by Public Law 104–134, as amended by Public Law 104–208, the Secretary may accept and retain land and other forms of reimbursement: Provided, That the Secretary may retain and use any such reimbursement until expended and without further appropriation: (1) for the benefit of the National Wildlife Refuge System within the State of Minnesota; and (2) for all activities authorized by Public Law 100–696; 16 U.S.C. 460zz.

SEC. 118. Notwithstanding other provisions of law, the National Park Service may authorize, through cooperative agreement, the Golden Gate National Parks Association to provide fee-based education, interpretive and visitor service functions within the Crissy Field and Fort Point areas of the Presidio.

SEC. 119. Notwithstanding 31 U.S.C. 3302(b), sums received by the Bureau of Land Management for the sale of seeds or seedlings including those collected in fiscal year 2002, may be credited to the appropriation from which funds were expended to acquire or grow the seeds or seedlings and are available without fiscal year limitation.

SEC. 120. TRIBAL SCHOOL CONSTRUCTION DEMONSTRATION PROGRAM. (a) DEFINITIONS.—In this section:

(1) CONSTRUCTION.—The term ''construction'', with respect to a tribally controlled school, includes the construction or renovation of that school.

(2) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given that term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(4) TRIBALLY CONTROLLED SCHOOL.—The term ''tribally controlled school'' has the meaning given that term in section 5212 of the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2511).

(5) DEPARTMENT.—The term ''Department'' means the Department of the Interior.

(6) DEMONSTRATION PROGRAM.—The term ''demonstration program'' means the Tribal School Construction Demonstration Program.

(b) IN GENERAL.—The Secretary shall carry out a demonstration program for fiscal years 2003 through 2007 to provide grants to Indian tribes for the construction of tribally controlled schools.

(1) IN GENERAL.—Subject to the availability of appropriations, in carrying out the demonstration program under subsection (b), the Secretary shall award a grant to each Indian tribe that submits an application that is approved by the Secretary under paragraph (2). The Secretary shall ensure that an Indian tribe that agrees to fund all future operation and maintenance costs of the tribally controlled school constructed under the demonstration program from other than federal funds receives the highest priority for a grant under this section.

(2) GRANT APPLICATIONS.—An application for a grant under the section shall—

(A) include a proposal for the construction of a tribally controlled school of the Indian tribe that submits the application; and

(B) be in such form as the Secretary determines appropriate.

(3) GRANT AGREEMENT.—As a condition to receiving a grant under this section, the Indian tribe shall enter into an agreement with the Secretary that specifies—

(A) the costs of construction under the grant;

(B) that the Indian tribe shall be required to contribute towards the cost of the construction a tribal share equal to 50 percent of the costs; and

(C) any other term or condition that the Secretary determines to be appropriate.

(4) ELIGIBILITY.—Grants awarded under the demonstration program shall be used only for construction or replacement of a tribally controlled school.

(c) EFFECT OF GRANT.—A grant received under this section shall be in addition to any other funds received by an Indian tribe under any other provision of law. The receipt of a grant under this section shall not affect the eligibility of an Indian tribe receiving funding, or the amount of funding received by the Indian tribe, under the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.) or the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

(d) REPORT.—At the conclusion of the five-year demonstration program, the Secretary shall report to Congress as to whether the demonstration program has achieved its purposes of providing additional tribes fair opportunities to construct tribally controlled schools, accelerating construction of needed educational facilities in Indian Country, and permitting additional funds to be provided for the Department's priority list for construction of replacement educational facilities.

SEC. 121. WHITE RIVER OIL SHALE MINE, UTAH. SALE.—Subject to the terms and conditions of section 126 of the Department of the Interior and Related Agencies Act, 2002, the Administrator of General Services shall sell all right, title, and interest of the United States in and to the improvements and equipment of the White River Oil Shale Mine.

SEC. 122. The Secretary of the Interior may use or contract for the use of helicopters or motor vehicles on the Sheldon and Hart National Wildlife Refuges for the purpose of capturing and transporting horses and burros. The provisions of subsection (a) of the Act of September 8, 1959 (73 Stat. 470; 18 U.S.C. 47(a)) shall not be applicable to such use. Such use shall be in accordance with humane procedures prescribed by the Secretary.

SEC. 123. No funds contained in this Act shall be used to approve the transfer of lands on South Fox Island, Michigan until Congress has authorized such transfer.

SEC. 124. In fiscal year 2003 and each fiscal year thereafter, notwithstanding any other provision of law, with respect to a service contract for the provision solely of transportation services at Zion National Park or Rocky Mountain National Park, the Secretary of the Interior may obligate the expenditure of fees expected to be received in that fiscal year before the fees are received, so long as total obligations do not exceed fee collections retained at Zion National Park or Rocky Mountain National Park, respectively, by the end of that fiscal year.

SEC. 125. Section 6(f) of Public Law 88–578 as amended shall not apply to LWCF program #02–00010.

SEC. 126. None of the funds made available in this Act or any other Act providing appropriations for the Department of the Interior may be expended or obligated to issue a Record of Decision or take any action to issue a right-of-way grant for a pipeline or associated facilities related to the Cadiz groundwater storage and dry-year supply program.

SEC. 127. Notwithstanding section 1(d) of Public Law 107–62, the National Park Service is authorized to obligate $1,000,000 made available in fiscal year 2002 to plan the John Adams Presidential memorial in cooperation with non-Federal partners.

SEC. 128. Notwithstanding any other provision of law, funds appropriated and remaining available in the Construction (Trust Fund) account of the National Park Service at the completion of all authorized projects, shall be available for the rehabilitation and improvement of Going-to-the-Sun Road in Glacier National Park.

SEC. 129. Using funds appropriated by section 501(d) of the Emergency Supplemental Appropriations Act, 1999 (Public Law 106–31), the Secretary shall provide interim compensation payments of up to $10,000 each within 30 days of the date of the enactment of this Act to all claimants who filed a claim for compensation under the Glacier Bay compensation plan and which has not been rejected or withdrawn and have not received a compensation payment. The amount of final compensation paid to any such claimant shall be reduced by the total dollar amount of any interim compensation payments received.

SEC. 130. Hereafter, the Department of the Interior National Business Center may continue to enter into grants, cooperative agreements, and other transactions, under the Defense Conversion, Reinvestment, and Transition Assistance Act of 1992, and other related legislation.

SEC. 131. (a) IN GENERAL.—Nothing in section 134 of the Department of the Interior and Related Agencies Appropriations Act, 2002 (115 Stat. 443) affects the decision of the United States Court of Appeals for the 10th Circuit in Sac and Fox Nation v. Norton, 240 F.3d 1250 (2001).

(b) USE OF CERTAIN INDIAN LAND.—Nothing in this section permits the conduct of gaming under the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) on land described in section 123 of the Department of the Interior and Related Agencies Appropriations Act, 2001 (114 Stat. 944), or land that is contiguous to that land, regardless of whether the land or contiguous land has been taken into trust by the Secretary of the Interior.

SEC. 132. Section 3(f)(2)(B) of Public Law 99–548 (100 Stat. 3061; 113 Stat. 1501A–168) is amended by striking ''(iv) Sec. 8.'' and inserting the following:

''(iv) Sec. 7.

''(v) Sec. 8.''.

SEC. 133. Of the funds made available under the heading ''United States Fish and Wildlife

Service, Construction'' in Public Law 107–63 for hangar roof replacement at Midway Atoll National Wildlife Refuge, not to exceed $650,000 may be transferred to ''United States Fish and Wildlife Service, Resource Management'' for operational needs at Midway Atoll National Wildlife Refuge.

SEC. 134. Public Law 107–331 is amended in Sections 301(b) and 301(d) by striking the word ''Secretary'' each place it appears and inserting in lieu thereof the word ''Director'', and by striking the text of Section 301(c)(3) and inserting in lieu thereof ''DIRECTOR.—The term 'Director' means the Director of the Institute of Museum and Library Services.''.

SEC. 135. Section 113 of Public Law 104–208 (31 U.S.C. 501 note.) is amended by deleting ''That such fund shall be paid in advance'' and inserting ''That such fund may be paid in advance''.

SEC. 136. HISTORICALLY BLACK COLLEGES AND UNIVERSITIES. (a) DECREASED COST-SHARING REQUIREMENT.—Section 507(c) of the Omnibus Parks and Public Lands Management Act of 1996 (16 U.S.C. 470a note) is amended—

(1) by striking ''(1) Except'' and inserting the following:

''(1) IN GENERAL.—Except'';

(2) by striking ''paragraph (2)'' and inserting ''paragraphs (2) and (3)'';

(3) by striking ''(2) The Secretary'' and inserting the following:

''(2) WAIVER.—The Secretary'';

(4) by striking ''paragraph (1)'' and inserting ''paragraphs (1) and (3)''; and

(5) by adding at the end the following:

''(3) EXCEPTION.—The Secretary shall not obligate funds made available under subsection (d)(2) for a grant with respect to a building or structure listed on, or eligible for listing on, the National Register of Historic Places unless the grantee agrees to provide, from funds derived from non-Federal sources, an amount that is equal to 30 percent of the total cost of the project for which the grant is provided.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 507(d) of the Omnibus Parks and Public Lands Management Act of 1996 (16 U.S.C. 470a note) is amended—

(1) by striking ''Pursuant to'' and inserting the following:

''(1) IN GENERAL.—Under''; and

(2) by adding at the end the following:

''(2) ADDITIONAL FUNDING.—In addition to amounts made available under paragraph (1), there is authorized to be appropriated from the Historic Preservation Fund to carry out this section $10,000,000 for each of fiscal years 2003 through 2008.''.

SEC. 137. The document entitled ''Final Environmental Impact Statement for the Renewal of the Federal Grant for the Trans-Alaska Pipeline System Right-of-Way (FEIS)'' dated November 2002, shall be deemed sufficient to meet the requirements of section 102(2)(C) of the National Environmental Policy Act (42 U.S.C. 4332(2)(C)) with respect to the determination contained in the Record of Decision dated January 8, 2003 relating to the renewal of the Federal right-of-way for the Trans-Alaska Pipeline and related facilities.

SEC. 138. MISSOURI RIVER. It is the sense of the Congress that the member States and tribes of the Missouri River Basin Association are strongly encouraged to reach agreement on a flow schedule for the Missouri River as soon as practicable for 2003.

SEC. 139. TREATMENT OF ABANDONED MINE RECLAMATION FUND INTEREST. (a) IN GENERAL.—Notwithstanding any other provision of law, any interest credited to the fund established by section 401 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1231) shall be transferred to the Combined Fund identified in section 402(h)(2) of such Act (30 U.S.C. 1232(h)(2)), up to such amount as is estimated by the trustees of such Combined Fund to offset the amount of any deficit in net assets in the Combined Fund. No transfers made pursuant to this section shall exceed $34,000,000.

(b) PROHIBITION ON OTHER TRANSFERS.—Except as provided in subsection (a), no principal amounts in or credited to the fund established by section 401 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1231) may be transferred to the Combined Fund identified in section 402(h)(2) of such Act (30 U.S.C 1232(h)(2)).

(c) LIMITATION.—This section shall cease to have any force and effect after September 30, 2004.

SEC. 140. Section 511(g)(2)(A) of the Omnibus Parks and Public Lands Management Act of 1996 (16 U.S.C. 410ddd(g)(2)(A)) is amended by striking ''$2,000,000'' and inserting ''$5,000,000''.

SEC. 141. Congress reaffirms its original intent that the Herger-Feinstein Quincy Library Group Forest Recovery Act of 1998 be implemented, and hereby extends the expiration of the Quincy Library Group Act by 5 years.

SEC. 142. REPLACEMENT OF COASTAL BARRIER RESOURCES SYSTEM MAP. (a) IN GENERAL.—The map described in subsection (b) is replaced, in the maps depicting the Coastal Barrier Resources System that are referred to in section 4(a) of the Coastal Barrier Resources Act (16 U.S.C. 3503(a)), by the map entitled ''Plum Tree Island Unit VA–59P, Long Creek Unit VA–60/VA–60P'' and dated May 1, 2002.

(b) DESCRIPTION OF REPLACED MAP.—The map referred to in subsection (a) is the map that—

(1) relates to Plum Island Unit VA–59P and Long Creek Unit VA–60/VA–60P located in Poquoson and Hampton, Virginia; and

(2) is included in a set of maps entitled 'Coastal Barrier Resources System'', dated October 24, 1990, revised on October 23, 1992, and referred to in section 4(a) of the Coastal Barrier Resources Act (16 U.S.C. 3503(a)).

(c) AVAILABILITY.—The Secretary of the Interior shall keep the replacement map described in subsection (b) on file and available for inspection in accordance with section 4(b) of the Coastal Barrier Resources Act (16 U.S.C. 3503(b)).

SEC. 143. SENSE OF THE SENATE REGARDING SOUTHERN CALIFORNIA OFFSHORE OIL LEASES. (a) FINDINGS.—Congress finds that—

(1) there are 36 undeveloped oil leases on land in the southern California planning area of the outer Continental Shelf that—

(A) have been under review by the Secretary of the Interior for an extended period of time, including some leases that have been under review for over 30 years; and

(B) have not been approved for development under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.);

(2) the oil companies that hold the 36 leases—

(A) have expressed an interest in retiring the leases in exchange for equitable compensation; and

(B) are engaged in settlement negotiations with the Secretary of the Interior for the retirement of the leases; and

(3) it would be a waste of the taxpayer's money to continue the process for approval or permitting of the 36 leases while the Secretary of the Interior and the lessees are negotiating to retire the leases.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that no funds made available by this Act or any other Act for any fiscal year should be used by the Secretary of the Interior to approve any exploration, development, or production plan for, or application for a permit to drill on, the 36 undeveloped leases in the southern California planning area of the outer Continental Shelf during any period in which the lessees are engaged in settlement negotiations with the Secretary of the Interior for the retirement of the leases.

SEC. 144. REPORT ON AVIAN MORTALITY AT COMMUNICATIONS TOWERS. (a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Director of the United States Fish and Wildlife Service, in cooperation with the Chairman of the Federal Communications Commission and the Administrator of the Federal Aviation Administration, shall submit to the Committee on Appropriations, the Committee on Environment and Public Works, and the Committee on Commerce, Science, and Transportation of the Senate a report on avian mortality at communications towers in the United States.

(b) CONTENTS.—The report submitted under subsection (a) shall include—

(1) an estimate of the number of birds that collide with communication towers;

(2) a description of the causes of those collisions; and

(3) recommendations on how to prevent those collisions.

SEC. 145. PERMANENT AUTHORITY TO OPERATE THE STRATEGIC PETROLEUM RESERVE AND OTHER ENERGY PROGRAMS. (a) AMENDMENT TO TITLE I OF THE ENERGY POLICY AND CONSERVATION ACT.—Title I of the Energy Policy and Conservation Act (42 U.S.C. 6211 et seq.) is amended—

(1) by striking section 166 (42 U.S.C. 6246) and inserting—

''AUTHORIZATION OF APPROPRIATIONS

''SEC. 166. There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out this part and part D, to remain available until expended.'';

(2) by striking section 186 (42 U.S.C. 6250e); and

(3) by striking part E (42 U.S.C. 6251; relating to the expiration of title I of the Act).

(b) AMENDMENT TO TITLE II OF THE ENERGY POLICY AND CONSERVATION ACT.—Title II of the Energy Policy and Conservation Act (42 U.S.C. 6271 et seq.) is amended—

(1) by striking section 256(h) (42 U.S.C. 6276(h)) and inserting—

''(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out this part, to remain available until expended.'';

(2) by inserting before section 273 (42 U.S.C. 6283) the following:

''PART C—SUMMER FILL AND FUEL BUDGETING PROGRAMS'';

(3) by striking section 273(e) (42 U.S.C. 6283(e); relating to the expiration of summer fill and fuel budgeting programs); and

(4) by striking part D (42 U.S.C. 6285; relating to the expiration of title II of the Act).

(c) TECHNICAL AMENDMENTS.—The table of contents for the Energy Policy and Conservation Act is amended—

(1) by amending the items relating to part D of title I to read as follows:

''PART D—NORTHEAST HOME HEATING OIL RESERVE

''Sec. 181. Establishment.
''Sec. 182. Authority.
''Sec. 183. Conditions for release; plan.
''Sec. 184. Northeast Home Heating Oil Reserve Account.
''Sec. 185. Exemptions.'';

(2) by amending the items relating to part C of title II to read as follows:

''PART C—SUMMER FILL AND FUEL BUDGETING PROGRAMS

''Sec. 273. Summer fill and fuel budgeting programs.'';

and

(3) by striking the items relating to part D of title II.

(d) AMENDMENT TO THE ENERGY POLICY AND CONSERVATION ACT.—Section 183(b)(1) of the Energy Policy and Conservation Act (42 U.S.C. 6250b(b)(1)) is amended by inserting ''(considered as a heating season average)'' after ''mid-October through March''.

(e) FULL CAPACITY.—The President shall—

(1) fill the Strategic Petroleum Reserve established pursuant to part B of title I of the Energy Policy and Conservation Act (42 U.S.C. 6231 et seq.) to full capacity as soon as practicable;

(2) acquire petroleum for the Strategic Petroleum Reserve by the most practicable and cost-effective means, including the acquisition of crude oil the United States is entitled to receive in kind as royalties from production on Federal lands; and

(3) ensure that the fill rate minimizes impacts on petroleum markets.

(f) RECOMMENDATIONS.—Not later than 180 days after the date of enactment of this Act, the Secretary of Energy shall submit to the Congress a plan to—

(1) eliminate any infrastructure impediments that may limit maximum drawdown capability; and

(2) determine whether the capacity of the Strategic Petroleum Reserve on the date of enactment of this section is adequate in light of the increasing consumption of petroleum and the reliance on imported petroleum.

SEC. 146. MODIFIED WATER DELIVERY PROJECT IN THE STATE OF FLORIDA. The Corps of Engineers, using funds made available for modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989 (16 U.S.C. 410r–8), may immediately carry out alternative 6D (including paying 100 percent of the cost of acquiring land or an interest in land) for the purpose of providing a flood protection system for the 8.5 square mile area described in the report entitled ''Central and South Florida Project, Modified Water Deliveries to Everglades National Park, Florida, 8.5 Square Mile Area, General Reevaluation Report and Final Supplemental Environmental Impact Statement'' and dated July 2000.

TITLE II—RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST AND RANGELAND RESEARCH

For necessary expenses of forest and rangeland research as authorized by law, $247,804,000, to remain available until expended.

STATE AND PRIVATE FORESTRY

For necessary expenses of cooperating with and providing technical and financial assistance to States, territories, possessions, and others, and for forest health management, treatment of pests, pathogens, and invasive plants, cooperative forestry, and education and land conservation activities and conducting an international program as authorized, $297,472,000, to remain available until expended, as authorized by law: Provided, That notwithstanding any other provision of law, of the funds provided under this heading, $2,000,000 shall be made available to Kake Tribal Corporation as an advanced direct lump sum payment to implement the Kake Tribal Corporation Land Transfer Act (Public Law 106–283).

NATIONAL FOREST SYSTEM

For necessary expenses of the Forest Service, not otherwise provided for, for management, protection, improvement, and utilization of the National Forest System, $1,352,999,000, to remain available until expended, which shall include 50 percent of all moneys received during prior fiscal years as fees collected under the Land and Water Conservation Fund Act of 1965, as amended, in accordance with section 4 of the Act (16 U.S.C. 460l–6a(i)): Provided, That unobligated balances available at the start of fiscal year 2003 shall be displayed by budget line item in the fiscal year 2004 budget justification: Provided further, That the Secretary may authorize the expenditure or transfer of such sums as necessary to the Department of the Interior, Bureau of Land Management for removal, preparation, and adoption of excess wild horses and burros from National Forest System lands: Provided further, That of the funds provided under this heading for Forest Products, $4,000,000 shall be allocated to the Alaska Region, in addition to its normal allocation for the purposes of preparing additional timber for sale, to establish a 3-year timber supply and such funds may be transferred to other appropriations accounts as necessary to maximize accomplishment: Provided further, That within funds available for the purpose of implementing the Valles Caldera Preservation Act, notwithstanding the limitations of section 107(e)(2) of the Valles Caldera Preservation Act (Public Law 106–248), for fiscal year 2003, the members of the Board of Trustees of the Valles Caldera Trust may receive, upon request, compensation for each day (including travel time) that they are engaged in the performance of the functions of the Board, except that compensation shall not exceed the daily equivalent of the annual rate in effect for members of the Senior Executive Service at the ES–1 level, and shall be in addition to any reimbursement for travel, subsistence and other necessary expenses incurred by them in the performance of their duties, and except that members of the Board who are officers or employees of the United States shall not receive any additional compensation by reason of service on the Board.

WILDLAND FIRE MANAGEMENT

For necessary expenses for forest fire presuppression activities on National Forest System lands, for emergency fire suppression on or adjacent to such lands or other lands under fire protection agreement, hazardous fuel reduction on or adjacent to such lands, and for emergency rehabilitation of burned-over National Forest System lands and water, $1,351,791,000, to remain available until expended: Provided, That such funds including unobligated balances under this head, are available for repayment of advances from other appropriations accounts previously transferred for such purposes: Provided further, That not less than 50 percent of any unobligated balances remaining (exclusive of amounts for hazardous fuels reduction) at the end of fiscal year 2002 shall be transferred, as repayment for past advances that have not been repaid, to the fund established pursuant to section 3 of Public Law 71–319 (16 U.S.C. 576 et seq.): Provided further, That notwithstanding any other provision of law, $8,000,000 of funds appropriated under this appropriation shall be used for Fire Science Research in support of the Joint Fire Science Program: Provided further, That all authorities for the use of funds, including the use of contracts, grants, and cooperative agreements, available to execute the Forest and Rangeland Research appropriation, are also available in the utilization of these funds for Fire Science Research: Provided further, That funds provided shall be available for emergency rehabilitation and restoration, hazard reduction activities in the urban-wildland interface, support to Federal emergency response, and wildfire suppression activities of the Forest Service: Provided further, That funds for hazardous fuel treatment under this heading may be used for the County Partnership Restoration Program for forest restoration on the Apache-Sitgreaves National Forest in Arizona, the Lincoln National Forest in New Mexico, and the Grand Mesa, Uncompahgre and Gunnison National Forest in Colorado: Provided further, That of the funds provided, $228,109,000 is for hazardous fuel treatment, $6,124,000 is for rehabilitation and restoration, of which $2,500,000 may be for rehabilitation and restoration on the Apache-Sitgreaves National Forest, $21,427,000 is for research activities and to make competitive research grants pursuant to the Forest and Rangeland Renewable Resources Research Act, as amended (16 U.S.C. 1641 et seq.), $46,555,000 is for state fire assistance, $8,240,000 is for volunteer fire assistance, $11,934,000 is for forest health activities on state, private, and Federal lands: Provided further, That amounts in this paragraph may be transferred to the ''State and Private Forestry'', ''National Forest System'', and ''Forest and Rangeland Research'' accounts to fund state fire assistance, volunteer fire assistance, and forest health management, vegetation and watershed management, heritage site rehabilitation, wildlife and fish habitat management: Provided further, That transfers of any amounts in excess of those authorized in this paragraph, shall require approval of the House and Senate Committees on Appropriations in compliance with reprogramming procedures contained in House Report No. 105–163: Provided further, That the costs of implementing any cooperative agreement between the Federal government and any non-Federal entity may be shared, as mutually agreed on by the affected parties: Provided further, That in entering into such grants or cooperative agreements, the Secretary may consider the enhancement of local and small business employment opportunities for rural communities, and that in entering into procurement contracts under this section on a best value basis, the Secretary may take into account the ability of an entity to enhance local and small business employment opportunities in rural communities, and that the Secretary may award procurement contracts, grants, or cooperative agreements under this section to entities that include local non-profit entities, Youth Conservation Corps or related partnerships with State, local or non-profit youth groups, or small or disadvantaged businesses: Provided further, That in addition to funds provided for State Fire Assistance programs, and subject to all authorities available to the Forest Service under the State and Private Forestry Appropriation, up to $15,000,000 may be used on adjacent non-Federal lands for the purpose of protecting communities when hazard reduction activities are planned on national forest lands that have the potential to place such communities at risk: Provided further, That included in funding for hazardous fuel reduction is $5,000,000 for implementing the Community Forest Restoration Act, Public Law 106–393, title VI, and any portion of such funds shall be available for use on non-Federal lands in accordance with authorities available to the Forest Service under the State and Private Forestry Appropriation: Provided further, That in expending the funds provided with respect to this Act for hazardous fuels reduction, the Secretary of the Interior and the Secretary of Agriculture may conduct fuel reduction treatments on Federal lands using all contracting and hiring authorities available to the Secretaries applicable to hazardous fuel reduction activities under the wildland fire management accounts. Notwithstanding Federal government procurement and contracting laws, the Secretaries may conduct fuel reduction treatments, rehabilitation and restoration, and other activities authorized in this section, on and adjacent to Federal lands using grants and cooperative agreements. Notwithstanding Federal government procurement and contracting laws, in order to provide employment and training opportunities to people in rural communities, the Secretaries may award contracts, including contracts for monitoring activities, to—

(1) local private, nonprofit, or cooperative entities;

(2) Youth Conservation Corps crews or related partnerships, with State, local and non-profit youth groups;

(3) small or micro-businesses; or

(4) other entities that will hire or train a significant percentage of local people to complete such contracts. The authorities described above relating to contracts, grants, and cooperative agreements are available until all funds provided in this title for hazardous fuels reduction activities in the urban wildland interface are obligated.

CAPITAL IMPROVEMENT AND MAINTENANCE

For necessary expenses of the Forest Service, not otherwise provided for, $543,656,000, to remain available until expended for construction, reconstruction, maintenance and acquisition of buildings and other facilities, and for construction, reconstruction, repair and maintenance of forest roads and trails by the Forest Service as authorized by 16 U.S.C. 532–538 and 23 U.S.C.

101 and 205: Provided, That no funds shall be expended to decommission any system road until notice and an opportunity for public comment has been provided on each decommissioning project: Provided further, That the Forest Service shall transfer $500,000 appropriated in Public Law 107–63 within the Capital Improvement and Maintenance appropriation, to the State and Private Forestry appropriation, and shall provide these funds in an advance direct lump sum payment to Purdue University for planning and construction of a hardwood tree improvement and generation facility: Provided further, That notwithstanding any provision of law, funds provided for construction of facilities at Purdue University in Indiana in this Act, in the amount of $3,100,000 shall be available to the University.

LAND ACQUISITION

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the Forest Service, $145,763,000 to be derived from the Land and Water Conservation Fund and to remain available until expended.

ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL ACTS

For acquisition of lands within the exterior boundaries of the Cache, Uinta, and Wasatch National Forests, Utah; the Toiyabe National Forest, Nevada; and the Angeles, San Bernardino, Sequoia, and Cleveland National Forests, California, as authorized by law, $1,069,000, to be derived from forest receipts.

ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

For acquisition of lands, such sums, to be derived from funds deposited by State, county, or municipal governments, public school districts, or other public school authorities pursuant to the Act of December 4, 1967, as amended (16 U.S.C. 484a), to remain available until expended.

RANGE BETTERMENT FUND

For necessary expenses of range rehabilitation, protection, and improvement, 50 percent of all moneys received during the prior fiscal year, as fees for grazing domestic livestock on lands in National Forests in the 16 Western States, pursuant to section 401(b)(1) of Public Law 94–579, as amended, to remain available until expended, of which not to exceed 6 percent shall be available for administrative expenses associated with on-the-ground range rehabilitation, protection, and improvements.

GIFTS, DONATIONS AND BEQUESTS FOR FOREST AND RANGELAND RESEARCH

For expenses authorized by 16 U.S.C. 1643(b), $92,000, to remain available until expended, to be derived from the fund established pursuant to the above Act.

MANAGEMENT OF NATIONAL FOREST LANDS FOR SUBSISTENCE USES

For necessary expenses of the Forest Service to manage federal lands in Alaska for subsistence uses under title VIII of the Alaska National Interest Lands Conservation Act (Public Law 96–487), $5,542,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS, FOREST SERVICE

Appropriations to the Forest Service for the current fiscal year shall be available for: (1) purchase of not to exceed 113 passenger motor vehicles of which 10 will be used primarily for law enforcement purposes and of which 113 shall be for replacement; acquisition of 25 passenger motor vehicles from excess sources, and hire of such vehicles; operation and maintenance of aircraft, the purchase of not to exceed seven for replacement only, and acquisition of sufficient aircraft from excess sources to maintain the operable fleet at 195 aircraft for use in Forest Service wildland fire programs and other Forest Service programs; notwithstanding other provisions of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft; (2) services pursuant to 7 U.S.C. 2225, and not to exceed $100,000 for employment under 5 U.S.C. 3109; (3) purchase, erection, and alteration of buildings and other public improvements (7 U.S.C. 2250); (4) acquisition of land, waters, and interests therein pursuant to 7 U.S.C. 428a; (5) for expenses pursuant to the Volunteers in the National Forest Act of 1972 (16 U.S.C. 558a, 558d, and 558a note); (6) the cost of uniforms as authorized by 5 U.S.C. 5901–5902; and (7) for debt collection contracts in accordance with 31 U.S.C. 3718(c).

None of the funds made available under this Act shall be obligated or expended to abolish any region, to move or close any regional office for National Forest System administration of the Forest Service, Department of Agriculture without the consent of the House and Senate Committees on Appropriations.

Any appropriations or funds available to the Forest Service may be transferred to the Wildland Fire Management appropriation for forest firefighting, emergency rehabilitation of burned-over or damaged lands or waters under its jurisdiction, and fire preparedness due to severe burning conditions if and only if all previously appropriated emergency contingent funds under the heading ''Wildland Fire Management'' have been released by the President and apportioned.

Funds appropriated to the Forest Service shall be available for assistance to or through the Agency for International Development and the Foreign Agricultural Service in connection with forest and rangeland research, technical information, and assistance in foreign countries, and shall be available to support forestry and related natural resource activities outside the United States and its territories and possessions, including technical assistance, education and training, and cooperation with United States and international organizations.

None of the funds made available to the Forest Service under this Act shall be subject to transfer under the provisions of section 702(b) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2257) or 7 U.S.C. 147b unless the proposed transfer is approved in advance by the House and Senate Committees on Appropriations in compliance with the reprogramming procedures contained in House Report No. 105–163.

None of the funds available to the Forest Service may be reprogrammed without the advance approval of the House and Senate Committees on Appropriations in accordance with the procedures contained in House Report No. 105–163.

No funds available to the Forest Service shall be transferred to the Working Capital Fund of the Department of Agriculture that exceed the total amount transferred during fiscal year 2000 for such purposes without the advance approval of the House and Senate Committees on Appropriations.

Funds available to the Forest Service shall be available to conduct a program of not less than $2,000,000 for high priority projects within the scope of the approved budget which shall be carried out by the Youth Conservation Corps.

Of the funds available to the Forest Service, $2,500 is available to the Chief of the Forest Service for official reception and representation expenses.

Pursuant to sections 405(b) and 410(b) of Public Law 101–593, of the funds available to the Forest Service, up to $2,250,000 may be advanced in a lump sum as Federal financial assistance to the National Forest Foundation, without regard to when the Foundation incurs expenses, for administrative expenses or projects on or benefitting National Forest System lands or related to Forest Service programs: Provided, That of the Federal funds made available to the Foundation, no more than $400,000 shall be available for administrative expenses: Provided further, That the Foundation shall obtain, by the end of the period of Federal financial assistance, private contributions to match on at least one-for-one basis funds made available by the Forest Service: Provided further, That the Foundation may transfer Federal funds to a non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds: Provided further, That authorized investments of Federal funds held by the Foundation may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States.

Pursuant to section 2(b)(2) of Public Law 98–244, $2,650,000 of the funds available to the Forest Service shall be available for matching funds to the National Fish and Wildlife Foundation, as authorized by 16 U.S.C. 3701–3709, and may be advanced in a lump sum as Federal financial assistance, without regard to when expenses are incurred, for projects on or benefitting National Forest System lands or related to Forest Service programs: Provided, That the Foundation shall obtain, by the end of the period of Federal financial assistance, private contributions to match on at least one-for-one basis funds advanced by the Forest Service: Provided further, That the Foundation may transfer Federal funds to a non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds.

Funds appropriated to the Forest Service shall be available for interactions with and providing technical assistance to rural communities for sustainable rural development purposes.

Notwithstanding any other provision of law, 80 percent of the funds appropriated to the Forest Service in the ''National Forest System'' and ''Capital Improvement and Maintenance'' accounts and planned to be allocated to activities under the ''Jobs in the Woods'' program for projects on National Forest land in the State of Washington may be granted directly to the Washington State Department of Fish and Wildlife for accomplishment of planned projects. Twenty percent of said funds shall be retained by the Forest Service for planning and administering projects. Project selection and prioritization shall be accomplished by the Forest Service with such consultation with the State of Washington as the Forest Service deems appropriate.

Funds appropriated to the Forest Service shall be available for payments to counties within the Columbia River Gorge National Scenic Area, pursuant to sections 14(c)(1) and (2), and section 16(a)(2) of Public Law 99–663.

The Secretary of Agriculture is authorized to enter into grants, contracts, and cooperative agreements as appropriate with the Pinchot Institute for Conservation, as well as with public and other private agencies, organizations, institutions, and individuals, to provide for the development, administration, maintenance, or restoration of land, facilities, or Forest Service programs, at the Grey Towers National Historic Landmark: Provided, That, subject to such terms and conditions as the Secretary of Agriculture may prescribe, any such public or private agency, organization, institution, or individual may solicit, accept, and administer private gifts of money and real or personal property for the benefit of, or in connection with, the activities and services at the Grey Towers National Historic Landmark: Provided further, That such gifts may be accepted notwithstanding the fact that a donor conducts business with the Department of Agriculture in any capacity.

Funds appropriated to the Forest Service shall be available, as determined by the Secretary, for payments to Del Norte County, California, pursuant to sections 13(e) and 14 of the Smith River

National Recreation Area Act (Public Law 101–612).

Notwithstanding any other provision of law, any appropriations or funds available to the Forest Service not to exceed $500,000 may be used to reimburse the Office of the General Counsel (OGC), Department of Agriculture, for travel and related expenses incurred as a result of OGC assistance or participation requested by the Forest Service at meetings, training sessions, management reviews, land purchase negotiations and similar non-litigation related matters. Future budget justifications for both the Forest Service and the Department of Agriculture should clearly display the sums previously transferred and the requested funding transfers.

Any appropriations or funds available to the Forest Service may be used for necessary expenses in the event of law enforcement emergencies as necessary to protect natural resources and public or employee safety: Provided, That such amounts shall not exceed $1,000,000.

The Secretary of Agriculture may authorize the sale of excess buildings, facilities, and other properties owned by the Forest Service and located on the Green Mountain National Forest, the revenues of which shall be retained by the Forest Service and available to the Secretary without further appropriation and until expended for maintenance and rehabilitation activities on the Green Mountain National Forest.

The Secretary of Agriculture may transfer or reimburse funds available to the Forest Service, not to exceed $15,000,000, to the Secretary of the Interior or the Secretary of Commerce to expedite conferencing and consultations as required under section 7 of the Endangered Species Act, 16 U.S.C. 1536. The amount of the transfer or reimbursement shall be as mutually agreed by the Secretary of Agriculture and the Secretary of the Interior or Secretary of Commerce, as applicable, or their designees. The amount shall in no case exceed the actual costs of consultation and conferencing.

DEPARTMENT OF ENERGY

CLEAN COAL TECHNOLOGY

(DEFERRAL)

Of the funds made available under this heading for obligation in prior years, $70,000,000 shall not be available until October 1, 2003: Provided, That funds made available in previous appropriations Acts shall be available for any ongoing project regardless of the separate request for proposal under which the project was selected.

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

For necessary expenses in carrying out fossil energy research and development activities, under the authority of the Department of Energy Organization Act (Public Law 95–91), including the acquisition of interest, including defeasible and equitable interests in any real property or any facility or for plant or facility acquisition or expansion, and for conducting inquiries, technological investigations and research concerning the extraction, processing, use, and disposal of mineral substances without objectionable social and environmental costs (30 U.S.C. 3, 1602, and 1603), $625,665,000, to remain available until expended, of which $4,000,000 is to continue a multi-year project for construction, renovation, furnishing, and demolition or removal of buildings at National Energy Technology Laboratory facilities in Morgantown, West Virginia and Pittsburgh, Pennsylvania; and of which $150,000,000 are to be made available, after coordination with the private sector, for a request for proposals for a Clean Coal Power Initiative providing for competitively-awarded research, development, and demonstration projects to reduce the barriers to continued and expanded coal use: Provided, That no project may be selected for which sufficient funding is not available to provide for the total project: Provided further, That funds shall be expended in accordance with the provisions governing the use of funds contained under the heading ''Clean Coal Technology'' in prior appropriations: Provided further, That the Department may include provisions for repayment of Government contributions to individual projects in an amount up to the Government contribution to the project on terms and conditions that are acceptable to the Department including repayments from sale and licensing of technologies from both domestic and foreign transactions: Provided further, That such repayments shall be retained by the Department for future coal-related research, development and demonstration projects: Provided further, That any technology selected under this program shall be considered a Clean Coal Technology, and any project selected under this program shall be considered a Clean Coal Technology Project, for the purposes of 42 U.S.C. § 7651n, and Chapters 51, 52, and 60 of title 40 of the Code of Federal Regulations: Provided further, That no part of the sum herein made available shall be used for the field testing of nuclear explosives in the recovery of oil and gas: Provided further, That up to 4 percent of program direction funds available to the National Energy Technology Laboratory may be used to support Department of Energy activities not included in this account.

NAVAL PETROLEUM AND OIL SHALE RESERVES

For expenses necessary to carry out naval petroleum and oil shale reserve activities, $20,831,000, to remain available until expended: Provided, That, notwithstanding any other provision of law, unobligated funds remaining from prior years shall be available for all naval petroleum and oil shale reserve activities.

ELK HILLS SCHOOL LANDS FUND

For necessary expenses in fulfilling installment payments under the Settlement Agreement entered into by the United States and the State of California on October 11, 1996, as authorized by section 3415 of Public Law 104–106, $36,000,000, to become available on October 1, 2003 for payment to the State of California for the State Teachers' Retirement Fund from the Elk Hills School Lands Fund.

ENERGY CONSERVATION

For necessary expenses in carrying out energy conservation activities, $884,293,000, to remain available until expended: Provided, That $270,000,000 shall be for use in energy conservation grant programs as defined in section 3008(3) of Public Law 99–509 (15 U.S.C. 4507): Provided further, That notwithstanding section 3003(d)(2) of Public Law 99–509, such sums shall be allocated to the eligible programs as follows: $225,000,000 for weatherization assistance grants and $45,000,000 for State energy conservation grants.

ECONOMIC REGULATION

For necessary expenses in carrying out the activities of the Office of Hearings and Appeals, $1,487,000, to remain available until expended.

STRATEGIC PETROLEUM RESERVE

For necessary expenses for Strategic Petroleum Reserve facility development and operations and program management activities pursuant to the Energy Policy and Conservation Act of 1975, as amended (42 U.S.C. 6201 et seq.), $172,856,000, to remain available until expended.

SPR PETROLEUM ACCOUNT

For the acquisition and transportation of petroleum and for other necessary expenses pursuant to the Energy Policy and Conservation Act of 1975, as amended (42 U.S.C. 6201 et seq.), $7,000,000, to remain available until expended.

NORTHEAST HOME HEATING OIL RESERVE

For necessary expenses for Northeast Home Heating Oil Reserve storage, operations, and management activities pursuant to the Energy Policy and Conservation Act of 2000, $6,000,000, to remain available until expended.

ENERGY INFORMATION ADMINISTRATION

For necessary expenses in carrying out the activities of the Energy Information Administration, $80,111,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS, DEPARTMENT OF ENERGY

Appropriations under this Act for the current fiscal year shall be available for hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase, repair, and cleaning of uniforms; and reimbursement to the General Services Administration for security guard services.

From appropriations under this Act, transfers of sums may be made to other agencies of the Government for the performance of work for which the appropriation is made.

None of the funds made available to the Department of Energy under this Act shall be used to implement or finance authorized price support or loan guarantee programs unless specific provision is made for such programs in an appropriations Act.

The Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, private or foreign: Provided, That revenues and other moneys received by or for the account of the Department of Energy or otherwise generated by sale of products in connection with projects of the Department appropriated under this Act may be retained by the Secretary of Energy, to be available until expended, and used only for plant construction, operation, costs, and payments to cost-sharing entities as provided in appropriate cost-sharing contracts or agreements: Provided further, That the remainder of revenues after the making of such payments shall be covered into the Treasury as miscellaneous receipts: Provided further, That any contract, agreement, or provision thereof entered into by the Secretary pursuant to this authority shall not be executed prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than 3 calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full comprehensive report on such project, including the facts and circumstances relied upon in support of the proposed project.

No funds provided in this Act may be expended by the Department of Energy to prepare, issue, or process procurement documents for programs or projects for which appropriations have not been made.

In addition to other authorities set forth in this Act, the Secretary may accept fees and contributions from public and private sources, to be deposited in a contributed funds account, and prosecute projects using such fees and contributions in cooperation with other Federal, State or private agencies or concerns.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

For expenses necessary to carry out the Act of August 5, 1954 (68 Stat. 674), the Indian Self-Determination Act, the Indian Health Care Improvement Act, and titles II and III of the Public Health Service Act with respect to the Indian Health Service, $2,455,881,000, together with payments received during the fiscal year pursuant to 42 U.S.C. 238(b) for services furnished by the Indian Health Service: Provided, That funds made available to tribes and tribal organizations through contracts, grant agreements, or any other agreements or compacts authorized by the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), shall be deemed to be obligated at the time of the grant or contract award and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation: Provided further, That $18,000,000 shall remain available until expended, for the Indian Catastrophic Health

Emergency Fund: Provided further, That $450,130,000 for contract medical care shall remain available for obligation until September 30, 2004: Provided further, That of the funds provided, up to $22,000,000 shall be used to carry out the loan repayment program under section 108 of the Indian Health Care Improvement Act: Provided further, That funds provided in this Act may be used for one-year contracts and grants which are to be performed in two fiscal years, so long as the total obligation is recorded in the year for which the funds are appropriated: Provided further, That the amounts collected by the Secretary of Health and Human Services under the authority of title IV of the Indian Health Care Improvement Act shall remain available until expended for the purpose of achieving compliance with the applicable conditions and requirements of titles XVIII and XIX of the Social Security Act (exclusive of planning, design, or construction of new facilities): Provided further, That funding contained herein, and in any earlier appropriations Acts for scholarship programs under the Indian Health Care Improvement Act (25 U.S.C. 1613) shall remain available for obligation until September 30, 2004: Provided further, That amounts received by tribes and tribal organizations under title IV of the Indian Health Care Improvement Act shall be reported and accounted for and available to the receiving tribes and tribal organizations until expended: Provided further, That, notwithstanding any other provision of law, of the amounts provided herein, not to exceed $270,734,000 shall be for payments to tribes and tribal organizations for contract or grant support costs associated with contracts, grants, self-governance compacts or annual funding agreements between the Indian Health Service and a tribe or tribal organization pursuant to the Indian Self-Determination Act of 1975, as amended, prior to or during fiscal year 2003, of which not to exceed $2,500,000 may be used for contract support costs associated with new or expanded self-determination contracts, grants, self-governance compacts or annual funding agreements: Provided further, That notwithstanding any other provision of law, contributions authorized by 10 U.S.C. 1111 for the Uniformed Service of the Public Health Service shall be paid in fiscal year 2003 from the Department of Health and Human Services's Retirement Pay and Medical Benefits for Commissioned Officers account without charges billed to the Indian Health Service: Provided further, That the provisions of 10 U.S.C. 1116 shall not apply to the Indian Health Service: Provided further, That funds available for the Indian Health Care Improvement Fund may be used, as needed, to carry out activities typically funded under the Indian Health Facilities account: Provided further, That of the amounts provided for Indian Health Services, $15,000,000 is provided to the Alaska Federation of Natives for alcohol control, prevention, treatment, sobriety and wellness, of which at least $100,000 shall be available for an independent third party to conduct an evaluation of the program: Provided further, That no more than 5 percent may be used by any entity receiving funding for administrative overhead including indirect costs: Provided further, That prior to the release of funds to a regional Native non-profit entity, it must enter into an agreement with the regional Native health corporation on allocation of resources to avoid duplication of effort and to foster cooperation.

INDIAN HEALTH FACILITIES

For construction, repair, maintenance, improvement, and equipment of health and related auxiliary facilities, including quarters for personnel; preparation of plans, specifications, and drawings; acquisition of sites, purchase and erection of modular buildings, and purchases of trailers; and for provision of domestic and community sanitation facilities for Indians, as authorized by section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian Self-Determination Act, and the Indian Health Care Improvement Act, and for expenses necessary to carry out such Acts and titles II and III of the Public Health Service Act with respect to environmental health and facilities support activities of the Indian Health Service, $365,390,000, to remain available until expended: Provided, That notwithstanding any other provision of law, funds appropriated for the planning, design, construction or renovation of health facilities for the benefit of an Indian tribe or tribes may be used to purchase land for sites to construct, improve, or enlarge health or related facilities: Provided further, That from the funds appropriated herein, $5,000,000 shall be designated by the Indian Health Service as a contribution to the Yukon-Kuskokwim Health Corporation (YKHC) to continue a priority project for the acquisition of land, planning, design and construction of 79 staff quarters in the Bethel service area, pursuant to the negotiated project agreement between the YKHC and the Indian Health Service: Provided further, That this project shall not be subject to the construction provisions of the Indian Self-Determination and Education Assistance Act and shall be removed from the Indian Health Service priority list upon completion: Provided further, That the Federal Government shall not be liable for any property damages or other construction claims that may arise from YKHC undertaking this project: Provided further, That the land shall be owned or leased by the YKHC and title to quarters shall remain vested with the YKHC: Provided further, That not to exceed $500,000 shall be used by the Indian Health Service to purchase TRANSAM equipment from the Department of Defense for distribution to the Indian Health Service and tribal facilities: Provided further, That none of the funds appropriated to the Indian Health Service may be used for sanitation facilities construction for new homes funded with grants by the housing programs of the U.S. Department of Housing and Urban Development: Provided further, That not to exceed $1,000,000 shall be used by the Indian Health Service to obtain ambulances for the Indian Health Service and tribal facilities in conjunction with an existing interagency agreement between the Indian Health Service and the General Services Administration: Provided further, That not to exceed $500,000 shall be placed in a Demolition Fund, available until expended, to be used by the Indian Health Service for demolition of Federal buildings: Provided further, That notwithstanding the provisions of title III, section 306, of the Indian Health Care Improvement Act (Public Law 94–437, as amended), construction contracts authorized under title I of the Indian Self-Determination and Education Assistance Act of 1975, as amended, may be used rather than grants to fund small ambulatory facility construction projects: Provided further, That if a contract is used, the IHS is authorized to improve municipal, private, or tribal lands, and that at no time, during construction or after completion of the project will the Federal Government have any rights or title to any real or personal property acquired as a part of the contract: Provided further, That notwithstanding any other provision of law or regulation, for purposes of acquiring sites for a new clinic and staff quarters in St. Paul Island, Alaska, the Secretary of Health and Human Services may accept land donated by the Tanadgusix Corporation.

ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE

Appropriations in this Act to the Indian Health Service shall be available for services as authorized by 5 U.S.C. 3109 but at rates not to exceed the per diem rate equivalent to the maximum rate payable for senior-level positions under 5 U.S.C. 5376; hire of passenger motor vehicles and aircraft; purchase of medical equipment; purchase of reprints; purchase, renovation and erection of modular buildings and renovation of existing facilities; payments for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and for uniforms or allowances therefor as authorized by 5 U.S.C. 5901–5902; and for expenses of attendance at meetings which are concerned with the functions or activities for which the appropriation is made or which will contribute to improved conduct, supervision, or management of those functions or activities.

In accordance with the provisions of the Indian Health Care Improvement Act, non-Indian patients may be extended health care at all tribally administered or Indian Health Service facilities, subject to charges, and the proceeds along with funds recovered under the Federal Medical Care Recovery Act (42 U.S.C. 2651–2653) shall be credited to the account of the facility providing the service and shall be available without fiscal year limitation. Notwithstanding any other law or regulation, funds transferred from the Department of Housing and Urban Development to the Indian Health Service shall be administered under Public Law 86–121 (the Indian Sanitation Facilities Act) and Public Law 93–638, as amended.

Funds appropriated to the Indian Health Service in this Act, except those used for administrative and program direction purposes, shall not be subject to limitations directed at curtailing Federal travel and transportation.

Notwithstanding any other provision of law, funds previously or herein made available to a tribe or tribal organization through a contract, grant, or agreement authorized by title I or title III of the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), may be deobligated and reobligated to a self-determination contract under title I, or a self-governance agreement under title III of such Act and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation.

None of the funds made available to the Indian Health Service in this Act shall be used to implement the final rule published in the Federal Register on September 16, 1987, by the Department of Health and Human Services, relating to the eligibility for the health care services of the Indian Health Service until the Indian Health Service has submitted a budget request reflecting the increased costs associated with the proposed final rule, and such request has been included in an appropriations Act and enacted into law.

Funds made available in this Act are to be apportioned to the Indian Health Service as appropriated in this Act, and accounted for in the appropriation structure set forth in this Act.

With respect to functions transferred by the Indian Health Service to tribes or tribal organizations, the Indian Health Service is authorized to provide goods and services to those entities, on a reimbursable basis, including payment in advance with subsequent adjustment. The reimbursements received therefrom, along with the funds received from those entities pursuant to the Indian Self-Determination Act, may be credited to the same or subsequent appropriation account which provided the funding. Such amounts shall remain available until expended.

Reimbursements for training, technical assistance, or services provided by the Indian Health Service will contain total costs, including direct, administrative, and overhead associated with the provision of goods, services, or technical assistance.

The appropriation structure for the Indian Health Service may not be altered without advance approval of the House and Senate Committees on Appropriations.

OTHER RELATED AGENCIES

OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Navajo and Hopi Indian Relocation as authorized by Public Law 93–531, $14,491,000, to remain available until expended: Provided, That funds provided in this or any other appropriations Act are to be used to relocate eligible individuals and groups including evictees from District 6, Hopi-partitioned lands residents, those in significantly substandard housing, and all others certified as eligible and not included in the preceding categories: Provided further, That none of the funds contained in this or any other Act may be used by the Office of Navajo and Hopi Indian Relocation to evict any single Navajo or Navajo family who, as of November 30, 1985, was physically domiciled on the lands partitioned to the Hopi Tribe unless a new or replacement home is provided for such household: Provided further, That no relocatee will be provided with more than one new or replacement home: Provided further, That the Office shall relocate any certified eligible relocatees who have selected and received an approved homesite on the Navajo reservation or selected a replacement residence off the Navajo reservation or on the land acquired pursuant to 25 U.S.C. 640d–10.

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

PAYMENT TO THE INSTITUTE

For payment to the Institute of American Indian and Alaska Native Culture and Arts Development, as authorized by title XV of Public Law 99–498, as amended (20 U.S.C. 56 part A), $5,130,000, of which $1,000,000 shall remain available until expended for construction of the Library Technology Center.

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

(INCLUDING RESCISSION)

For necessary expenses of the Smithsonian Institution, as authorized by law, including research in the fields of art, science, and history; development, preservation, and documentation of the National Collections; presentation of public exhibits and performances; collection, preparation, dissemination, and exchange of information and publications; conduct of education, training, and museum assistance programs; maintenance, alteration, operation, lease (for terms not to exceed 30 years), and protection of buildings, facilities, and approaches; not to exceed $100,000 for services as authorized by 5 U.S.C. 3109; up to five replacement passenger vehicles; purchase, rental, repair, and cleaning of uniforms for employees, $450,760,000, of which not to exceed $43,884,000 for the instrumentation program, collections acquisition, exhibition reinstallation, the National Museum of the American Indian, and the repatriation of skeletal remains program shall remain available until expended, and including such funds as may be necessary to support American overseas research centers and a total of $125,000 for the Council of American Overseas Research Centers: Provided, That funds appropriated herein are available for advance payments to independent contractors performing research services or participating in official Smithsonian presentations: Provided further, That the Smithsonian Institution may expend Federal appropriations designated in this Act for lease or rent payments for long term and swing space, as rent payable to the Smithsonian Institution, and such rent payments may be deposited into the general trust funds of the Institution to the extent that federally supported activities are housed in the 900 H Street, N.W. building in the District of Columbia: Provided further, That this use of Federal appropriations shall not be construed as debt service, a Federal guarantee of, a transfer of risk to, or an obligation of, the Federal Government: Provided further, That no appropriated funds may be used to service debt which is incurred to finance the costs of acquiring the 900 H Street building or of planning, designing, and constructing improvements to such building: Provided further, That from unobligated balances of prior year appropriations, $14,100,000 is rescinded.

REPAIR, RESTORATION AND ALTERATION OF FACILITIES

For necessary expenses of maintenance, repair, restoration, and alteration of facilities owned or occupied by the Smithsonian Institution, including necessary personnel, by contract or otherwise, as authorized by section 2 of the Act of August 22, 1949 (63 Stat. 623), $78,300,000, to remain available until expended, of which $16,750,000 is provided for maintenance, repair, rehabilitation and alteration of facilities at the National Zoological Park, and of which not to exceed $100,000 is for services as authorized by 5 U.S.C. 3109: Provided, That contracts awarded for environmental systems, protection systems, and repair or restoration of facilities of the Smithsonian Institution may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price: Provided further, That notwithstanding any other provision of law, a single procurement contract for the repair and renovation of the Patent Office Building may be issued which includes the full scope of the project: Provided further, That the solicitation of the contract and the contract shall contain the clause ''availability of funds'' found at 48 C.F.R. 52.232–18.

CONSTRUCTION

For necessary expenses for construction of the National Museum of the American Indian, including necessary personnel, $16,000,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS, SMITHSONIAN INSTITUTION

None of the funds in this or any other Act may be used to make any changes to the existing Smithsonian science programs including closure of facilities, relocation of staff or redirection of functions and programs without approval from the Board of Regents of recommendations received from the Science Commission.

None of the funds in this or any other Act may be used to initiate the design for any proposed expansion of current space or new facility without consultation with the House and Senate Appropriations Committees.

None of the funds in this or any other Act may be used for the Holt House located at the National Zoological Park in Washington, D.C., unless identified as repairs to minimize water damage, monitor structure movement, or provide interim structural support.

None of the funds available to the Smithsonian may be reprogrammed without the advance written approval of the House and Senate Committees on Appropriations in accordance with the procedures contained in House Report No. 105–163.

NATIONAL GALLERY OF ART

SALARIES AND EXPENSES

For the upkeep and operations of the National Gallery of Art, the protection and care of the works of art therein, and administrative expenses incident thereto, as authorized by the Act of March 24, 1937 (50 Stat. 51), as amended by the public resolution of April 13, 1939 (Public Resolution 9, Seventy-sixth Congress), including services as authorized by 5 U.S.C. 3109; payment in advance when authorized by the treasurer of the Gallery for membership in library, museum, and art associations or societies whose publications or services are available to members only, or to members at a price lower than to the general public; purchase, repair, and cleaning of uniforms for guards, and uniforms, or allowances therefor, for other employees as authorized by law (5 U.S.C. 5901–5902); purchase or rental of devices and services for protecting buildings and contents thereof, and maintenance, alteration, improvement, and repair of buildings, approaches, and grounds; and purchase of services for restoration and repair of works of art for the National Gallery of Art by contracts made, without advertising, with individuals, firms, or organizations at such rates or prices and under such terms and conditions as the Gallery may deem proper, $77,219,000, of which not to exceed $3,026,000 for the special exhibition program shall remain available until expended.

REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

For necessary expenses of repair, restoration and renovation of buildings, grounds and facilities owned or occupied by the National Gallery of Art, by contract or otherwise, as authorized, $16,230,000, to remain available until expended: Provided, That contracts awarded for environmental systems, protection systems, and exterior repair or renovation of buildings of the National Gallery of Art may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

OPERATIONS AND MAINTENANCE

For necessary expenses for the operation, maintenance and security of the John F. Kennedy Center for the Performing Arts, $16,310,000.

CONSTRUCTION

For necessary expenses for capital repair and restoration of the existing features of the building and site of the John F. Kennedy Center for the Performing Arts, $17,600,000, to remain available until expended.

WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

SALARIES AND EXPENSES

For expenses necessary in carrying out the provisions of the Woodrow Wilson Memorial Act of 1968 (82 Stat. 1356) including hire of passenger vehicles and services as authorized by 5 U.S.C. 3109, $8,488,000.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $116,489,000, shall be available to the National Endowment for the Arts for the support of projects and productions in the arts through assistance to organizations and individuals pursuant to sections 5(c) and 5(g) of the Act, including $17,000,000 for support of arts education and public outreach activities through the Challenge America program, for program support, and for administering the functions of the Act, to remain available until expended: Provided, That funds previously appropriated to the National Endowment for the Arts ''Matching Grants'' account may be transferred to and merged with this account.

NATIONAL ENDOWMENT FOR THE HUMANITIES

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $109,632,000, shall be available to the National Endowment for the Humanities for support of activities in the humanities, pursuant to section 7(c) of the Act, and for administering the functions of the Act, to remain available until expended.

MATCHING GRANTS

To carry out the provisions of section 10(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, $16,122,000, to remain available until expended, of which $10,436,000 shall be available to the National Endowment for the Humanities for the purposes of section 7(h): Provided, That this appropriation shall be available for obligation only in

such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the chairman or by grantees of the Endowment under the provisions of subsections 11(a)(2)(B) and 11(a)(3)(B) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

ADMINISTRATIVE PROVISION

None of the funds appropriated to the National Foundation on the Arts and the Humanities may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: Provided, That none of the funds appropriated to the National Foundation on the Arts and the Humanities may be used for official reception and representation expenses: Provided further, That funds from nonappropriated sources may be used as necessary for official reception and representation expenses.

COMMISSION OF FINE ARTS

SALARIES AND EXPENSES

For expenses made necessary by the Act establishing a Commission of Fine Arts (40 U.S.C. 104), $1,224,000: Provided, That the Commission is authorized to charge fees to cover the full costs of its publications, and such fees shall be credited to this account as an offsetting collection, to remain available until expended without further appropriation.

NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

For necessary expenses as authorized by Public Law 99–190 (20 U.S.C. 956(a)), as amended, $7,000,000.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

SALARIES AND EXPENSES

For necessary expenses of the Advisory Council on Historic Preservation (Public Law 89–665, as amended), $3,667,000: Provided, That none of these funds shall be available for compensation of level V of the Executive Schedule or higher positions.

NATIONAL CAPITAL PLANNING COMMISSION

SALARIES AND EXPENSES

For necessary expenses, as authorized by the National Capital Planning Act of 1952 (40 U.S.C. 71–71i), including services as authorized by 5 U.S.C. 3109, $7,253,000: Provided, That all appointed members of the Commission will be compensated at a rate not to exceed the daily equivalent of the annual rate of pay for positions at level IV of the Executive Schedule for each day such member is engaged in the actual performance of duties.

UNITED STATES HOLOCAUST MEMORIAL MUSEUM

HOLOCAUST MEMORIAL MUSEUM

For expenses of the Holocaust Memorial Museum, as authorized by Public Law 106–292 (36 U.S.C. 2301–2310), $38,663,000, of which $1,900,000 for the museum's repair and rehabilitation program and $1,264,000 for the museum's exhibitions program shall remain available until expended.

PRESIDIO TRUST

PRESIDIO TRUST FUND

For necessary expenses to carry out title I of the Omnibus Parks and Public Lands Management Act of 1996, $21,327,000 shall be available to the Presidio Trust, to remain available until expended.

TITLE III—GENERAL PROVISIONS

SEC. 301. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive Order issued pursuant to existing law.

SEC. 302. No part of any appropriation contained in this Act shall be available for any activity or the publication or distribution of literature that in any way tends to promote public support or opposition to any legislative proposal on which congressional action is not complete.

SEC. 303. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 304. None of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of such department or agency except as otherwise provided by law.

SEC. 305. No assessments may be levied against any program, budget activity, subactivity, or project funded by this Act unless advance notice of such assessments and the basis therefor are presented to the Committees on Appropriations and are approved by such committees.

SEC. 306. None of the funds in this Act may be used to plan, prepare, or offer for sale timber from trees classified as giant sequoia (Sequoiadendron giganteum) which are located on National Forest System or Bureau of Land Management lands in a manner different than such sales were conducted in fiscal year 2002.

SEC. 307. None of the funds made available by this Act may be obligated or expended by the National Park Service to enter into or implement a concession contract which permits or requires the removal of the underground lunchroom at the Carlsbad Caverns National Park.

SEC. 308. (a) LIMITATION OF FUNDS.—None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to accept or process applications for a patent for any mining or mill site claim located under the general mining laws.

(b) EXCEPTIONS.—The provisions of subsection (a) shall not apply if the Secretary of the Interior determines that, for the claim concerned: (1) a patent application was filed with the Secretary on or before September 30, 1994; and (2) all requirements established under sections 2325 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30) for vein or lode claims and sections 2329, 2330, 2331, and 2333 of the Revised Statutes (30 U.S.C. 35, 36, and 37) for placer claims, and section 2337 of the Revised Statutes (30 U.S.C. 42) for mill site claims, as the case may be, were fully complied with by the applicant by that date.

(c) REPORT.—On September 30, 2003, the Secretary of the Interior shall file with the House and Senate Committees on Appropriations and the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on actions taken by the Department under the plan submitted pursuant to section 314(c) of the Department of the Interior and Related Agencies Appropriations Act, 1997 (Public Law 104–208).

(d) MINERAL EXAMINATIONS.—In order to process patent applications in a timely and responsible manner, upon the request of a patent applicant, the Secretary of the Interior shall allow the applicant to fund a qualified third-party contractor to be selected by the Bureau of Land Management to conduct a mineral examination of the mining claims or mill sites contained in a patent application as set forth in subsection (b). The Bureau of Land Management shall have the sole responsibility to choose and pay the third-party contractor in accordance with the standard procedures employed by the Bureau of Land Management in the retention of third-party contractors.

SEC. 309. Notwithstanding any other provision of law, amounts appropriated to or earmarked in committee reports for the Bureau of Indian Affairs and the Indian Health Service by Public Laws 103–138, 103–332, 104–134, 104–208, 105–83, 105–277, 106–113, 106–291, and 107–63 for payments to tribes and tribal organizations for contract support costs associated with self-determination or self-governance contracts, grants, compacts, or annual funding agreements with the Bureau of Indian Affairs or the Indian Health Service as funded by such Acts, are the total amounts available for fiscal years 1994 through 2002 for such purposes, except that, for the Bureau of Indian Affairs, tribes and tribal organizations may use their tribal priority allocations for unmet indirect costs of ongoing contracts, grants, self-governance compacts or annual funding agreements.

SEC. 310. Notwithstanding any other provision of law, for fiscal year 2003 the Secretaries of Agriculture and the Interior are authorized to limit competition for watershed restoration project contracts as part of the ''Jobs in the Woods'' Program established in Region 10 of the Forest Service to individuals and entities in historically timber-dependent areas in the States of Washington, Oregon, northern California, Idaho, Montana, and Alaska that have been affected by reduced timber harvesting on Federal lands. The Secretaries shall consider the benefits to the local economy in evaluating bids and designing procurements which create economic opportunities for local contractors.

SEC. 311. Of the funds provided to the National Endowment for the Arts—

(1) The Chairperson shall only award a grant to an individual if such grant is awarded to such individual for a literature fellowship, National Heritage Fellowship, or American Jazz Masters Fellowship.

(2) The Chairperson shall establish procedures to ensure that no funding provided through a grant, except a grant made to a State or local arts agency, or regional group, may be used to make a grant to any other organization or individual to conduct activity independent of the direct grant recipient. Nothing in this subsection shall prohibit payments made in exchange for goods and services.

(3) No grant shall be used for seasonal support to a group, unless the application is specific to the contents of the season, including identified programs and/or projects.

SEC. 312. The National Endowment for the Arts and the National Endowment for the Humanities are authorized to solicit, accept, receive, and invest in the name of the United States, gifts, bequests, or devises of money and other property or services and to use such in furtherance of the functions of the National Endowment for the Arts and the National Endowment for the Humanities. Any proceeds from such gifts, bequests, or devises, after acceptance by the National Endowment for the Arts or the National Endowment for the Humanities, shall be paid by the donor or the representative of the donor to the Chairman. The Chairman shall enter the proceeds in a special interest-bearing account to the credit of the appropriate endowment for the purposes specified in each case.

SEC. 313. (a) In providing services or awarding financial assistance under the National Foundation on the Arts and the Humanities Act of 1965 from funds appropriated under this Act, the Chairperson of the National Endowment for the Arts shall ensure that priority is given to providing services or awarding financial assistance for projects, productions, workshops, or programs that serve underserved populations.

(b) In this section:

(1) The term ''underserved population'' means a population of individuals, including urban minorities, who have historically been outside the purview of arts and humanities programs due to factors such as a high incidence of income below the poverty line or to geographic isolation.

(2) The term ''poverty line'' means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved.

(c) In providing services and awarding financial assistance under the National Foundation on the Arts and Humanities Act of 1965 with funds appropriated by this Act, the Chairperson of the National Endowment for the Arts shall ensure that priority is given to providing services or awarding financial assistance for

projects, productions, workshops, or programs that will encourage public knowledge, education, understanding, and appreciation of the arts.

(d) With funds appropriated by this Act to carry out section 5 of the National Foundation on the Arts and Humanities Act of 1965—

(1) the Chairperson shall establish a grant category for projects, productions, workshops, or programs that are of national impact or availability or are able to tour several States;

(2) the Chairperson shall not make grants exceeding 15 percent, in the aggregate, of such funds to any single State, excluding grants made under the authority of paragraph (1);

(3) the Chairperson shall report to the Congress annually and by State, on grants awarded by the Chairperson in each grant category under section 5 of such Act; and

(4) the Chairperson shall encourage the use of grants to improve and support community-based music performance and education.

SEC. 314. No part of any appropriation contained in this Act shall be expended or obligated to complete and issue the 5-year program under the Forest and Rangeland Renewable Resources Planning Act.

SEC. 315. None of the funds in this Act may be used to support Government-wide administrative functions unless such functions are justified in the budget process and funding is approved by the House and Senate Committees on Appropriations.

SEC. 316. Notwithstanding any other provision of law, none of the funds in this Act may be used for GSA Telecommunication Centers.

SEC. 317. None of the funds in this Act may be used for planning, design or construction of improvements to Pennsylvania Avenue in front of the White House without the advance approval of the House and Senate Committees on Appropriations.

SEC. 318. Amounts deposited during fiscal year 2002 in the roads and trails fund provided for in the 14th paragraph under the heading ''FOREST SERVICE'' of the Act of March 4, 1913 (37 Stat. 843; 16 U.S.C. 501), shall be used by the Secretary of Agriculture, without regard to the State in which the amounts were derived, to repair or reconstruct roads, bridges, and trails on National Forest System lands or to carry out and administer projects to improve forest health conditions, which may include the repair or reconstruction of roads, bridges, and trails on National Forest System lands in the wildland-community interface where there is an abnormally high risk of fire. The projects shall emphasize reducing risks to human safety and public health and property and enhancing ecological functions, long-term forest productivity, and biological integrity. The projects may be completed in a subsequent fiscal year. Funds shall not be expended under this section to replace funds which would otherwise appropriately be expended from the timber salvage sale fund. Nothing in this section shall be construed to exempt any project from any environmental law.

SEC. 319. No timber sale in Region 10 shall be advertised if the indicated rate is deficit when appraised using a residual value approach that assigns domestic Alaska values for western redcedar. Program accomplishments shall be based on volume sold. Should Region 10 sell, in fiscal year 2003, the annual average portion of the decadal allowable sale quantity called for in the current Tongass Land Management Plan in sales which are not deficit when appraised using a residual value approach that assigns domestic Alaska values for western redcedar, all of the western redcedar timber from those sales which is surplus to the needs of domestic processors in Alaska, shall be made available to domestic processors in the contiguous 48 United States at prevailing domestic prices. Should Region 10 sell, in fiscal year 2003, less than the annual average portion of the decadal allowable sale quantity called for in the Tongass Land Management Plan in sales which are not deficit when appraised using a residual value approach that assigns domestic Alaska values for western redcedar, the volume of western redcedar timber available to domestic processors at prevailing domestic prices in the contiguous 48 United States shall be that volume: (i) which is surplus to the needs of domestic processors in Alaska, and (ii) is that percent of the surplus western redcedar volume determined by calculating the ratio of the total timber volume which has been sold on the Tongass to the annual average portion of the decadal allowable sale quantity called for in the current Tongass Land Management Plan. The percentage shall be calculated by Region 10 on a rolling basis as each sale is sold (for purposes of this amendment, a ''rolling basis'' shall mean that the determination of how much western redcedar is eligible for sale to various markets shall be made at the time each sale is awarded). Western redcedar shall be deemed ''surplus to the needs of domestic processors in Alaska'' when the timber sale holder has presented to the Forest Service documentation of the inability to sell western redcedar logs from a given sale to domestic Alaska processors at a price equal to or greater than the log selling value stated in the contract. All additional western redcedar volume not sold to Alaska or contiguous 48 United States domestic processors may be exported to foreign markets at the election of the timber sale holder. All Alaska yellow cedar may be sold at prevailing export prices at the election of the timber sale holder.

SEC. 320. A project undertaken by the Forest Service under the Recreation Fee Demonstration Program as authorized by section 315 of the Department of the Interior and Related Agencies Appropriations Act for Fiscal Year 1996, as amended, shall not result in—

(1) displacement of the holder of an authorization to provide commercial recreation services on Federal lands. Prior to initiating any project, the Secretary shall consult with potentially affected holders to determine what impacts the project may have on the holders. Any modifications to the authorization shall be made within the terms and conditions of the authorization and authorities of the impacted agency.

(2) the return of a commercial recreation service to the Secretary for operation when such services have been provided in the past by a private sector provider, except when—

(A) the private sector provider fails to bid on such opportunities;

(B) the private sector provider terminates its relationship with the agency; or

(C) the agency revokes the permit for noncompliance with the terms and conditions of the authorization.

In such cases, the agency may use the Recreation Fee Demonstration Program to provide for operations until a subsequent operator can be found through the offering of a new prospectus.

SEC. 321. REVISION OF FOREST PLANS. Prior to October 1, 2003, the Secretary of Agriculture shall not be considered to be in violation of subparagraph 6(f)(5)(A) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604(f)(5)(A)) solely because more than 15 years have passed without revision of the plan for a unit of the National Forest System. Nothing in this section exempts the Secretary from any other requirement of the Forest and Rangeland Renewable Resources Planning Act (16 U.S.C. 1600 et seq.) or any other law: Provided, That if the Secretary is not acting expeditiously and in good faith, within the funding available, to revise a plan for a unit of the National Forest System, this section shall be void with respect to such plan and a court of proper jurisdiction may order completion of the plan on an accelerated basis.

SEC. 322. No funds provided in this Act may be expended to conduct preleasing, leasing and related activities under either the Mineral Leasing Act (30 U.S.C. 181 et seq.) or the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) within the boundaries of a National Monument established pursuant to the Act of June 8, 1906 (16 U.S.C. 431 et seq.) as such boundary existed on January 20, 2001, except where such activities are allowed under the Presidential proclamation establishing such monument.

SEC. 323. Section 347(a) of the Department of the Interior and Related Agencies Appropriations Act, 1999, as included in Public Law 105–277 is amended by striking ''2004'' and inserting ''2005''. The authority to enter into stewardship and end result contracts provided to the Forest Service in accordance with section 347 of title III of section 101(e) of division A of Public Law 105–277 is hereby expanded to authorize the Forest Service to enter into an additional 28 contracts subject to the same terms and conditions as provided in that section: Provided, That of the additional contracts authorized by this section at least 9 shall be allocated to Region 1.

SEC. 324. Employees of the foundations established by Acts of Congress to solicit private sector funds on behalf of Federal land management agencies shall, beginning in fiscal year 2004, qualify for General Service Administration contract airfares.

SEC. 325. In entering into agreements with foreign countries pursuant to the Wildfire Suppression Assistance Act (42 U.S.C. 1856m) the Secretary of Agriculture and the Secretary of the Interior are authorized to enter into reciprocal agreements in which the individuals furnished under said agreements to provide wildfire services are considered, for purposes of tort liability, employees of the country receiving said services when the individuals are fighting fires. The Secretary of Agriculture or the Secretary of the Interior shall not enter into any agreement under this provision unless the foreign country (either directly or through its fire organization) agrees to assume any and all liability for the acts or omissions of American firefighters engaged in firefighting in a foreign country. When an agreement is reached for furnishing fire fighting services, the only remedies for acts or omissions committed while fighting fires shall be those provided under the laws of the host country and those remedies shall be the exclusive remedies for any claim arising out of fighting fires in a foreign country. Neither the sending country nor any organization associated with the firefighter shall be subject to any action whatsoever pertaining to or arising out of fighting fires.

SEC. 326. A grazing permit or lease issued by the Secretary of the Interior or a grazing permit issued by the Secretary of Agriculture where National Forest System lands are involved that expires, is transferred, or waived during fiscal year 2003 shall be renewed under Section 402 of the Federal Land Policy and Management Act of 1976, as amended (43 U.S.C. 1752), Section 19 of the Granger-Thye Act, as amended (16 U.S.C. 580l), title III of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1010 et seq.), or, if applicable, section 510 of the California Desert Protection Act (16 U.S.C. 410aaa–50). The terms and conditions contained in the expired, transferred, or waived permit or lease shall continue in effect under the renewed permit or lease until such time as the Secretary of the Interior or Secretary of Agriculture as appropriate completes processing of such permit or lease in compliance with all applicable laws and regulations, at which time such permit or lease may be canceled, suspended or modified, in whole or in part, to meet the requirements of such applicable laws and regulations. Nothing in this section shall be deemed to alter the statutory authority of the Secretary of the Interior or the Secretary of Agriculture: Provided, That where National Forest System lands are involved and the Secretary of Agriculture has renewed an expired or waived grazing permit prior to fiscal year 2003 under the authority of Section 504 of the Rescissions Act of 1995 (Public Law 104–19), the terms and conditions of the renewed grazing permit shall remain in effect until such time as the Secretary of Agriculture completes processing of the

renewed permit in compliance with all applicable laws and regulations or until the expiration of the renewed permit, whichever comes first. Upon completion of the processing, the permit may be canceled, suspended or modified, in whole or in part, to meet the requirements of applicable laws and regulations. Nothing in this section shall be deemed to alter the Secretary of Agriculture's statutory authority.

SEC. 327. In awarding a Federal Contract with funds made available by this Act, the Secretary of Agriculture and the Secretary of the Interior (the ''Secretaries'') may, in evaluating bids and proposals, give consideration to local contractors who are from, and who provide employment and training for, dislocated and displaced workers in an economically disadvantaged rural community, including those historically timber-dependent areas that have been affected by reduced timber harvesting on Federal lands and other forest-dependent rural communities isolated from significant alternative employment opportunities: Provided, That the contract is for forest hazardous fuels reduction, watershed or water quality monitoring or restoration, wildlife or fish population monitoring, or habitat restoration or management: Provided further, That the terms ''rural community'' and ''economically disadvantaged'' shall have the same meanings as in section 2374 of Public Law 101–624: Provided further, That the Secretaries shall develop guidance to implement this section: Provided further, That nothing in this section shall be construed as relieving the Secretaries of any duty under applicable procurement laws, except as provided in this section.

SEC. 328. Section 401(e)(4)(B) of Public Law 105–83 is amended after ''Not more than'' by striking ''5 percent'' and inserting ''15 percent''.

SEC. 329. The Record of Decision for the 2002 Supplemental Environmental Impact Statement for the 1997 Tongass Land Management Plan shall not be reviewed under any Forest Service administrative appeal process, and its adequacy shall not be subject to judicial review by any court of the United States.

SEC. 330. Section 7(c) of Public Law 106–143 is amended by striking ''2001'' and inserting ''2004''.

SEC. 331. CLARIFICATION OF ALASKA NATIVE SETTLEMENT TRUSTS. (a) Section 1629b of title 43, United States Code, is amended—

(1) at subsection (d)(1) by striking ''An'' and inserting in its place ''Except as otherwise set forth in subsection (d)(3) of this section, an'';

(2) by creating the following new subsection:

''(d)(3) A resolution described in subsection (a)(3) of this section shall be considered to be approved by the shareholders of a Native Corporation if it receives the affirmative vote of shares representing—

''(A) a majority of the shares present or represented by proxy at the meeting relating to such resolution, or

''(B) an amount of shares greater than a majority of the shares present or represented by proxy at the meeting relating to such resolution (but not greater than two-thirds of the total voting power of the corporation) if the corporation establishes such a level by an amendment to its articles of incorporation.'';

(3) by creating the following new subsection:

''(f) SUBSTANTIALLY ALL OF THE ASSETS.—For purposes of this section and section 1629e of this title, a Native Corporation shall be considered to be transferring all or substantially all of its assets to a Settlement Trust only if such assets represent two-thirds or more of the fair market value of the Native Corporation's total assets.''.

(b) Section 1629e(a)(3) of title 43, United States Code, is amended by striking subparagraph (B) and inserting in its place the following:

''(B) shall give rise to dissenters rights to the extent provided under the laws of the State only if—

''(i) the rights of beneficiaries in the Settlement Trust receiving a conveyance are inalienable; and

''(ii) a shareholder vote on such transfer is required by (a)(4) of section 1629b of this title.''.

TITLE IV—T'UF SHUR BIEN PRESERVATION TRUST AREA

SEC. 401. SHORT TITLE.

This title may be cited as the ''T'uf Shur Bien Preservation Trust Area Act''.

SEC. 402. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) in 1748, the Pueblo of Sandia received a grant from a representative of the King of Spain, which grant was recognized and confirmed by Congress in 1858 (11 Stat. 374); and

(2) in 1994, the Pueblo filed a civil action against the Secretary of the Interior and the Secretary of Agriculture in the United States District Court for the District of Columbia (Civil No. 1:94CV02624), asserting that Federal surveys of the grant boundaries erroneously excluded certain land within the Cibola National Forest, including a portion of the Sandia Mountain Wilderness.

(b) PURPOSES.—The purposes of this title are—

(1) to establish the T'uf Shur Bien Preservation Trust Area in the Cibola National Forest;

(2) to confirm the status of national forest land and wilderness land in the Area while resolving issues associated with the civil action referred to in subsection (a)(2) and the opinions of the Solicitor of the Department of the Interior dated December 9, 1988 (M–36963; 96 I.D. 331) and January 19, 2001 (M–37002); and

(3) to provide the Pueblo, the parties to the civil action, and the public with a fair and just settlement of the Pueblo's claim.

SEC. 403. DEFINITIONS.

In this title:

(1) AREA.—

(A) IN GENERAL.—The term ''Area'' means the T'uf Shur Bien Preservation Trust Area, comprised of approximately 9890 acres of land in the Cibola National Forest, as depicted on the map.

(B) EXCLUSIONS.—The term ''Area'' does not include—

(i) the subdivisions;

(ii) Pueblo-owned land;

(iii) the crest facilities; or

(iv) the special use permit area.

(2) CREST FACILITIES.—The term ''crest facilities'' means—

(A) all facilities and developments located on the crest of Sandia Mountain, including the Sandia Crest Electronic Site;

(B) electronic site access roads;

(C) the Crest House;

(D) the upper terminal, restaurant, and related facilities of Sandia Peak Tram Company;

(E) the Crest Observation Area;

(F) parking lots;

(G) restrooms;

(H) the Crest Trail (Trail No. 130);

(I) hang glider launch sites;

(J) the Kiwanis cabin; and

(K) the land on which the facilities described in subparagraphs (A) through (J) are located and the land extending 100 feet along terrain to the west of each such facility, unless a different distance is agreed to in writing by the Secretary and the Pueblo and documented in the survey of the Area.

(3) EXISTING USE.—The term ''existing use'' means a use that—

(A) is occurring in the Area as of the date of enactment of this Act; or

(B) is authorized in the Area after November 1, 1995, but before the date of enactment of this Act.

(4) LA LUZ TRACT.—The term ''La Luz tract'' means the tract comprised of approximately 31 acres of land owned in fee by the Pueblo and depicted on the map.

(5) LOCAL PUBLIC BODY.—The term ''local public body'' means a political subdivision of the State of New Mexico (as defined in New Mexico Code 6–5–1).

(6) MAP.—The term ''map'' means the Forest Service map entitled ''T'uf Shur Bien Preservation Trust Area'' and dated April 2000.

(7) MODIFIED USE.—

(A) IN GENERAL.—The term ''modified use'' means an existing use that, at any time after the date of enactment of this Act, is modified or reconfigured but not significantly expanded.

(B) INCLUSIONS.—The term ''modified use'' includes—

(i) a trail or trailhead being modified, such as to accommodate handicapped access;

(ii) a parking area being reconfigured (but not expanded); and

(iii) a special use authorization for a group recreation use being authorized for a different use area or time period.

(8) NEW USE.—

(A) IN GENERAL.—The term ''new use'' means—

(i) a use that is not occurring in the Area as of the date of enactment of this Act; and

(ii) an existing use that is being modified so as to be significantly expanded or altered in scope, dimension, or impact on the land, water, air, or wildlife resources of the Area.

(B) EXCLUSIONS.—The term ''new use'' does not include a use that—

(i) is categorically excluded from documentation requirements under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); or

(ii) is carried out to comply with the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(9) PIEDRA LISA TRACT.—The term ''Piedra Lisa tract'' means the tract comprised of approximately 160 acres of land owned by the Pueblo and depicted on the map.

(10) PUEBLO.—The term ''Pueblo'' means the Pueblo of Sandia in its governmental capacity.

(11) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture, acting through the Chief of the Forest Service.

(12) SETTLEMENT AGREEMENT.—The term ''Settlement Agreement'' means the Agreement of Compromise and Settlement dated April 4, 2000, among the United States, the Pueblo, and the Sandia Peak Tram Company.

(13) SPECIAL USE PERMIT.—The term ''special use permit'' means the Special Use Permit issued December 1, 1993, by the Secretary to Sandia Peak Tram Company and Sandia Peak Ski Company

(14) SPECIAL USE PERMIT AREA.—

(A) IN GENERAL.—The term ''special use permit area'' means the land and facilities subject to the special use permit.

(B) INCLUSIONS.—The term ''special use permit area'' includes—

(i) approximately 46 acres of land used as an aerial tramway corridor;

(ii) approximately 945 acres of land used as a ski area; and

(iii) the land and facilities described in Exhibit A to the special use permit, including—

(I) the maintenance road to the lower tram tower;

(II) water storage and water distribution facilities; and

(III) 7 helispots.

(15) SUBDIVISION.—The term ''subdivision'' means—

(A) the subdivision of—

(i) Sandia Heights Addition;

(ii) Sandia Heights North Unit I, II, or 3;

(iii) Tierra Monte;

(iv) Valley View Acres; or

(v) Evergreen Hills; and

(B) any additional plat or privately-owned property depicted on the map.

(16) TRADITIONAL OR CULTURAL USE.—The term ''traditional or cultural use'' means—

(A) a ceremonial activity (including the placing of ceremonial materials in the Area); and

(B) the use, hunting, trapping, or gathering of plants, animals, wood, water, and other natural resources for a noncommercial purpose.

SEC. 404. T'UF SHUR BIEN PRESERVATION TRUST AREA.

(a) ESTABLISHMENT.—The T'uf Shur Bien Preservation Trust Area is established within

the Cibola National Forest and the Sandia Mountain Wilderness as depicted on the map—

(1) to recognize and protect in perpetuity the rights and interests of the Pueblo in and to the Area, as specified in section 405(a);

(2) to preserve in perpetuity the national forest and wilderness character of the Area; and

(3) to recognize and protect in perpetuity the longstanding use and enjoyment of the Area by the public.

(b) ADMINISTRATION AND APPLICABLE LAW.—

(1) IN GENERAL.—The Secretary shall continue to administer the Area as part of the National Forest System subject to and consistent with the provisions of this title affecting management of the Area.

(2) TRADITIONAL OR CULTURAL USES.—Traditional or cultural uses by Pueblo members and members of other federally-recognized Indian tribes authorized to use the Area by the Pueblo under section 405(a)(4) shall not be restricted except by—

(A) the Wilderness Act (16 U.S.C. 1131 et seq.) (including regulations promulgated under that Act) as in effect on the date of enactment of this Act; and

(B) applicable Federal wildlife protection laws, as provided in section 406(a)(2).

(3) LATER ENACTMENTS.—To the extent that any law enacted or amended after the date of enactment of this Act is inconsistent with this title, the law shall not apply to the Area unless expressly made applicable by Congress.

(4) TRUST.—The use of the word ''Trust'' in the name of the Area—

(A) is in recognition of the specific rights and interests of the Pueblo in the Area; and

(B) does not confer on the Pueblo the ownership interest that exists in a case in which the Secretary of the Interior accepts the title to land held in trust for the benefit of an Indian tribe.

(c) MAP.—

(1) FILING.—As soon as practicable after the date of enactment of this Act, the Secretary shall file the map and a legal description of the Area with the Committee on Resources of the House of Representatives and with the Committee on Energy and Natural Resources of the Senate.

(2) PUBLIC AVAILABILITY.—The map and legal description shall be on file and available for public inspection in the Office of the Chief of the Forest Service, Washington, District of Columbia.

(3) EFFECT.—The map and legal description filed under paragraph (1) shall have the same effect as if the map and legal description were included in this title, except that—

(A) technical and typographical errors shall be corrected;

(B) changes that may be necessary under subsection (b), (d), or (e) of section 409 or subsection (b) or (c) of section 413 shall be made; and

(C) to the extent that the map and the language of this title conflict, the language of this title shall control.

(d) NO CONVEYANCE OF TITLE.—No right, title, or interest of the United States in or to the Area or any part of the Area shall be conveyed to or exchanged with any person, trust, or governmental entity, including the Pueblo, without specific authorization of Congress.

(e) PROHIBITED USES.—

(1) IN GENERAL.—Notwithstanding any other provision of law—

(A) no use prohibited by the Wilderness Act (16 U.S.C. 1131 et seq.) as of the date of enactment of this Act shall be permitted in the wilderness portion of the Area; and

(B) none of the following uses shall be permitted in any portion of the Area:

(i) Gaming or gambling.

(ii) Mineral production.

(iii) Timber production.

(iv) Any new use to which the Pueblo objects under section 405(a)(3).

(2) MINING CLAIMS.—The Area is closed to the location of mining claims under section 2320 of the Revised Statutes (30 U.S.C. 23) (commonly known as the ''Mining Law of 1872'').

(f) NO MODIFICATION OF BOUNDARIES.—Establishment of the Area shall not—

(1) affect the boundaries of or repeal or disestablish the Sandia Mountain Wilderness or the Cibola National Forest; or

(2) modify the existing boundary of the Pueblo grant.

SEC. 405. PUEBLO RIGHTS AND INTERESTS IN THE AREA.

(a) IN GENERAL.—The Pueblo shall have the following rights and interests in the Area:

(1) Free and unrestricted access to the Area for traditional or cultural uses, to the extent that those uses are not inconsistent with—

(A) the Wilderness Act (16 U.S.C. 1131 et seq.) (including regulations promulgated under that Act) as in effect on the date of enactment of this Act; or

(B) applicable Federal wildlife protection laws as provided in section 406(a)(2).

(2) Perpetual preservation of the national forest and wilderness character of the Area under this title.

(3) Rights in the management of the Area as specified in section 407, including—

(A) the right to consent or withhold consent to a new use;

(B) the right to consultation regarding a modified use;

(C) the right to consultation regarding the management and preservation of the Area; and

(D) the right to dispute resolution procedures.

(4) Exclusive authority, in accordance with the customs and laws of the Pueblo, to administer access to the Area for traditional or cultural uses by members of the Pueblo and of other federally-recognized Indian tribes.

(5) Such other rights and interests as are recognized in sections 404, 405(c), 407, 408, and 409.

(b) ACCESS.—Except as provided in subsection (a)(4), access to and use of the Area for all other purposes shall continue to be administered by the Secretary.

(c) COMPENSABLE INTEREST.—

(1) IN GENERAL.—If, by an Act of Congress enacted after the date of enactment of this Act, Congress diminishes the national forest or wilderness designation of the Area by authorizing a use prohibited by section 404(e) in all or any portion of the Area, or denies the Pueblo access for any traditional or cultural use in all or any portion of the Area—

(A) the United States shall compensate the Pueblo as if the Pueblo held a fee title interest in the affected portion of the Area and as though the United States had acquired such an interest by legislative exercise of the power of eminent domain; and

(B) the restrictions of sections 404(e) and 406(a) shall be disregarded in determining just compensation owed to the Pueblo.

(2) EFFECT.—Any compensation made to the Pueblo under paragraph (c) shall not affect the extinguishment of claims under section 410.

SEC. 406. LIMITATIONS ON PUEBLO RIGHTS AND INTERESTS IN THE AREA.

(a) LIMITATIONS.—The rights and interests of the Pueblo recognized in this title do not include—

(1) any right to sell, grant, lease, convey, encumber, or exchange land or any interest in land in the Area (and any such conveyance shall not have validity in law or equity);

(2) any exemption from applicable Federal wildlife protection laws;

(3) any right to engage in a use prohibited by section 404(e); or

(4) any right to exclude persons or governmental entities from the Area.

(b) EXCEPTION.—No person who exercises traditional or cultural use rights as authorized by section 405(a)(4) may be prosecuted for a Federal wildlife offense requiring proof of a violation of a State law (including regulations).

SEC. 407. MANAGEMENT OF THE AREA.

(a) PROCESS.—

(1) IN GENERAL.—The Secretary shall consult with the Pueblo not less than twice each year, unless otherwise mutually agreed, concerning protection, preservation, and management of the Area (including proposed new uses and modified uses in the Area and authorizations that are anticipated during the next 6 months and were approved in the preceding 6 months).

(2) NEW USES.—

(A) REQUEST FOR CONSENT AFTER CONSULTATION.—

(i) DENIAL OF CONSENT.—If the Pueblo denies consent for a new use within 30 days after completion of the consultation process, the Secretary shall not proceed with the new use.

(ii) GRANTING OF CONSENT.—If the Pueblo consents to the new use in writing or fails to respond within 30 days after completion of the consultation process, the Secretary may proceed with the notice and comment process and the environmental analysis.

(B) FINAL REQUEST FOR CONSENT.—

(i) REQUEST.—Before the Secretary (or a designee) signs a record of decision or decision notice for a proposed new use, the Secretary shall again request the consent of the Pueblo.

(ii) DENIAL OF CONSENT.—If the Pueblo denies consent for a new use within 30 days after receipt by the Pueblo of the proposed record of decision or decision notice, the new use shall not be authorized.

(iii) FAILURE TO RESPOND.—If the Pueblo fails to respond to the consent request within 30 days after receipt of the proposed record of decision or decision notice—

(I) the Pueblo shall be deemed to have consented to the proposed record of decision or decision notice; and

(II) the Secretary may proceed to issue the final record of decision or decision notice.

(3) PUBLIC INVOLVEMENT.—

(A) IN GENERAL.—With respect to a proposed new use or modified use, the public shall be provided notice of—

(i) the purpose and need for the proposed new use or modified use;

(ii) the role of the Pueblo in the decision-making process; and

(iii) the position of the Pueblo on the proposal.

(B) COURT CHALLENGE.—Any person may bring a civil action in the United States District Court for the District of New Mexico to challenge a determination by the Secretary concerning whether a use constitutes a new use or a modified use.

(b) EMERGENCIES AND EMERGENCY CLOSURE ORDERS.—

(1) AUTHORITY.—The Secretary shall retain the authority of the Secretary to manage emergency situations, to—

(A) provide for public safety; and

(B) issue emergency closure orders in the Area subject to applicable law.

(2) NOTICE.—The Secretary shall notify the Pueblo regarding emergencies, public safety issues, and emergency closure orders as soon as practicable.

(3) NO CONSENT.—An action of the Secretary described in paragraph (1) shall not require the consent of the Pueblo.

(c) DISPUTES INVOLVING FOREST SERVICE MANAGEMENT AND PUEBLO TRADITIONAL USES.—

(1) IN GENERAL.—In a case in which the management of the Area by the Secretary conflicts with a traditional or cultural use, if the conflict does not pertain to a new use subject to the process specified in subsection (a)(2), the process for dispute resolution specified in this subsection shall apply.

(2) DISPUTE RESOLUTION PROCESS.—

(A) IN GENERAL.—In the case of a conflict described in paragraph (1)—

(i) the party identifying the conflict shall notify the other party in writing addressed to the Governor of the Pueblo or the Regional Forester, as appropriate, specifying the nature of the dispute; and

(ii) the Governor of the Pueblo or the Regional Forester shall attempt to resolve the dispute for a period of at least 30 days after notice has been provided before bringing a civil action in the United States District Court for the District of New Mexico.

(B) DISPUTES REQUIRING IMMEDIATE RESOLUTION.—In the case of a conflict that requires immediate resolution to avoid imminent, substantial, and irreparable harm—

(i) the party identifying the conflict shall notify the other party and seek to resolve the dispute within 3 days of the date of notification; and

(ii) if the parties are unable to resolve the dispute within 3 days—

(I) either party may bring a civil action for immediate relief in the United States District Court for the District of New Mexico; and

(II) the procedural requirements specified in subparagraph (A) shall not apply.

SEC. 408. JURISDICTION OVER THE AREA.

(a) CRIMINAL JURISDICTION.—

(1) IN GENERAL.—Notwithstanding any other provision of law, jurisdiction over crimes committed in the Area shall be allocated as provided in this paragraph.

(2) JURISDICTION OF THE PUEBLO.—The Pueblo shall have jurisdiction over an offense committed by a member of the Pueblo or of another federally-recognized Indian tribe who is present in the Area with the permission of the Pueblo under section 405(a)(4).

(3) JURISDICTION OF THE UNITED STATES.—The United States shall have jurisdiction over—

(A) an offense described in section 1153 of title 18, United States Code, committed by a member of the Pueblo or another federally-recognized Indian tribe;

(B) an offense committed by any person in violation of the laws (including regulations) pertaining to the protection and management of national forests;

(C) enforcement of Federal criminal laws of general applicability; and

(D) any other offense committed by a member of the Pueblo against a person not a member of the Pueblo.

(4) JURISDICTION OF THE STATE OF NEW MEXICO.—The State of New Mexico shall have jurisdiction over an offense under the law of the State committed by a person not a member of the Pueblo.

(5) OVERLAPPING JURISDICTION.—To the extent that the respective allocations of jurisdiction over the Area under paragraphs (2), (3), and (4) overlap, the governments shall have concurrent jurisdiction.

(6) FEDERAL USE OF STATE LAW.—Under the jurisdiction of the United States described in paragraph (3)(D), Federal law shall incorporate any offense defined and punishable under State law that is not so defined under Federal law.

(b) CIVIL JURISDICTION.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the United States, the State of New Mexico, and local public bodies shall have the same civil adjudicatory, regulatory, and taxing jurisdiction over the Area as was exercised by those entities on the day before the date of enactment of this Act.

(2) JURISDICTION OF THE PUEBLO.—

(A) IN GENERAL.—The Pueblo shall have exclusive civil adjudicatory jurisdiction over—

(i) a dispute involving only members of the Pueblo;

(ii) a civil action brought by the Pueblo against a member of the Pueblo; and

(iii) a civil action brought by the Pueblo against a member of another federally-recognized Indian tribe for a violation of an understanding between the Pueblo and the other tribe regarding use of or access to the Area for traditional or cultural uses.

(B) REGULATORY JURISDICTION.—The Pueblo shall have no regulatory jurisdiction over the Area, except that the Pueblo shall have exclusive authority to—

(i) regulate traditional or cultural uses by the members of the Pueblo and administer access to the Area by other federally-recognized Indian tribes for traditional or cultural uses, to the extent such regulation is consistent with this title; and

(ii) regulate hunting and trapping in the Area by members of the Pueblo, to the extent that the hunting or trapping is related to traditional or cultural uses, except that such hunting and trapping outside of that portion of the Area in sections 13, 14, 23, 24, and the northeast quarter of section 25 of T12N, R4E, and section 19 of T12N, R5E, N.M.P.M., Sandoval County, New Mexico, shall be regulated by the Pueblo in a manner consistent with the regulations of the State of New Mexico concerning types of weapons and proximity of hunting and trapping to trails and residences.

(C) TAXING JURISDICTION.—The Pueblo shall have no authority to impose taxes within the Area.

(3) STATE AND LOCAL TAXING JURISDICTION.—The State of New Mexico and local public bodies shall have no authority within the Area to tax the uses or the property of the Pueblo, members of the Pueblo, or members of other federally-recognized Indian tribes authorized to use the Area under section 405(a)(4).

SEC. 409. SUBDIVISIONS AND OTHER PROPERTY INTERESTS.

(a) SUBDIVISIONS.—

(1) IN GENERAL.—The subdivisions are excluded from the Area.

(2) JURISDICTION.—

(A) IN GENERAL.—The Pueblo shall have no civil or criminal jurisdiction for any purpose, including adjudicatory, taxing, zoning, regulatory or any other form of jurisdiction, over the subdivisions and property interests therein, and the laws of the Pueblo shall not apply to the subdivisions.

(B) STATE JURISDICTION.—The jurisdiction of the State of New Mexico and local public bodies over the subdivisions and property interests therein shall continue in effect, except that on application of the Pueblo a tract comprised of approximately 35 contiguous, nonsubdivided acres in the northern section of Evergreen Hills owned in fee by the Pueblo at the time of enactment of this Act, shall be transferred to the United States and held in trust for the Pueblo by the United States and administered by the Secretary of the Interior.

(3) LIMITATIONS ON TRUST LAND.—Trust land described in paragraph (2)(B) shall be subject to all limitations on use pertaining to the Area contained in this title.

(b) PIEDRA LISA.—

(1) IN GENERAL.—The Piedra Lisa tract is excluded from the Area.

(2) DECLARATION OF TRUST TITLE.—The Piedra Lisa tract—

(A) shall be transferred to the United States;

(B) is declared to be held in trust for the Pueblo by the United States; and

(C) shall be administered by the Secretary of the Interior subject to all limitations on use pertaining to the Area contained in this title.

(3) APPLICABILITY OF CERTAIN RESTRICTION.—The restriction contained in section 406(a)(4) shall not apply outside of Forest Service System trails.

(c) CREST FACILITIES.—

(1) IN GENERAL.—The land on which the crest facilities are located is excluded from the Area.

(2) JURISDICTION.—The Pueblo shall have no civil or criminal jurisdiction for any purpose, including adjudicatory, taxing, zoning, regulatory or any other form of jurisdiction, over the land on which the crest facilities are located and property interests therein, and the laws of the Pueblo, shall not apply to that land. The preexisting jurisdictional status of that land shall continue in effect.

(d) SPECIAL USE PERMIT AREA.—

(1) IN GENERAL.—The land described in the special use permit is excluded from the Area.

(2) JURISDICTION.—

(A) IN GENERAL.—The Pueblo shall have no civil or criminal jurisdiction for any purpose, including adjudicatory, taxing, zoning, regulatory, or any other form of jurisdiction, over the land described in the special use permit, and the laws of the Pueblo shall not apply to that land.

(B) PREEXISTING STATUS.—The preexisting jurisdictional status of that land shall continue in effect.

(3) AMENDMENT TO PLAN.—In the event the special use permit, during its existing term or any future terms or extensions, requires amendment to include other land in the Area necessary to realign the existing or any future replacement tram line, associated structures, or facilities, the land subject to that amendment shall thereafter be excluded from the Area and shall have the same status under this title as the land currently described in the special use permit.

(4) LAND DEDICATED TO AERIAL TRAMWAY AND RELATED USES.—Any land dedicated to aerial tramway and related uses and associated facilities that are excluded from the special use permit through expiration, termination or the amendment process shall thereafter be included in the Area, but only after final agency action no longer subject to any appeals.

(e) LA LUZ TRACT.—

(1) IN GENERAL.—The La Luz tract now owned in fee by the Pueblo is excluded from the Area and, on application by the Pueblo, shall be transferred to the United States and held in trust for the Pueblo by the United States and administered by the Secretary of the Interior subject to all limitations on use pertaining to the Area contained in this title.

(2) NONAPPLICABILITY OF CERTAIN RESTRICTION.—The restriction contained in section 406(a)(4) shall not apply outside of Forest Service System trails.

(f) EVERGREEN HILLS ACCESS.—The Secretary shall ensure that Forest Service Road 333D, as depicted on the map, is maintained in an adequate condition in accordance with section 1323(a) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3210(a)).

(g) PUEBLO FEE LAND.—Those properties not specifically addressed in subsections (a) or (e) that are owned in fee by the Pueblo within the subdivisions are excluded from the Area and shall be subject to the jurisdictional provisions of subsection (a).

(h) RIGHTS-OF-WAY.—

(1) ROAD RIGHTS-OF-WAY.—

(A) IN GENERAL.—In accordance with the Pueblo having given its consent in the Settlement Agreement, the Secretary of the Interior shall grant to the County of Bernalillo, New Mexico, in perpetuity, the following irrevocable rights-of-way for roads identified on the map in order to provide for public access to the subdivisions, the special use permit land and facilities, the other leasehold and easement rights and interests of the Sandia Peak Tram Company and its affiliates, the Sandia Heights South Subdivision, and the Area—

(i) a right-of-way for Tramway Road;

(ii) a right-of-way for Juniper Hill Road North;

(iii) a right-of-way for Juniper Hill Road South;

(iv) a right-of-way for Sandia Heights Road; and

(v) a right-of-way for Juan Tabo Canyon Road (Forest Road No. 333).

(B) CONDITIONS.—The road rights-of-way shall be subject to the following conditions:

(i) Such rights-of-way may not be expanded or otherwise modified without the Pueblo's written consent, but road maintenance to the rights-of-way shall not be subject to Pueblo consent.

(ii) The rights-of-way shall not authorize uses for any purpose other than roads without the Pueblo's written consent.

(iii) Except as provided in the Settlement Agreement, existing rights-of-way or leasehold

interests and obligations held by the Sandia Peak Tram Company and its affiliates, shall be preserved, protected, and unaffected by this title.

(2) UTILITY RIGHTS-OF-WAY.—In accordance with the Pueblo having given its consent in the Settlement Agreement, the Secretary of the Interior shall grant irrevocable utility rights-of-way in perpetuity across Pueblo land to appropriate utility or other service providers serving Sandia Heights Addition, Sandia Heights North Units I, II, and 3, the special use permit land, Tierra Monte, and Valley View Acres, including rights-of-way for natural gas, power, water, telecommunications, and cable television services. Such rights-of-way shall be within existing utility corridors as depicted on the map or, for certain water lines, as described in the existing grant of easement to the Sandia Peak Utility Company: Provided, That use of water line easements outside the utility corridors depicted on the map shall not be used for utility purposes other than water lines and associated facilities. Except where above-ground facilities already exist, all new utility facilities shall be installed underground unless the Pueblo agrees otherwise. To the extent that enlargement of existing utility corridors is required for any technologically-advanced telecommunication, television, or utility services, the Pueblo shall not unreasonably withhold agreement to a reasonable enlargement of the easements described above.

(3) FOREST SERVICE RIGHTS-OF-WAY.—In accordance with the Pueblo having given its consent in the Settlement Agreement, the Secretary of the Interior shall grant to the Forest Service the following irrevocable rights-of-way in perpetuity for Forest Service trails crossing land of the Pueblo in order to provide for public access to the Area and through Pueblo land—

(A) a right-of-way for a portion of the Crest Spur Trail (Trail No. 84), crossing a portion of the La Luz tract, as identified on the map;

(B) a right-of-way for the extension of the Foothills Trail (Trail No. 365A), as identified on the map; and

(C) a right-of-way for that portion of the Piedra Lisa North-South Trail (Trail No. 135) crossing the Piedra Lisa tract.

SEC. 410. EXTINGUISHMENT OF CLAIMS.

(a) IN GENERAL.—Except for the rights and interests in and to the Area specifically recognized in sections 404, 405, 407, 408, and 409, all Pueblo claims to right, title and interest of any kind, including aboriginal claims, in and to land within the Area, any part thereof, and property interests therein, as well as related boundary, survey, trespass, and monetary damage claims, are permanently extinguished. The United States' title to the Area is confirmed.

(b) SUBDIVISIONS.—Any Pueblo claims to right, title and interest of any kind, including aboriginal claims, in and to the subdivisions and property interests therein (except for land owned in fee by the Pueblo as of the date of enactment of this Act), as well as related boundary, survey, trespass, and monetary damage claims, are permanently extinguished.

(c) SPECIAL USE AND CREST FACILITIES AREAS.—Any Pueblo right, title and interest of any kind, including aboriginal claims, and related boundary, survey, trespass, and monetary damage claims, are permanently extinguished in and to—

(1) the land described in the special use permit; and

(2) the land on which the crest facilities are located.

(d) PUEBLO AGREEMENT.—As provided in the Settlement Agreement, the Pueblo has agreed to the relinquishment and extinguishment of those claims, rights, titles and interests extinguished pursuant to subsection (a), (b) and (c).

(e) CONSIDERATION.—The recognition of the Pueblo's rights and interests in this title constitutes adequate consideration for the Pueblo's agreement to the extinguishment of the Pueblo's claims in this section and the right-of-way grants contained in section 409, and it is the intent of Congress that those rights and interests may only be diminished by a future Act of Congress specifically authorizing diminishment of such rights, with express reference to this title.

SEC. 411. CONSTRUCTION.

(a) STRICT CONSTRUCTION.—This title recognizes only enumerated rights and interests, and no additional rights, interests, obligations, or duties shall be created by implication.

(b) EXISTING RIGHTS.—To the extent there exist within the Area as of the date of enactment of this Act any valid private property rights associated with private land that are not otherwise addressed in this title, such rights are not modified or otherwise affected by this title, nor is the exercise of any such right subject to the Pueblo's right to withhold consent to new uses in the Area as set forth in section 405(a)(3)(A).

(c) NOT PRECEDENT.—The provisions of this title creating certain rights and interests in the National Forest System are uniquely suited to resolve the Pueblo's claim and the geographic and societal situation involved, and shall not be construed as precedent for any other situation involving management of the National Forest System.

(d) FISH AND WILDLIFE.—Except as provided in section 408(b)(2)(B), nothing in this title shall be construed as affecting the responsibilities of the State of New Mexico with respect to fish and wildlife, including the regulation of hunting, fishing, or trapping within the Area.

(e) FEDERAL LAND POLICY AND MANAGEMENT ACT.—Section 316 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1746) is amended by adding at the end the following: ''Any corrections authorized by this section which affect the boundaries of, or jurisdiction over, land administered by another Federal agency shall be made only after consultation with, and the approval of, the head of such other agency.''

SEC. 412. JUDICIAL REVIEW.

(a) ENFORCEMENT.—A civil action to enforce the provisions of this title may be brought to the extent permitted under chapter 7 of title 5, United States Code. Judicial review shall be based on the administrative record and subject to the applicable standard of review set forth in section 706 of title 5, United States Code.

(b) WAIVER.—A civil action may be brought against the Pueblo for declaratory judgment or injunctive relief under this title, but no money damages, including costs or attorney's fees, may be imposed on the Pueblo as a result of such judicial action.

(c) VENUE.—Venue for any civil action provided for in this section, as well as any civil action to contest the constitutionality of this title, shall lie only in the United States District Court for the District of New Mexico.

SEC. 413. PROVISIONS RELATING TO CONTRIBUTIONS AND LAND EXCHANGE.

(a) CONTRIBUTIONS.—

(1) IN GENERAL.—The Secretary may accept contributions from the Pueblo, or from other persons or governmental entities—

(A) to perform and complete a survey of the Area; or

(B) to carry out any other project or activity for the benefit of the Area in accordance with this title.

(2) DEADLINE.—Not later than 1 year after the date of enactment of this Act, the Secretary shall complete the survey of the Area under paragraph (1)(A).

(b) LAND EXCHANGE.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, after consultation with the Pueblo, the Secretary shall, in accordance with applicable laws, prepare and offer a land exchange of National Forest land outside the Area and contiguous to the northern boundary of the Pueblo's Reservation within sections 10, 11, and 14 of T12N, R4E, N.M.P.M., Sandoval County, New Mexico excluding wilderness land, for land owned by the Pueblo in the Evergreen Hills subdivision in Sandoval County contiguous to National Forest land, and the La Luz tract in Bernalillo County.

(2) ACCEPTANCE OF PAYMENT.—Notwithstanding section 206(b) of the Federal Land Policy and Management Act (43 U.S.C. 1716(b)), the Secretary may either make or accept a cash equalization payment in excess of 25 percent of the total value of the land or interests transferred out of Federal ownership.

(3) FUNDS RECEIVED.—Any funds received by the Secretary as a result of the exchange shall be deposited in the fund established under the Act of December 4, 1967, known as the Sisk Act (16 U.S.C. 484a), and shall be available to purchase non-Federal land within or adjacent to the National Forests in the State of New Mexico.

(4) TREATMENT OF LAND EXCHANGED OR CONVEYED.—All land exchanged or conveyed to the Pueblo is declared to be held in trust for the Pueblo by the United States and added to the Pueblo's Reservation subject to all existing and outstanding rights and shall remain in its natural state and shall not be subject to commercial development of any kind. Land exchanged or conveyed to the Forest Service shall be subject to all limitations on use pertaining to the Area under this title.

(5) FAILURE TO MAKE OFFER.—If the land exchange offer is not made by the date that is 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the United States House of Representatives, a report explaining the reasons for the failure to make the offer including an assessment of the need for any additional legislation that may be necessary for the exchange. If additional legislation is not necessary, the Secretary, consistent with this section, should proceed with the exchange pursuant to existing law.

(c) LAND ACQUISITION AND OTHER COMPENSATION.—

(1) IN GENERAL.—The Secretary may acquire land owned by the Pueblo within the Evergreen Hills Subdivision in Sandoval County or any other privately held land inside of the exterior boundaries of the Area. The boundaries of the Cibola National Forest and the Area shall be adjusted to encompass any land acquired pursuant to this section.

(2) PIEDRA LISA TRACT.—Subject to the availability of appropriations, the Secretary shall compensate the Pueblo for the fair market value of—

(A) the right-of-way established pursuant to section 409(h)(3)(C); and

(B) the conservation easement established by the limitations on use of the Piedra Lisa tract pursuant to section 409(b)(2).

(d) REIMBURSEMENT OF CERTAIN COSTS.—

(1) IN GENERAL.—The Pueblo, the County of Bernalillo, New Mexico, and any person that owns or has owned property inside of the exterior boundaries of the Area as designated on the map, and who has incurred actual and direct costs as a result of participating in the case of Pueblo of Sandia v. Babbitt, Civ. No. 94–2624 HHG (D.D.C.), or other proceedings directly related to resolving the issues litigated in that case, may apply for reimbursement in accordance with this section. Costs directly related to such participation which shall qualify for reimbursement shall be—

(A) dues or payments to a homeowner association for the purpose of legal representation; and

(B) legal fees and related expenses.

(2) TREATMENT OF REIMBURSEMENT.—Any reimbursement provided in this subsection shall be in lieu of that which might otherwise be available pursuant to the Equal Access to Justice Act (24 U.S.C. 2412).

(3) PAYMENTS.—The Secretary of the Treasury shall make reimbursement payments as provided

in this section out of any money not otherwise appropriated as provided in advance in appropriations Acts.

(4) APPLICATIONS.—Not later than 180 days after the date of enactment of this Act, applications for reimbursement shall be filed with the Department of the Treasury, Financial Management Service, Washington, D.C.

(5) MAXIMUM REIMBURSEMENT.—No party shall be reimbursed in excess of $750,000 under this section, and the total amount reimbursed in accordance with this section shall not exceed $3,000,000.

SEC. 414. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this title, including such sums as are necessary for the Forest Service to carry out responsibilities of the Forest Service in accordance with section 413(c).

SEC. 415. EFFECTIVE DATE.

The provisions of this title shall take effect immediately on enactment of this Act.

TITLE V—OTTAWA NATIONAL WILDLIFE REFUGE COMPLEX

SEC. 501. SHORT TITLE.

This title may be cited as the ''Ottawa National Wildlife Refuge Complex Expansion and Detroit River International Wildlife Refuge Expansion Act''.

SEC. 502. DEFINITIONS.

In this title:

(1) INTERNATIONAL REFUGE.—The term ''International Refuge'' means the Detroit River International Wildlife Refuge established by section 5(a) of the Detroit River International Wildlife Refuge Establishment Act (16 U.S.C. 668dd note; 115 Stat. 894).

(2) REFUGE COMPLEX.—The term ''Refuge Complex'' means the Ottawa National Wildlife Refuge Complex and the lands and waters in the complex, as described in the document entitled ''The Comprehensive Conservation Plan for the Ottawa National Wildlife Refuge Complex'' and dated September 22, 2000, including—

(A) the Ottawa National Wildlife Refuge, established by the Secretary in accordance with the Migratory Bird Conservation Act (16 U.S.C. 715 et seq.);

(B) the West Sister Island National Wildlife Refuge established by Executive Order No. 7937, dated August 2, 1937; and

(C) the Cedar Point National Wildlife Refuge established by the Secretary in accordance with the Migratory Bird Conservation Act (16 U.S.C. 715 et seq.).

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(4) WESTERN BASIN.—

(A) IN GENERAL.—The term ''western basin'' means the western basin of Lake Erie, consisting of the land and water in the watersheds of Lake Erie extending from the watershed of the Lower Detroit River in the State of Michigan to and including Sandusky Bay and the watershed of Sandusky Bay in the State of Ohio.

(B) INCLUSION.—The term 'western basin' includes the Bass Island archipelago in the State of Ohio.

SEC. 503. EXPANSION OF BOUNDARIES.

(a) REFUGE COMPLEX BOUNDARIES.—

(1) EXPANSION.—The boundaries of the Refuge Complex are expanded to include land and water in the State of Ohio from the eastern boundary of Maumee Bay State Park to the eastern boundary of the Darby Unit (including the Bass Island archipelago), as depicted on the map entitled ''Ottawa National Wildlife Refuge Complex Expansion and Detroit River International Wildlife Refuge Expansion Act'' and dated September 6, 2002.

(2) AVAILABILITY OF MAP.—The map referred to in paragraph (1) shall be available for inspection in appropriate offices of the United States Fish and Wildlife Service.

(b) BOUNDARY REVISIONS.—The Secretary may make such revisions of the boundaries of the Refuge Complex as the Secretary determines to be appropriate—

(1) to facilitate the acquisition of property within the Refuge Complex; or

(2) to carry out this title.

(c) ACQUISITION.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary may acquire by donation, purchase with donated or appropriated funds, or exchange the land and water, and interests in land and water (including conservation easements), within the boundaries of the Refuge Complex.

(2) CONSENT.—No land, water, or interest in land or water described in paragraph (1) may be acquired by the Secretary without the consent of the owner of the land, water, or interest.

(d) TRANSFERS FROM OTHER AGENCIES.—Administrative jurisdiction over any Federal property that is located within the boundaries of the Refuge Complex and under the administrative jurisdiction of an agency of the United States other than the Department of the Interior may, with the concurrence of the head of the administering agency, be transferred without consideration to the Secretary for the purpose of this title.

(e) STUDY OF ASSOCIATED AREA.—

(1) IN GENERAL.—The Secretary, acting through the Director of the United States Fish and Wildlife Service, shall conduct a study of fish and wildlife habitat and aquatic and terrestrial communities in and around the 2 dredge spoil disposal sites that are—

(A) referred to by the Toledo-Lucas County Port Authority as ''Port Authority Facility Number Three'' and ''Grassy Island'', respectively; and

(B) located within Toledo Harbor near the mouth of the Maumee River.

(2) REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary shall—

(A) complete the study under paragraph (1); and

(B) submit to Congress a report on the results of the study.

SEC. 504. EXPANSION OF INTERNATIONAL REFUGE BOUNDARIES.

The southern boundary of the International Refuge is extended south to include additional land and water in the State of Michigan located east of Interstate Route 75, extending from the southern boundary of Sterling State Park to the Ohio State boundary, as depicted on the map referred to in section 503(a)(1).

SEC. 505. ADMINISTRATION.

(a) REFUGE COMPLEX.—

(1) IN GENERAL.—The Secretary shall administer all federally owned land, water, and interests in land and water that are located within the boundaries of the Refuge Complex in accordance with—

(A) the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.); and

(B) this title.

(2) ADDITIONAL AUTHORITY.—The Secretary may use such additional statutory authority available to the Secretary for the conservation of fish and wildlife, and the provision of opportunities for fish- and wildlife-dependent recreation, as the Secretary determines to be appropriate to carry out this title.

(b) ADDITIONAL PURPOSES.—In addition to the purposes of the Refuge Complex under other laws, regulations, executive orders, and comprehensive conservation plans, the Refuge Complex shall be managed—

(1) to strengthen and complement existing resource management, conservation, and education programs and activities at the Refuge Complex in a manner consistent with the primary purposes of the Refuge Complex—

(A) to provide major resting, feeding, and wintering habitats for migratory birds and other wildlife; and

(B) to enhance national resource conservation and management in the western basin;

(2) in partnership with nongovernmental and private organizations and private individuals dedicated to habitat enhancement, to conserve, enhance, and restore the native aquatic and terrestrial community characteristics of the western basin (including associated fish, wildlife, and plant species);

(3) to facilitate partnerships among the United States Fish and Wildlife Service, Canadian national and provincial authorities, State and local governments, local communities in the United States and Canada, conservation organizations, and other non-Federal entities to promote public awareness of the resources of the western basin; and

(4) to advance the collective goals and priorities that—

(A) were established in the report entitled ''Great Lakes Strategy 2002—A Plan for the New Millennium'', developed by the United States Policy Committee, comprised of Federal agencies (including the United States Fish and Wildlife Service, the National Oceanic and Atmospheric Administration, the United States Geological Survey, the Forest Service, and the Great Lakes Fishery Commission) and State governments and tribal governments in the Great Lakes basin; and

(B) include the goals of cooperating to protect and restore the chemical, physical, and biological integrity of the Great Lakes basin ecosystem.

(c) PRIORITY USES.—In providing opportunities for compatible fish- and wildlife-dependent recreation, the Secretary, in accordance with paragraphs (3) and (4) of section 4(a) of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd(a)), shall ensure, to the maximum extent practicable, that hunting, trapping, fishing, wildlife observation and photography, and environmental education and interpretation are the priority public uses of the Refuge Complex.

(d) COOPERATIVE AGREEMENTS REGARDING NON-FEDERAL LAND.—To promote public awareness of the resources of the western basin and encourage public participation in the conservation of those resources, the Secretary may enter into cooperative agreements with the State of Ohio or Michigan, any political subdivision of the State, or any person for the management, in a manner consistent with this title, of land that—

(1) is owned by the State, political subdivision, or person; and

(2) is located within the boundaries of the Refuge Complex.

(e) USE OF EXISTING GREENWAY AUTHORITY.—The Secretary shall encourage the State of Ohio to use authority under the recreational trails program under section 206 of title 23, United States Code, to provide funding for acquisition and development of trails within the boundaries of the Refuge Complex.

SEC. 506. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary—

(1) to acquire land and water within the Refuge Complex under section 503(c);

(2) to carry out the study under section 503(e); and

(3) to develop, operate, and maintain the Refuge Complex.

This division may be cited as the ''Department of the Interior and Related Agencies Appropriations Act, 2003''.

DIVISION G—LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS, 2003

Making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2003, and for other purposes.

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Labor,

Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2003, and for other purposes, namely:

TITLE I—DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

For necessary expenses of the Workforce Investment Act, including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by the Workforce Investment Act and the Women in Apprenticeship and Nontraditional Occupations Act; and the National Skill Standards Act of 1994; $2,657,084,000 plus reimbursements, of which $1,583,069,000 is available for obligation for the period July 1, 2003 through June 30, 2004; of which $1,045,465,000 is available for obligation for the period April 1, 2003 through June 30, 2004, including $1,000,965,000 to carry out chapter 4 of the Workforce Investment Act and $44,500,000 to carry out section 169 of such Act; and of which $27,550,000 is available for the period July 1, 2003 through June 30, 2006 for necessary expenses of construction, rehabilitation, and acquisition of Job Corps centers: Provided, That $9,098,000 shall be for carrying out section 172 of the Workforce Investment Act: Provided further, That, notwithstanding any other provision of law or related regulation, $80,770,000 shall be for carrying out section 167 of the Workforce Investment Act, including $74,965,000 for formula grants, $4,786,000 for migrant and seasonal housing, and $1,019,000 for other discretionary purposes: Provided further, That funds provided to carry out section 171(d) of the Workforce Investment Act may be used for demonstration projects that provide assistance to new entrants in the workforce and incumbent workers: Provided further, That no funds from any other appropriation shall be used to provide meal services at or for Job Corps centers.

For necessary expenses of the Workforce Investment Act, including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by the Workforce Investment Act; $2,463,000,000 plus reimbursements, of which $2,363,000,000 is available for obligation for the period October 1, 2003 through June 30, 2004, and of which $100,000,000 is available for the period October 1, 2003 through June 30, 2006, for necessary expenses of construction, rehabilitation, and acquisition of Job Corps centers.

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

To carry out title V of the Older Americans Act of 1965, as amended, $440,200,000.

FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

For payments during the current fiscal year of trade adjustment benefit payments and allowances under part I; and for training, allowances for job search and relocation, and related State administrative expenses under part II, subchapters B and D, chapter 2, title II of the Trade Act of 1974, as amended, $972,200,000, together with such amounts as may be necessary to be charged to the subsequent appropriation for payments for any period subsequent to September 15 of the current year.

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

For authorized administrative expenses, $143,452,000, together with not to exceed $3,475,451,000 (including not to exceed $1,228,000 which may be used for amortization payments to States which had independent retirement plans in their State employment service agencies prior to 1980), which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund including the cost of administering section 51 of the Internal Revenue Code of 1986, as amended, section 7(d) of the Wagner-Peyser Act, as amended, the Trade Act of 1974, as amended, the Immigration Act of 1990, and the Immigration and Nationality Act, as amended, and of which the sums available in the allocation for activities authorized by title III of the Social Security Act, as amended (42 U.S.C. 502–504), and the sums available in the allocation for necessary administrative expenses for carrying out 5 U.S.C. 8501–8523, shall be available for obligation by the States through December 31, 2003, except that funds used for automation acquisitions shall be available for obligation by the States through September 30, 2005; of which $143,452,000, together with not to exceed $773,283,000 of the amount which may be expended from said trust fund, shall be available for obligation for the period July 1, 2003 through June 30, 2004, to fund activities under the Act of June 6, 1933, as amended, including the cost of penalty mail authorized under 39 U.S.C. 3202(a)(1)(E) made available to States in lieu of allotments for such purpose: Provided, That to the extent that the Average Weekly Insured Unemployment (AWIU) for fiscal year 2003 is projected by the Department of Labor to exceed 4,526,000, an additional $28,600,000 shall be available for obligation for every 100,000 increase in the AWIU level (including a pro rata amount for any increment less than 100,000) from the Employment Security Administration Account of the Unemployment Trust Fund: Provided further, That funds appropriated in this Act which are used to establish a national one-stop career center system, or which are used to support the national activities of the Federal-State unemployment insurance programs, may be obligated in contracts, grants or agreements with non-State entities: Provided further, That funds appropriated under this Act for activities authorized under the Wagner-Peyser Act, as amended, and title III of the Social Security Act, may be used by the States to fund integrated Employment Service and Unemployment Insurance automation efforts, notwithstanding cost allocation principles prescribed under Office of Management and Budget Circular A–87.

ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

For repayable advances to the Unemployment Trust Fund as authorized by sections 905(d) and 1203 of the Social Security Act, as amended, and to the Black Lung Disability Trust Fund as authorized by section 9501(c)(1) of the Internal Revenue Code of 1954, as amended; and for nonrepayable advances to the Unemployment Trust Fund as authorized by section 8509 of title 5, United States Code, and to the ''Federal unemployment benefits and allowances'' account, to remain available until September 30, 2004, $463,000,000.

In addition, for making repayable advances to the Black Lung Disability Trust Fund in the current fiscal year after September 15, 2003, for costs incurred by the Black Lung Disability Trust Fund in the current fiscal year, such sums as may be necessary.

PROGRAM ADMINISTRATION

For expenses of administering employment and training programs, $121,032,000, including $4,711,000 to administer welfare-to-work grants, together with not to exceed $56,610,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund.

PENSION AND WELFARE BENEFITS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Pension and Welfare Benefits Administration, $117,044,000.

PENSION BENEFIT GUARANTY CORPORATION

PENSION BENEFIT GUARANTY CORPORATION FUND

The Pension Benefit Guaranty Corporation is authorized to make such expenditures, including financial assistance authorized by section 104 of Public Law 96–364, within limits of funds and borrowing authority available to such Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 9104), as may be necessary in carrying out the program through September 30, 2003, for such Corporation: Provided, That not to exceed $13,050,000 shall be available for administrative expenses of the Corporation: Provided further, That expenses of such Corporation in connection with the termination of pension plans, for the acquisition, protection or management, and investment of trust assets, and for benefits administration services shall be considered as non-administrative expenses for the purposes hereof, and excluded from the above limitation.

EMPLOYMENT STANDARDS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Employment Standards Administration, including reimbursement to State, Federal, and local agencies and their employees for inspection services rendered, $383,428,000, together with $2,029,000 which may be expended from the Special Fund in accordance with sections 39(c), 44(d) and 44(j) of the Longshore and Harbor Workers' Compensation Act: Provided, That $2,000,000 shall be for the development of an alternative system for the electronic submission of reports required to be filed under the Labor-Management Reporting and Disclosure Act of 1959, as amended, and for a computer database of the information for each submission by whatever means, that is indexed and easily searchable by the public via the Internet: Provided further, That the Secretary of Labor is authorized to accept, retain, and spend, until expended, in the name of the Department of Labor, all sums of money ordered to be paid to the Secretary of Labor, in accordance with the terms of the Consent Judgment in Civil Action No. 91–0027 of the United States District Court for the District of the Northern Mariana Islands (May 21, 1992): Provided further, That the Secretary of Labor is authorized to establish and, in accordance with 31 U.S.C. 3302, collect and deposit in the Treasury fees for processing applications and issuing certificates under sections 11(d) and 14 of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 211(d) and 214) and for processing applications and issuing registrations under title I of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1801 et seq.).

SPECIAL BENEFITS

(INCLUDING TRANSFER OF FUNDS)

For the payment of compensation, benefits, and expenses (except administrative expenses) accruing during the current or any prior fiscal year authorized by title 5, chapter 81 of the United States Code; continuation of benefits as provided for under the heading ''Civilian War Benefits'' in the Federal Security Agency Appropriation Act, 1947; the Employees' Compensation Commission Appropriation Act, 1944; sections 4(c) and 5(f) of the War Claims Act of 1948 (50 U.S.C. App. 2012); and 50 percent of the additional compensation and benefits required by section 10(h) of the Longshore and Harbor Workers' Compensation Act, as amended, $163,000,000, together with such amounts as may be necessary to be charged to the subsequent year appropriation for the payment of compensation and other benefits for any period subsequent to August 15 of the current year: Provided, That amounts appropriated may be used under section 8104 of title 5, United States Code, by the Secretary of Labor to reimburse an employer, who is not the employer at the time of injury, for portions of the salary of a reemployed, disabled beneficiary: Provided further, That balances of reimbursements unobligated on September 30, 2002, shall remain available until

expended for the payment of compensation, benefits, and expenses: Provided further, That in addition there shall be transferred to this appropriation from the Postal Service and from any other corporation or instrumentality required under section 8147(c) of title 5, United States Code, to pay an amount for its fair share of the cost of administration, such sums as the Secretary determines to be the cost of administration for employees of such fair share entities through September 30, 2003: Provided further, That of those funds transferred to this account from the fair share entities to pay the cost of administration of the Federal Employees' Compensation Act, $37,657,000 shall be made available to the Secretary as follows: (1) for the operation of and enhancement to the automated data processing systems, including document imaging and conversion to a paperless office, $24,928,000; (2) for medical bill review and periodic roll management, $12,027,000; (3) for communications redesign, $702,000; and (4) the remaining funds shall be paid into the Treasury as miscellaneous receipts: Provided further, That the Secretary may require that any person filing a notice of injury or a claim for benefits under chapter 81 of title 5, United States Code, or 33 U.S.C. 901 et seq., provide as part of such notice and claim, such identifying information (including Social Security account number) as such regulations may prescribe.

ADMINISTRATIVE EXPENSES, ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION FUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to administer the Energy Employees Occupational Illness Compensation Act, $104,867,000, to remain available until expended: Provided, That the Secretary of Labor is authorized to transfer to any Executive agency with authority under the Energy Employees Occupational Illness Compensation Act, including within the Department of Labor, such sums as may be necessary in fiscal year 2003 to carry out those authorities: Provided further, That the Secretary may require that any person filing a claim for benefits under the Act provide as part of such claim, such identifying information (including Social Security account number) as may be prescribed.

BLACK LUNG DISABILITY TRUST FUND

(INCLUDING TRANSFER OF FUNDS)

Beginning in fiscal year 2003 and thereafter, such sums as may be necessary from the Black Lung Disability Trust Fund, to remain available until expended, for payment of all benefits authorized by section 9501(d)(1), (2), (4), and (7) of the Internal Revenue Code of 1954, as amended; and interest on advances, as authorized by section 9501(c)(2) of that Act. In addition, the following amounts shall be available from the Fund for fiscal year 2003 for expenses of operation and administration of the Black Lung Benefits program, as authorized by section 9501(d)(5): $31,987,000 for transfer to the Employment Standards Administration, ''Salaries and Expenses''; $22,952,000 for transfer to Departmental Management, ''Salaries and Expenses''; $334,000 for transfer to Departmental Management, ''Office of Inspector General''; and $356,000 for payments into miscellaneous receipts for the expenses of the Department of Treasury.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Occupational Safety and Health Administration, $462,314,000, including not to exceed $92,531,000 which shall be the maximum amount available for grants to States under section 23(g) of the Occupational Safety and Health Act (the ''Act''), which grants shall be no less than 50 percent of the costs of State occupational safety and health programs required to be incurred under plans approved by the Secretary under section 18 of the Act, and including $18,000,000 for safety and health standards, of which notwithstanding any other provision of law, not less than $2,000,000 is available to provide for the reissuance of a rule relating to ergonomics by the Secretary of Labor, in accordance with section 6 of the Occupational Safety and Health Act; and, in addition, notwithstanding 31 U.S.C. 3302, the Occupational Safety and Health Administration may retain up to $750,000 per fiscal year of training institute course tuition fees, otherwise authorized by law to be collected, and may utilize such sums for occupational safety and health training and education grants: Provided, That, notwithstanding 31 U.S.C. 3302, the Secretary of Labor is authorized, during the fiscal year ending September 30, 2003, to collect and retain fees for services provided to Nationally Recognized Testing Laboratories, and may utilize such sums, in accordance with the provisions of 29 U.S.C. 9a, to administer national and international laboratory recognition programs that ensure the safety of equipment and products used by workers in the workplace: Provided further, That none of the funds appropriated under this paragraph shall be obligated or expended to prescribe, issue, administer, or enforce any standard, rule, regulation, or order under the Act which is applicable to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees: Provided further, That no funds appropriated under this paragraph shall be obligated or expended to administer or enforce any standard, rule, regulation, or order under the Act with respect to any employer of 10 or fewer employees who is included within a category having an occupational injury lost workday case rate, at the most precise Standard Industrial Classification Code for which such data are published, less than the national average rate as such rates are most recently published by the Secretary, acting through the Bureau of Labor Statistics, in accordance with section 24 of that Act (29 U.S.C. 673), except—

(1) to provide, as authorized by such Act, consultation, technical assistance, educational and training services, and to conduct surveys and studies;

(2) to conduct an inspection or investigation in response to an employee complaint, to issue a citation for violations found during such inspection, and to assess a penalty for violations which are not corrected within a reasonable abatement period and for any willful violations found;

(3) to take any action authorized by such Act with respect to imminent dangers;

(4) to take any action authorized by such Act with respect to health hazards;

(5) to take any action authorized by such Act with respect to a report of an employment accident which is fatal to one or more employees or which results in hospitalization of two or more employees, and to take any action pursuant to such investigation authorized by such Act; and

(6) to take any action authorized by such Act with respect to complaints of discrimination against employees for exercising rights under such Act:

Provided further, That the foregoing proviso shall not apply to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees: Provided further, That not less than $3,200,000 shall be used to extend funding for the Institutional Competency Building training grants which commenced in September 2000, for program activities for the period of September 30, 2003 to September 30, 2004, provided that a grantee has demonstrated satisfactory performance.

MINE SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Mine Safety and Health Administration, $271,841,000, including purchase and bestowal of certificates and trophies in connection with mine rescue and first-aid work, and the hire of passenger motor vehicles; including up to $2,000,000 for mine rescue and recovery activities; and including $10,000,000 for digitizing mine maps and developing technologies to detect mine voids, through contracts, grants, or other arrangements, to remain available until expended; in addition, not to exceed $750,000 may be collected by the National Mine Health and Safety Academy for room, board, tuition, and the sale of training materials, otherwise authorized by law to be collected, to be available for mine safety and health education and training activities, notwithstanding 31 U.S.C. 3302; and, in addition, the Mine Safety and Health Administration may retain up to $1,000,000 from fees collected for the approval and certification of equipment, materials, and explosives for use in mines, and may utilize such sums for such activities; the Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, or private; the Mine Safety and Health Administration is authorized to promote health and safety education and training in the mining community through cooperative programs with States, industry, and safety associations; and any funds available to the department may be used, with the approval of the Secretary, to provide for the costs of mine rescue and survival operations in the event of a major disaster.

BUREAU OF LABOR STATISTICS

SALARIES AND EXPENSES

For necessary expenses for the Bureau of Labor Statistics, including advances or reimbursements to State, Federal, and local agencies and their employees for services rendered, $415,855,000, together with not to exceed $72,029,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund; and $2,570,000 which shall be available for obligation for the period July 1, 2003 through September 30, 2003, for Occupational Employment Statistics, and $6,600,000 to be used to fund the mass layoff statistics program under section 15 of the Wagner-Peyser Act (29 U.S.C. 49l–2).

OFFICE OF DISABILITY EMPLOYMENT POLICY

SALARIES AND EXPENSES

For necessary expenses for the Office of Disability Employment Policy to provide leadership, develop policy and initiatives, and award grants furthering the objective of eliminating barriers to the training and employment of people with disabilities, $47,015,000.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For necessary expenses for Departmental Management, including the hire of three sedans, and including the management or operation, through contracts, grants or other arrangements of Departmental activities conducted by or through the Bureau of International Labor Affairs, including bilateral and multilateral technical assistance and other international labor activities, of which the funds designated to carry out bilateral assistance under the international child labor initiative shall be available for obligation through September 30, 2004, and not less than $3,000,000 shall be for an Office of Pension Participant Advocacy, and $55,000,000, for the acquisition of Departmental information technology, architecture, infrastructure, equipment, software and related needs which will be allocated by the Department's Chief Information Officer in accordance with the Department's capital investment management process to assure a sound investment strategy; $396,313,000; together with not to exceed $310,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund: Provided, That no funds made available by this Act may be used by the Solicitor of Labor to participate in a review in any

United States court of appeals of any decision made by the Benefits Review Board under section 21 of the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 921) where such participation is precluded by the decision of the United States Supreme Court in Director, Office of Workers' Compensation Programs v. Newport News Shipbuilding, 115 S. Ct. 1278 (1995), notwithstanding any provisions to the contrary contained in Rule 15 of the Federal Rules of Appellate Procedure: Provided further, That no funds made available by this Act may be used by the Secretary of Labor to review a decision under the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 901 et seq.) that has been appealed and that has been pending before the Benefits Review Board for more than 12 months: Provided further, That any such decision pending a review by the Benefits Review Board for more than 1 year shall be considered affirmed by the Benefits Review Board on the 1-year anniversary of the filing of the appeal, and shall be considered the final order of the Board for purposes of obtaining a review in the United States courts of appeals: Provided further, That these provisions shall not be applicable to the review or appeal of any decision issued under the Black Lung Benefits Act (30 U.S.C. 901 et seq.).

VETERANS EMPLOYMENT AND TRAINING

Not to exceed $191,537,000 may be derived from the Employment Security Administration Account in the Unemployment Trust Fund to carry out the provisions of 38 U.S.C. 4100–4110A, 4212, 4214, and 4321–4327, and Public Law 103–353, and which shall be available for obligation by the States through December 31, 2003. To carry out the Stewart B. McKinney Homeless Assistance Act and section 168 of the Workforce Investment Act of 1998, $26,550,000, of which $7,550,000 shall be available for obligation for the period July 1, 2003 through June 30, 2004.

OFFICE OF INSPECTOR GENERAL

For salaries and expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $56,659,000, together with not to exceed $5,597,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund.

GENERAL PROVISIONS

SEC. 101. None of the funds appropriated in this title for the Job Corps shall be used to pay the compensation of an individual, either as direct costs or any proration as an indirect cost, at a rate in excess of Executive Level II.

(TRANSFER OF FUNDS)

SEC. 102. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended) which are appropriated for the current fiscal year for the Department of Labor in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: Provided, That the Appropriations Committees of both Houses of Congress are notified at least 15 days in advance of any transfer.

SEC. 103. In accordance with Executive Order No. 13126, none of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended for the procurement of goods mined, produced, manufactured, or harvested or services rendered, whole or in part, by forced or indentured child labor in industries and host countries already identified by the U.S. Department of Labor prior to enactment of this Act.

SEC. 104. There is authorized to be appropriated such sums as may be necessary to the Denali Commission through the Department of Labor to conduct job training of the local workforce where Denali Commission projects will be constructed.

SEC. 105. (a) Section 218(d)(6)(C) of the Social Security Act (42 U.S.C. 418(d)(6)(C)) is amended by inserting ''Kentucky,'' after ''Illinois,''.

(b) The amendment made by subsection (a) takes effect on January 1, 2003.

This title may be cited as the ''Department of Labor Appropriations Act, 2003''.

TITLE II—DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES

For carrying out titles II, III, IV, VII, VIII, X, XII, XIX, and XXVI of the Public Health Service Act, section 427(a) of the Federal Coal Mine Health and Safety Act, title V (including section 510), and sections 1128E and 1820 of the Social Security Act, the Health Care Quality Improvement Act of 1986, as amended, the Native Hawaiian Health Care Act of 1988, as amended, the Cardiac Arrest Survival Act of 2000, and the Poison Control Center Enhancement and Awareness Act, $6,115,654,000, of which $45,000,000 from general revenues, notwithstanding section 1820(j) of the Social Security Act, shall be available for carrying out the Medicare rural hospital flexibility grants program under section 1820 of such Act: Provided, That of the funds made available under this heading, $250,000 shall be available until expended for facilities renovations at the Gillis W. Long Hansen's Disease Center: Provided further, That in addition to fees authorized by section 427(b) of the Health Care Quality Improvement Act of 1986, fees shall be collected for the full disclosure of information under the Act sufficient to recover the full costs of operating the National Practitioner Data Bank, and shall remain available until expended to carry out that Act: Provided further, That fees collected for the full disclosure of information under the ''Health Care Fraud and Abuse Data Collection Program'', authorized by section 1128E(d)(2) of the Social Security Act, shall be sufficient to recover the full costs of operating the program, and shall remain available until expended to carry out that Act: Provided further, That no more than $50,000,000 is available for carrying out the provisions of Public Law 104–73: Provided further, That of the funds made available under this heading, $285,000,000 shall be for the program under title X of the Public Health Service Act to provide for voluntary family planning projects: Provided further, That amounts provided to said projects under such title shall not be expended for abortions, that all pregnancy counseling shall be nondirective, and that such amounts shall not be expended for any activity (including the publication or distribution of literature) that in any way tends to promote public support or opposition to any legislative proposal or candidate for public office: Provided further, That $739,000,000 shall be for State AIDS Drug Assistance Programs authorized by section 2616 of the Public Health Service Act: Provided further, That in addition to amounts provided herein, $25,000,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out Parts A, B, C, and D of Title XXVI of the Public Health Service Act to fund section 2691 Special Projects of National Significance: Provided further, That $40,000,000 is available for special projects of regional and national significance under section 501(a)(2) of the Social Security Act, which shall not be counted toward compliance with the allocation required in section 502(a)(1) of such Act, and which shall be used only for making competitive grants to provide abstinence education (as defined in section 510(b)(2) of such Act) to adolescents and for evaluations (including longitudinal evaluations) of activities under the grants and for Federal costs of administering the grants: Provided further, That grants under the immediately preceding proviso shall be made only to public and private entities which agree that, with respect to an adolescent to whom the entities provide abstinence education under such grant, the entities will not provide to that adolescent any other education regarding sexual conduct, except that, in the case of an entity expressly required by law to provide health information or services the adolescent shall not be precluded from seeking health information or services from the entity in a different setting than the setting in which the abstinence education was provided: Provided further, That the funds expended for such evaluations may not exceed 3.5 percent of such amount: Provided further, That 20,027,000 shall be appropriated to carry out the community access program to increase the capacity and effectiveness of community health care institutions and providers who serve patients regardless of their ability to pay.

HEALTH EDUCATION ASSISTANCE LOANS PROGRAM ACCOUNT

Such sums as may be necessary to carry out the purpose of the program, as authorized by title VII of the Public Health Service Act, as amended. For administrative expenses to carry out the guaranteed loan program, including section 709 of the Public Health Service Act, $3,914,000.

VACCINE INJURY COMPENSATION PROGRAM TRUST FUND

For payments from the Vaccine Injury Compensation Program Trust Fund, such sums as may be necessary for claims associated with vaccine-related injury or death with respect to vaccines administered after September 30, 1988, pursuant to subtitle 2 of title XXI of the Public Health Service Act, to remain available until expended: Provided, That for necessary administrative expenses, not to exceed $2,991,000 shall be available from the Trust Fund to the Secretary of Health and Human Services.

CENTERS FOR DISEASE CONTROL AND PREVENTION

DISEASE CONTROL, RESEARCH, AND TRAINING

To carry out titles II, III, VII, XI, XV, XVII, XIX, XXI, and XXVI of the Public Health Service Act, sections 101, 102, 103, 201, 202, 203, 301, and 501 of the Federal Mine Safety and Health Act of 1977, sections 20, 21, and 22 of the Occupational Safety and Health Act of 1970, title IV of the Immigration and Nationality Act, and section 501 of the Refugee Education Assistance Act of 1980; including insurance of official motor vehicles in foreign countries; and hire, maintenance, and operation of aircraft, $4,317,749,000, of which $270,000,000 shall remain available until expended for equipment, and construction and renovation of facilities, and of which $183,763,000 for international HIV/AIDS shall remain available until September 30, 2004, and in addition, such sums as may be derived from authorized user fees, which shall be credited to this account: Provided, That in addition to amounts provided herein, $14,000,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out the National Immunization Surveys: Provided further, That in addition to amounts provided herein, $28,600,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out information systems standards development and architecture and applications-based research used at local public health levels: Provided further, That in addition to amounts provided herein, $41,900,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out Research Tools and Approaches activities within the National Occupational Research Agenda: Provided further, That of the amounts provided herein for international HIV/AIDS, $40,000,000 shall be for the International Mother and Child HIV Prevention Initiative: Provided further, That employees of the Centers for Disease Control and Prevention or the Public Health Service, both civilian and Commissioned Officers, detailed to States, municipalities or other organizations under authority of Section 214 of the Public Health Service Act for purposes related to homeland security, shall be treated as non-Federal employees for reporting purposes only and shall not be included within

any personnel ceiling applicable to the Agency, Service, or the Department of Health and Human Services during the period of detail or assignment: Provided further, That none of the funds made available for injury prevention and control at the Centers for Disease Control and Prevention may be used to advocate or promote gun control: Provided further, That the Director may redirect the total amount made available under authority of Public Law 101–502, section 3, dated November 3, 1990, to activities the Director may so designate: Provided further, That the Congress is to be notified promptly of any such transfer: Provided further, That not to exceed $15,000,000 may be available for making grants under section 1509 of the Public Health Service Act to not more than 15 States: Provided further, That without regard to existing statute, funds appropriated may be used to proceed, at CDC's discretion, with property acquisition, including a long-term ground lease for construction on non-federal land, to support the construction of a replacement laboratory in the Fort Collins, Colorado area: Provided further, That notwithstanding any other provision of law, a single contract or related contracts for development and construction of facilities may be employed which collectively include the full scope of the project: Provided further, That the solicitation and contract shall contain the clause ''availability of funds'' found at 48 CFR 52.232–18.

NATIONAL INSTITUTES OF HEALTH

NATIONAL CANCER INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to cancer, $4,642,394,000.

NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to cardiovascular, lung, and blood diseases, and blood and blood products, $2,820,011,000.

NATIONAL INSTITUTE OF DENTAL AND CRANIOFACIAL RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act with respect to dental disease, $374,067,000.

NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND KIDNEY DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to diabetes and digestive and kidney disease, $1,637,347,000.

NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS AND STROKE

For carrying out section 301 and title IV of the Public Health Service Act with respect to neurological disorders and stroke, $1,466,005,000.

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

(INCLUDING TRANSFER OF FUNDS)

For carrying out section 301 and title IV of the Public Health Service Act with respect to allergy and infectious diseases, $3,727,473,000: Provided, That $100,000,000 may be made available to International Assistance Programs, ''Global Fund to Fight HIV/AIDS, Malaria, and Tuberculosis'', to remain available until expended: Provided further, That up to $150,000,000 shall be for extramural facilities construction grants to enhance the Nation's capability to do research on biological and other agents.

NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

For carrying out section 301 and title IV of the Public Health Service Act with respect to general medical sciences, $1,853,584,000.

NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

For carrying out section 301 and title IV of the Public Health Service Act with respect to child health and human development, $1,213,817,000.

NATIONAL EYE INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to eye diseases and visual disorders, $634,290,000.

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For carrying out sections 301 and 311 and title IV of the Public Health Service Act with respect to environmental health sciences, $617,258,000.

NATIONAL INSTITUTE ON AGING

For carrying out section 301 and title IV of the Public Health Service Act with respect to aging, $1,000,099,000.

NATIONAL INSTITUTE OF ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to arthritis and musculoskeletal and skin diseases, $489,324,000.

NATIONAL INSTITUTE ON DEAFNESS AND OTHER COMMUNICATION DISORDERS

For carrying out section 301 and title IV of the Public Health Service Act with respect to deafness and other communication disorders, $372,805,000.

NATIONAL INSTITUTE OF NURSING RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act with respect to nursing research, $131,438,000.

NATIONAL INSTITUTE ON ALCOHOL ABUSE AND ALCOHOLISM

For carrying out section 301 and title IV of the Public Health Service Act with respect to alcohol abuse and alcoholism, $418,773,000.

NATIONAL INSTITUTE ON DRUG ABUSE

For carrying out section 301 and title IV of the Public Health Service Act with respect to drug abuse, $968,013,000.

NATIONAL INSTITUTE OF MENTAL HEALTH

For carrying out section 301 and title IV of the Public Health Service Act with respect to mental health, $1,350,788,000.

NATIONAL HUMAN GENOME RESEARCH INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to human genome research, $468,037,000.

NATIONAL INSTITUTE OF BIOMEDICAL IMAGING AND BIOENGINEERING

For carrying out section 301 and title IV of the Public Health Service Act with respect to biomedical imaging and bioengineering research, $283,100,000.

NATIONAL CENTER FOR RESEARCH RESOURCES

For carrying out section 301 and title IV of the Public Health Service Act with respect to research resources and general research support grants, $1,161,272,000: Provided, That none of these funds shall be used to pay recipients of the general research support grants program any amount for indirect expenses in connection with such grants: Provided further, That $125,000,000 shall be for extramural facilities construction grants.

NATIONAL CENTER FOR COMPLEMENTARY AND ALTERNATIVE MEDICINE

For carrying out section 301 and title IV of the Public Health Service Act with respect to complementary and alternative medicine, $114,149,000.

NATIONAL CENTER ON MINORITY HEALTH AND HEALTH DISPARITIES

For carrying out section 301 and title IV of the Public Health Service Act with respect to minority health and health disparities research, $186,929,000.

JOHN E. FOGARTY INTERNATIONAL CENTER

For carrying out the activities at the John E. Fogarty International Center, $60,880,000.

NATIONAL LIBRARY OF MEDICINE

For carrying out section 301 and title IV of the Public Health Service Act with respect to health information communications, $302,099,000, of which $4,000,000 shall be available until expended for improvement of information systems: Provided, That in fiscal year 2003, the Library may enter into personal services contracts for the provision of services in facilities owned, operated, or constructed under the jurisdiction of the National Institutes of Health: Provided further, That in addition to amounts provided herein, $8,200,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out National Information Center on Health Services Research and Health Care Technology and related health services.

OFFICE OF THE DIRECTOR

(INCLUDING TRANSFER OF FUNDS)

For carrying out the responsibilities of the Office of the Director, National Institutes of Health, $257,974,000: Provided, That funding shall be available for the purchase of not to exceed 29 passenger motor vehicles for replacement only: Provided further, That the Director may direct up to 1 percent of the total amount made available in this or any other Act to all National Institutes of Health appropriations to activities the Director may so designate: Provided further, That no such appropriation shall be decreased by more than 1 percent by any such transfers and that the Congress is promptly notified of the transfer: Provided further, That the National Institutes of Health is authorized to collect third party payments for the cost of clinical services that are incurred in National Institutes of Health research facilities and that such payments shall be credited to the National Institutes of Health Management Fund: Provided further, That all funds credited to the National Institutes of Health Management Fund shall remain available for 1 fiscal year after the fiscal year in which they are deposited: Provided further, That up to $500,000 shall be available to carry out section 499 of the Public Health Service Act.

BUILDINGS AND FACILITIES

(INCLUDING TRANSFER OF FUNDS)

For the study of, construction of, renovation of, and acquisition of equipment for, facilities of or used by the National Institutes of Health, including the acquisition of real property, $607,800,000, to remain available until expended: Provided, That notwithstanding any other provision of law, single contracts or related contracts, which collectively include the full scope of the project, may be employed for the development and construction of the first and second phases of the John Edward Porter Neuroscience Research Center: Provided further, That the solicitations and contracts shall contain the clause ''availability of funds'' found at 48 CFR 52.232–18.

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

For carrying out titles V and XIX of the Public Health Service Act with respect to substance abuse and mental health services, the Protection and Advocacy for Mentally Ill Individuals Act of 1986, and section 301 of the Public Health Service Act with respect to program management, $3,129,717,000: Provided, That, $955,000, to remain available until expended, shall be for protection, maintenance, and environmental remediation of the Federally owned facilities at St. Elizabeths Hospital: Provided further, That in addition to amounts provided herein, $62,200,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out Subpart II of Title XIX of the Public Health Service Act to fund section 1935(b) national data, data collection and evaluation activities, and further that the total available under this Act for section 1935(b) activities shall not exceed 5 percent of the amounts appropriated for Subpart II of Title XIX: Provided further, That in addition to amounts provided herein, $12,000,000 shall be made available from amounts available under section 241 of the

Public Health Service Act to carry out data collection activities supporting the annual National Household Survey.

AGENCY FOR HEALTHCARE RESEARCH AND QUALITY

HEALTHCARE RESEARCH AND QUALITY

For carrying out titles III and IX of the Public Health Service Act, and part A of title XI of the Social Security Act, $308,645,000; in addition, amounts received from Freedom of Information Act fees, reimbursable and interagency agreements, and the sale of data shall be credited to this appropriation and shall remain available until expended.

CENTERS FOR MEDICARE AND MEDICAID SERVICES

GRANTS TO STATES FOR MEDICAID

For carrying out, except as otherwise provided, titles XI and XIX of the Social Security Act, $112,090,218,000, to remain available until expended.

For making, after May 31, 2003, payments to States under title XIX of the Social Security Act for the last quarter of fiscal year 2003 for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

For making payments to States or in the case of section 1928 on behalf of States under title XIX of the Social Security Act for the first quarter of fiscal year 2004, $51,861,386,000, to remain available until expended.

Payment under title XIX may be made for any quarter with respect to a State plan or plan amendment in effect during such quarter, if submitted in or prior to such quarter and approved in that or any subsequent quarter.

PAYMENTS TO HEALTH CARE TRUST FUNDS

For payment to the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as provided under section 1844 of the Social Security Act, sections 103(c) and 111(d) of the Social Security Amendments of 1965, section 278(d) of Public Law 97–248, and for administrative expenses incurred pursuant to section 201(g) of the Social Security Act, $81,462,700,000.

PROGRAM MANAGEMENT

For carrying out, except as otherwise provided, titles XI, XVIII, XIX, and XXI of the Social Security Act, titles XIII and XXVII of the Public Health Service Act, and the Clinical Laboratory Improvement Amendments of 1988, not to exceed $2,559,664,000, to be transferred from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as authorized by section 201(g) of the Social Security Act; together with all funds collected in accordance with section 353 of the Public Health Service Act and section 1857(e)(2) of the Social Security Act, and such sums as may be collected from authorized user fees and the sale of data, which shall remain available until expended, and together with administrative fees collected relative to Medicare overpayment recovery activities, which shall remain available until expended: Provided, That all funds derived in accordance with 31 U.S.C. 9701 from organizations established under title XIII of the Public Health Service Act shall be credited to and available for carrying out the purposes of this appropriation: Provided further, That from amounts appropriated under this heading, $3,000,000 for the managed care system redesign shall remain available until expended: Provided further, That $51,000,000, to remain available until September 30, 2004, is for contract costs for the Healthcare Integrated General Ledger Accounting System: Provided further, That to the extent Medicare claims volume is projected by the Centers for Medicare and Medicaid Services (CMS) to exceed 223,500,000 Part A claims and/or 870,000,000 Part B claims, an additional $46,800,000 shall be available for obligation for every 50,000,000 increase in Medicare claims volume (including a pro rata amount for any increment less than 50,000,000) from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Fund: Provided further, That the Secretary of Health and Human Services is directed to collect fees in fiscal year 2003 from Medicare+Choice organizations pursuant to section 1857(e)(2) of the Social Security Act and from eligible organizations with risk-sharing contracts under section 1876 of that Act pursuant to section 1876(k)(4)(D) of that Act.

HEALTH MAINTENANCE ORGANIZATION LOAN AND LOAN GUARANTEE FUND

For carrying out subsections (d) and (e) of section 1308 of the Public Health Service Act, any amounts received by the Secretary in connection with loans and loan guarantees under title XIII of the Public Health Service Act, to be available without fiscal year limitation for the payment of outstanding obligations. During fiscal year 2003, no commitments for direct loans or loan guarantees shall be made.

ADMINISTRATION FOR CHILDREN AND FAMILIES

PAYMENTS TO STATES FOR CHILD SUPPORT ENFORCEMENT AND FAMILY SUPPORT PROGRAMS

For making payments to States or other non-Federal entities under titles I, IV–D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960 (24 U.S.C. ch. 9), $2,475,800,000, to remain available until expended; and for such purposes for the first quarter of fiscal year 2004, $1,100,000,000, to remain available until expended.

For making payments to each State for carrying out the program of Aid to Families with Dependent Children under title IV–A of the Social Security Act before the effective date of the program of Temporary Assistance for Needy Families (TANF) with respect to such State, such sums as may be necessary: Provided, That the sum of the amounts available to a State with respect to expenditures under such title IV–A in fiscal year 1997 under this appropriation and under such title IV–A as amended by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 shall not exceed the limitations under section 116(b) of such Act.

For making, after May 31 of the current fiscal year, payments to States or other non-Federal entities under titles I, IV–D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960 (24 U.S.C. ch. 9), for the last 3 months of the current fiscal year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

LOW INCOME HOME ENERGY ASSISTANCE

For making payments under title XXVI of the Omnibus Budget Reconciliation Act of 1981, $1,700,000,000.

REFUGEE AND ENTRANT ASSISTANCE

For making payments for refugee and entrant assistance activities authorized by title IV of the Immigration and Nationality Act and section 501 of the Refugee Education Assistance Act of 1980 (Public Law 96–422), $432,724,000: Provided, That funds appropriated pursuant to section 414(a) of the Immigration and Nationality Act for fiscal year 2003 shall be available for the costs of assistance provided and other activities through September 30, 2005: Provided further, That up to $10,000,000 is available to carry out the Trafficking Victims Protection Act of 2000.

For carrying out section 5 of the Torture Victims Relief Act of 1998 (Public Law 105–320), $10,000,000.

PAYMENTS TO STATES FOR THE CHILD CARE AND DEVELOPMENT BLOCK GRANT

For carrying out sections 658A through 658R of the Omnibus Budget Reconciliation Act of 1981 (The Child Care and Development Block Grant Act of 1990), $2,099,994,000 shall be used to supplement, not supplant state general revenue funds for child care assistance for low-income families: Provided, That $19,120,000 shall be available for child care resource and referral and school-aged child care activities, of which $1,000,000 shall be for the Child Care Aware toll free hotline: Provided further, That, in addition to the amounts required to be reserved by the States under section 658G, $272,672,000 shall be reserved by the States for activities authorized under section 658G, of which $100,000,000 shall be for activities that improve the quality of infant and toddler care: Provided further, That $10,000,000 shall be for use by the Secretary for child care research, demonstration, and evaluation activities.

SOCIAL SERVICES BLOCK GRANT

For making grants to States pursuant to section 2002 of the Social Security Act, $1,700,000,000: Provided, That notwithstanding subparagraph (B) of section 404(d)(2) of such Act, the applicable percent specified under such subparagraph for a State to carry out State programs pursuant to title XX of such Act shall be 10 percent.

CHILDREN AND FAMILIES SERVICES PROGRAMS

For carrying out, except as otherwise provided, the Runaway and Homeless Youth Act, the Developmental Disabilities Assistance and Bill of Rights Act, the Head Start Act, the Child Abuse Prevention and Treatment Act, sections 310 and 316 of the Family Violence Prevention and Services Act, as amended, the Native American Programs Act of 1974, title II of Public Law 95–266 (adoption opportunities), the Adoption and Safe Families Act of 1997 (Public Law 105–89), sections 1201 and 1211 of the Children's Health Act of 2000, the Abandoned Infants Assistance Act of 1988, the Early Learning Opportunities Act, part B(1) of title IV and sections 413, 429A, 1110, and 1115 of the Social Security Act, and sections 40155, 40211, and 40241 of Public Law 103–322; for making payments under the Community Services Block Grant Act, sections 439(h), 473A and 477(h)(2) of the Social Security Act, and title IV of Public Law 105–285, and for necessary administrative expenses to carry out said Acts and titles I, IV, X, XI, XIV, XVI, and XX of the Social Security Act, the Act of July 5, 1960 (24 U.S.C. ch. 9), the Omnibus Budget Reconciliation Act of 1981, title IV of the Immigration and Nationality Act, section 501 of the Refugee Education Assistance Act of 1980, section 5 of the Torture Victims Relief Act of 1998 (Public Law 105–320), sections 40155, 40211, and 40241 of Public Law 103–322, and section 126 and titles IV and V of Public Law 100–485, $8,648,884,000, of which $43,000,000, to remain available until September 30, 2004, shall be for grants to States for adoption incentive payments, as authorized by section 473A of title IV of the Social Security Act (42 U.S.C. 670–679) and may be made for adoptions completed in fiscal years 2001 and 2002; of which $6,667,533,000 shall be for making payments under the Head Start Act, of which $1,400,000,000 shall become available October 1, 2003 and remain available through September 30, 2004; and of which $740,477,000 shall be for making payments under the Community Services Block Grant Act: Provided, That not less than $7,500,000 shall be for section 680(3)(B) of the Community Services Block Grant Act, as amended: Provided further, That in addition to amounts provided herein, $6,000,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out the provisions of Section 1110 of the Social Security Act: Provided further, That to the extent Community Services Block Grant funds are distributed as grant funds by a State to an eligible entity as provided under the Act, and have not been expended by such entity, they shall remain with such entity for carryover into the next fiscal year for expenditure by such entity consistent with program purposes: Provided further, That the Secretary shall establish procedures regarding the disposition of intangible property which permits grant funds, or intangible assets acquired with funds authorized under section 680 of the Community Services Block Grant Act, as amended, to become the sole property of such grantees after a period of not more than 12 years after the end of the grant for purposes and uses consistent with the original grant: Provided further, That funds appropriated for section 680(a)(2) of the Community Services Block

Grant Act, as amended, shall be available for financing construction and rehabilitation and loans or investments in private business enterprises owned by community development corporations: Provided further, That $93,000,000 shall be for activities authorized by the Runaway and Homeless Youth Act, notwithstanding the allocation requirements of section 388(a) of such Act, of which $41,800,000 is for the transitional living program: Provided further, That $45,000,000 is for a compassion capital fund to provide grants to charitable organizations to emulate model social service programs and to encourage research on the best practices of social service organizations.

PROMOTING SAFE AND STABLE FAMILIES

For carrying out section 436 of the Social Security Act, $305,000,000 and for section 437, $200,000,000.

PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION ASSISTANCE

For making payments to States or other non-Federal entities under title IV–E of the Social Security Act, $4,855,000,000.

For making payments to States or other non-Federal entities under title IV–E of the Act, for the first quarter of fiscal year 2004, $1,745,600,000.

For making, after May 31 of the current fiscal year, payments to States or other non-Federal entities under section 474 of title IV–E, for the last 3 months of the current fiscal year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

ADMINISTRATION ON AGING

AGING SERVICES PROGRAMS

For carrying out, to the extent not otherwise provided, the Older Americans Act of 1965, as amended, and section 398 of the Public Health Service Act, $1,369,290,000, of which $6,000,000 shall be available for activities regarding medication management, screening, and education to prevent incorrect medication and adverse drug reactions: Provided, That $149,670,000 shall be available for carrying out section 311 of the Older Americans Act of 1965 consistent with the formula of such Act (as amended by section 217 of this Act).

OFFICE OF THE SECRETARY

GENERAL DEPARTMENTAL MANAGEMENT

For necessary expenses, not otherwise provided, for general departmental management, including hire of six sedans, and for carrying out titles III, XVII, and XX of the Public Health Service Act, and the United States-Mexico Border Health Commission Act, $368,535,000, together with $5,851,000 to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Hospital Insurance Trust Fund and the Supplemental Medical Insurance Trust Fund: Provided, That of the funds made available under this heading for carrying out title XX of the Public Health Service Act, $11,885,000 shall be for activities specified under section 2003(b)(2), of which $10,157,000 shall be for prevention service demonstration grants under section 510(b)(2) of title V of the Social Security Act, as amended, without application of the limitation of section 2010(c) of said title XX: Provided further, That of this amount, $50,000,000 is for minority AIDS prevention and treatment activities; and $20,000,000 shall be for an Information Technology Security and Innovation Fund for Department-wide activities involving cybersecurity, information technology security, and related innovation projects.

OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $39,747,000: Provided, That, of such amount, necessary sums are available for providing protective services to the Secretary and investigating non-payment of child support cases for which non-payment is a Federal offense under 18 U.S.C. 228.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, $30,328,000, together with not to exceed $3,314,000 to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Hospital Insurance Trust Fund and the Supplemental Medical Insurance Trust Fund.

POLICY RESEARCH

For carrying out, to the extent not otherwise provided, research studies under section 1110 of the Social Security Act and title III of the Public Health Service Act, $2,499,000: Provided, That in addition to amounts provided herein, $18,000,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out national health or human services research and evaluation activities: Provided further, That the expenditure of any funds available under section 241 of the Public Health Service Act are subject to the requirements of section 205 of this Act.

RETIREMENT PAY AND MEDICAL BENEFITS FOR COMMISSIONED OFFICERS

For retirement pay and medical benefits of Public Health Service Commissioned Officers as authorized by law, for payments under the Retired Serviceman's Family Protection Plan and Survivor Benefit Plan, for medical care of dependents and retired personnel under the Dependents' Medical Care Act (10 U.S.C. ch. 55 and 56), and for payments pursuant to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), such amounts as may be required during the current fiscal year. The following are definitions for the medical benefits of the Public Health Service Commissioned Officers that apply to 10 U.S.C. chapter 56, section 1116(c). The source of funds for the monthly accrual payments into the Department of Defense Medicare-Eligible Retiree Health Care Fund shall be the Retirement Pay and Medical Benefits for Commissioned Officers account. For purposes of this Act, the term ''pay of members'' shall be construed to be synonymous with retirement payments to U.S. Public Health Service officers who are retired for age, disability, or length of service; payments to survivors of deceased officers; medical care to active duty and retired members and dependents and beneficiaries; and for payments to the Social Security Administration for military service credits; all of which payments are provided for by the Retirement Pay and Medical Benefits for Commissioned Officers account.

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

For expenses necessary to support activities related to countering potential biological, disease and chemical threats to civilian populations, $2,255,980,000: Provided, That this amount is distributed as follows: Centers for Disease Control and Prevention, $1,541,740,000 of which $300,000,000 shall remain available until expended for the National Pharmaceutical Stockpile; Office of the Secretary, $152,240,000; Health Resources and Services Administration, $547,000,000; Substance Abuse and Mental Health Services Administration, $10,000,000; and the Agency for Healthcare Research and Quality, $5,000,000.

GENERAL PROVISIONS

SEC. 201. Funds appropriated in this title shall be available for not to exceed $50,000 for official reception and representation expenses when specifically approved by the Secretary.

SEC. 202. The Secretary shall make available through assignment not more than 60 employees of the Public Health Service to assist in child survival activities and to work in AIDS programs through and with funds provided by the Agency for International Development, the United Nations International Children's Emergency Fund or the World Health Organization.

SEC. 203. None of the funds appropriated under this Act may be used to implement section 399F(b) of the Public Health Service Act or section 1503 of the National Institutes of Health Revitalization Act of 1993, Public Law 103–43.

SEC. 204. None of the funds appropriated in this Act for the National Institutes of Health, the Agency for Healthcare Research and Quality, and the Substance Abuse and Mental Health Services Administration shall be used to pay the salary of an individual, through a grant or other extramural mechanism, at a rate in excess of Executive Level I.

SEC. 205. None of the funds appropriated in this Act may be expended pursuant to section 241 of the Public Health Service Act, except for funds specifically provided for in this Act, or for other taps and assessments made by any office located in the Department of Health and Human Services, prior to the Secretary's preparation and submission of a report to the Committee on Appropriations of the Senate and of the House detailing the planned uses of such funds.

SEC. 206. Notwithstanding section 241(a) of the Public Health Service Act, such portion as the Secretary shall determine, but not more than 1.25 percent, of any amounts appropriated for programs authorized under said Act and other Acts shall be made available for the evaluation (directly, or by grants or contracts) of the implementation and effectiveness of such programs.

(TRANSFER OF FUNDS)

SEC. 207. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended) which are appropriated for the current fiscal year for the Department of Health and Human Services in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: Provided, That an appropriation may be increased by up to an additional 2 percent subject to approval by the House and Senate Committees on Appropriations: Provided further, That the Appropriations Committees of both Houses of Congress are notified at least 15 days in advance of any transfer.

SEC. 208. The Director of the National Institutes of Health, jointly with the Director of the Office of AIDS Research, may transfer up to 3 percent among institutes, centers, and divisions from the total amounts identified by these two Directors as funding for research pertaining to the human immunodeficiency virus: Provided, That the Congress is promptly notified of the transfer.

SEC. 209. Of the amounts made available in this Act for the National Institutes of Health, the amount for research related to the human immunodeficiency virus, as jointly determined by the Director of the National Institutes of Health and the Director of the Office of AIDS Research, shall be made available to the ''Office of AIDS Research'' account. The Director of the Office of AIDS Research shall transfer from such account amounts necessary to carry out section 2353(d)(3) of the Public Health Service Act.

SEC. 210. None of the funds appropriated in this Act may be made available to any entity under title X of the Public Health Service Act unless the applicant for the award certifies to the Secretary that it encourages family participation in the decision of minors to seek family planning services and that it provides counseling to minors on how to resist attempts to coerce minors into engaging in sexual activities.

SEC. 211. None of the funds appropriated by this Act (including funds appropriated to any trust fund) may be used to carry out the Medicare+Choice program if the Secretary denies participation in such program to an otherwise eligible entity (including a Provider Sponsored Organization) because the entity informs the Secretary that it will not provide, pay for, provide coverage of, or provide referrals for abortions: Provided, That the Secretary shall make appropriate prospective adjustments to the

capitation payment to such an entity (based on an actuarially sound estimate of the expected costs of providing the service to such entity's enrollees): Provided further, That nothing in this section shall be construed to change the Medicare program's coverage for such services and a Medicare+Choice organization described in this section shall be responsible for informing enrollees where to obtain information about all Medicare covered services.

SEC. 212. Notwithstanding any other provision of law, no provider of services under title X of the Public Health Service Act shall be exempt from any State law requiring notification or the reporting of child abuse, child molestation, sexual abuse, rape, or incest.

SEC. 213. The Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990 (Public Law 101–167) is amended—

(1) in section 599D (8 U.S.C. 1157 note)—

(A) in subsection (b)(3), by striking ''1997, 1998, 1999, 2000, and 2001'' and inserting ''1997, 1998, 1999, 2000, 2001, 2002 and 2003''; and

(B) in subsection (e), by striking ''October 1, 2002'' each place it appears and inserting ''October 1, 2003''; and

(2) in section 599E (8 U.S.C. 1255 note) in subsection (b)(2), by striking ''September 30, 2002'' and inserting ''September 30, 2003''.

SEC. 214. (a) Except as provided by subsection (e) none of the funds appropriated by this Act may be used to withhold substance abuse funding from a State pursuant to section 1926 of the Public Health Service Act (42 U.S.C. 300x–26) if such State certifies to the Secretary of Health and Human Services by May 1, 2003 that the State will commit additional State funds, in accordance with subsection (b), to ensure compliance with State laws prohibiting the sale of tobacco products to individuals under 18 years of age.

(b) The amount of funds to be committed by a State under subsection (a) shall be equal to 1 percent of such State's substance abuse block grant allocation for each percentage point by which the State misses the retailer compliance rate goal established by the Secretary of Health and Human Services under section 1926 of such Act.

(c) The State is to maintain State expenditures in fiscal year 2003 for tobacco prevention programs and for compliance activities at a level that is not less than the level of such expenditures maintained by the State for fiscal year 2002, and adding to that level the additional funds for tobacco compliance activities required under subsection (a). The State is to submit a report to the Secretary on all fiscal year 2002 State expenditures and all fiscal year 2003 obligations for tobacco prevention and compliance activities by program activity by July 31, 2003.

(d) The Secretary shall exercise discretion in enforcing the timing of the State obligation of the additional funds required by the certification described in subsection (a) as late as July 31, 2003.

(e) None of the funds appropriated by this Act may be used to withhold substance abuse funding pursuant to section 1926 from a territory that receives less than $1,000,000.

SEC. 215. In order for the Centers for Disease Control and Prevention to carry out international health activities, including HIV/AIDS and other infectious disease, chronic and environmental disease, and other health activities abroad during fiscal year 2003, the Secretary of Health and Human Services is authorized to—

(1) utilize the authorities contained in subsection 2(c) of the State Department Basic Authorities Act of 1956, as amended; and

(2) utilize the authorities contained in 22 U.S.C. 291 and 292 and directly or through contract or cooperative agreement to lease, alter or renovate facilities in foreign countries, to carry out programs supported by this appropriation notwithstanding section 307 of the Public Health Service Act.

In exercising the authority set forth in paragraphs (1) and (2), the Secretary of Health and Human Services shall consult with the Department of State to assure that planned activities are within the legal strictures of the State Department Basic Authorities Act of 1956, as amended, and other applicable parts of title 22, United States Code.

SEC. 216. The Division of Federal Occupational Health may utilize personal services contracting to employ professional management/administrative and occupational health professionals.

SEC. 217. (a) Section 311 of the Older Americans Act of 1965 (42 U.S.C. 3030a) is amended—

(1) in subsection (b)—

(A) in the caption, by striking ''of cash or commodities'' and inserting ''and payment''; and

(B) in paragraph (1)—

(i) by striking ''The Secretary of Agriculture shall allot and provide in the form of cash or commodities or a combination thereof (at the discretion of the State) to each State agency'' and inserting ''The Secretary shall allot and provide, in accordance with this section, to or on behalf of each State agency''; and

(ii) by striking ''to each grantee'' and inserting ''to or on behalf of each grantee''; and

(2) in subsection (d)—

(A) in the caption, to read as follows: ''Option to obtain commodities from Secretary of Agriculture'';

(B) in paragraph (1), to read as follows: ''Each State agency and each grantee under title VI shall be entitled to use all or any part of amounts allotted under subsection (b) to obtain from the Secretary of Agriculture commodities available through any Federal food commodity processing program, at the rates at which such commodities are valued for purposes of such program.'';

(C) by redesignating paragraphs (2) and (4) as paragraphs (4) and (5), respectively;

(D) by striking paragraph (3);

(E) by adding after paragraph (1) the following new paragraphs:

''(2) The Secretary of Agriculture shall determine and report to the Secretary, by such date as the Secretary may require, the amount (if any) of its allotment under subsection (b) which each State agency and title VI grantee has elected to receive in the form of commodities. Such amount shall include an amount bearing the same ratio to the costs to the Secretary of Agriculture of providing such commodities under this subsection as the value of commodities received by such State agency or title VI grantee under this subsection bears to the total value of commodities so received.

''(3) From the allotment under subsection (b) for each State agency and title VI grantee, the Secretary shall first reimburse the Secretary of Agriculture for costs of commodities received by such State agency or grantee under this subsection, and shall then pay the balance (if any) to such State agency or grantee.'';

(F) in paragraph (4), as redesignated, in the first sentence, to read as follows: ''Each State agency shall promptly and equitably disburse amounts received under this subsection to recipients of grants and contracts.''; and

(G) in paragraph (5), as redesignated, by striking ''donation'' and inserting ''provision''.

SEC. 218. Notwithstanding section 409B(c) of the Public Health Service Act regarding a limitation on the number of such grants, funds appropriated in this Act may be expended by the Director of the National Institutes of Health to award Core Center Grants to encourage the development of innovative multidisciplinary research and provide training concerning Parkinson's disease. Each center funded under such grants shall be designated as a Morris K. Udall Center for Research on Parkinson's Disease.

SEC. 219. The Supplemental Appropriations Act, 2001 (Public Law 107–020) is amended, in the matter under the heading ''LOW INCOME HOME ENERGY ASSISTANCE'' under the heading ''ADMINISTRATION FOR CHILDREN AND FAMILIES'' under the heading ''DEPARTMENT OF HEALTH AND HUMAN SERVICES'', in chapter 7 of title II, by striking ''amount for'' and all that follows, and inserting the following: ''amount for making payments under title XXVI of the Omnibus Budget Reconciliation Act of 1981, $300,000,000.''.

SEC. 220. (a) IN GENERAL.—In addition to amounts otherwise appropriated under this Act to carry out programs and activities under title VIII of the Public Health Service Act, there are appropriated an additional $20,000,000, to remain available until expended, to carry out programs and activities authorized under sections 831, 846, 846A, 851, 852, and 855 of such Act (as amended by the Nurse Reinvestment Act (Public Law 107–205)).

SEC. 221. GRANTS FOR PURCHASE OF ULTRASOUND EQUIPMENT. The Secretary of Health and Human Services may make grants for the purchase of ultrasound equipment. Such ultrasound equipment shall be used by the recipients of such grants to provide, under the direction and supervision of a licensed physician, free ultrasound examinations to pregnant woman needing medical services: Provided, That the Secretary shall give priority in awarding grants to those organizations that agree to adhere to professional guidelines for counseling pregnant women, whereby a pregnant woman is fully informed in a nonbiased manner about all options.

This title may be cited as the ''Department of Health and Human Services Appropriations Act, 2003''.

TITLE III—DEPARTMENT OF EDUCATION

EDUCATION FOR THE DISADVANTAGED

For carrying out title I of the Elementary and Secondary Education Act of 1965 (''ESEA'') and section 418A of the Higher Education Act of 1965, $13,178,400,000, of which $4,354,199,000 shall become available on July 1, 2003, and shall remain available through September 30, 2004, and of which $8,627,301,000 shall become available on October 1, 2003, and shall remain available through September 30, 2004, for academic year 2003–2004: Provided, That $7,172,971,000 shall be available for basic grants under section 1124: Provided further, That up to $3,500,000 of these funds shall be available to the Secretary of Education on October 1, 2002, to obtain updated educational-agency-level census poverty data from the Bureau of the Census: Provided further, That $1,365,031,000 shall be available for concentration grants under section 1124A: Provided further, That $1,405,999,000 shall be available for targeted grants under section 1125: Provided further, That $1,405,999,000 shall be available for education finance incentive grants under section 1125A.

IMPACT AID

For carrying out programs of financial assistance to federally affected schools authorized by title VIII of the Elementary and Secondary Education Act of 1965, $1,176,500,000, of which $1,012,500,000 shall be for basic support payments under section 8003(b), $52,000,000 shall be for payments for children with disabilities under section 8003(d), $47,000,000 shall be for construction under section 8007 and shall remain available through September 30, 2004, $57,000,000 shall be for Federal property payments under section 8002, and $8,000,000, to remain available until expended, shall be for facilities maintenance under section 8008.

SCHOOL IMPROVEMENT PROGRAMS

For carrying out school improvement activities authorized by titles II, IV, V, VI, and parts B and C of title VII of the Elementary and Secondary Education Act of 1965 (''ESEA''); part B of title II of the Higher Education Act; the McKinney-Vento Homeless Assistance Act; and the Civil Rights Act of 1964, $7,788,329,000, of which $500,000,000 shall become available October 1, 2002, and shall remain available through September 30, 2004, of which $3,818,517,000 shall become available on July 1, 2003, and remain

available through September 30, 2004, and of which $1,765,000,000 shall become available on October 1, 2003, and shall remain available through September 30, 2004, for academic year 2003–2004: Provided, That of the amount made available for subpart 3, part C, of title II of the ESEA, $3,000,000 shall be used by the Center for Civic Education to implement a comprehensive program to improve public knowledge, understanding, and support of the Congress and the state legislatures: Provided further, That of the funds made available for subpart 2 of part A of title IV of the ESEA, $5,000,000, to remain available until expended, shall be for the Project School Emergency Response to Violence program to provide education-related services to local educational agencies in which the learning environment has been disrupted due to a violent or traumatic crisis: Provided further, That no funds appropriated under this heading may be used to carry out section 5494 under the Elementary and Secondary Education Act: Provided further, That $735,661,000 shall be available to carry out part D of title V of the ESEA.

INDIAN EDUCATION

For expenses necessary to carry out, to the extent not otherwise provided, title VII, part A of the Elementary and Secondary Education Act of 1965, $122,368,000.

ENGLISH LANGUAGE ACQUISITION

For carrying out title III, part A of the ESEA, $690,000,000, of which $494,000,000 shall become available on July 1, 2003, and shall remain available through September 30, 2004.

SPECIAL EDUCATION

For carrying out the Individuals with Disabilities Education Act, $9,691,424,000, of which $3,335,233,000 shall become available for obligation on July 1, 2003, and shall remain available through September 30, 2004, and of which $6,072,000,000 shall become available on October 1, 2003, and shall remain available through September 30, 2004, for academic year 2003–2004: Provided, That $9,500,000 shall be for Recording for the Blind and Dyslexic to support the development, production, and circulation of recorded educational materials: Provided further, That $1,500,000 shall be for the recipient of funds provided by Public Law 105–78 under section 687(b)(2)(G) of the Act to provide information on diagnosis, intervention, and teaching strategies for children with disabilities: Provided further, That the amount for section 611(c) of the Act shall be equal to the amount available for that section in the Department of Education Appropriations Act, 2002, increased by the amount of inflation as specified in section 611(f)(1)(B)(ii) of the Act.

REHABILITATION SERVICES AND DISABILITY RESEARCH

For carrying out, to the extent not otherwise provided, the Rehabilitation Act of 1973, the Assistive Technology Act of 1998, and the Helen Keller National Center Act, $2,959,838,000, of which $1,000,000 available for section 303(b) of the Rehabilitation Act of 1973 shall be used to improve the quality of applied orthotic and prosthetic research and help meet the demand for provider services: Provided, That the funds provided for title I of the Assistive Technology Act of 1998 (''the AT Act'') shall be allocated notwithstanding section 105(b)(1) of the AT Act: Provided further, That section 101(f) of the AT Act shall not limit the award of an extension grant to three years: Provided further, That no State or outlying area awarded funds under section 101 shall receive less than the amount received in fiscal year 2002: Provided further, That each State shall be provided $100,000 and each outlying area $30,000 for activities under section 102 of the AT Act.

SPECIAL INSTITUTIONS FOR PERSONS WITH DISABILITIES

AMERICAN PRINTING HOUSE FOR THE BLIND

For carrying out the Act of March 3, 1879, as amended (20 U.S.C. 101 et seq.), $15,500,000.

NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

For the National Technical Institute for the Deaf under titles I and II of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.), $54,600,000, of which $1,600,000 shall be for construction and shall remain available until expended: Provided, That from the total amount available, the Institute may at its discretion use funds for the endowment program as authorized under section 207.

GALLAUDET UNIVERSITY

For the Kendall Demonstration Elementary School, the Model Secondary School for the Deaf, and the partial support of Gallaudet University under titles I and II of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.), $98,438,000: Provided, That from the total amount available, the University may at its discretion use funds for the endowment program as authorized under section 207.

VOCATIONAL AND ADULT EDUCATION

For carrying out, to the extent not otherwise provided, the Carl D. Perkins Vocational and Applied Technology Education Act, and the Adult Education and Family Literacy Act, and title VIII–D of the Higher Education Act of 1965, as amended, and Public Law 102–73, $1,938,060,000, of which $1,140,060,000 shall become available on July 1, 2003 and shall remain available through September 30, 2004 and of which $791,000,000 shall become available on October 1, 2003 and shall remain available through September 30, 2004: Provided, That of the amounts made available for the Carl D. Perkins Vocational and Applied Technology Education Act, $7,000,000 shall be for tribally controlled postsecondary vocational and technical institutions under section 117: Provided further, That notwithstanding any other provision of law or any regulation, the Secretary of Education shall not require the use of a restricted indirect cost rate for grants issued pursuant to section 117 of the Carl D. Perkins Vocational and Applied Technology Education Act: Provided further, That $10,000,000 shall be for carrying out section 118 of such Act: Provided further, That of the amounts made available for the Carl D. Perkins Vocational and Applied Technology Education Act, $5,000,000 shall be for demonstration activities authorized by section 207: Provided further, That of the amount provided for Adult Education State Grants, $70,000,000 shall be made available for integrated English literacy and civics education services to immigrants and other limited English proficient populations: Provided further, That of the amount reserved for integrated English literacy and civics education, notwithstanding section 211 of the Adult Education and Family Literacy Act, 65 percent shall be allocated to States based on a State's absolute need as determined by calculating each State's share of a 10-year average of the Immigration and Naturalization Service data for immigrants admitted for legal permanent residence for the 10 most recent years, and 35 percent allocated to States that experienced growth as measured by the average of the 3 most recent years for which Immigration and Naturalization Service data for immigrants admitted for legal permanent residence are available, except that no State shall be allocated an amount less than $60,000: Provided further, That of the amounts made available for the Adult Education and Family Literacy Act, $9,500,000 shall be for national leadership activities under section 243 and $6,560,000 shall be for the National Institute for Literacy under section 242: Provided further, That $25,000,000 shall be for Youth Offender Grants, of which $5,000,000 shall be used in accordance with section 601 of Public Law 102–73 as that section was in effect prior to the enactment of Public Law 105–220.

STUDENT FINANCIAL ASSISTANCE

For carrying out subparts 1, 3 and 4 of part A, section 428K, part C and part E of title IV of the Higher Education Act of 1965, as amended, $13,151,500,000, which shall remain available through September 30, 2004.

The maximum Pell Grant for which a student shall be eligible during award year 2003–2004 shall be $4,100.

HIGHER EDUCATION

For carrying out, to the extent not otherwise provided, section 121 and titles II, III, IV, V, VI, and VII of the Higher Education Act of 1965 (''HEA''), as amended, title VIII of the Higher Education Amendments of 1998, and the Mutual Educational and Cultural Exchange Act of 1961, $2,047,640,000, of which $3,000,000 for interest subsidies authorized by section 121 of the HEA, shall remain available until expended: Provided, That $10,000,000, to remain available through September 30, 2004, shall be available to fund fellowships for academic year 2004–2005 under part A, subpart 1 of title VII of said Act, under the terms and conditions of part A, subpart 1: Provided further, That $1,000,000 is for data collection and evaluation activities for programs under the HEA, including such activities needed to comply with the Government Performance and Results Act of 1993: Provided further, That notwithstanding any other provision of law, funds made available in this Act to carry out title VI of the HEA and section 102(b)(6) of the Mutual Educational and Cultural Exchange Act of 1961 may be used to support visits and study in foreign countries by individuals who are participating in advanced foreign language training and international studies in areas that are vital to United States national security and who plan to apply their language skills and knowledge of these countries in the fields of government, the professions, or international development: Provided further, That up to one percent of the funds referred to in the preceding proviso may be used for program evaluation, national outreach, and information dissemination activities.

HOWARD UNIVERSITY

For partial support of Howard University (20 U.S.C. 121 et seq.), $239,974,000, of which not less than $3,600,000 shall be for a matching endowment grant pursuant to the Howard University Endowment Act (Public Law 98–480) and shall remain available until expended.

COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS PROGRAM

For Federal administrative expenses authorized under section 121 of the Higher Education Act of 1965, $762,000 to carry out activities related to existing facility loans entered into under the Higher Education Act of 1965.

HISTORICALLY BLACK COLLEGE AND UNIVERSITY CAPITAL FINANCING PROGRAM ACCOUNT

The aggregate principal amount of outstanding bonds insured pursuant to section 344 of title III, part D of the Higher Education Act of 1965 shall not exceed $357,000,000, and the cost, as defined in section 502 of the Congressional Budget Act of 1974, of such bonds shall not exceed zero.

For administrative expenses to carry out the Historically Black College and University Capital Financing Program entered into pursuant to title III, part D of the Higher Education Act of 1965, as amended, $208,000.

INSTITUTE OF EDUCATION SCIENCE

For carrying out activities authorized by Public Law 107–279, $397,387,000: Provided, That of the amount appropriated, $89,500,000 shall be available for obligation through September 30, 2004.

DEPARTMENTAL MANAGEMENT

PROGRAM ADMINISTRATION

For carrying out, to the extent not otherwise provided, the Department of Education Organization Act, including rental of conference rooms in the District of Columbia and hire of three passenger motor vehicles, $412,093,000, of which $12,795,000, to remain available until expended, shall be for building alterations and related expenses for the modernization of the Mary E. Switzer Building in Washington, D.C.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, as authorized by section 203 of the Department of Education Organization Act, $86,276,000.

OFFICE OF THE INSPECTOR GENERAL

For expenses necessary for the Office of the Inspector General, as authorized by section 212 of the Department of Education Organization Act, $41,000,000.

STUDENT AID ADMINISTRATION

For Federal administrative expenses (in addition to funds made available under section 458), to carry out part D of title I, and subparts 1, 3, and 4 of part A, and parts B, C, D and E of title IV of the Higher Education Act of 1965, as amended, $105,388,000.

GENERAL PROVISIONS

SEC. 301. No funds appropriated in this Act may be used for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to overcome racial imbalance in any school or school system, or for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to carry out a plan of racial desegregation of any school or school system.

SEC. 302. None of the funds contained in this Act shall be used to require, directly or indirectly, the transportation of any student to a school other than the school which is nearest the student's home, except for a student requiring special education, to the school offering such special education, in order to comply with title VI of the Civil Rights Act of 1964. For the purpose of this section an indirect requirement of transportation of students includes the transportation of students to carry out a plan involving the reorganization of the grade structure of schools, the pairing of schools, or the clustering of schools, or any combination of grade restructuring, pairing or clustering. The prohibition described in this section does not include the establishment of magnet schools.

SEC. 303. No funds appropriated under this Act may be used to prevent the implementation of programs of voluntary prayer and meditation in the public schools.

(TRANSFER OF FUNDS)

SEC. 304. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended) which are appropriated for the Department of Education in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: Provided, That the Appropriations Committees of both Houses of Congress are notified at least 15 days in advance of any transfer.

SEC. 305. Section 1202 of the Elementary and Secondary Education Act of 1965 is amended by inserting the following subsection at the end thereof:

''(g) SUPPLEMENT, NOT SUPPLANT.—State or local educational agency shall use funds received under this subpart only to supplement the level of non-Federal funds that, in the absence of funds under this subpart, would be expended for activities authorized under this subpart, and not to supplant those non-Federal funds.''.

SEC. 306. Notwithstanding section 1124(c)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333(c)(2)), for each fiscal year, if the local educational agency serving New York City receives an allocation under section 1122 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6332) in an amount that is greater than the amount received by the agency under section 1122 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6332) for fiscal year 2002, then—

(1) the agency shall distribute any funds received under section 1122 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6332) in excess of the amount of the fiscal year 2002 allocation consistent with section 1113(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6313(c)); and

(2) each county in New York City shall receive an amount from the agency that is not less than the amount the county received in fiscal year 2002.

SEC. 307. Section 7304 of the No Child Left Behind Act of 2001, Public Law 107–110 is amended—

(1) by striking ''(a)(2)(P) Dropout prevention programs such as'' and inserting ''(a)(2)(P) Dropout prevention programs operated by''; and

(2) by striking ''(a)(2)(S) Provision of operational support and purchasing equipment,'' and inserting ''(a)(2)(S) Provision of operational support and construction funding, and purchasing of equipment,''.

SEC. 308. Section 7205 of the No Child Left Behind Act of 2001, Public Law 107–110 is amended by adding the following new subsection after subsection (L):

''(M) construction, renovation, and modernization of any elementary school, secondary school, or structure related to an elementary school or secondary school, run by the Department of Education of the State of Hawaii, that serves a predominantly Native Hawaiian student body.''.

SEC. 309. FUNDING FOR INNOVATIVE PROGRAMS. In addition to any amounts otherwise appropriated under this Act for part A of title I of the Elementary and Secondary Education Act of 1965, the following sums are appropriated, out of any money in the Treasury not otherwise appropriated for the fiscal year ending September 30, 2003, $5,000,000,000 for carrying out such part, to remain available through September 30, 2004: Provided, That notwithstanding any other provision of this Act, any amounts appropriated for programs or activities under title III of Division G that are in excess of $54,195,685,000 shall be distributed to States and local educational agencies in accordance with sections 5111 and 5112 of the Elementary and Secondary Education Act of 1965 to be used by such States and local educational agencies to carry out any activity authorized under the Elementary and Secondary Education Act of 1965, the Individuals with Disabilities in Education Act, or the Higher Education Act of 1965, to remain available through September 30, 2004: Provided further, That the percentage amount of any across-the-board rescission provided for under section 601 of Division N of this Act shall be increased by the percentage amount necessary to rescind an amount of funds equal to the total amounts appropriated in excess of $54,195,685,000 for title III of Division G.

SEC. 310. FUNDING FOR THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT. Not withstanding any other provision of this Act, in addition to any amounts otherwise appropriated under this Act for support of part B of the Individuals with Disabilities Education Act other than section 619 of such part, the following sum is appropriated out of any money in the Treasury not otherwise appropriated for the fiscal year ending September 30, 2003, $1,500,000,000, which shall become available on October 1, 2003, and shall remain available through September 30, 2004, for academic year 2003–2004: Provided, That notwithstanding any other provision of this Act, funds provided under this section shall not result in a further across-the-board rescission under section 601 of division N.

SEC. 311. FUNDING FOR AFTER-SCHOOL PROGRAMS. (a) FINDINGS.—Congress finds that:

(1) There remains a great need for after-school programs. The Census Bureau reported that at least 8 to 15 million children have no place to go after school is out.

(2) According to the FBI, youth are most at risk for committing violent acts and being victims of violent crimes between 3:00 p.m. and 8:00 p.m.—after school is out and before parents arrive home.

(3) Studies show that organized extracurricular activities, such as after-school programs, reduce crime, drug use, and teenage pregnancy.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that every effort should be made to—

(1) accommodate the waiting lists of children needing access to after-school programs; and

(2) fund after-school programs at the level authorized in the Leave No Child Behind Act.

SEC. 312. Notwithstanding any other provision of this Act, the $6,667,533,000 provided for the Head Start Act shall be exempt from the across-the-board rescission under section 601 of division N.

This title may be cited as the ''Department of Education Appropriations Act, 2003''.

TITLE IV—RELATED AGENCIES

ARMED FORCES RETIREMENT HOME

For expenses necessary for the Armed Forces Retirement Home to operate and maintain the Armed Forces Retirement Home—Washington and the Armed Forces Retirement Home—Gulfport, to be paid from funds available in the Armed Forces Retirement Home Trust Fund, $67,340,000, of which $5,712,000 shall remain available until expended for construction and renovation of the physical plants at the Armed Forces Retirement Home—Washington and the Armed Forces Retirement Home—Gulfport: Provided, That, notwithstanding any other provision of law, a single contract or related contracts for development and construction, to include construction of a facility at the United States Naval Home, may be employed which collectively include the full scope of the project: Provided further, That the solicitation and contract shall contain the clause ''availability of funds'' found at 48 CFR 52.232–18 and 252.232–7007, Limitation of Government Obligations.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

DOMESTIC VOLUNTEER SERVICE PROGRAMS, OPERATING EXPENSES

For expenses necessary for the Corporation for National and Community Service to carry out the provisions of the Domestic Volunteer Service Act of 1973, as amended, $351,063,000: Provided, That none of the funds made available to the Corporation for National and Community Service in this Act for activities authorized by part E of title II of the Domestic Volunteer Service Act of 1973 shall be used to provide stipends or other monetary incentives to volunteers or volunteer leaders whose incomes exceed the restrictions outlined in Part B of title II of such Act.

CORPORATION FOR PUBLIC BROADCASTING

For payment to the Corporation for Public Broadcasting, as authorized by the Communications Act of 1934, an amount which shall be available within limitations specified by that Act, for the fiscal year 2005, $395,000,000: Provided, That no funds made available to the Corporation for Public Broadcasting by this Act shall be used to pay for receptions, parties, or similar forms of entertainment for Government officials or employees: Provided further, That none of the funds contained in this paragraph shall be available or used to aid or support any program or activity from which any person is excluded, or is denied benefits, or is discriminated against, on the basis of race, color, national origin, religion, or sex: Provided further, That for fiscal year 2003, in addition to the amounts provided above, $48,744,000, for costs related to digital program production, development, and distribution, associated with the transition of public broadcasting to digital broadcasting, to be awarded as determined by the Corporation in consultation with public radio and television licensees or permittees, or their designated representatives.

FEDERAL MEDIATION AND CONCILIATION SERVICE

SALARIES AND EXPENSES

For expenses necessary for the Federal Mediation and Conciliation Service to carry out the

functions vested in it by the Labor Management Relations Act, 1947 (29 U.S.C. 171–180, 182–183), including hire of passenger motor vehicles; for expenses necessary for the Labor-Management Cooperation Act of 1978 (29 U.S.C. 175a); and for expenses necessary for the Service to carry out the functions vested in it by the Civil Service Reform Act, Public Law 95–454 (5 U.S.C. ch. 71), $40,718,000, including $1,500,000, to remain available through September 30, 2004, for activities authorized by the Labor-Management Cooperation Act of 1978 (29 U.S.C. 175a): Provided, That notwithstanding 31 U.S.C. 3302, fees charged, up to full-cost recovery, for special training activities and other conflict resolution services and technical assistance, including those provided to foreign governments and international organizations, and for arbitration services shall be credited to and merged with this account, and shall remain available until expended: Provided further, That fees for arbitration services shall be available only for education, training, and professional development of the agency workforce: Provided further, That the Director of the Service is authorized to accept and use on behalf of the United States gifts of services and real, personal, or other property in the aid of any projects or functions within the Director's jurisdiction.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Federal Mine Safety and Health Review Commission (30 U.S.C. 801 et seq.), $7,127,000.

INSTITUTE OF MUSEUM AND LIBRARY SERVICES

For carrying out the Museum and Library Services Act, $203,000,000.

MEDICARE PAYMENT ADVISORY COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out section 1805 of the Social Security Act, $8,250,000, to be transferred to this appropriation from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds.

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

SALARIES AND EXPENSES

For necessary expenses for the National Commission on Libraries and Information Science, established by the Act of July 20, 1970 (Public Law 91–345, as amended), $1,000,000.

NATIONAL COUNCIL ON DISABILITY

SALARIES AND EXPENSES

For expenses necessary for the National Council on Disability as authorized by title IV of the Rehabilitation Act of 1973, as amended, $2,830,000.

NATIONAL LABOR RELATIONS BOARD

SALARIES AND EXPENSES

For expenses necessary for the National Labor Relations Board to carry out the functions vested in it by the Labor-Management Relations Act, 1947, as amended (29 U.S.C. 141–167), and other laws, $238,223,000: Provided, That no part of this appropriation shall be available to organize or assist in organizing agricultural laborers or used in connection with investigations, hearings, directives, or orders concerning bargaining units composed of agricultural laborers as referred to in section 2(3) of the Act of July 5, 1935 (29 U.S.C. 152), and as amended by the Labor-Management Relations Act, 1947, as amended, and as defined in section 3(f) of the Act of June 25, 1938 (29 U.S.C. 203), and including in said definition employees engaged in the maintenance and operation of ditches, canals, reservoirs, and waterways when maintained or operated on a mutual, nonprofit basis and at least 95 percent of the water stored or supplied thereby is used for farming purposes.

NATIONAL MEDIATION BOARD

SALARIES AND EXPENSES

For expenses necessary to carry out the provisions of the Railway Labor Act, as amended (45 U.S.C. 151–188), including emergency boards appointed by the President, $11,203,000.

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Occupational Safety and Health Review Commission (29 U.S.C. 661), $9,577,000.

RAILROAD RETIREMENT BOARD

DUAL BENEFITS PAYMENTS ACCOUNT

For payment to the Dual Benefits Payments Account, authorized under section 15(d) of the Railroad Retirement Act of 1974, $132,000,000, which shall include amounts becoming available in fiscal year 2003 pursuant to section 224(c)(1)(B) of Public Law 98–76; and in addition, an amount, not to exceed 2 percent of the amount provided herein, shall be available proportional to the amount by which the product of recipients and the average benefit received exceeds $132,000,000: Provided, That the total amount provided herein shall be credited in 12 approximately equal amounts on the first day of each month in the fiscal year.

FEDERAL PAYMENTS TO THE RAILROAD RETIREMENT ACCOUNTS

For payment to the accounts established in the Treasury for the payment of benefits under the Railroad Retirement Act for interest earned on unnegotiated checks, $150,000, to remain available through September 30, 2004, which shall be the maximum amount available for payment pursuant to section 417 of Public Law 98–76.

LIMITATION ON ADMINISTRATION

For necessary expenses for the Railroad Retirement Board for administration of the Railroad Retirement Act and the Railroad Unemployment Insurance Act, $97,720,000, to be derived in such amounts as determined by the Board from the railroad retirement accounts and from moneys credited to the railroad unemployment insurance administration fund: Provided, That notwithstanding any other provision of law, no monies made available under this head for administration of the Railroad Retirement or Railroad Unemployment Insurance Acts shall be available for payment of charges, in excess of actual rent costs, pursuant to section 210(j) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(j)).

LIMITATION ON THE OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General for audit, investigatory and review activities, as authorized by the Inspector General Act of 1978, as amended, not more than $6,300,000, to be derived from the railroad retirement accounts and railroad unemployment insurance account: Provided, That none of the funds made available in any other paragraph of this Act may be transferred to the Office; used to carry out any such transfer; used to provide any office space, equipment, office supplies, communications facilities or services, maintenance services, or administrative services for the Office; used to pay any salary, benefit, or award for any personnel of the Office; used to pay any other operating expense of the Office; or used to reimburse the Office for any service provided, or expense incurred, by the Office: Provided further, That funds made available under the heading in this Act, or subsequent Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, may be used for any audit, investigation, or review of the Medicare program.

SOCIAL SECURITY ADMINISTRATION

PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

For payment to the Federal Old-Age and Survivors Insurance and the Federal Disability Insurance trust funds, as provided under sections 201(m), 228(g), and 1131(b)(2) of the Social Security Act, $20,400,000.

SPECIAL BENEFITS FOR DISABLED COAL MINERS

For carrying out title IV of the Federal Mine Safety and Health Act of 1977, $300,177,000, to remain available until expended.

For making, after July 31 of the current fiscal year, benefit payments to individuals under title IV of the Federal Mine Safety and Health Act of 1977, for costs incurred in the current fiscal year, such amounts as may be necessary.

For making benefit payments under title IV of the Federal Mine Safety and Health Act of 1977 for the first quarter of fiscal year 2004, $97,000,000, to remain available until expended.

SUPPLEMENTAL SECURITY INCOME PROGRAM

For carrying out titles XI and XVI of the Social Security Act, section 401 of Public Law 92–603, section 212 of Public Law 93–66, as amended, and section 405 of Public Law 95–216, including payment to the Social Security trust funds for administrative expenses incurred pursuant to section 201(g)(1) of the Social Security Act, $23,914,392,000, to remain available until expended: Provided, That any portion of the funds provided to a State in the current fiscal year and not obligated by the State during that year shall be returned to the Treasury.

For making, after June 15 of the current fiscal year, benefit payments to individuals under title XVI of the Social Security Act, for unanticipated costs incurred for the current fiscal year, such sums as may be necessary.

For making benefit payments under title XVI of the Social Security Act for the first quarter of fiscal year 2004, $11,080,000,000, to remain available until expended.

LIMITATION ON ADMINISTRATIVE EXPENSES

For necessary expenses, including the hire of two passenger motor vehicles, and not to exceed $20,000 for official reception and representation expenses, not more than $7,825,000,000 may be expended, as authorized by section 201(g)(1) of the Social Security Act, from any one or all of the trust funds referred to therein: Provided, That not less than $1,800,000 shall be for the Social Security Advisory Board: Provided further, That unobligated balances of funds provided under this paragraph at the end of fiscal year 2003 not needed for fiscal year 2003 shall remain available until expended to invest in the Social Security Administration information technology and telecommunications hardware and software infrastructure, including related equipment and non-payroll administrative expenses associated solely with this information technology and telecommunications infrastructure: Provided further, That reimbursement to the trust funds under this heading for expenditures for official time for employees of the Social Security Administration pursuant to section 7131 of title 5, United States Code, and for facilities or support services for labor organizations pursuant to policies, regulations, or procedures referred to in section 7135(b) of such title shall be made by the Secretary of the Treasury, with interest, from amounts in the general fund not otherwise appropriated, as soon as possible after such expenditures are made.

In addition, $111,000,000 to be derived from administration fees in excess of $5.00 per supplementary payment collected pursuant to section 1616(d) of the Social Security Act or section 212(b)(3) of Public Law 93–66, which shall remain available until expended. To the extent that the amounts collected pursuant to such section 1616(d) or 212(b)(3) in fiscal year 2003 exceed $111,000,000, the amounts shall be available in fiscal year 2004 only to the extent provided in advance in appropriations Acts.

From funds previously appropriated for this purpose, any unobligated balances at the end of fiscal year 2002 shall be available to continue Federal-State partnerships which will evaluate means to promote Medicare buy-in programs targeted to elderly and disabled individuals under titles XVIII and XIX of the Social Security Act.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $21,000,000, together with not to exceed $62,000,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

In addition, an amount not to exceed 3 percent of the total provided in this appropriation may be transferred from the ''Limitation on Administrative Expenses'', Social Security Administration, to be merged with this account, to be available for the time and purposes for which this account is available: Provided, That notice of such transfers shall be transmitted promptly to the Committees on Appropriations of the House and Senate.

UNITED STATES INSTITUTE OF PEACE

OPERATING EXPENSES

For necessary expenses of the United States Institute of Peace as authorized in the United States Institute of Peace Act, $16,200,000.

TITLE V—GENERAL PROVISIONS

SEC. 501. The Secretaries of Labor, Health and Human Services, and Education are authorized to transfer unexpended balances of prior appropriations to accounts corresponding to current appropriations provided in this Act: Provided, That such transferred balances are used for the same purpose, and for the same periods of time, for which they were originally appropriated.

SEC. 502. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 503. (a) No part of any appropriation contained in this Act shall be used, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, or video presentation designed to support or defeat legislation pending before the Congress or any State legislature, except in presentation to the Congress or any State legislature itself.

(b) No part of any appropriation contained in this Act shall be used to pay the salary or expenses of any grant or contract recipient, or agent acting for such recipient, related to any activity designed to influence legislation or appropriations pending before the Congress or any State legislature.

SEC. 504. The Secretaries of Labor and Education are authorized to make available not to exceed $28,000 and $20,000, respectively, from funds available for salaries and expenses under titles I and III, respectively, for official reception and representation expenses; the Director of the Federal Mediation and Conciliation Service is authorized to make available for official reception and representation expenses not to exceed $5,000 from the funds available for ''Salaries and expenses, Federal Mediation and Conciliation Service''; and the Chairman of the National Mediation Board is authorized to make available for official reception and representation expenses not to exceed $5,000 from funds available for ''Salaries and expenses, National Mediation Board''.

SEC. 505. Notwithstanding any other provision of this Act, no funds appropriated under this Act shall be used to carry out any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug.

SEC. 506. (a) It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

(c) If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a ''Made in America'' inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 507. When issuing statements, press releases, requests for proposals, bid solicitations and other documents describing projects or programs funded in whole or in part with Federal money, all grantees receiving Federal funds included in this Act, including but not limited to State and local governments and recipients of Federal research grants, shall clearly state: (1) the percentage of the total costs of the program or project which will be financed with Federal money; (2) the dollar amount of Federal funds for the project or program; and (3) percentage and dollar amount of the total costs of the project or program that will be financed by nongovernmental sources.

SEC. 508. (a) None of the funds appropriated under this Act, and none of the funds in any trust fund to which funds are appropriated under this Act, shall be expended for any abortion.

(b) None of the funds appropriated under this Act, and none of the funds in any trust fund to which funds are appropriated under this Act, shall be expended for health benefits coverage that includes coverage of abortion.

(c) The term ''health benefits coverage'' means the package of services covered by a managed care provider or organization pursuant to a contract or other arrangement.

SEC. 509. (a) The limitations established in the preceding section shall not apply to an abortion—

(1) if the pregnancy is the result of an act of rape or incest; or

(2) in the case where a woman suffers from a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, that would, as certified by a physician, place the woman in danger of death unless an abortion is performed.

(b) Nothing in the preceding section shall be construed as prohibiting the expenditure by a State, locality, entity, or private person of State, local, or private funds (other than a State's or locality's contribution of Medicaid matching funds).

(c) Nothing in the preceding section shall be construed as restricting the ability of any managed care provider from offering abortion coverage or the ability of a State or locality to contract separately with such a provider for such coverage with State funds (other than a State's or locality's contribution of Medicaid matching funds).

SEC. 510. (a) None of the funds made available in this Act may be used for—

(1) the creation of a human embryo or embryos for research purposes; or

(2) research in which a human embryo or embryos are destroyed, discarded, or knowingly subjected to risk of injury or death greater than that allowed for research on fetuses in utero under 45 CFR 46.208(a)(2) and section 498(b) of the Public Health Service Act (42 U.S.C. 289g(b)).

(b) For purposes of this section, the term ''human embryo or embryos'' includes any organism, not protected as a human subject under 45 CFR 46 as of the date of the enactment of this Act, that is derived by fertilization, parthenogenesis, cloning, or any other means from one or more human gametes or human diploid cells.

SEC. 511. (a) None of the funds made available in this Act may be used for any activity that promotes the legalization of any drug or other substance included in schedule I of the schedules of controlled substances established by section 202 of the Controlled Substances Act (21 U.S.C. 812).

(b) The limitation in subsection (a) shall not apply when there is significant medical evidence of a therapeutic advantage to the use of such drug or other substance or that federally sponsored clinical trials are being conducted to determine therapeutic advantage.

SEC. 512. None of the funds made available in this Act may be obligated or expended to enter into or renew a contract with an entity if—

(1) such entity is otherwise a contractor with the United States and is subject to the requirement in section 4212(d) of title 38, United States Code, regarding submission of an annual report to the Secretary of Labor concerning employment of certain veterans; and

(2) such entity has not submitted a report as required by that section for the most recent year for which such requirement was applicable to such entity.

SEC. 513. None of the funds made available in this Act may be used to promulgate or adopt any final standard under section 1173(b) of the Social Security Act (42 U.S.C. 1320d–2(b)) providing for, or providing for the assignment of, a unique health identifier for an individual (except in an individual's capacity as an employer or a health care provider), until legislation is enacted specifically approving the standard.

SEC. 514. (a) Section 1708 of the United States Institute of Peace Act (22 U.S.C. 4607) is amended in subsection (g), by striking ''on or before December 31, 1970''.

(b) Section 1710 of the United States Institute of Peace Act (22 U.S.C. 4609) is amended in subsection (a)(1), by striking the numeral ''4'' preceding the phrase ''succeeding fiscal years'' and inserting the numeral ''5''.

SEC. 515. Of the budgetary resources available to the Departments of Labor, Health and Human Services, and Education in this Act for salaries and expenses during fiscal year 2003, $138,264,000, to be allocated by the Office of Management and Budget, are permanently canceled.

This division may be cited as the ''Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2003''.

DIVISION H—LEGISLATIVE BRANCH APPROPRIATIONS, 2003

Making appropriations for the Legislative Branch for the fiscal year ending September 30, 2003, and for other purposes.

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Legislative Branch for the fiscal year ending September 30, 2003, and for other purposes, namely:

TITLE I—LEGISLATIVE BRANCH APPROPRIATIONS

SENATE

PAYMENT TO WIDOWS AND HEIRS OF DECEASED MEMBERS OF CONGRESS

For a payment to Paul David Wellstone, Jr., son of Paul David Wellstone, late a Senator from Minnesota, $50,000; Mark D. Wellstone, son of Paul David Wellstone, late a Senator from Minnesota, $50,000; and Michael Kerner, Guardian of the Estate of Joshua Kerner, for Joshua Kerner, minor, son of Marcia Wellstone Markuson, deceased, daughter of Paul David Wellstone, late a Senator from Minnesota, $50,000.

EXPENSE ALLOWANCES

For expense allowances of the Vice President, $20,000; the President Pro Tempore of the Senate, $20,000; Majority Leader of the Senate,

$20,000; Minority Leader of the Senate, $20,000; Majority Whip of the Senate, $10,000; Minority Whip of the Senate, $10,000; President Pro Tempore emeritus, $7,500; Chairmen of the Majority and Minority Conference Committees, $5,000 for each Chairman; and Chairmen of the Majority and Minority Policy Committees, $5,000 for each Chairman; in all, $127,500.

REPRESENTATION ALLOWANCES FOR THE MAJORITY AND MINORITY LEADERS

For representation allowances of the Majority and Minority Leaders of the Senate, $15,000 for each such Leader; in all, $30,000.

SALARIES, OFFICERS AND EMPLOYEES

For compensation of officers, employees, and others as authorized by law, including agency contributions, $117,041,000, which shall be paid from this appropriation without regard to the following limitations:

OFFICE OF THE VICE PRESIDENT

For the Office of the Vice President, $1,949,000.

OFFICE OF THE PRESIDENT PRO TEMPORE

For the Office of the President Pro Tempore, $518,000.

OFFICE OF THE PRESIDENT PRO TEMPORE EMERITUS

For the Office of the President Pro Tempore emeritus, $150,000.

OFFICES OF THE MAJORITY AND MINORITY LEADERS

For Offices of the Majority and Minority Leaders, $3,094,000.

OFFICES OF THE MAJORITY AND MINORITY WHIPS

For Offices of the Majority and Minority Whips, $2,042,000.

COMMITTEE ON APPROPRIATIONS

For salaries of the Committee on Appropriations, $11,266,000.

CONFERENCE COMMITTEES

For the Conference of the Majority and the Conference of the Minority, at rates of compensation to be fixed by the Chairman of each such committee, $1,305,000 for each such committee; in all, $2,610,000.

OFFICES OF THE SECRETARIES OF THE CONFERENCE OF THE MAJORITY AND THE CONFERENCE OF THE MINORITY

For Offices of the Secretaries of the Conference of the Majority and the Conference of the Minority, $648,000.

POLICY COMMITTEES

For salaries of the Majority Policy Committee and the Minority Policy Committee, $1,362,000 for each such committee; in all, $2,724,000.

OFFICE OF THE CHAPLAIN

For Office of the Chaplain, $315,000.

OFFICE OF THE SECRETARY

For Office of the Secretary, $17,079,000.

OFFICE OF THE SERGEANT AT ARMS AND DOORKEEPER

For Office of the Sergeant at Arms and Doorkeeper, $43,161,000.

OFFICES OF THE SECRETARIES FOR THE MAJORITY AND MINORITY

For Offices of the Secretary for the Majority and the Secretary for the Minority, $1,410,000.

AGENCY CONTRIBUTIONS AND RELATED EXPENSES

For agency contributions for employee benefits, as authorized by law, and related expenses, $30,075,000.

OFFICE OF THE LEGISLATIVE COUNSEL OF THE SENATE

For salaries and expenses of the Office of the Legislative Counsel of the Senate, $4,581,000.

OFFICE OF SENATE LEGAL COUNSEL

For salaries and expenses of the Office of Senate Legal Counsel, $1,176,000.

EXPENSE ALLOWANCES OF THE SECRETARY OF THE SENATE, SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE, AND SECRETARIES FOR THE MAJORITY AND MINORITY OF THE SENATE

For expense allowances of the Secretary of the Senate, $3,000; Sergeant at Arms and Doorkeeper of the Senate, $3,000; Secretary for the Majority of the Senate, $3,000; Secretary for the Minority of the Senate, $3,000; in all, $12,000.

CONTINGENT EXPENSES OF THE SENATE

INQUIRIES AND INVESTIGATIONS

For expenses of inquiries and investigations ordered by the Senate, or conducted under section 134(a) of Public Law 601, Seventy-ninth Congress section 112 of Public Law 96–304 and Senate Resolution 281, agreed to March 11, 1980, $109,450,000.

EXPENSES OF THE UNITED STATES SENATE CAUCUS ON INTERNATIONAL NARCOTICS CONTROL

For expenses of the United States Senate Caucus on International Narcotics Control, $520,000.

SECRETARY OF THE SENATE

For expenses of the Office of the Secretary of the Senate, $7,077,000, of which $5,000,000 shall remain available until September 30, 2007.

SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE

For expenses of the Office of the Sergeant at Arms and Doorkeeper of the Senate, $114,423,000, of which $9,570,000 shall remain available until September 30, 2005, and of which $13,574,000 shall remain available until September 30, 2007.

MISCELLANEOUS ITEMS

For miscellaneous items, $18,355,500, of which up to $500,000 shall be made available for a pilot program for mailings of postal patron postcards by Senators for the purpose of providing notice of a town meeting by a Senator in a county (or equivalent unit of local government) with a population of less than 250,000 and at which the Senator will personally attend: Provided, That any amount allocated to a Senator for such mailing shall not exceed 50 percent of the cost of the mailing and the remaining cost shall be paid by the Senator from other funds available to the Senator: Provided further, That not later than October 31, 2003, the Sergeant at Arms and Doorkeeper of the Senate shall submit a report to the Committee on Rules and Administration and Committee on Appropriations of the Senate on the results of the program.

SENATORS' OFFICIAL PERSONNEL AND OFFICE EXPENSE ACCOUNT

For Senators' Official Personnel and Office Expense Account, $294,545,000.

OFFICIAL MAIL COSTS

For expenses necessary for official mail costs of the Senate, $300,000.

ADMINISTRATIVE PROVISIONS

SEC. 1. (a) Section 111 of title 3, United States Code, is amended by striking ''$10,000'' and inserting ''$20,000''.

(b) The matter under the subheading ''EXPENSE ALLOWANCES OF THE VICE PRESIDENT, PRESIDENT PRO TEMPORE, MAJORITY AND MINORITY LEADERS AND MAJORITY AND MINORITY WHIPS'' under the heading ''LEGISLATIVE BRANCH'' under chapter VI of title I of the Second Supplemental Appropriations Act, 1978 (Public Law 95–355; 92 Stat. 532) is amended—

(1) in the second sentence (2 U.S.C. 31a–1) (relating to the Majority and Minority Leaders of the Senate) by striking ''$10,000'' and inserting ''$20,000''; and

(2) in the third sentence (2 U.S.C. 32b) (relating to the President pro tempore) by striking ''$10,000'' and inserting ''$20,000''.

(c) The matter under the subheading ''EXPENSE ALLOWANCES OF THE VICE PRESIDENT, THE PRESIDENT PRO TEMPORE, MAJORITY AND MINORITY LEADERS, AND MAJORITY AND MINORITY WHIPS'' under the heading ''LEGISLATIVE BRANCH'' under chapter IX of title I of the Supplemental Appropriations Act, 1983 (2 U.S.C. 31a–1; Public Law 98–63; 97 Stat. 333) (relating to the Majority and Minority Whips) is amended by striking ''not exceed $5,000'' and inserting ''not exceed $10,000''.

(d) The matter under the subheading ''EXPENSE ALLOWANCES OF THE VICE PRESIDENT, THE PRESIDENT PRO TEMPORE, MAJORITY AND MINORITY LEADERS, THE MAJORITY AND MINORITY WHIPS, AND THE CHAIRMEN OF THE MAJORITY AND MINORITY CONFERENCE COMMITTEES'' under the heading ''LEGISLATIVE BRANCH'' under chapter IX of title I of the Supplemental Appropriations Act, 1985 (2 U.S.C. 31a–3; Public Law 99–88; 99 Stat. 348) (relating to the Chairmen of the Majority and Minority Conference Committees) is amended by striking ''not exceed $3,000'' and inserting ''not exceed $5,000''.

(e) Section 5 of title I of the Legislative Branch Appropriations Act, 2001, as enacted into law by section 1(a) of Public Law 106–554 (2 U.S.C. 31a–4; 114 Stat. 2763A–97) (relating to the Chairmen of the Majority and Minority Policy Committees) is amended by striking ''$3,000'' and inserting ''$5,000''.

(f) The amendments made by this section shall apply to fiscal year 2003 and each fiscal year thereafter.

SEC. 2. (a) The matter under the subheading ''STATIONERY (REVOLVING FUND)'' under the heading ''CONTINGENT EXPENSES OF THE SENATE'' under the heading ''LEGISLATIVE BRANCH'' under chapter VII of title I of the Second Supplemental Appropriations Act, 1975 (2 U.S.C. 46a; Public Law 94–32; 89 Stat. 182) is amended by striking ''$4,500'' and inserting ''$8,000''.

(b) The amendment made by this section shall apply to fiscal year 2003 and each fiscal year thereafter.

SEC. 3. Effective on and after October 1, 2002, each of the dollar amounts contained in the table under section 105(d)(1)(A) of the Legislative Branch Appropriations Act, 1968 (2 U.S.C. 61–1(d)(1)(A)) shall be deemed to be the dollar amounts in that table, as adjusted by law and in effect on September 30, 2002, increased by an additional $50,000 each.

SEC. 4. (a) The Majority Policy Committee, Minority Policy Committee, Conference of the Majority, and Conference of the Minority of the Senate are authorized, in the discretion of each committee or conference, with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration of the Senate to use, on a reimbursable or nonreimbursable basis, the services of personnel of any such department or agency.

(b) This section shall apply to fiscal year 2003 and each fiscal year thereafter.

SEC. 5. PUBLIC SAFETY EXCEPTION TO INSCRIPTIONS REQUIREMENT ON MOBILE OFFICES. (a) IN GENERAL.—Section 3(f)(3) under the subheading ''ADMINISTRATIVE PROVISIONS'' under the heading ''SENATE'' in the Legislative Branch Appropriation Act, 1975 (2 U.S.C. 59(f)(3)) is amended by adding at the end the following flush sentence:

''The Committee on Rules and Administration of the Senate may prescribe regulations to waive or modify the requirement under subparagraph (B) if such waiver or modification is necessary to provide for the public safety of a Senator and the Senator's staff and constituents.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of enactment of this Act and apply to fiscal year 2003 and each fiscal year thereafter.

SEC. 6. MULTI-YEAR CONTRACTING AUTHORITY. (a) Subject to regulations prescribed by the Committee on Rules and Administration of the Senate, the Secretary and the Sergeant at Arms and Doorkeeper of the Senate may—

(1) enter into contracts for the acquisition of severable services for a period that begins in one fiscal year and ends in the next fiscal year to the same extent and under the same conditions as the head of an executive agency under the authority of section 303L of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253l); and

(2) enter into multiyear contracts for the acquisition of property and services to the same extent and under the same conditions as the head of an executive agency under the authority of section 304B of the Federal Property and

Administrative Services Act of 1949 (41 U.S.C. 254c).

(b) This section shall take effect on October 1, 2002, and shall apply in fiscal year 2003 and successive fiscal years.

SEC. 7. CONSULTANTS. (a) IN GENERAL.—Section 101 of the Supplemental Appropriations Act, 1977 (2 U.S.C. 61h–6) is amended—

(1) in subsection (a), in the first sentence by striking ''six individual consultants'' and inserting ''eight individual consultants''; and

(2) by adding at the end the following:

''(C) Each appointing authority under subsection (a) may designate the title of the position of any individual appointed under that subsection.''.

(b) EFFECTIVE DATE.—This section shall apply to fiscal year 2003 and each fiscal year thereafter.

SEC. 8. OFFICE OF THE PRESIDENT PRO TEMPORE EMERITUS OF THE SENATE. (a) ESTABLISHMENT.—There is established the Office of the President pro tempore emeritus of the Senate.

(b) DESIGNATION.—Any Member of the Senate who—

(1) is designated by the Senate as the President pro tempore emeritus of the United States Senate; and

(2) is serving as a Member of the Senate,

shall be the President pro tempore emeritus of the United States Senate.

(c) APPOINTMENT AND COMPENSATION OF EMPLOYEES.—The President pro tempore emeritus is authorized to appoint and fix the compensation of such employees as the President pro tempore emeritus determines appropriate.

(d) EXPENSE ALLOWANCE.—There is authorized an expense allowance for the President pro tempore emeritus which shall not exceed $7,500 each fiscal year. The President pro tempore emeritus may receive the expense allowance (1) as reimbursement for actual expenses incurred upon certification and documentation of such expenses by the President pro tempore emeritus, or (2) in equal monthly payments. Such amounts paid to the President pro tempore emeritus as reimbursement of actual expenses incurred upon certification and documentation under this subsection, shall not be reported as income, and the expenses so reimbursed shall not be allowed as a deduction under the Internal Revenue Code of 1986.

(e) EFFECTIVE DATE.—This section shall take effect on the date of enactment of this Act and shall apply only with respect to the 108th Congress.

JOINT ITEMS

For Joint Committees, as follows:

JOINT ECONOMIC COMMITTEE

For salaries and expenses of the Joint Economic Committee, $3,658,000, to be disbursed by the Secretary of the Senate.

JOINT COMMITTEE ON TAXATION

For salaries and expenses of the Joint Committee on Taxation, $7,323,000, to be disbursed by the Chief Administrative Officer of the House.

For other joint items, as follows:

OFFICE OF THE ATTENDING PHYSICIAN

For medical supplies, equipment, and contingent expenses of the emergency rooms, and for the Attending Physician and his assistants, including: (1) an allowance of $2,175 per month to the Attending Physician; (2) an allowance of $725 per month each to four medical officers while on duty in the Office of the Attending Physician; (3) an allowance of $725 per month to two assistants and $580 per month each not to exceed 11 assistants on the basis heretofore provided for such assistants; and (4) $1,414,000 for reimbursement to the Department of the Navy for expenses incurred for staff and equipment assigned to the Office of the Attending Physician, which shall be advanced and credited to the applicable appropriation or appropriations from which such salaries, allowances, and other expenses are payable and shall be available for all the purposes thereof, $3,000,000, of which $300,000 shall remain available until expended, to be disbursed by the Chief Administrative Officer of the House of Representatives.

CAPITOL GUIDE SERVICE AND SPECIAL SERVICES OFFICE

For salaries and expenses of the Capitol Guide Service and Special Services Office, $3,035,000, to be disbursed by the Secretary of the Senate: Provided, That no part of such amount may be used to employ more than 58 individuals: Provided further, That the Capitol Guide Board is authorized, during emergencies, to employ not more than two additional individuals for not more than 120 days each, and not more than 10 additional individuals for not more than 6 months each, for the Capitol Guide Service.

STATEMENTS OF APPROPRIATIONS

For the preparation, under the direction of the Committees on Appropriations of the Senate and the House of Representatives, of the statements for the second session of the One Hundred Seventh Congress, showing appropriations made, indefinite appropriations, and contracts authorized, together with a chronological history of the regular appropriations bills as required by law, $30,000, to be paid to the persons designated by the chairmen of such committees to supervise the work.

CAPITOL POLICE

SALARIES

For salaries of employees of the Capitol Police, including overtime, hazardous duty pay differential, and Government contributions for health, retirement, Social Security, and other applicable employee benefits, $175,675,000, to be disbursed by the Chief of the Capitol Police or his designee.

GENERAL EXPENSES

For necessary expenses of the Capitol Police, including motor vehicles, communications and other equipment, security equipment and installation, uniforms, weapons, supplies, materials, training, medical services, forensic services, stenographic services, personal and professional services, the employee assistance program, the awards program, postage, communication services, travel advances, relocation of instructor and liaison personnel for the Federal Law Enforcement Training Center, and not more than $5,000 to be expended on the certification of the Chief of the Capitol Police in connection with official representation and reception expenses, $28,100,000, to be disbursed by the Chief of the Capitol Police or his designee: Provided, That, notwithstanding any other provision of law, the cost of basic training for the Capitol Police at the Federal Law Enforcement Training Center for fiscal year 2003 shall be paid by the Secretary of Homeland Security from funds available to the Department of Homeland Security.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

SEC. 1001. TRANSFER AUTHORITY.—Amounts appropriated for fiscal year 2003 for the Capitol Police may be transferred between the headings ''SALARIES'' and ''GENERAL EXPENSES'' upon the approval of the Committees on Appropriations of the Senate and the House of Representatives.

SEC. 1002. CAPITOL POLICE CONTRACT AUTHORITY. (a) IN GENERAL.—The United States Capitol Police may—

(1) enter into contracts for the acquisition of severable services for a period that begins in 1 fiscal year and ends in the next fiscal year to the same extent as the head of an executive agency under the authority of section 303L of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253l); and

(2) enter into multiyear contracts for the acquisitions of property and nonaudit-related services to the same extent as executive agencies under the authority of section 304B of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254c).

(b) EFFECTIVE DATE.—This section shall apply to fiscal year 2003 and each fiscal year thereafter.

SEC. 1003. DISPOSAL OF SURPLUS PROPERTY. (a) IN GENERAL.—Within the limits of available appropriations, the Capitol Police may dispose of surplus or obsolete property of the Capitol Police by interagency transfer, donation, sale, trade-in, or other appropriate method.

(b) AMOUNTS RECEIVED.—Any amounts received by the Capitol Police from the disposition of property under subsection (a) shall be credited to the account established for the general expenses of the Capitol Police, and shall be available to carry out the purposes of such account during the fiscal year in which the amounts are received and the following fiscal year.

(c) EFFECTIVE DATEection shall apply to fiscal year 2003 and each fiscal year thereafter.

SEC. 1004. RECRUITMENT AND RELOCATION BONUSES. Section 909 of the Emergency Supplemental Act, 2002 (Public Law 107–117; 115 Stat. 2320) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''the Board determines that the Capitol Police would be likely, in the absence of such a bonus, to encounter difficulty in filling the position'' and inserting ''the Chief, in the Chief's sole discretion, determines that such a bonus will assist the Capitol Police in recruitment efforts''; and

(B) by adding at the end the following:

''(6) DETERMINATION NOT APPEALABLE OR REVIEWABLE.—Any determination of the Chief under this subsection shall not be appealable or reviewable in any manner.'';

(2) by striking subsections (e) and (f)(2); and

(3) by redesignating subsections (f) and (g) as subsections (e) and (f), respectively.

SEC. 1005. RECRUITMENT OF INDIVIDUALS WITHOUT REGARD TO AGE. (a) IN GENERAL.—The Chief of the Capitol Police shall carry out any activities and programs to recruit individuals to serve as members of the Capitol Police without regard to the age of the individuals.

(b) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to affect any provision of law of any rule or regulation providing for the mandatory separation of members of the Capitol Police on the basis of age, or any provision of law or any rule or regulation regarding the calculation of retirement or other benefits for members of the Capitol Police.

SEC. 1006. RETENTION ALLOWANCES. Section 909(b) of the Emergency Supplemental Act, 2002 (Public Law 107–117; 115 Stat. 2320) is amended—

(1) in paragraph (1)—

(A) by striking subparagraphs (A) and (B); and

(B) by striking ''if—'' and inserting ''if the Chief, in the Chief's sole discretion, determines that such a bonus will assist the Capitol Police in retention efforts.''; and

(2) in paragraph (3), by striking ''the reduction or the elimination of a retention allowance may not be appealed'' and inserting ''any determination of the Chief under this subsection, or the reduction or elimination of a retention allowance, shall not be appealable or reviewable in any manner''.

SEC. 1007. EDUCATIONAL ASSISTANCE PROGRAM. Section 908 of the Emergency Supplemental Act, 2002 (2 U.S.C. 1924; Public Law 107–117; 115 Stat. 2319) is amended to read as follows:

''EDUCATIONAL ASSISTANCE PROGRAM FOR EMPLOYEES

''SEC. 908. (a) ESTABLISHMENT.—In order to recruit or retain qualified personnel, the Chief of the Capitol Police may establish an educational assistance program for employees of the Capitol Police under which the Capitol Police may agree—

''(1) to repay (by direct payments on behalf of the participating employee) all or any portion of

a student loan previously taken out by the employee;

''(2) to make direct payments to an educational institution on behalf of a participating employee or to reimburse a participating employee for all or any portion of any tuition or related educational expenses paid by the employee.

''(b) SPECIAL RULES FOR STUDENT LOAN REPAYMENTS.—

''(1) APPLICATION OF REGULATIONS UNDER EXECUTIVE BRANCH PROGRAM.—In carrying out subsection (a)(1), the Capitol Police Board may, by regulation, make applicable such provisions of section 5379 of title 5, United States Code, as the Board determines necessary to provide for such program.

''(2) RESTRICTIONS ON PRIOR REIMBURSEMENTS.—The Capitol Police may not reimburse any individual under subsection (a)(1) for any repayments made by the individual prior to entering into an agreement with the Capitol Police to participate in the program under this section.

''(3) USE OF RECOVERED AMOUNTS.—Any amount repaid by, or recovered from, an individual under subsection (a)(1) and its implementing regulations shall be credited to the appropriation account available for salaries and expenses of the Capitol Police at the time of repayment or recovery. Such credited amount may be used for any authorized purpose of the account and shall remain available until expended.

''(c) LIMIT ON AMOUNT OF PAYMENTS.—The total amount paid by the Capitol Police with respect to any individual under the program under this section may not exceed $40,000.

''(d) NO REVIEW OF DETERMINATIONS.—Any determination made under the program under this section shall not be reviewable or appealable in any manner.

''(e) EFFECTIVE DATE.—This section shall apply with respect to fiscal year 2003 and each succeeding fiscal year.''.

SEC. 1008. APPLICABLE PAY RATE UPON APPOINTMENT. (a) IN GENERAL.—Notwithstanding any other provision of law, the rate of basic pay payable to an individual upon appointment to a position with the Capitol Police shall be at a rate within the minimum and maximum pay rates applicable to the position.

(b) EFFECTIVE DATE.—This section shall apply to fiscal year 2003 and each fiscal year thereafter.

SEC. 1009. OVERTIME COMPENSATION FOR OFFICERS AT RANK OF LIEUTENANT OR HIGHER. (a) IN GENERAL.—The Chief of the Capitol Police may provide for the compensation of overtime work of officers of the Capitol Police at the rank of lieutenant and higher. Nothing in this subsection may be construed to affect the compensation of overtime work of officers of the Capitol Police at any rank not described in the previous sentence.

(b) TERMS AND CONDITIONS.—In providing for the compensation of overtime work under this section, the Chief shall provide the compensation in the same manner and subject to the same terms and conditions which are applicable to the compensation of overtime work of officers and members of the United States Secret Service Uniformed Division and the United States Park Police who serve at the rank of lieutenant and higher, in accordance with section 1 of the Act entitled ''An Act to provide a 5-day week for officers and members of the Metropolitan Police force, the United States Park Police force, and the White House Police force, and for other purposes'', approved August 15, 1950 (sec. 5–1304, D.C. Official Code).

SEC. 1010. TRAINING PROGRAMS FOR PERSONNEL. (a) IN GENERAL.—Chapter 41 of title 5, United States Code, is amended by adding at the end the following new section:

''§4120. Training for employees of the Capitol Police

''(a) The Chief of the Capitol Police may, by regulation, make applicable such provisions of this chapter as the Chief determines necessary to provide for training of employees of the Capitol Police. The regulations shall provide for training which, in the determination of the Chief, is consistent with the training provided by agencies under the preceding sections of this chapter.

''(b) The Office of Personnel Management shall provide the Chief of the Capitol Police with such advice and assistance as the Chief may request in order to enable the Chief to carry out the purposes of this section.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 41 of such title is amended by adding at the end the following:

''4120. Training for employees of the Capitol Police.''.

SEC. 1011. ADDITIONAL COMPENSATION FOR EMPLOYEES WITH SPECIALTY ASSIGNMENTS AND PROFICIENCIES. (a) ESTABLISHMENT OF POSITIONS.—The Chief of the Capitol Police may establish and determine, from time to time, positions in salary classes of employees of the Capitol Police to be designated as employees with specialty assignments or proficiencies, based on the experience, education, training, or other appropriate factors required to carry out the duties of such employees.

(b) ADDITIONAL COMPENSATION.—In addition to the regularly scheduled rate of basic pay, each employee holding a position designated under this section shall receive a per annum amount determined by the Chief, except that—

(1) such amount may not exceed 25 percent of the employee's annual rate of basic pay; and

(2) such amount may not be paid in a calendar year to the extent that, when added to the total basic pay paid or payable to such employee for service performed in the year, such amount would cause the total to exceed the annual rate of basic pay payable for level II of the Executive Schedule, as of the end of such year.

(c) MANNER OF PAYMENT.—The additional compensation authorized by this subsection shall be paid to an employee in a manner determined by the Chief or his designee except when the employee ceases to be assigned to the specialty assignment or ceases to maintain the required proficiency. The loss of such additional compensation shall not constitute an adverse action for any purpose.

(d) DETERMINATION NOT APPEALABLE OR REVIEWABLE.—Any determination under section (a) shall not be appealable or reviewable in any manner.

SEC. 1012. APPLICATION OF PREMIUM PAY LIMITS ON ANNUALIZED BASIS. (a) IN GENERAL.—Any limits on the amount of premium pay which may be earned by officers and members of the Capitol Police during emergencies (as determined by the Capitol Police Board) shall be applied by the Chief of the Capitol Police on an annual basis and not on a pay period basis. Any determination under this subsection shall not be reviewable or appealable in any manner.

(b) EFFECTIVE DATE.—Subsection (a) shall apply with respect to hours of duty occurring on or after September 11, 2001.

SEC. 1013. TRANSFER OF LIBRARY OF CONGRESS POLICE TO THE UNITED STATES CAPITOL POLICE. (a) TRANSFER OF LIBRARY OF CONGRESS POLICE TO THE UNITED STATES CAPITOL POLICE.—

(1) TRANSFER OF PERSONNEL AND FUNCTIONS.—There are transferred to the United States Capitol Police—

(A) each Library of Congress Police employee; and

(B) any functions performed under the first section of the Act of August 4, 1950 (2 U.S.C. 167) and section 9 of that Act (2 U.S.C. 167h) (as in effect immediately before the effective date of this section).

(2) EFFECT ON PERSONNEL.—

(A) ANNUAL AND SICK LEAVE.—Any annual or sick leave to the credit of an individual transferred under paragraph (1) shall be transferred to the credit of that individual as an employee of the United States Capitol Police.

(B) SERVICE PERFORMED FOR RETIREMENT PURPOSES.—For those Library of Congress Police employees transferred under paragraph (1)(A), any period of service performed by a Library of Congress Police employee shall be deemed to be service performed as a member of the United States Capitol Police for purposes of chapters 83 and 84 of title 5, United States Code.

(C) VACANCIES.—Notwithstanding any other provision of law, upon the date of enactment of this section and until completion of the transfer under paragraph (1), vacancies in Library of Congress police employee positions, if filled, shall be filled in accordance with the employment standards of the United States Capitol Police, to the extent practicable.

(3) EFFECTIVE DATE OF TRANSFER OF PERSONNEL AND FUNCTIONS.—Library of Congress employees transferred to the United States Capitol Police under paragraph (1)(A), and Library of Congress functions transferred under paragraph (1)(B) shall be transferred to the United States Capitol Police as specified in the implementation plan under subsection (b)(1), but no later than 3 years after the date of enactment of this section.

(b) TRANSITION.—

(1) IMPLEMENTATION PLAN.—

(A) PLAN.—Not later than 180 days after the date of enactment of this section, the Chief of the Capitol Police shall prepare and submit to the appropriate committees of Congress, the Capitol Police Board, and the Librarian of Congress, a plan—

(i) describing the policies and procedures, and actions the Chief of the Capitol Police will take in implementing the transfer provisions under this section;

(ii) establishing dates by which Library of Congress personnel and functions authorized to be transferred under subsection (a)(1) shall be transferred to the United States Capitol Police, with all such transfers completed not later than 3 years after the date of enactment of this section;

(iii) in consultation with the Librarian of Congress, providing for the performance of law enforcement and protection functions relating to the buildings and grounds of the Library of Congress, including collections security, within the overall security responsibilities of the United States Capitol Police;

(iv) recommending legislative changes needed to implement the transfers under subsection (a)(1), including—

(I) identifying options for addressing how to apply United States Capitol Police retirement provisions to such transferred personnel;

(II) identifying options related to providing voluntary separation incentives to transferred personnel; and

(III) identifying options to ensure the Librarian of Congress maintains appropriate authority to execute his security responsibilities;

(v) detailing the mechanisms to be used by the Chief of the Capitol Police for ensuring that Library of Congress employees transferred to the United States Capitol Police under subsection (a)(1) are not adversely affected by the transfer with respect to pay;

(vi) addressing—

(I) how United States Capitol Police training and qualification requirements will be applied to Library of Congress employees transferred under subsection (a)(1); and

(II) the overall training needs of the merged police force; and

(vii) providing an analysis of the cost implications of implementing the plan.

(2) IMPLEMENTATION REPORT.—Not later than 1 year after the date of enactment of this section, and annually thereafter until the transfer is fully implemented, the Chief of the Capitol Police shall prepare and submit a report to the appropriate committees of Congress, the Capitol Police Board, and the Librarian of Congress, on the Chief of the Capitol Police's progress in implementing the plan required in paragraph

(1)(A) of this subsection, including any adjustments to cost estimates or legislative changes needed to implement the provisions of this section.

(c) DEFINITIONS.—In this section—

(1) the term ''Act of August 4, 1950'' means the Act entitled ''An Act relating to the policing of the buildings and grounds of the Library of Congress'', approved August 4, 1950 (2 U.S.C. 167 et seq.); and

(2) the term ''Library of Congress Police employee''—

(A) means an employee of the Library of Congress designated as police under the first section of the Act of August 4, 1950 (2 U.S.C. 167) (as in effect immediately before the effective date of this section); and

(B) does not include any civilian employee performing police support functions.

(d) EFFECTIVE DATE.—Except as otherwise provided in this section, this section shall take effect on the date of enactment of this section.

SEC. 1014. CLARIFICATION OF AUTHORITY OF CAPITOL POLICE TO POLICE BOTANIC GARDEN. (a) BUILDINGS.—Section 5101 of title 40, United States Code, is amended by inserting ''all buildings on the real property described under section 5102(c) (including the Administrative Building of the United States Botanic Garden),'' after ''Capitol Power Plant,''.

(b) GROUNDS.—Section 5102 of title 40, United States Code, is amended by adding at the end the following:

''(c) NATIONAL GARDEN OF THE UNITED STATES BOTANIC GARDEN.—

''(1) IN GENERAL.—Except as provided under paragraph (2), the United States Capitol Grounds shall include—

''(A) the National Garden of the United States Botanic Garden;

''(B) all grounds contiguous to the Administrative Building of the United States Botanic Garden, including Bartholdi Park; and

''(C) all grounds bounded by the curblines of First Street, Southwest on the east; Washington Avenue, Southwest to its intersection with Independence Avenue, and Independence Avenue from such intersection to its intersection with Third Street, Southwest on the south; Third Street, Southwest on the west; and Maryland Avenue, Southwest on the north.

''(2) MAINTENANCE AND IMPROVEMENTS.—Notwithstanding subsections (a) and (b), jurisdiction and control over the buildings on the grounds described in paragraph (1) shall be retained by the Joint Committee on the Library, and the Joint Committee on the Library shall continue to be solely responsible for the maintenance and improvement of the grounds described in such paragraph.

''(3) AUTHORITY NOT LIMITED.—Nothing in this subsection shall limit the authority of the Architect of the Capitol under section 307E of the Legislative Branch Appropriations Act, 1989 (40 U.S.C. 216c).''.

(c) TECHNICAL AND CONFORMING AMENDMENT.—Section 9(a) of the Act of July 31, 1946 (2 U.S.C. 1961(a)) is amended by striking ''sections 193a to 193m, 212a, 212a–2, and 212b of this title and regulations promulgated under section 212b of this title,'' and inserting ''this Act (and regulations promulgated under section 14 of this Act (2 U.S.C. 1969)), and chapter 51 of title 40, United States Code,''.

(d) EFFECTIVE DATE.—The amendments made by this subsection shall apply to fiscal year 2003 and each fiscal year thereafter.

SEC. 1015. CAPITOL POLICE SPECIAL OFFICERS. (a) IN GENERAL.—In the event of an emergency, as determined by the Capitol Police Board or in a concurrent resolution of Congress, the Chief of the Capitol Police may appoint—

(1) any law enforcement officer from any Federal agency or State or local government agency made available by that agency to serve as a special officer of the Capitol Police; and

(2) any member of the uniformed services, including members of the National Guard, made available by the appropriate authority to serve as a special officer of the Capitol Police.

(b) CONDITIONS OF APPOINTMENT.—An individual appointed as a special officer under this section shall—

(1) serve without pay for service performed as a special officer (other than pay received from the applicable employing agency or service);

(2) serve as a special officer no longer than a period specified at the time of appointment;

(3) not be a Federal employee by reason of service as a special officer, except as provided under paragraph (4); and

(4) shall be an employee of the Government for purposes of chapter 171 of title 28, United States Code, if that individual is acting within the scope of his office or employment in service as a special officer.

(c) QUALIFICATIONS.—Any individual appointed under subsection (a) shall be subject to—

(1) qualification requirements as the Chief of the Capitol Police determines necessary; and

(2) approval by the Capitol Police Board.

(d) AUTHORITIES AND DUTIES.—During any period of service as a special officer under this section, a special officer—

(1) may exercise all authorities and perform all duties of members of the Capitol Police in any appropriate capacity, in the policing, protection, and physical security responsibilities of the Capitol Police Board and Capitol Police; and

(2) shall wear an emblem provided by the Chief of the Capitol Police that designates the wearer as a special officer.

(e) REIMBURSEMENT AGREEMENTS.—Nothing in this section shall prohibit the Capitol Police from entering into an agreement for the reimbursement of services provided under this section with any Federal, State, or local agency.

(f) REGULATIONS.—The Capitol Police Board may prescribe regulations to carry out this section.

(g) EFFECTIVE DATE.—This section shall take effect on the date of enactment of this Act and shall apply to fiscal year 2003 and each fiscal year thereafter.

SEC. 1016. TRANSFER OF DISBURSING FUNCTION. (a) IN GENERAL.—

(1) DISBURSING OFFICER.—The Chief of the Capitol Police shall be the disbursing officer for the Capitol Police. Any reference in any law or resolution before the date of enactment of this section to funds paid or disbursed by the Chief Administrative Officer of the House of Representatives and the Secretary of the Senate relating to the pay and allowances of Capitol Police employees shall be deemed to refer to the Chief of the Capitol Police.

(2) TRANSFER.—Any statutory function, duty, or authority of the Chief Administrative Officer of the House of Representatives or the Secretary of the Senate as disbursing officers for the Capitol Police shall transfer to the Chief of the Capitol Police as the single disbursing officer for the Capitol Police.

(3) CONTINUITY OF FUNCTION DURING TRANSITION.—Until such time as the Chief notifies the Chief Administrative Officer of the House of Representatives and the Secretary of the Senate that systems are in place for discharging the disbursing functions under this subsection, the House of Representatives and the Senate shall continue to serve as the disbursing authority on behalf of the Capitol Police.

(b) TREASURY ACCOUNTS.—

(1) SALARIES.—

(A) IN GENERAL.—There is established in the Treasury of the United States a separate account for the Capitol Police, into which shall be deposited appropriations received by the Chief of the Capitol Police and available for the salaries of the Capitol Police.

(B) TRANSFER AUTHORITY DURING TRANSITION.—Until such time as the Chief notifies the Chief Administrative Officer of the House of Representatives and the Secretary of the Senate that systems are in place for discharging the disbursing functions under subsection (a), the Chief shall have the authority to transfer amounts in the account to the House of Representatives and the Senate to the extent necessary to enable the Chief Administrative Officer of the House of Representatives and the Secretary of the Senate to continue to serve as the disbursing authority on behalf of the Capitol Police pursuant to subsection (a)(3).

(2) GENERAL EXPENSES.—There is established in the Treasury of the United States a separate account for the Capitol Police, into which shall be deposited appropriations received by the Chief of the Capitol Police and available for the general expenses of the Capitol Police.

(c) TRANSFER OF FUNDS, ASSETS, ACCOUNTS, RECORDS, AND AUTHORITY.—

(1) IN GENERAL.—The Chief Administrative Officer of the House of Representatives and the Secretary of the Senate are authorized and directed to transfer to the Chief of the Capitol Police all funds, assets, accounts, and copies of original records of the Capitol Police that are in the possession or under the control of the Chief Administrative Officer of the House of Representatives or the Secretary of the Senate in order that all such items may be available for the unified operation of the Capitol Police. Any funds so transferred shall be deposited in the Treasury accounts established under subsection (b) and be available to the Chief of the Capitol Police for the same purposes as, and in like manner and subject to the same conditions as, the funds prior to the transfer.

(2) EXISTING TRANSFER AUTHORITY.—Any transfer authority existing before the date of enactment of this Act granted to the Chief Administrative Officer of the House of Representatives or the Secretary of the Senate for salaries, expenses, and operations of the Capitol Police shall be transferred to the Chief of the Capitol Police.

(d) UNEXPENDED BALANCES.—Except as may otherwise be provided in law, the unexpended balances of appropriations for the fiscal year 2003 and succeeding fiscal years that are subject to disbursement by the Chief of the Capitol Police shall be withdrawn as of September 30 of the fifth fiscal year following the period or year for which provided. Unpaid obligations chargeable to any of the balances so withdrawn or appropriations for prior years shall be liquidated from any appropriations for the same general purpose, which, at the time of payment, are available for disbursement.

(e) HIRING AUTHORITY; ELIGIBILITY FOR SAME BENEFITS AS HOUSE EMPLOYEES.—

(1) AUTHORITY.—

(A) IN GENERAL.—Subject to subparagraph (B), the Chief of the Capitol Police, in carrying out the duties of office, is authorized to appoint, hire, discharge, and set the terms, conditions, and privileges of employment of employees of the Capitol Police, subject to and in accordance with applicable laws and regulations.

(B) REVIEW OR APPROVAL.—In carrying out the authority provided under this paragraph, the Chief of the Capitol Police shall be subject to the same statutory requirements for review or approval by committees of Congress that were applicable to the Capitol Police Board on the day before the date of enactment of this Act.

(2) BENEFITS.—Employees of the Capitol Police who are appointed by the Chief under the authority of this subsection shall be subject to the same type of benefits (including the payment of death gratuities, the withholding of debt, and health, retirement, Social Security, and other applicable employee benefits) as are provided to employees of the House of Representatives, and any such individuals serving as employees of the Capitol Police as of the date of enactment of this Act shall be subject to the same rules governing rights, protections, pay, and benefits in effect immediately before such date until such rules are changed under applicable laws or regulations.

(f) WORKER'S COMPENSATION.—

(1) ACCOUNT.—There shall be established a separate account in the Capitol Police for purposes of making payments for employees of the Capitol Police under section 8147 of title 5, United States Code.

(2) PAYMENTS WITHOUT FISCAL YEAR LIMITATION.—Notwithstanding any other provision of law, payments may be made from the account established under paragraph (1) of this subsection without regard to the fiscal year for which the obligation to make such payments is incurred.

(g) EFFECT ON EXISTING LAW.—

(1) IN GENERAL.—The provisions of this section shall not be construed to reduce the pay or benefits of any employee of the Capitol Police whose pay was disbursed by the Chief Administrative Officer of the House of Representatives or the Secretary of the Senate before the date of enactment of this Act.

(2) SUPERSEDING PROVISIONS.—All provisions of law inconsistent with this section are hereby superseded to the extent of the inconsistency.

(h) CONFORMING AMENDMENTS.—(1) Section 1821 of the Revised Statutes of the United States (2 U.S.C. 1901) is amended by striking the third sentence.

(2) Section 1822 of the Revised Statutes of the United States (2 U.S.C. 1921) is repealed.

(3) Section 111 of title I of the Act entitled ''Making supplemental appropriations for the fiscal year ending September 30, 1977, and for other purposes'', approved May 4, 1977 (2 U.S.C. 64–3), is amended—

(A) by striking ''Secretary of the Senate'' and inserting ''Chief of the Capitol Police''; and

(B) by striking ''United States Senate'' and inserting ''Capitol Police''.

(i) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the date of enactment of this Act and shall apply to fiscal year 2003 and each fiscal year thereafter.

SEC. 1017. DEADLINE FOR REGULATIONS. Not later than 60 days after the date of the enactment of this Act, the Chief of the Capitol Police shall promulgate any regulations required by Sections 1004, 1006, 1007 and 1011 of this Act.

OFFICE OF COMPLIANCE

SALARIES AND EXPENSES

For salaries and expenses of the Office of Compliance, as authorized by section 305 of the Congressional Accountability Act of 1995 (2 U.S.C. 1385), $2,059,000, of which $254,000 shall remain available until September 30, 2004: Provided, That the Executive Director of the Office of Compliance may have the authority, within the limits of available appropriations, to dispose of surplus or obsolete personal property by interagency transfer, donation, or discarding.

CONGRESSIONAL BUDGET OFFICE

SALARIES AND EXPENSES

For salaries and expenses necessary for operation of the Congressional Budget Office, including not more than $3,000 to be expended on the certification of the Director of the Congressional Budget Office in connection with official representation and reception expenses, $32,101,000, of which not more than $100,000 is to remain available until September 30, 2006, for the acquisition and partial support for implementation of a Central Financial Management System: Provided, That no part of such amount may be used for the purchase or hire of a passenger motor vehicle.

ADMINISTRATIVE PROVISIONS

SEC. 1101. (a) The Director of the Congressional Budget Office may, by regulation, make applicable such provisions of section 3396 of title 5, United States Code, as the Director determines necessary to establish a program providing opportunities for employees of the Office to engage in details or other temporary assignments in other agencies, study or uncompensated work experience which will contribute to the employees' development and effectiveness.

(b) EFFECTIVE DATE.—This section shall apply to fiscal year 2003 and each fiscal year thereafter.

SEC. 1102. (a) The Director of the Congressional Budget Office may enter into agreements or contracts without regard to section 3709 of the Revised Statutes of the United States (41 U.S.C. 5).

(b) EFFECTIVE DATE.—This section shall apply to fiscal year 2003 and each fiscal year thereafter.

ARCHITECT OF THE CAPITOL

GENERAL ADMINISTRATION

For salaries for the Architect of the Capitol, and other personal services, at rates of pay provided by law; for surveys and studies in connection with activities under the care of the Architect of the Capitol; for all necessary expenses for the general and administrative support of the operations under the Architect of the Capitol including the Botanic Garden; electrical substations of the Capitol, Senate and House office buildings, and other facilities under the jurisdiction of the Architect of the Capitol; including furnishings and office equipment; including not more than $5,000 for official reception and representation expenses, to be expended as the Architect of the Capitol may approve; for purchase or exchange, maintenance, and operation of a passenger motor vehicle, $59,343,000, of which $450,000 shall remain available until September 30, 2007.

CAPITOL BUILDING

For all necessary expenses for the maintenance, care and operation of the Capitol, $32,094,000, of which $19,065,000 shall remain available until September 30, 2007.

CAPITOL GROUNDS

For all necessary expenses for care and improvement of grounds surrounding the Capitol, the Senate and House office buildings, and the Capitol Power Plant, $8,356,000, of which $1,780,000 shall remain available until September 30, 2007.

SENATE OFFICE BUILDINGS

For all necessary expenses for the maintenance, care and operation of Senate office buildings; and furniture and furnishings to be expended under the control and supervision of the Architect of the Capitol, $64,871,000, of which $21,600,000 shall remain available until September 30, 2007.

CAPITOL POWER PLANT

For all necessary expenses for the maintenance, care and operation of the Capitol Power Plant; lighting, heating, power (including the purchase of electrical energy) and water and sewer services for the Capitol, Senate and House office buildings, Library of Congress buildings, and the grounds about the same, Botanic Garden, Senate garage, and air conditioning refrigeration not supplied from plants in any of such buildings; heating the Government Printing Office and Washington City Post Office, and heating and chilled water for air conditioning for the Supreme Court Building, the Union Station complex, the Thurgood Marshall Federal Judiciary Building and the Folger Shakespeare Library, expenses for which shall be advanced or reimbursed upon request of the Architect of the Capitol and amounts so received shall be deposited into the Treasury to the credit of this appropriation, $102,286,000, of which $61,739,000 shall remain available until September 30, 2007: Provided, That not more than $4,400,000 of the funds credited or to be reimbursed to this appropriation as herein provided shall be available for obligation during fiscal year 2003.

LIBRARY BUILDINGS AND GROUNDS

For all necessary expenses for the mechanical and structural maintenance, care and operation of the Library buildings and grounds, $37,521,000, of which $18,014,000 shall remain available until September 30, 2007 and $5,500,000 shall remain available until expended.

CAPITOL POLICE BUILDINGS AND GROUNDS

(INCLUDING TRANSFER OF FUNDS)

For all necessary expenses for the maintenance, care, and operation of buildings and grounds of the United States Capitol Police, $23,900,000, of which $23,500,000 shall remain available until September 30, 2007: Provided, That $22,000,000 of the amount provided is withheld from obligation subject to the notification of the Committees on Appropriations of the House of Representatives and Senate: Provided further, That any amounts provided to the Architect of the Capitol prior to the date of the enactment of this Act for maintenance, care, and operation of buildings of the United States Capitol Police which remain unobligated as of the date of the enactment of this Act shall be transferred to the account under this heading.

BOTANIC GARDEN

For all necessary expenses for the maintenance, care and operation of the Botanic Garden and the nurseries, buildings, grounds, and collections; and purchase and exchange, maintenance, repair, and operation of a passenger motor vehicle; all under the direction of the Joint Committee on the Library, $6,103,000, of which $120,000 shall remain available until September 30, 2007: Provided, That this appropriation shall not be available for any activities of the National Garden.

ADMINISTRATIVE PROVISIONS

SEC. 1201. SMALL PURCHASE CONTRACTING AUTHORITY. (a) IN GENERAL.—Notwithstanding any other provision of law—

(1) section 3709 of the Revised Statutes of the United States (41 U.S.C. 5) shall apply with respect to purchases and contracts for the Architect of the Capitol as if the reference to ''$25,000'' in paragraph (1) of such section were a reference to ''$100,000''; and

(2) the Architect may procure services, equipment, and construction for security related projects in the most efficient manner he determines appropriate.

(b) EFFECTIVE DATE.—This section shall apply to fiscal year 2003 and each fiscal year thereafter.

SEC. 1202. MULTI-YEAR CONTRACT AUTHORITY. (a) IN GENERAL.—The Architect of the Capitol may—

(1) enter into contracts for the acquisition of severable services for a period that begins in 1 fiscal year and ends in the next fiscal year to the same extent as the head of an executive agency under the authority of section 303L of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253l); and

(2) enter into multiyear contracts for the acquisitions of property and nonaudit-related services to the same extent as executive agencies under the authority of section 304B of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254c).

(b) EFFECTIVE DATE.—This section shall apply to fiscal year 2003 and each fiscal year thereafter.

SEC. 1203. DEPUTY ARCHITECT OF THE CAPITOL/CHIEF OPERATING OFFICER. (a) ESTABLISHMENT OF DEPUTY ARCHITECT OF THE CAPITOL.—There shall be a Deputy Architect of the Capitol who shall serve as the Chief Operating Officer of the Office of the Architect of the Capitol. The Deputy Architect of the Capitol shall be appointed by the Architect of the Capitol and shall report directly to the Architect of the Capitol and shall be subject to the authority of the Architect of the Capitol. The Architect of the Capitol shall appoint the Deputy Architect of the Capitol not later than 90 days after the date of enactment of this Act. The appointment shall be made without regard to political affiliation or activity. The Architect of the Capitol shall consult with the Comptroller General or his designee before making the appointment.

(b) QUALIFICATIONS.—The Deputy Architect of the Capitol shall have strong leadership skills

and demonstrated ability in management, including in such areas as strategic planning, performance management, worker safety, customer satisfaction, and service quality.

(c) RESPONSIBILITIES.—

(1) IN GENERAL.—The Deputy Architect of the Capitol shall be responsible to the Architect of the Capitol for the overall direction, operation, and management of the Office of the Architect of the Capitol, including implementing the Office's goals and mission; providing overall organization management to improve the Office's performance; and assisting the Architect of the Capitol in promoting reform, and measuring results.

(2) RESPONSIBILITIES.—The Deputy Architect's responsibilities include—

(A) developing, implementing, annually updating, and maintaining a long-term strategic plan covering a period of not less than 5 years for the Office of the Architect of the Capitol, including the establishment of—

(i) a comprehensive mission statement covering the major functions and operations of the Office; and

(ii) general goals and objectives, including outcome-related goals and objectives, for the major functions and operations of the Office;

(B) developing and implementing an annual performance plan that includes annual performance goals covering each of the general goals and objectives in the strategic plan and including to the extent practicable quantifiable performance measures for the annual goals;

(C) proposing organizational changes and new positions needed to carry out the Office of the Architect of the Capitol's mission and strategic and annual performance goals; and

(D) reviewing and directing the operational functions of the Office of the Architect of the Capitol, including—

(i) facilities and project management;

(ii) administration and modernization of systems employed by the Office;

(iii) productivity and cost-saving measures;

(iv) strategic human capital management, including performance management and training and development initiatives; and

(v) financial management, including the integration of operational functions and financial management to ensure that budgets, financial information, and systems support the strategic and annual plans developed under this subsection.

(d) ADDITIONAL RESPONSIBILITIES.—The Architect of the Capitol may delegate to the Deputy Architect such additional duties as the Architect determines are necessary or appropriate.

(e) ACTION PLAN.—

(1) IN GENERAL.—No later than 180 days after the appointment, the Deputy Architect shall prepare and submit to the Committees on Appropriations of the House of Representatives and Senate and the Committee on Rules and Administration of the Senate, an action plan describing the policies, procedures, and actions the Deputy Architect will implement and timeframes for carrying out the responsibilities under this section.

(2) ACTION PLAN.—The action plan shall be—

(A) approved and signed by both the Architect of the Capitol and the Deputy Architect; and

(B) developed concurrently and consistent with the development of a strategic plan.

(3) ADDITIONAL SENIOR POSITIONS.—Notwithstanding the provisions in section 129(c) of the Legislative Branch Appropriations Act, 2002, Public Law 107–68, the Architect of the Capitol may, upon submission of the action plan, fix the rate of basic pay for not more than 3 additional positions at a rate not to exceed the highest total rate of pay for the Senior Executive Service under subchapter VIII of chapter 53 of title 5, United States Code, for the locality involved, in order to implement the action plan.

(f) EVALUATION.—Effective 180 days from the appointment of the Deputy Architect of the Capitol, the General Accounting Office shall evaluate at least annually the implementation of the action plan and provide the results of the evaluation to the Architect of the Capitol, the Committees on Appropriations of the House of Representatives and Senate and the Committee on Rules and Administration of the Senate.

(g) REMOVAL.—The Deputy Architect of the Capitol may be removed by the Architect of the Capitol for misconduct or failure to meet performance goals set forth in the performance agreement in subsection (i). Upon the removal of the Deputy Architect of the Capitol, the Architect of the Capitol shall immediately notify in writing the Committees on Appropriations of the House of Representatives and Senate, the Committee on House Administration of the House of Representatives, and the Committee on Rules and Administration of the Senate, stating the specific reasons for the removal.

(h) COMPENSATION.—The Deputy Architect of the Capitol shall be paid at an annual rate of pay to be determined by the Architect but not to exceed $1,000 less than the annual rate of pay for the Architect of the Capitol.

(i) ANNUAL PERFORMANCE AGREEMENT.—The Architect of the Capitol and the Deputy Architect of the Capitol, shall enter into an annual performance agreement that sets forth measurable individual goals linked to the organizational goals in the Office of the Architect of the Capitol's annual performance plan for the Deputy Architect of the Capitol in key operational areas. The agreement shall be subject to review and renegotiation on an annual basis.

(j) ANNUAL PERFORMANCE REPORT.—The Deputy Architect of the Capitol shall prepare and transmit to the Architect of the Capitol an annual performance report. This report shall contain an evaluation of the extent to which the Office of the Architect of the Capitol met the goals and objectives identified in the annual performance plan in subsection (c)(2) for the preceding year and an explanation of the results achieved during the preceding year relative to the established goals. This report shall also include the evaluation rating of the performance of the Deputy Architect of the Capitol under subsection (h), including the amounts of bonus compensation awarded to the Deputy Architect of the Capitol, and such additional information as may be prescribed by the Architect of the Capitol.

(k) TERMINATION OF ROLE.—As of October 1, 2004, the role of the Comptroller General and the General Accounting Office, as established by this section, will cease.

SEC. 1204. DEPUTY ARCHITECT TO ACT IN CASE OF ABSENCE, DISABILITY, OR VACANCY. The proviso under the subheading ''SALARIES'' under the heading ''OFFICE OF THE ARCHITECT OF THE CAPITOL'' under the heading ''ARCHITECT OF THE CAPITOL'' of the Legislative Branch Appropriations Act, 1971 (40 U.S.C. 164a) is amended by striking ''Assistant Architect'' and inserting ''Deputy Architect''.

SEC. 1205. DELEGATION OF AUTHORITY BY ARCHITECT OF THE CAPITOL. The matter under the subheading ''OFFICE OF THE ARCHITECT OF THE CAPITOL'' under the heading ''ARCHITECT OF THE CAPITOL'' of the Legislative Appropriation Act, 1956 (40 U.S.C. 163b) is amended by striking ''Architect of the Capitol is authorized'' through ''proper'' and inserting ''Architect of the Capitol may delegate to the assistants of the Architect such authority of the Architect as the Architect may determine proper, except those authorities, duties, and responsibilities specifically assigned to the Deputy Architect of the Capitol by the Legislative Branch Appropriations Act, 2003''.

SEC. 1206. ASSISTANT ARCHITECT. Notwithstanding any other provision of law, the compensation of the Assistant Architect who is incumbent in that position when the position of Assistant Architect is abolished shall not be reduced so long as the former Assistant Architect is employed at the Office of the Architect of the Capitol. Whenever the Architect of the Capitol receives a pay adjustment after the date of enactment of this section, the compensation of such former Assistant Architect shall be adjusted by the same percentage as the compensation of the Architect of the Capitol. The authority granted in this section shall be in addition to the authority the Architect of the Capitol has in section 129(c)(1)(A) of the Legislative Branch Appropriations Act, 2002, as amended by this Act, to fix the rate of basic pay for not more than 15 positions at a rate not to exceed the highest total rate of pay for the Senior Executive Service under subchapter VIII of chapter 53 of title 5, United States Code, for the locality involved.

SEC. 1207. SENATE STAFF HEALTH AND FITNESS FACILITY. Section 4 of the Legislative Branch Appropriations Act, 2001 (2 U.S.C. 121f) is amended—

(1) in subsection (a), by inserting ''Staff'' after ''Senate'';

(2) in subsection (b)(1), by inserting ''Staff'' after ''Senate'';

(3) in subsection (c), by inserting ''Staff'' after ''costs of the Senate'';

(4) in subsection (d), by inserting ''Staff'' after ''Senate''; and

(5) by striking subsection (e) and inserting the following:

''(e) The Committee on Rules and Administration of the Senate shall promulgate regulations pertaining to the operation and use of the Senate Staff Health and Fitness Facility.''.

SEC. 1208. ALLOCATION OF RESPONSIBILITY FOR LIBRARY BUILDINGS AND GROUNDS. (a) IN GENERAL.—The first section of the Act of June 29, 1922 (2 U.S.C. 141) is amended to read as follows:

''SECTION 1. ALLOCATION OF RESPONSIBILITIES FOR LIBRARY BUILDINGS AND GROUNDS.

''(a) ARCHITECT OF THE CAPITOL.—

''(1) IN GENERAL.—The Architect of the Capitol shall have charge of all work at the Library of Congress buildings and grounds (as defined in section 11 of the Act entitled 'An Act relating to the policing of the buildings of the Library of Congress' approved August 4, 1950 (2 U.S.C. 167(j)) that affects—

''(A) the structural integrity of the buildings;

''(B) buildings systems, including mechanical, electrical, plumbing, and elevators;

''(C) the architectural features of the buildings;

''(D) compliance with building and fire codes, laws, and regulations with respect to the specific responsibilities set for under this paragraph;

''(E) the care and maintenance of Library grounds; and

''(F) purchase of all equipment necessary to fulfill the responsibilities set forth under this paragraph.

''(2) EMPLOYEES.—The employees required for the performance of the duties under paragraph (1) shall be appointed by the Architect of the Capitol.

''(b) LIBRARIAN OF CONGRESS.—The Librarian of Congress shall have charge of all work (other than work under subsection (a)) at the Library of Congress buildings and grounds.

''(c) TRANSFER OF FUNDS.—The Architect of the Capitol and the Librarian of Congress may enter into agreements with each other to perform work under this section, and, subject to the approval of the Committees on Appropriations of the House of Representatives and the Senate and the Joint Committee on the Library, may transfer between themselves appropriations or other available funds to pay the costs therefor.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to fiscal year 2003 and each fiscal year thereafter.

LIBRARY OF CONGRESS

SALARIES AND EXPENSES

For necessary expenses of the Library of Congress not otherwise provided for, including development and maintenance of the Union Catalogs; custody and custodial care of the Library buildings; special clothing; cleaning, laundering and repair of uniforms; preservation of motion pictures in the custody of the Library; operation and maintenance of the American Folklife Center in the Library; preparation and distribution of catalog records and other publications of the Library; hire or purchase of one passenger motor vehicle; and expenses of the Library of Congress Trust Fund Board not properly chargeable to the income of any trust fund held by the Board, $358,474,000, of which not more than $6,500,000 shall be derived from collections credited to this appropriation during fiscal year 2003, and shall remain available until expended, under the Act of June 28, 1902 (chapter 1301; 32 Stat. 480; 2 U.S.C. 150) and not more than $350,000 shall be derived from collections during fiscal year 2003 and shall remain available until expended for the development and maintenance of an international legal information database and activities related thereto: Provided, That the Library of Congress may not obligate or expend any funds derived from collections under the Act of June 28, 1902, in excess of the amount authorized for obligation or expenditure in appropriations Acts: Provided further, That the total amount available for obligation shall be reduced by the amount by which collections are less than the $6,850,000: Provided further, That of the total amount appropriated, $10,886,000 is to remain available until expended for acquisition of books, periodicals, newspapers, and all other materials including subscriptions for bibliographic services for the Library, including $40,000 to be available solely for the purchase, when specifically approved by the Librarian, of special and unique materials for additions to the collections: Provided further, That of the total amount appropriated, not more than $12,000 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for the Overseas Field Offices: Provided further, That of the total amount appropriated, $1,793,000 shall remain available until expended for the acquisition and partial support for implementation of an Integrated Library System (ILS): Provided further, That of the total amount appropriated, $11,100,000 shall remain available until expended for the purpose of teaching educators how to incorporate the Library's digital collections into school curricula and shall be transferred to the educational consortium formed to conduct the ''Joining Hands Across America: Local Community Initiative'' project as approved by the Library: Provided further, That of the amount appropriated, $500,000 shall remain available until expended, and shall be transferred to the Abraham Lincoln Bicentennial Commission for carrying out the purposes of Public Law 106–173, of which amount $10,000 may be used for official representation and reception expenses of the Abraham Lincoln Bicentennial Commission: Provided further, That of the total amount appropriated, $5,250,000 shall remain available until September 30, 2007 for the acquisition and partial support for implementation of a Central Financial Management System: Provided further, That of the total amount appropriated, $789,000 shall remain available until September 30, 2004 for the Lewis and Clark Exhibition and an additional $200,000 shall remain available until expended, and shall be transferred to Southern Illinois University for the purpose of developing a permanent commemoration of the Lewis and Clark Expedition: Provided further, That, of the total amount appropriated, $500,000 shall remain available until expended and shall be equally divided and transferred to the Alexandria Museum of Art and the New Orleans Museum of Art for activities relating to the Louisiana Purchase Bicentennial Celebration.

COPYRIGHT OFFICE

SALARIES AND EXPENSES

For necessary expenses of the Copyright Office, $39,226,000, of which not more than $23,321,000, to remain available until expended, shall be derived from collections credited to this appropriation during fiscal year 2003 under section 708(d) of title 17, United States Code: Provided, That the Copyright Office may not obligate or expend any funds derived from collections under such section, in excess of the amount authorized for obligation or expenditure in appropriations Acts: Provided further, That not more than $6,191,000 shall be derived from collections during fiscal year 2003 under sections 111(d)(2), 119(b)(2), 802(h), and 1005 of such title: Provided further, That the total amount available for obligation shall be reduced by the amount by which collections are less than $29,512,000: Provided further, That not more than $100,000 of the amount appropriated is available for the maintenance of an ''International Copyright Institute'' in the Copyright Office of the Library of Congress for the purpose of training nationals of developing countries in intellectual property laws and policies: Provided further, That not more than $4,250 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for activities of the International Copyright Institute and for copyright delegations, visitors, and seminars.

CONGRESSIONAL RESEARCH SERVICE

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of section 203 of the Legislative Reorganization Act of 1946 (2 U.S.C. 166) and to revise and extend the Annotated Constitution of the United States of America, $86,952,000: Provided, That no part of such amount may be used to pay any salary or expense in connection with any publication, or preparation of material therefor (except the Digest of Public General Bills), to be issued by the Library of Congress unless such publication has obtained prior approval of either the Committee on House Administration of the House of Representatives or the Committee on Rules and Administration of the Senate.

BOOKS FOR THE BLIND AND PHYSICALLY HANDICAPPED

SALARIES AND EXPENSES

For salaries and expenses to carry out the Act of March 3, 1931 (chapter 400; 46 Stat. 1487; 2 U.S.C. 135a), $50,963,000, of which $13,697,000 shall remain available until expended: Provided, That, of the total amount appropriated, $1,000,000 shall remain available until expended to reimburse the National Federation of the Blind for costs incurred in the operation of its ''NEWSLINE'' program.

ADMINISTRATIVE PROVISIONS

SEC. 1301. Of the amounts appropriated to the Library of Congress in this Act, not more than $5,000 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for the incentive awards program.

SEC. 1302. (a) For fiscal year 2003, the obligational authority of the Library of Congress for the activities described in subsection (b) may not exceed $109,929,000.

(b) The activities referred to in subsection (a) are reimbursable and revolving fund activities that are funded from sources other than appropriations to the Library in appropriations Acts for the legislative branch.

(c) During fiscal year 2003, the Librarian of Congress may temporarily transfer funds appropriated in this Act under the heading ''LIBRARY OF CONGRESS—SALARIES AND EXPENSES'' to the revolving fund for the FEDLINK Program and the Federal Research Program established under section 103 of the Library of Congress Fiscal Operations Improvement Act of 2000 (Public Law 106–481; 2 U.S.C. 182c): Provided, That the total amount of such transfers may not exceed $1,900,000: Provided further, That the appropriate revolving fund account shall reimburse the Library for any amounts transferred to it before the period of availability of the Library appropriation expires.

SEC. 1303. NATIONAL DIGITAL INFORMATION INFRASTRUCTURE AND PRESERVATION PROGRAM.—The Miscellaneous Appropriations Act, 2001 (as enacted by section 1(a)(4) of Public Law 106–554, 114 Stat. 2763A–194), division A, chapter 9, under the heading ''Library of Congress'' ''Salaries and Expenses'' is amended by striking ''March 31, 2003'' and inserting ''March 31, 2005''.

SEC. 1304. ABRAHAM LINCOLN BICENTENNIAL COMMISSION. The Abraham Lincoln Bicentennial Commission Act (36 U.S.C. note prec. 101; Public Law 106–173) is amended—

(1) in section 6(b), by striking paragraph (2) and inserting the following:

''(2) STAFF.—Consistent with all other applicable Federal laws governing appointments and compensation, the staff of the Commission may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates.''; and

(2) in section 7(h)(3), by striking ''subsection (b)(2)'' and inserting ''section 6(b)(2)''.

GOVERNMENT PRINTING OFFICE

CONGRESSIONAL PRINTING AND BINDING

(INCLUDING TRANSFER OF FUNDS)

For authorized printing and binding for the Congress and the distribution of Congressional information in any format; printing and binding for the Architect of the Capitol; expenses necessary for preparing the semimonthly and session index to the Congressional Record, as authorized by law (section 902 of title 44, United States Code); printing and binding of Government publications authorized by law to be distributed to Members of Congress; and printing, binding, and distribution of Government publications authorized by law to be distributed without charge to the recipient, $90,143,000: Provided, That this appropriation shall not be available for paper copies of the permanent edition of the Congressional Record for individual Representatives, Resident Commissioners or Delegates authorized under section 906 of title 44, United States Code: Provided further, That this appropriation shall be available for the payment of obligations incurred under the appropriations for similar purposes for preceding fiscal years: Provided further, That notwithstanding the 2-year limitation under section 718 of title 44, United States Code, none of the funds appropriated or made available under this Act or any other Act for printing and binding and related services provided to Congress under chapter 7 of title 44, United States Code, may be expended to print a document, report, or publication after the 27-month period beginning on the date that such document, report, or publication is authorized by Congress to be printed, unless Congress reauthorizes such printing in accordance with section 718 of title 44, United States Code: Provided further, That any unobligated or unexpended balances in this account or accounts for similar purposes for preceding fiscal years may be transferred to the Government Printing Office revolving fund for carrying out the purposes of this heading, subject to the approval of the Committees on Appropriations of the House of Representatives and Senate.

OFFICE OF SUPERINTENDENT OF DOCUMENTS

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For expenses of the Office of Superintendent of Documents necessary to provide for the cataloging and indexing of Government publications and their distribution to the public, Members of Congress, other Government agencies, and designated depository and international exchange libraries as authorized by law, $29,661,000: Provided, That amounts of not more than $2,000,000 from current year appropriations are authorized for producing and disseminating Congressional serial sets and other related publications for 2001 and 2002 to depository and other designated libraries: Provided further, That any unobligated or unexpended balances in this account or accounts for similar purposes for preceding fiscal years may be transferred to the Government Printing Office revolving fund for carrying out the purposes of this heading, subject to the approval of the Committees on Appropriations of the House of Representatives and Senate.

GOVERNMENT PRINTING OFFICE REVOLVING FUND

The Government Printing Office is hereby authorized to make such expenditures, within the limits of funds available and in accord with the law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the programs and purposes set forth in the budget for the current fiscal year for the Government Printing Office revolving fund: Provided, That not more than $2,500 may be expended on the certification of the Public Printer in connection with official representation and reception expenses: Provided further, That the revolving fund shall be available for the hire or purchase of not more than 12 passenger motor vehicles: Provided further, That expenditures in connection with travel expenses of the advisory councils to the Public Printer shall be deemed necessary to carry out the provisions of title 44, United States Code: Provided further, That the revolving fund shall be available for temporary or intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not more than the daily equivalent of the annual rate of basic pay for level V of the Executive Schedule under section 5316 of such title: Provided further, That the revolving fund and the funds provided under the headings ''OFFICE OF SUPERINTENDENT OF DOCUMENTS'' and ''SALARIES AND EXPENSES'' together may not be available for the full-time equivalent employment of more than 3,219 workyears (or such other number of workyears as the Public Printer may request, subject to the approval of the Committees on Appropriations of the House of Representatives and Senate): Provided further, That activities financed through the revolving fund may provide information in any format.

GENERAL ACCOUNTING OFFICE

SALARIES AND EXPENSES

For necessary expenses of the General Accounting Office, including not more than $12,500 to be expended on the certification of the Comptroller General of the United States in connection with official representation and reception expenses; temporary or intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not more than the daily equivalent of the annual rate of basic pay for level IV of the Executive Schedule under section 5315 of such title; hire of one passenger motor vehicle; advance payments in foreign countries in accordance with section 3324 of title 31, United States Code; benefits comparable to those payable under section 901(5), (6), and (8) of the Foreign Service Act of 1980 (22 U.S.C. 4081(5), (6), and (8)); and under regulations prescribed by the Comptroller General of the United States, rental of living quarters in foreign countries, $451,134,000: Provided, That not more than $2,210,000 of payments received under section 782 of title 31, United States Code, shall be available for use in fiscal year 2003: Provided further, That not more than $790,000 of reimbursements received under section 9105 of title 31, United States Code, shall be available for use in fiscal year 2003: Provided further, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the National Intergovernmental Audit Forum or a Regional Intergovernmental Audit Forum shall be available to finance an appropriate share of either Forum's costs as determined by the respective Forum, including necessary travel expenses of non-Federal participants: Provided further, That payments hereunder to the Forum may be credited as reimbursements to any appropriation from which costs involved are initially financed: Provided further, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the American Consortium on International Public Administration (ACIPA) shall be available to finance an appropriate share of ACIPA costs as determined by the ACIPA, including any expenses attributable to membership of ACIPA in the International Institute of Administrative Sciences.

PAYMENT TO THE FOREIGN LEADERSHIP DEVELOPMENT CENTER TRUST FUND

For a payment to the Foreign Leadership Development Center Trust Fund for financing activities of the Center for Foreign Development, $13,000,000.

ADMINISTRATIVE PROVISION

SEC. 1401. CENTER FOR FOREIGN LEADERSHIP DEVELOPMENT. (a) IN GENERAL.—Section 313 of the Legislative Branch Appropriations Act, 2001 (Public Law 106–554; 114 Stat. 2763A–120) is amended—

(1) in the section heading, by striking ''RUSSIAN'' and inserting ''FOREIGN'';

(2) in subsection (a)—

(A) in paragraph (1), by striking ''Russian'' and inserting ''Foreign''; and

(B) in paragraph (2)(D), by striking ''United States and Russian relations'' and inserting ''relations between the United States and eligible foreign states'';

(3) in subsection (b)—

(A) in paragraph (1), by striking ''Russia'' and inserting ''eligible foreign states'';

(B) in paragraph (2), by striking ''Russian nationals'' and inserting ''nationals of eligible foreign states'';

(C) in paragraph (3)(B), by striking ''3,000'' and inserting ''3,500''; and

(D) in paragraph (3)(C)(i), by striking ''Russia'' and inserting ''an eligible foreign state'';

(4) in subsection (c)(1), by striking ''Russian'' and inserting ''Foreign''; and

(5) by adding at the end the following:

''(i) ELIGIBLE FOREIGN STATE DEFINED.—In this section, the term 'eligible foreign state' means—

''(1) any country specified in section 3 of the FREEDOM Support Act (22 U.S.C. 5801); and

''(2) Estonia, Latvia, and Lithuania.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect 90 days after the date of enactment of this Act.

TITLE II—GENERAL PROVISIONS

SEC. 201. No part of the funds appropriated in this Act shall be used for the maintenance or care of private vehicles, except for emergency assistance and cleaning as may be provided under regulations relating to parking facilities for the House of Representatives issued by the Committee on House Administration and for the Senate issued by the Committee on Rules and Administration.

SEC. 202. No part of the funds appropriated in this Act shall remain available for obligation beyond fiscal year 2003 unless expressly so provided in this Act.

SEC. 203. Whenever in this Act any office or position not specifically established by the Legislative Pay Act of 1929 is appropriated for or the rate of compensation or designation of any office or position appropriated for is different from that specifically established by such Act, the rate of compensation and the designation in this Act shall be the permanent law with respect thereto: Provided, That the provisions in this Act for the various items of official expenses of Members, officers, and committees of the Senate and House of Representatives, and clerk hire for Senators and Members of the House of Representatives shall be the permanent law with respect thereto.

SEC. 204. The expenditure of any appropriation under this Act for any consulting service through procurement contract, under section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued under existing law.

SEC. 205. Such sums as may be necessary are appropriated to the account described in subsection (a) of section 415 of the Congressional Accountability Act to pay awards and settlements as authorized under such subsection.

SEC. 206. Amounts available for administrative expenses of any legislative branch entity which participates in the Legislative Branch Financial Managers Council (LBFMC) established by charter on March 26, 1996, shall be available to finance an appropriate share of LBFMC costs as determined by the LBFMC, except that the total LBFMC costs to be shared among all participating legislative branch entities (in such allocations among the entities as the entities may determine) may not exceed $2,000.

SEC. 207. Section 316 of Public Law 101–302 is amended in the first sentence of subsection (a) by striking ''2002'' and inserting ''2003''.

SEC. 208. The Architect of the Capitol, in consultation with the District of Columbia, is authorized to maintain and improve the landscape features, excluding streets and sidewalks, in the irregular shaped grassy areas bounded by Washington Avenue, SW on the northeast, Second Street SW on the west, Square 582 on the south, and the beginning of the I–395 tunnel on the southeast.

SEC. 209. UNITED STATES-CHINA ECONOMIC AND SECURITY REVIEW COMMISSION. (a) APPROPRIATIONS.—There are appropriated, out of any funds in the Treasury not otherwise appropriated, $1,800,000, to remain available until expended, to the United States-China Economic and Security Review Commission.

(b) NAME CHANGE.—

(1) IN GENERAL.—Section 1238 of the Floyd D. Spence National Defense Authorization Act of 2001 (22 U.S.C. 7002) is amended—

*(A) in the section heading by inserting ''**ECONOMIC AND**'' before ''**SECURITY**'';*

(B) in subsection (a)—

(i) in paragraph (1), by inserting ''Economic and'' before ''Security''; and

(ii) in paragraph (2), by inserting ''Economic and'' before ''Security'';

(C) in subsection (b)—

(i) in the subsection heading, by inserting ''ECONOMIC AND'' before ''SECURITY'';

(ii) in paragraph (1), by inserting ''Economic and'' before ''Security'';

(iii) in paragraph (3)—

(I) in the matter preceding subparagraph (A), by inserting ''Economic and'' before ''Security''; and

(II) in subparagraph (H), by inserting ''Economic and'' before ''Security''; and

(iv) in paragraph (4), by inserting ''Economic and'' before ''Security'' each place it appears; and

(D) in subsection (e)—

(i) in paragraph (1), by inserting ''Economic and'' before ''Security'';

(ii) in paragraph (2), by inserting ''Economic and'' before ''Security'';

(iii) in paragraph (3)—

(I) in the first sentence, by inserting ''Economic and'' before ''Security''; and

(II) in the second sentence, by inserting ''Economic and'' before ''Security'';

(iv) in paragraph (4), by inserting ''Economic and'' before ''Security''; and

(v) in paragraph (6), by inserting ''Economic and'' before ''Security'' each place it appears.

(2) REFERENCES.—Any reference in any Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or relating to the United States-China Security Review Commission shall be deemed to refer to the United States-China Economic and Security Review Commission.

(c) MEMBERSHIP, RESPONSIBILITIES, AND TERMS.—

(1) IN GENERAL.—Section 1238(b)(3) of the Floyd D. Spence National Defense Authorization Act of 2001 (22 U.S.C. 7002) is amended by striking subparagraph (F) and inserting the following:

''(F) each appointing authority referred to under subparagraphs (A) through (D) of this paragraph shall—

''(i) appoint 3 members to the Commission;

''(ii) make the appointments on a staggered term basis, such that—

''(I) 1 appointment shall be for a term expiring on December 31, 2003;

''(II) 1 appointment shall be for a term expiring on December 31, 2004; and

''(III) 1 appointment shall be for a term expiring on December 31, 2005;

''(iii) make all subsequent appointments on an approximate 2-year term basis to expire on December 31 of the applicable year; and

''(iv) make appointments not later than 30 days after the date on which each new Congress convenes;''.

(2) RESPONSIBILITIES OF THE COMMISSION.—The United States-China Commission shall focus on the following nine areas when conducting its work during fiscal year 2003 and beyond:

(A) PROLIFERATION PRACTICES.—The Commission shall analyze and assess the Chinese role in the proliferation of weapons of mass destruction and other weapons (including dual use technologies) to terrorist-sponsoring states, and suggest possible steps which the United States might take, including economic sanctions, to encourage the Chinese to stop such practices.

(B) ECONOMIC REFORMS AND UNITED STATES ECONOMIC TRANSFERS.—The Commission shall analyze and assess the qualitative and quantitative nature of the shift of United States production activities to China, including the relocation of high-technology, manufacturing, and R&D facilities; the impact of these transfers on United States national security, including political influence by the Chinese Government over American firms, dependence of the United States national security industrial base on Chinese imports, the adequacy of United States export control laws, and the effect of these transfers on United States economic security, employment, and the standard of living of the American people; analyze China's national budget and assess China's fiscal strength to address internal instability problems and assess the likelihood of externalization of such problems.

(C) ENERGY.—The Commission shall evaluate and assess how China's large and growing economy will impact upon world energy supplies and the role the United States can play, including joint R&D efforts and technological assistance, in influencing China's energy policy.

(D) UNITED STATES CAPITAL MARKETS.—The Commission shall evaluate the extent of Chinese access to, and use of United States capital markets, and whether the existing disclosure and transparency rules are adequate to identify Chinese companies which are active in United States markets and are also engaged in proliferation activities.

(E) CORPORATE REPORTING.—The Commission shall assess United States trade and investment relationship with China, including the need for corporate reporting on United States investments in China and incentives that China may be offering to United States corporations to relocate production and R&D to China.

(F) REGIONAL ECONOMIC AND SECURITY IMPACTS.—The Commission shall assess the extent of China's ''hollowing-out'' of Asian manufacturing economies, and the impact on United States economic and security interests in the region; review the triangular economic and security relationship among the United States, Taipei and Beijing, including Beijing's military modernization and force deployments aimed at Taipei, and the adequacy of United States executive branch coordination and consultation with Congress on United States arms sales and defense relationship with Taipei.

(G) UNITED STATES-CHINA BILATERAL PROGRAMS.—The Commission shall assess science and technology programs to evaluate if the United States is developing an adequate coordinating mechanism with appropriate review by the intelligence community with Congress; assess the degree of non-compliance by China and United States-China agreements on prison labor imports and intellectual property rights; evaluate United States enforcement policies; and recommend what new measures the United States Government might take to strengthen our laws and enforcement activities and to encourage compliance by the Chinese.

(H) WORLD TRADE ORGANIZATION COMPLIANCE.—The Commission shall review China's record of compliance to date with its accession agreement to the WTO, and explore what incentives and policy initiatives should be pursued to promote further compliance by China.

(I) MEDIA CONTROL.—The Commission shall evaluate Chinese government efforts to influence and control perceptions of the United States and its policies through the internet, the Chinese print and electronic media, and Chinese internal propaganda.

(3) EFFECTIVE DATE.—This subsection shall take effect on the date of enactment of this Act.

SEC. 210. JOHN C. STENNIS CENTER FOR PUBLIC SERVICE TRAINING AND DEVELOPMENT. There are appropriated, out of any funds in the Treasury not otherwise appropriated, $300,000, to remain available until expended, to the John C. Stennis Center for Public Service Training and Development.

SEC. 211. TITLE II OF THE CONGRESSIONAL AWARD ACT. There are appropriated, out of any funds in the Treasury not otherwise appropriated, $250,000, to remain available until expended, to carry out title II of the Congressional Award Act (2 U.S.C. 811 et seq.): Provided, That funds appropriated for this purpose do not exceed 100 percent of funds donated to the Board in cash or in kind under section 208(c) of the Congressional Award Act: Provided further, That such funds are used for staff salaries and overhead, postage, travel, equipment, and accounting costs.

This division may be cited as the ''Legislative Branch Appropriations Act, 2003''.

DIVISION I—TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS, 2003

Making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2003, and for other purposes.

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of Transportation and related agencies for the fiscal year ending September 30, 2003, and for other purposes, namely:

TITLE I

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

For necessary expenses of the Office of the Secretary, $83,069,000, of which not to exceed $2,201,000 shall be available for the immediate Office of the Secretary; not to exceed $799,000 shall be available for the immediate Office of the Deputy Secretary; not to exceed $15,507,000 shall be available for the Office of the General Counsel; not to exceed $11,123,000 shall be for the Office of the Under Secretary for Transportation Policy; not to exceed $8,375,000 shall be available for the Office of the Assistant Secretary for Budget and Programs; not to exceed $2,282,000 shall be available for the Office of the Assistant Secretary for Governmental Affairs; not to exceed $26,070,000 shall be available for the Office of the Assistant Secretary for Administration; not to exceed $1,920,000 shall be available for the Office of Public Affairs; not to exceed $1,390,000 shall be available for the Office of the Executive Secretariat; not to exceed $611,000 shall be available for the Board of Contract Appeals; not to exceed $1,304,000 shall be available for the Office of Small and Disadvantaged Business Utilization; not to exceed $11,487,000 shall be available for the Office of the Chief Information Officer: Provided, That not to exceed $60,000 shall be for allocation within the Department for official reception and representation expenses as the Secretary may determine: Provided further, That notwithstanding any other provision of law, excluding fees authorized in Public Law 107–71, there may be credited to this appropriation up to $2,500,000 in funds received in user fees.

OFFICE OF CIVIL RIGHTS

For necessary expenses of the Office of Civil Rights, $8,700,000.

TRANSPORTATION PLANNING, RESEARCH, AND DEVELOPMENT

For necessary expenses for conducting transportation planning, research, systems development, development activities, and making grants, to remain available until expended, $21,000,000.

TRANSPORTATION ADMINISTRATIVE SERVICE CENTER

Necessary expenses for operating costs and capital outlays of the Transportation Administrative Service Center, not to exceed $131,779,000, shall be paid from appropriations made available to the Department of Transportation: Provided, That such services shall be provided on a competitive basis to entities within the Department of Transportation: Provided further, That the above limitation on operating expenses shall not apply to non-DOT entities: Provided further, That no funds appropriated in this Act to an agency of the Department shall be transferred to the Transportation Administrative Service Center without the approval of the agency modal administrator: Provided further, That no assessments may be levied against any program, budget activity, subactivity or project funded by this Act unless notice of such assessments and the basis therefor are presented to the House and Senate Committees on Appropriations and are approved by such Committees.

MINORITY BUSINESS RESOURCE CENTER PROGRAM

For the cost of guaranteed loans, $500,000, as authorized by 49 U.S.C. 332: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $18,367,000. In addition, for administrative expenses to carry out the guaranteed loan program, $400,000.

MINORITY BUSINESS OUTREACH

For necessary expenses of Minority Business Resource Center outreach activities, $3,000,000, to remain available until September 30, 2004: Provided, That notwithstanding 49 U.S.C. 332, these funds may be used for business opportunities related to any mode of transportation.

PAYMENTS TO AIR CARRIERS

(AIRPORT AND AIRWAY TRUST FUND)

In addition to funds made available from any other source to carry out the essential air service program under 49 U.S.C. 41731 through 41742, to be derived from the Airport and Airway Trust Fund, $65,000,000, to remain available until expended.

TRANSPORTATION SECURITY ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Transportation Security Administration related to transportation security services pursuant to Public Law 107–71, $5,346,000,000 of which $55,000,000 shall be derived from a reimbursement from the heading, ''Facilities and Equipment'', Federal Aviation Administration for explosives detection systems in this fiscal year, to remain available until September 30, 2004: Provided, That, security service fees authorized under 49 U.S.C. 44940 shall be credited to this appropriation as offsetting collections and used for providing security services authorized by that section: Provided further, That the sum herein appropriated from the General Fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received during fiscal year 2003: Provided further, That any security service fees collected in excess of the amount appropriated under this heading shall be treated as offsetting collections in 2004: Provided further, That, of such amounts provided herein $150,000,000 shall be available for the Secretary of Homeland Security pursuant to the terms and conditions of section 70107(i) of Public Law 107–295 to award grants to national laboratories, private nonprofit organizations, institutions of higher education, and other entities for the support of research and development of technologies that can be used to secure the ports of the United States.

COAST GUARD

OPERATING EXPENSES

For necessary expenses for the operation and maintenance of the Coast Guard, not otherwise provided for; purchase of not to exceed five passenger motor vehicles for replacement only; payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and section 229(b) of the Social Security Act (42 U.S.C. 429(b)); and recreation and welfare, $4,318,456,000, of which $340,000,000 shall be available for defense-related activities; and of which $25,000,000 shall be derived from the Oil Spill Liability Trust Fund: Provided, That none of the funds appropriated in this or any other Act shall be available for pay of administrative expenses in connection with shipping commissioners in the United States: Provided further, That none of the funds provided in this Act shall be available to compensate in excess of 37 active duty flag officer billets: Provided further, That none of the funds provided in this Act shall be available for expenses incurred for yacht documentation under 46 U.S.C. 12109, except to the extent fees are collected from yacht owners and credited to this appropriation.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of acquisition, construction, renovation, and improvement of aids to navigation, shore facilities, vessels, and aircraft, including equipment related thereto, $752,000,000, of which $20,000,000 shall be derived from the Oil Spill Liability Trust Fund; of which $25,600,000 shall be available to acquire, repair, renovate or improve vessels, small boats and related equipment, to remain available until September 30, 2007; $132,700,000 shall be available for other equipment, to remain available until September 30, 2005; $48,700,000 shall be available for shore facilities and aids to navigation facilities, to remain available until September 30, 2005; $65,000,000 shall be available for personnel compensation and benefits and related costs, to remain available until September 30, 2003; and $480,000,000 shall be available for the Integrated Deepwater Systems program, to remain available until September 30, 2006: Provided, That the Commandant of the Coast Guard is authorized to dispose of surplus real property, by sale or lease, and the proceeds shall be credited to this appropriation as offsetting collections and made available only for the National Distress and Response System Modernization program, to remain available for obligation until September 30, 2004: Provided further, That none of the funds provided under this heading may be obligated or expended for the Integrated Deepwater Systems (IDS) system integration contract in fiscal year 2004 until the Secretary or Deputy Secretary of Transportation and the Director, Office of Management and Budget jointly certify to the House and Senate Committees on Appropriations that funding for the IDS program for fiscal years 2004 through 2008, funding for the National Distress and Response System Modernization program to allow for full deployment of said system by 2006, and funding for other essential search and rescue procurements, are fully funded in the Coast Guard Capital Investment Plan and within the Office of Management and Budget's budgetary projections for the Coast Guard for those years: Provided further, That upon initial submission to the Congress of the fiscal year 2004 President's budget, the Secretary of Transportation shall transmit to the Congress a comprehensive capital investment plan for the United States Coast Guard which includes funding for each budget line item for fiscal years 2004 through 2008, with total funding for each year of the plan constrained to the funding targets for those years as estimated and approved by the Office of Management and Budget: Provided further, That the amount herein appropriated shall be reduced by $150,000 per day for each day after initial submission of the President's budget that the plan has not been submitted to the Congress.

ENVIRONMENTAL COMPLIANCE AND RESTORATION

For necessary expenses to carry out the Coast Guard's environmental compliance and restoration functions under chapter 19 of title 14, United States Code, $17,000,000, to remain available until expended.

ALTERATION OF BRIDGES

For necessary expenses for alteration or removal of obstructive bridges, $14,000,000, to remain available until expended.

RETIRED PAY

For retired pay, including the payment of obligations therefor otherwise chargeable to lapsed appropriations for this purpose, payments under the Retired Serviceman's Family Protection and Survivor Benefits Plans, payment for career status bonuses under the National Defense Authorization Act, and for payments for medical care of retired personnel and their dependents under the Dependents Medical Care Act (10 U.S.C. ch. 55), $889,000,000.

RESERVE TRAINING

For all necessary expenses of the Coast Guard Reserve, as authorized by law; maintenance and operation of facilities; and supplies, equipment, and services, $86,522,000.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

For necessary expenses, not otherwise provided for, for applied scientific research, development, test, and evaluation; maintenance, rehabilitation, lease and operation of facilities and equipment, as authorized by law, $22,000,000, to remain available until expended, of which $3,500,000 shall be derived from the Oil Spill Liability Trust Fund: Provided, That there may be credited to and used for the purposes of this appropriation funds received from State and local governments, other public authorities, private sources, and foreign countries, for expenses incurred for research, development, testing, and evaluation.

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

For necessary expenses of the Federal Aviation Administration, not otherwise provided for, including operations and research activities related to commercial space transportation, administrative expenses for research and development, establishment of air navigation facilities, the operation (including leasing) and maintenance of aircraft, subsidizing the cost of aeronautical charts and maps sold to the public, lease or purchase of passenger motor vehicles for replacement only, in addition to amounts made available by Public Law 104–264, $7,047,203,000, of which $3,799,278,000 shall be derived from the Airport and Airway Trust Fund, of which not to exceed $5,662,037,000 shall be available for air traffic services program activities; not to exceed $839,467,000 shall be available for aviation regulation and certification program activities; not to exceed $207,600,000 shall be available for research and acquisition program activities; not to exceed $12,325,000 shall be available for commercial space transportation program activities; not to exceed $48,782,000 shall be available for financial services program activities; not to exceed $80,260,000 shall be available for human resources program activities; not to exceed $82,192,000 shall be available for regional coordination program activities; not to exceed $84,890,000 shall be available for staff offices; and not to exceed $29,650,000 shall be available for information services: Provided, That none of the funds in this Act shall be available for the Federal Aviation Administration to finalize or implement any regulation that would promulgate new aviation user fees not specifically authorized by law after the date of the enactment of this Act: Provided further, That there may be credited to this appropriation funds received from States, counties, municipalities, foreign authorities, other public authorities, and private sources, for expenses incurred in the provision of agency services, including receipts for the maintenance and operation of air navigation facilities, and for issuance, renewal or modification of certificates, including airman, aircraft, and repair station certificates, or for tests related thereto, or for processing major repair or alteration forms: Provided further, That of the funds appropriated under this heading, not less than $6,000,000 shall be for the contract tower cost-sharing program: Provided further, That funds may be used to enter into a grant agreement with a nonprofit standard-setting organization to assist in the development of aviation safety standards: Provided further, That none of the funds in this Act shall be available for new applicants for the second career training program: Provided further, That none of the funds in this Act shall be available for paying premium pay under 5 U.S.C. 5546(a) to any Federal Aviation Administration employee unless such employee actually performed work during the time corresponding to such premium pay: Provided further, That none of the funds in this Act may be obligated or expended to operate a manned auxiliary flight service station in the contiguous United States.

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for acquisition, establishment, and improvement by contract or purchase, and hire of air navigation and experimental facilities and equipment as authorized under part A of subtitle VII of title 49, United States Code, including initial acquisition of necessary sites by lease or grant; engineering and service testing, including construction of test facilities and acquisition of necessary sites by lease or grant; construction and furnishing of quarters and related accommodations for officers and employees of the Federal Aviation Administration stationed

at remote localities where such accommodations are not available; and the purchase, lease, or transfer of aircraft from funds available under this heading; to be derived from the Airport and Airway Trust Fund, $2,981,022,000, of which $2,558,455,000 shall remain available until September 30, 2005, and of which $422,567,000 shall remain available until September 30, 2003: Provided, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred in the establishment and modernization of air navigation facilities: Provided further, That upon initial submission to the Congress of the fiscal year 2004 President's budget, the Secretary of Transportation shall transmit to the Congress a comprehensive capital investment plan for the Federal Aviation Administration which includes funding for each budget line item for fiscal years 2004 through 2008, with total funding for each year of the plan constrained to the funding targets for those years as estimated and approved by the Office of Management and Budget: Provided further, That the amount herein appropriated shall be reduced by $150,000 per day for each day after initial submission of the President's budget that the plan has not been submitted to the Congress.

RESEARCH, ENGINEERING, AND DEVELOPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for research, engineering, and development, as authorized under part A of subtitle VII of title 49, United States Code, including construction of experimental facilities and acquisition of necessary sites by lease or grant, $124,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until September 30, 2005: Provided, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred for research, engineering, and development.

GRANTS-IN-AID FOR AIRPORTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(AIRPORT AND AIRWAY TRUST FUND)

For liquidation of obligations incurred for grants-in-aid for airport planning and development, and noise compatibility planning and programs as authorized under subchapter I of chapter 471 and subchapter I of chapter 475 of title 49, United States Code, and under other law authorizing such obligations; for procurement, installation, and commissioning of runway incursion prevention devices and systems at airports of such title; for implementation of section 203 of Public Law 106–181; and for inspection activities and administration of airport safety programs, including those related to airport operating certificates under section 44706 of title 49, United States Code, $3,100,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until expended: Provided, That none of the funds under this heading shall be available for the planning or execution of programs the obligations for which are in excess of $3,400,000,000 in fiscal year 2003, notwithstanding section 47117(g) of title 49, United States Code: Provided further, That notwithstanding any other provision of law, not more than $81,049,000 of funds limited under this heading shall be obligated for administration and for technology research and not less than $20,000,000 shall be for the Small Community Air Service Development Pilot Program.

AVIATION INSURANCE REVOLVING FUND

The Secretary of Transportation is hereby authorized to make such expenditures and investments, within the limits of funds available pursuant to 49 U.S.C. 44307, and in accordance with section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 9104), as may be necessary in carrying out the program for aviation insurance activities under chapter 443 of title 49, United States Code.

FEDERAL HIGHWAY ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

Necessary expenses for administration and operation of the Federal Highway Administration, not to exceed $317,732,000, shall be paid in accordance with law from appropriations made available by this Act to the Federal Highway Administration together with advances and reimbursements received by the Federal Highway Administration: Provided, That of the funds available under section 104(a)(1)(A) of title 23, United States Code: $7,500,000 shall be available for ''Child Passenger Protection Education Grants'' under section 2003(b) of Public Law 105–178, as amended; $47,000,000 shall be available for construction of state border safety inspection facilities at the United States/Mexico border, and shall remain available until expended; $59,967,000 shall be available for border enforcement activities required by section 350 of Public Law 107–87, and shall remain available until expended; $69,000,000 shall be available, in addition to funds made available by section 330 of this Act, to enable the Secretary to make grants for surface transportation projects, and shall remain available until expended; and $6,000,000 shall be available for environmental streamlining activities, which may include making grants to, or entering into contracts, cooperative agreements, and other transactions, with a Federal agency, State agency, local agency, authority, association, nonprofit or for-profit corporation, or institution of higher education.

FEDERAL-AID HIGHWAYS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

None of the funds in this Act shall be available for the implementation or execution of programs, the obligations for which are in excess of $31,800,000,000 for Federal-aid highways and highway safety construction programs for fiscal year 2003: Provided, That within the $232,000,000 obligation limitation on Intelligent Transportation Systems, the following sums shall be made available for Intelligent Transportation System projects that are designed to achieve the goals and purposes set forth in section 5203 of the Intelligent Transportation Systems Act of 1998 (subtitle C of title V of Public Law 105–178; 112 Stat. 453; 23 U.S.C. 502 note) in the following specified areas:

Advance Traveler Info. System & Smart Card System, OH, $2,500,000;

Alaska Statewide: Smart Emergency Medical Access System, $3,000,000;

Boston Traffic Monitoring & Security System, MA, $2,000,000;

Bozeman Pass Wildlife Channelization Study, MT, $500,000;

Cargo Mate Logistics and Intermodal Management System, NY, $2,000,000;

Cary, Computerized Traffic Signal System, NC, $1,000,000;

CCTA Burlington Multimodal Transit Center, VT, $1,000,000;

Center for Injury Sciences at UAB, Crash Notification, AL, $2,000,000;

Central Florida Regional Trans. Authority, Orange/Seminole ITS, FL, $2,000,000;

Chattanooga (CARTA) ITS, TN, $1,500,000;

Sierra Madre Intermodal Trans. Center, Los Angeles, CA, $2,500,000;

CVISN, NM, $1,125,000;

Flint Mass Transportation Authority ITS program, MI, $1,000,000;

Intelligent Transportation Center, Atlanta, GA, $500,000;

GMU, ITS Research, VA, $2,000,000;

Great Lakes ITS program, MI, $3,000,000;

Harrison County Sheriff's Department, ITS, MS, $1,000,000;

Hoosier SAFE–T, IN, $2,000,000;

Huntsville, AL, $2,000,000;

I–80 Dynamic Message Signs, Southern WY, $4,000,000;

Idaho Statewide CVISN, $2,250,000;

Illinois Statewide, $4,500,000;

Iowa Statewide ITS, $1,400,000;

Kansas City Scout, Advanced Traffic Management System, KS, $1,500,000;

Kansas City SmartPort, $1,000,000;

Kent, Intracity Transit Project, WA, $1,500,000;

Lynnwood ITS, WA, $2,000,000;

Maine Statewide, Rural Advanced Traveler Info. System, ME, $2,000,000;

Maryland Statewide ITS, $2,000,000;

Missouri Statewide Rural ITS, MO, $2,000,000;

NDSU Advanced Traffic Analysis Center, ND, $1,000,000;

Nebraska statewide ITS, $5,000,000;

New Bedford ITS Port Information Center, MA, $1,000,000;

Oklahoma Statewide ITS, $7,000,000;

Pennsylvania Turnpike Commission, PA, $5,000,000;

Program of Projects, WA, $5,500,000;

Providence Transportation Information Center, ITS, RI, $2,000,000;

Sacramento Area Council of Governments, ITS, CA, $1,000,000;

Shreveport ITS Project, LA, $1,000,000;

SCDOT Statewide ITS, $5,000,000;

SR–68/Riverside Dr. ITS, Espanola, NM, $475,000;

Surface Transportation Institute, Univ. of North Dakota, ND, $1,500,000;

T–REX Southeast Corridor Multi-Modal Project, CO, $9,000,000;

Tucson ER–LINK ITS project, AZ, $1,250,000;

Univ. of Nebraska Lincoln, SMART Transportation, NE, $2,000,000;

University of Kentucky Transportation Center, KY, $2,000,000;

Utah Commuter Link, Davis and Utah Counties, UT, $1,000,000;

Vermont Statewide Rural Advanced Traveler System, VT, $1,500,000;

Vermont Variable Message Signs, VT, $1,000,000;

Washington, DC Metro ITS, $4,000,000;

Northern Virginia ITS, VA, $4,000,000; and

Wisconsin State Patrol Mobile Data Communications Network, $2,000,000.

FEDERAL-AID HIGHWAYS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

Notwithstanding any other provision of law, for carrying out the provisions of title 23, United States Code, that are attributable to Federal-aid highways, including the National Scenic and Recreational Highway as authorized by 23 U.S.C. 148, not otherwise provided, including reimbursement for sums expended pursuant to the provisions of 23 U.S.C. 308, $32,000,000,000 or so much thereof as may be available in and derived from the Highway Trust Fund, to remain available until expended.

APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM

For necessary expenses for the Appalachian Development Highway System as authorized under section 1069(y) of Public Law 102–240, as amended, $200,000,000, to remain available until expended.

FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

MOTOR CARRIER SAFETY

LIMITATION ON ADMINISTRATIVE EXPENSES

For necessary expenses for administration of motor carrier safety programs and motor carrier safety research, pursuant to section 104(a)(1)(B) of title 23, United States Code, not to exceed $117,464,000 shall be paid in accordance with law from appropriations made available by this Act and from any available take-down balances to the Federal Motor Carrier Safety Administration, together with advances and reimbursements received by the Federal Motor Carrier

Safety Administration: Provided, That such amounts shall be available to carry out the functions and operations of the Federal Motor Carrier Safety Administration.

NATIONAL MOTOR CARRIER SAFETY PROGRAM

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

Notwithstanding any other provision of law, for payment of obligations incurred in carrying out 49 U.S.C. 31102, 31106 and 31309, $190,000,000, to be derived from the Highway Trust Fund and to remain available until expended: Provided, That none of the funds in this Act shall be available for the implementation or execution of programs the obligations for which are in excess of $190,000,000 for ''Motor Carrier Safety Grants'', and ''Information Systems''.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

OPERATIONS AND RESEARCH

For expenses necessary to discharge the functions of the Secretary, with respect to traffic and highway safety under chapter 301 of title 49, United States Code, and part C of subtitle VI of title 49, United States Code, $141,000,000, of which $98,161,131 shall remain available until September 30, 2005: Provided, That none of the funds appropriated by this Act may be obligated or expended to plan, finalize, or implement any rulemaking to add to section 575.104 of title 49 of the Code of Federal Regulations any requirement pertaining to a grading standard that is different from the three grading standards (treadwear, traction, and temperature resistance) already in effect.

OPERATIONS AND RESEARCH

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out the provisions of 23 U.S.C. 403, to remain available until expended, $72,000,000, to be derived from the Highway Trust Fund: Provided, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 2003, are in excess of $72,000,000 for programs authorized under 23 U.S.C. 403.

NATIONAL DRIVER REGISTER

(HIGHWAY TRUST FUND)

For expenses necessary to discharge the functions of the Secretary with respect to the National Driver Register under chapter 303 of title 49, United States Code, $2,000,000, to be derived from the Highway Trust Fund, and to remain available until expended.

HIGHWAY TRAFFIC SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

Notwithstanding any other provision of law, for payment of obligations incurred in carrying out the provisions of 23 U.S.C. 402, 405, and 410, to remain available until expended, $225,000,000, to be derived from the Highway Trust Fund: Provided, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 2003, are in excess of $225,000,000 for programs authorized under 23 U.S.C. 402, 405, and 410, of which $165,000,000 shall be for ''Highway Safety Programs'' under 23 U.S.C. 402, $20,000,000 shall be for ''Occupant Protection Incentive Grants'' under 23 U.S.C. 405, and $40,000,000 shall be for ''Alcohol-Impaired Driving Countermeasures Grants'' under 23 U.S.C. 410: Provided further, That none of these funds shall be used for construction, rehabilitation, or remodeling costs, or for office furnishings and fixtures for State, local, or private buildings or structures: Provided further, That not to exceed $8,150,000 of the funds made available for section 402, not to exceed $1,000,000 of the funds made available for section 405, and not to exceed $2,000,000 of the funds made available for section 410 shall be available to NHTSA for administering highway safety grants under chapter 4 of title 23, United States Code: Provided further, That not to exceed $500,000 of the funds made available for section 410 ''Alcohol-Impaired Driving Countermeasures Grants'' shall be available for technical assistance to the States.

FEDERAL RAILROAD ADMINISTRATION

SAFETY AND OPERATIONS

For necessary expenses of the Federal Railroad Administration, not otherwise provided for, $118,264,000, of which $6,636,000 shall remain available until expended.

RAILROAD RESEARCH AND DEVELOPMENT

For necessary expenses for railroad research and development, $29,325,000, to remain available until expended.

RAILROAD REHABILITATION AND IMPROVEMENT PROGRAM

The Secretary of Transportation is authorized to issue to the Secretary of the Treasury notes or other obligations pursuant to section 512 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94–210), as amended, in such amounts and at such times as may be necessary to pay any amounts required pursuant to the guarantee of the principal amount of obligations under sections 511 through 513 of such Act, such authority to exist as long as any such guaranteed obligation is outstanding: Provided, That pursuant to section 502 of such Act, as amended, no new direct loans or loan guarantee commitments shall be made using Federal funds for the credit risk premium during fiscal year 2003.

NEXT GENERATION HIGH-SPEED RAIL

For necessary expenses for the Next Generation High-Speed Rail program as authorized under 49 U.S.C. 26101 and 26102, $30,000,000, to remain available until expended.

ALASKA RAILROAD REHABILITATION

To enable the Secretary of Transportation to make grants to the Alaska Railroad, $25,000,000 shall be for capital rehabilitation and improvements benefiting its passenger operations, to remain available until expended.

GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

For necessary expenses of operating costs and capital improvements of the National Railroad Passenger Corporation as authorized by 49 U.S.C. 24104(a), $1,200,000,000, to remain available until expended, of which $550,000,000 shall be for operating expenses, $369,000,000 shall be for capital expenses along the Northeast Corridor Mainline, and $281,000,000 shall be for capital expenses along the remainder of the Corporation's national rail network.

FEDERAL TRANSIT ADMINISTRATION

ADMINISTRATIVE EXPENSES

For necessary administrative expenses of the Federal Transit Administration's programs authorized by chapter 53 of title 49, United States Code, $14,600,000: Provided, That no more than $73,000,000 of budget authority shall be available for these purposes: Provided further, That of the funds in this Act available for the execution of contracts under section 5327(c) of title 49, United States Code, $2,000,000 shall be reimbursed to the Department of Transportation's Office of Inspector General for costs associated with audits and investigations of transit-related issues, including reviews of new fixed guideway systems: Provided further, That not to exceed $2,600,000 for the National transit database shall remain available until expended.

FORMULA GRANTS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out 49 U.S.C. 5307, 5308, 5310, 5311, 5327, and section 3038 of Public Law 105–178, $767,800,000, to remain available until expended: Provided, That no more than $3,839,000,000 of budget authority shall be available for these purposes: Provided further, That notwithstanding section 3008 of Public Law 105–178 and 49 U.S.C. 5309(m)(3)(C), $50,000,000 of the funds to carry out 49 U.S.C. 5308 shall be transferred to and merged with funding provided for the replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities under ''Federal Transit Administration, Capital investment grants''.

UNIVERSITY TRANSPORTATION RESEARCH

For necessary expenses to carry out 49 U.S.C. 5505, $1,200,000, to remain available until expended: Provided, That no more than $6,000,000 of budget authority shall be available for these purposes.

TRANSIT PLANNING AND RESEARCH

For necessary expenses to carry out 49 U.S.C. 5303, 5304, 5305, 5311(b)(2), 5312, 5313(a), 5314, 5315, and 5322, $24,200,000, to remain available until expended: Provided, That no more than $122,000,000 of budget authority shall be available for these purposes: Provided further, That $5,250,000 is available to provide rural transportation assistance (49 U.S.C. 5311(b)(2)), $4,000,000 is available to carry out programs under the National Transit Institute (49 U.S.C. 5315), $8,250,000 is available to carry out transit cooperative research programs (49 U.S.C. 5313(a)), $60,385,600 is available for metropolitan planning (49 U.S.C. 5303, 5304, and 5305), $12,614,400 is available for State planning (49 U.S.C. 5313(b)); and $31,500,000 is available for the national planning and research program (49 U.S.C. 5314).

TRUST FUND SHARE OF EXPENSES

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

Notwithstanding any other provision of law, for payment of obligations incurred in carrying out 49 U.S.C. 5303–5308, 5310–5315, 5317(b), 5322, 5327, 5334, 5505, and sections 3037 and 3038 of Public Law 105–178, $5,781,000,000, to remain available until expended, and to be derived from the Mass Transit Account of the Highway Trust Fund: Provided, That $3,071,200,000 shall be paid to the Federal Transit Administration's formula grants account: Provided further, That $97,800,000 shall be paid to the Federal Transit Administration's transit planning and research account: Provided further, That $58,400,000 shall be paid to the Federal Transit Administration's administrative expenses account: Provided further, That $4,800,000 shall be paid to the Federal Transit Administration's university transportation research account: Provided further, That $120,000,000 shall be paid to the Federal Transit Administration's job access and reverse commute grants program: Provided further, That $2,428,800,000 shall be paid to the Federal Transit Administration's capital investment grants account.

CAPITAL INVESTMENT GRANTS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out 49 U.S.C. 5308, 5309, 5318, and 5327, $607,200,000, to remain available until expended: Provided, That no more than $3,036,000,000 of budget authority shall be available for these purposes: Provided further, That there shall be available for fixed guideway modernization, $1,214,400,000; there shall be available for the replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities, $607,200,000, together with $50,000,000 made available under 5309(m)(3)(C) of this title and $50,000,000 transferred from ''Federal Transit Administration, Formula Grants''; and there shall be available for new fixed guideway systems $1,214,400,000, together with $25,000,000 transferred from the Job Access and Reverse Commute Grants Program account; to be available as follows:

Alaska-Hawaii Setaside, $10,296,000;
Allegheny Port Authority, Stage II Light Rail Transit, PA, $26,250,000;
Altamont Commuter Express San Jose to Stockton, CA, $1,000,000;
Anderson County, South Carolina Transit System, SC, $5,000,000;
Baltimore Central Light Rail Double Track Project, MD, $24,250,000;
BART, SFO Extension, CA, $100,000,000;
Birmingham Transit Corridor Study/PE, AL, $3,000,000;
Boston, North Shore Corridor Project, MA, $500,000;
Boston, MA, South Boston Piers Transitway, $681,000;
Bridgeport Intermodal Corridor Project, CT, $5,000,000;
Burlington-Middlebury Commuter Rail, VT, $2,000,000;
Canal Streetcar, New Orleans, LA, $30,000,000;
Charlotte South Corridor Light Rail Project, NC, $8,000,000;
Chicago, Douglas Blue Line Project, IL, $55,000,000;
Chicago, METRA, Expansion Project, IL, $52,000,000;
Chicago, Ravenswood Brown Line Expansion Project, IL, $2,000,000;
DART, Suburban Areas Extension, Dallas, TX, $60,000,000;
Dulles Link Project, VA, $18,000,000;
East Side Access Project, NY, $12,000,000;
Euclid Corridor Transportation Project, Cleveland, OH, $6,000,000;
Houston Advanced Metro Transit Plan, $20,000,000;
Hudson-Bergen, Hoboken to Tonnelle Ave., NJ (MOS2), $50,000,000;
Hudson-Bergen, Jersey City, Bayonne & Hoboken, NJ (MOS1), $19,200,000;
Interstate MAX Light Rail Transit Extension Project, Portland, OR, $70,000,000;
Johnson County Commuter Rail, KS, $400,000;
Little Rock River Rail, AR, $2,000,000;
Los Angeles, North Hollywood Extension, CA, $40,490,000;
Lowell, MA to Nashua, NH Commuter Rail Ext. Project, NH, $500,000;
MARC Expansion Project, MD, $12,000,000;
MARTA North Line Extension Project Completion, GA, $16,110,000;
MATA Medical Rail Extension, Memphis,TN, $15,610,000;
Medical Center Light Rail Extension, UT, $10,000,000;
Metro Link Commuter Rail, St. Clair Extension Project, IL, $3,370,000;
Metro North Rolling Stock, CT, $6,000,000;
Nashville Light Rail, TN, $3,500,000;
Newark-Elizabeth Rail Link, 15 Station Light Rail Line, NJ, $60,000,000;
North Shore Connector Project, Pittsburgh, PA, $7,025,000;
North/South TRAX Light Rail Transit Line, UT, $720,000;
Oceanside-Escondido Light Rail Project, CA, $12,200,000;
Ogden to Provo Commuter Rail Corridor, UT, $6,000,000;
Pawtucket Layover Facility, RI, $4,500,000;
Port McKenzie Ferry, AK, $5,000,000;
Raleigh, Triangle Transit Project, NC, $11,000,000;
Resort Corridor Project, Las Vegas, NV, $9,000,000;
Salt Lake City University TRAX Light Rail Transit Line, UT, $68,760,000;
San Diego Mission Valley East Line Project, CA, $65,000,000;
San Juan-Tren Urbano, $30,038,000;
Santa Fe/El Dorado Rail Link, NM, $1,000,000;
Scranton to New York City Passenger Rail Service, PA, $3,000,000;
SEPTA Schuylkill Valley Metro Project, PA, $15,000,000;
Sounder Commuter Rail, WA, $30,000,000;
Stamford Urban Transitway, Phase 2 Project, CT, $12,000,000;
T-REX Southeast Light Rail Corridor, CO, $70,000,000;
Tri-Rail, Double Track Improvement, FL, $18,500,000;
Twin Cities Hiawatha & Northstar Projects, MN, $48,000,000;
Vermont Transportation Authority Rolling Stock, VT, $1,000,000;
Virginia Railway Express VRE, Project, VA, $4,000,000;
Wilmington Train Station improvements, DE, $3,000,000;
Wilsonville to Beaverton Commuter Rail Project, OR, $4,500,000; and
WMATA Addison Rd, Largo Extension, MD, $60,000,000.

JOB ACCESS AND REVERSE COMMUTE GRANTS

Notwithstanding section 3037(l)(3) of Public Law 105–178, as amended, for necessary expenses to carry out section 3037 of the Federal Transit Act of 1998, $30,000,000, to remain available until expended: Provided, That no more than $150,000,000 of budget authority shall be available for these purposes: Provided further, That up to $300,000 of the funds provided under this heading may be used by the Federal Transit Administration for technical assistance and support and performance reviews of the Job Access and Reverse Commute Grants program: Provided further, That $25,000,000 shall be transferred to and merged with funds for new fixed guideway systems under the Federal Transit Administration's Capital Investment Grants account.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

The Saint Lawrence Seaway Development Corporation is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to the Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the Corporation's budget for the current fiscal year.

OPERATIONS AND MAINTENANCE

(HARBOR MAINTENANCE TRUST FUND)

For necessary expenses for operations and maintenance of those portions of the Saint Lawrence Seaway operated and maintained by the Saint Lawrence Seaway Development Corporation, $13,345,000, to be derived from the Harbor Maintenance Trust Fund, pursuant to Public Law 99–662.

RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION

RESEARCH AND SPECIAL PROGRAMS

For expenses necessary to discharge the functions of the Research and Special Programs Administration, $43,725,000, of which $645,000 shall be derived from the Pipeline Safety Fund, and of which $3,342,000 shall remain available until September 30, 2005: Provided, That up to $1,200,000 in fees collected under 49 U.S.C. 5108(g) shall be deposited in the general fund of the Treasury as offsetting receipts: Provided further, That there may be credited to this appropriation, to be available until expended, funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training, for reports publication and dissemination, and for travel expenses incurred in performance of hazardous materials exemptions and approvals functions.

PIPELINE SAFETY

(PIPELINE SAFETY FUND)

(OIL SPILL LIABILITY TRUST FUND)

For expenses necessary to conduct the functions of the pipeline safety program, for grants-in-aid to carry out a pipeline safety program, as authorized by 49 U.S.C. 60107, and to discharge the pipeline program responsibilities of the Oil Pollution Act of 1990, $63,857,000, of which $7,472,000 shall be derived from the Oil Spill Liability Trust Fund and shall remain available until September 30, 2005; of which $56,385,000 shall be derived from the Pipeline Safety Fund, of which $24,823,000 shall remain available until September 30, 2005.

EMERGENCY PREPAREDNESS GRANTS

(EMERGENCY PREPAREDNESS FUND)

For necessary expenses to carry out 49 U.S.C. 5127(c), $200,000, to be derived from the Emergency Preparedness Fund, to remain available until September 30, 2005: Provided, That not more than $14,300,000 shall be made available for obligation in fiscal year 2003 from amounts made available by 49 U.S.C. 5116(i) and 5127(d): Provided further, That none of the funds made available by 49 U.S.C. 5116(i) and 5127(d) shall be made available for obligation by individuals other than the Secretary of Transportation, or his designee.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General to carry out the provisions of the Inspector General Act of 1978, as amended, $57,421,000: Provided, That the Inspector General shall have all necessary authority, in carrying out the duties specified in the Inspector General Act, as amended (5 U.S.C. App. 3) to investigate allegations of fraud, including false statements to the government (18 U.S.C. 1001), by any person or entity that is subject to regulation by the Department: Provided further, That the funds made available under this heading shall be used to investigate, pursuant to section 41712 of title 49, United States Code: (1) unfair or deceptive practices and unfair methods of competition by domestic and foreign air carriers and ticket agents; and (2) the compliance of domestic and foreign air carriers with respect to item (1) of this proviso.

SURFACE TRANSPORTATION BOARD

SALARIES AND EXPENSES

For necessary expenses of the Surface Transportation Board, including services authorized by 5 U.S.C. 3109, $19,459,000: Provided, That notwithstanding any other provision of law, not to exceed $1,000,000 from fees established by the Chairman of the Surface Transportation Board shall be credited to this appropriation as offsetting collections and used for necessary and authorized expenses under this heading: Provided further, That the sum herein appropriated from the general fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received during fiscal year 2003, to result in a final appropriation from the general fund estimated at no more than $18,459,000.

TITLE II

RELATED AGENCIES

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

SALARIES AND EXPENSES

For expenses necessary for the Architectural and Transportation Barriers Compliance Board, as authorized by section 502 of the Rehabilitation Act of 1973, as amended, $5,194,000: Provided, That, notwithstanding any other provision of law, there may be credited to this appropriation funds received for publications and training expenses.

NATIONAL TRANSPORTATION SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the National Transportation Safety Board, including hire of passenger motor vehicles and aircraft; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for a GS–15; uniforms, or allowances therefor, as authorized by law (5 U.S.C.

5901–5902) $72,500,000, of which not to exceed $2,000 may be used for official reception and representation expenses.

TITLE III

GENERAL PROVISIONS

(INCLUDING TRANSFERS OF FUNDS)

SEC. 301. During the current fiscal year applicable appropriations to the Department of Transportation shall be available for maintenance and operation of aircraft; hire of passenger motor vehicles and aircraft; purchase of liability insurance for motor vehicles operating in foreign countries on official department business; and uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901–5902).

SEC. 302. Such sums as may be necessary for fiscal year 2003 pay raises for programs funded in this Act shall be absorbed within the levels appropriated in this Act or previous appropriations Acts.

SEC. 303. Appropriations contained in this Act for the Department of Transportation shall be available for services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for an Executive Level IV.

SEC. 304. None of the funds in this Act shall be available for salaries and expenses of more than 105 political and Presidential appointees in the Department of Transportation: Provided, That none of the personnel covered by this provision or political and Presidential appointees in an independent agency funded in this Act may be assigned on temporary detail outside the Department of Transportation or such independent agency.

SEC. 305. None of the funds in this Act shall be used for the planning or execution of any program to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings funded in this Act.

SEC. 306. None of the funds appropriated in this Act shall remain available for obligation beyond the current fiscal year, nor may any be transferred to other appropriations, unless expressly so provided herein.

SEC. 307. The expenditure of any appropriation under this Act for any consulting service through procurement contract pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 308. None of the funds in this Act shall be used to implement section 404 of title 23, United States Code.

SEC. 309. The limitations on obligations for the programs of the Federal Transit Administration shall not apply to any authority under 49 U.S.C. 5338, previously made available for obligation, or to any other authority previously made available for obligation.

SEC. 310. (a) For fiscal year 2003, the Secretary of Transportation shall—

(1) not distribute from the obligation limitation for Federal-aid Highways amounts authorized for administrative expenses and programs funded from the administrative takedown authorized by section 104(a)(1)(A) of title 23, United States Code, for the highway use tax evasion program and for the Bureau of Transportation Statistics;

(2) not distribute an amount from the obligation limitation for Federal-aid Highways that is equal to the unobligated balance of amounts made available from the Highway Trust Fund (other than the Mass Transit Account) for Federal-aid highways and highway safety programs for the previous fiscal year the funds for which are allocated by the Secretary;

(3) determine the ratio that—

(A) the obligation limitation for Federal-aid Highways less the aggregate of amounts not distributed under paragraphs (1) and (2), bears to

(B) the total of the 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 subsection (b) and sums authorized to be appropriated for section 105 of title 23, United States Code, equal to the amount referred to in subsection (b)(8)) for such fiscal year less the aggregate of the amounts not distributed under paragraph (1) of this subsection;

(4) distribute the obligation limitation for Federal-aid Highways less the aggregate amounts not distributed under paragraphs (1) and (2) of section 117 of title 23, United States Code (relating to high priority projects program), section 201 of the Appalachian Regional Development Act of 1965, the Woodrow Wilson Memorial Bridge Authority Act of 1995, and $2,000,000,000 for such fiscal year under section 105 of title 23, United States Code (relating to minimum guarantee) so that the amount of obligation authority available for each of such sections is equal to the amount determined by multiplying the ratio determined under paragraph (3) by the sums authorized to be appropriated for such section (except in the case of section 105, $2,000,000,000) for such fiscal year;

(5) distribute the obligation limitation provided for Federal-aid Highways less the aggregate amounts not distributed under paragraphs (1) and (2) and amounts distributed under paragraph (4) for each of the programs that are allocated by the Secretary under title 23, United States Code (other than activities to which paragraph (1) applies and programs to which paragraph (4) applies) by multiplying the ratio determined under paragraph (3) by the sums authorized to be appropriated for such program for such fiscal year: Provided, That the amount of obligation limitation distributed for each program does not exceed the amount authorized to be appropriated for such program; and

(6) distribute the obligation limitation provided for Federal-aid Highways less the aggregate amounts not distributed under paragraphs (1) and (2) and amounts distributed under paragraphs (4) and (5) for Federal-aid highways and highway safety construction programs (other than the minimum guarantee program, but only to the extent that amounts apportioned for the minimum guarantee program for such fiscal year exceed $2,639,000,000, and the Appalachian development highway system program) that are apportioned by the Secretary under title 23, United States Code, in the ratio that—

(A) sums authorized to be appropriated for such programs that are apportioned to each State for such fiscal year, bear to

(B) the total of the sums authorized to be appropriated for such programs that are apportioned to all States for such fiscal year.

(b) The obligation limitation for Federal-aid Highways shall not apply to obligations: (1) under section 125 of title 23, United States Code; (2) under section 147 of the Surface Transportation Assistance Act of 1978; (3) under section 9 of the Federal-Aid Highway Act of 1981; (4) under sections 131(b) and 131(j) of the Surface Transportation Assistance Act of 1982; (5) under sections 149(b) and 149(c) of the Surface Transportation and Uniform Relocation Assistance Act of 1987; (6) under sections 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991; (7) under section 157 of title 23, United States Code, as in effect on the day before the date of the enactment of the Transportation Equity Act for the 21st Century; and (8) under section 105 of title 23, United States Code (but, only in an amount equal to $639,000,000 for such fiscal year).

(c) Notwithstanding subsection (a), the Secretary shall after August 1 for such fiscal year revise a distribution of the obligation limitation made available under subsection (a) if a State will not obligate the amount distributed during that fiscal year and redistribute sufficient amounts to those States able to obligate amounts in addition to those previously distributed during that fiscal year giving priority to those States having large unobligated balances of funds apportioned under sections 104 and 144 of title 23, United States Code, section 160 (as in effect on the day before the enactment of the Transportation Equity Act for the 21st Century) of title 23, United States Code, and under section 1015 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1943–1945).

(d) The obligation limitation shall apply to transportation research programs carried out under chapter 5 of title 23, United States Code, except that obligation authority made available for such programs under such limitation shall remain available for a period of 3 fiscal years.

(e) Not later than 30 days after the date of the distribution of obligation limitation under subsection (a), the Secretary shall distribute to the States any funds: (1) that are authorized to be appropriated for such fiscal year for Federal-aid highways programs (other than the program under section 160 of title 23, United States Code) and for carrying out subchapter I of chapter 311 of title 49, United States Code, and highway-related programs under chapter 4 of title 23, United States Code; and (2) that the Secretary determines will not be allocated to the States, and will not be available for obligation, in such fiscal year due to the imposition of any obligation limitation for such fiscal year. Such distribution to the States shall be made in the same ratio as the distribution of obligation authority under subsection (a)(6). The funds so distributed shall be available for any purposes described in section 133(b) of title 23, United States Code.

(f) Obligation limitation distributed for a fiscal year under subsection (a)(4) of this section for a section set forth in subsection (a)(4) shall remain available until used and shall be in addition to the amount of any limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years.

SEC. 311. (a) No recipient of funds made available in this Act shall disseminate personal information (as defined in 18 U.S.C. 2725(3)) obtained by a State department of motor vehicles in connection with a motor vehicle record as defined in 18 U.S.C. 2725(1), except as provided in 18 U.S.C. 2721 for a use permitted under 18 U.S.C. 2721.

(b) Notwithstanding subsection (a), the Secretary shall not withhold funds provided in this Act for any grantee if a State is in noncompliance with this provision.

SEC. 312. None of the funds in this Act shall be available to plan, finalize, or implement regulations that would establish a vessel traffic safety fairway less than five miles wide between the Santa Barbara Traffic Separation Scheme and the San Francisco Traffic Separation Scheme.

SEC. 313. Notwithstanding any other provision of law, airports may transfer, without consideration, to the Federal Aviation Administration (FAA) instrument landing systems (along with associated approach lighting equipment and runway visual range equipment) which conform to FAA design and performance specifications, the purchase of which was assisted by a Federal airport-aid program, airport development aid program or airport improvement program grant: Provided, That, the Federal Aviation Administration shall accept such equipment, which shall thereafter be operated and maintained by FAA in accordance with agency criteria.

SEC. 314. Notwithstanding any other provision of law, and except for fixed guideway modernization projects, funds made available by this Act under ''Federal Transit Administration, Capital investment grants'' for projects specified in this Act or identified in reports accompanying this Act not obligated by September 30, 2005, and other recoveries, shall be made available for other projects under 49 U.S.C. 5309.

SEC. 315. Notwithstanding any other provision of law, any funds appropriated before October

1, 2002, under any section of chapter 53 of title 49, United States Code, that remain available for expenditure may be transferred to and administered under the most recent appropriation heading for any such section.

SEC. 316. Notwithstanding any other provision of law, whenever an allocation is made of the sums authorized to be appropriated for expenditure on the Federal lands highway program, and whenever an apportionment is made of the sums authorized to be appropriated for expenditure on the surface transportation program, the congestion mitigation and air quality improvement program, the National Highway System, the Interstate maintenance program, the bridge program, the Appalachian development highway system, and the minimum guarantee program, the Secretary of Transportation shall—

(1) deduct a sum in such amount not to exceed .45 percent of all sums so made available, as the Secretary determines necessary, to administer the provisions of law to be financed from appropriations for motor carrier safety programs and motor carrier safety research: Provided, That any deduction by the Secretary of Transportation in accordance with this subsection shall be deemed to be a deduction under section 104(a)(1)(B) of title 23, United States Code, and the sum so deducted shall remain available until expended; and

(2) deduct a sum in such amount not to exceed 1.9 percent of all sums so made available, as the Secretary determines necessary to administer the provisions of law to be financed from appropriations for the programs authorized under chapters 1 and 2 of title 23, United States Code, and to make transfers in accordance with section 104(a)(1)(A)(ii) of title 23, United States Code: Provided, That any deduction by the Secretary of Transportation in accordance with this subsection shall be deemed to be a deduction under section 104(a)(1)(A) of title 23, United States Code, and the sum so deducted shall remain available until expended.

SEC. 317. Funds received by the Federal Highway Administration, Federal Transit Administration, and Federal Railroad Administration from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training may be credited respectively to the Federal Highway Administration's ''Federal-Aid Highways'' account, the Federal Transit Administration's ''Transit Planning and Research'' account, and to the Federal Railroad Administration's ''Safety and Operations'' account, except for State rail safety inspectors participating in training pursuant to 49 U.S.C. 20105.

SEC. 318. Funds made available for Alaska or Hawaii ferry boats or ferry terminal facilities pursuant to 49 U.S.C. 5309(m)(2)(B) may be used to construct new vessels and facilities, or to improve existing vessels and facilities, including both the passenger and vehicle-related elements of such vessels and facilities, and for repair facilities: Provided, That not more than $3,000,000 of the funds made available pursuant to 49 U.S.C. 5309(m)(2)(B) may be used by the State of Hawaii to initiate and operate a passenger ferryboat services demonstration project to test the viability of different intra-island and inter-island ferry boat routes and technology: Provided further, that notwithstanding the provisions 49 U.S.C. 5302(a)(7), funds made available for Alaska or Hawaii ferry boats may be used to acquire passenger ferry boats and to provide passenger ferry transportation services within areas of the State of Hawaii under the control or use of the National Park Service.

SEC. 319. Notwithstanding 31 U.S.C. 3302, funds received by the Bureau of Transportation Statistics from the sale of data products, for necessary expenses incurred pursuant to 49 U.S.C. 111 may be credited to the Federal-aid highways account for the purpose of reimbursing the Bureau for such expenses: Provided, That such funds shall be subject to the obligation limitation for Federal-aid highways and highway safety construction.

SEC. 320. (a) Section 47107 of title 49, United States Code, is amended by inserting after section 47107(p) the following:

''(q) Notwithstanding any written assurances prescribed in subsections (a) through (p), a general aviation airport with more than 300,000 annual operations may be exempt from having to accept scheduled passenger air carrier service, provided that the following conditions are met:

''(1) No scheduled passenger air carrier has provided service at the airport within five years prior to January 1, 2002;

''(2) The airport is located within the Class B airspace of an airport that maintains an airport operating certificate pursuant to Section 44706 of title 49; and,

''(3) The certificated airport operating under Section 44706 of title 49 has sufficient capacity and does not contribute to significant delays as defined by DOT/FAA in the 'Airport Capacity Benchmark Report 2001'.

''(r) An airport that meets the conditions of subsections (q)(1) through (3) is not subject to Section 47524 of title 49 with respect to a prohibition on all scheduled passenger service.''.

(b) This section shall be effective upon enactment, notwithstanding any other section of title 49.

SEC. 321. None of the funds in this Act shall, in the absence of express authorization by Congress, be used directly or indirectly to pay for any personal service, advertisement, telegraph, telephone, letter, printed or written material, radio, television, video presentation, electronic communications, or other device, intended or designed to influence in any manner a Member of Congress or of a State legislature to favor or oppose by vote or otherwise, any legislation or appropriation by Congress or a State legislature after the introduction of any bill or resolution in Congress proposing such legislation or appropriation, or after the introduction of any bill or resolution in a State legislature proposing such legislation or appropriation: Provided, That this shall not prevent officers or employees of the Department of Transportation or related agencies funded in this Act from communicating to Members of Congress or to Congress, on the request of any Member, or to members of State legislature, or to a State legislature, through the proper official channels, requests for legislation or appropriations which they deem necessary for the efficient conduct of business.

SEC. 322. (a) Funds provided in Public Law 106–69 for the Wilmington, Delaware downtown transit connector and funds provided in Public Law 106–346 for the Wilmington downtown corridor project shall be available for Wilmington, Delaware commuter rail improvements.

(b) Funds provided in Public Law 106–346 for Missoula Ravalli Transportation Management Administration buses shall be available for Missoula Ravalli Transportation Management Administration buses and bus facilities.

SEC. 323. (a) IN GENERAL.—None of the funds made available in this Act may be expended by an entity unless the entity agrees that in expending the funds the entity will comply with the Buy American Act (41 U.S.C. 10a–10c).

(b) SENSE OF THE CONGRESS; REQUIREMENT REGARDING NOTICE.—

(1) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or product that may be authorized to be purchased with financial assistance provided using funds made available in this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products to the greatest extent practicable.

(2) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance using funds made available in this Act, the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in paragraph (1) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a ''Made in America'' inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 324. Notwithstanding any other provision of law, Walnut Ridge Regional Airport shall transfer to the Federal Aviation Administration (FAA) their localizer instrument landing system, which shall thereafter be operated and maintained by FAA in accordance with agency criteria.

SEC. 325. Notwithstanding any other provision of law, Williams Gateway Airport shall transfer to the Federal Aviation Administration (FAA) air traffic control tower equipment, which shall thereafter be operated and maintained by FAA in accordance with agency criteria.

SEC. 326. Rebates, refunds, incentive payments, minor fees and other funds received by the Department from travel management centers, charge card programs, the subleasing of building space, and miscellaneous sources are to be credited to appropriations of the Department and allocated to elements of the Department using fair and equitable criteria and such funds shall be available until December 31, 2003.

SEC. 327. Section 218(a) of Title 23, United States Code, is amended by inserting ''reauthorization of the'' before ''Transportation''.

SEC. 328. Notwithstanding any other provision of law, rule or regulation, the Secretary of Transportation is authorized to allow the issuer of any preferred stock heretofore sold to the Department to redeem or repurchase such stock upon the payment to the Department of an amount determined by the Secretary.

SEC. 329. In addition to amounts otherwise made available in this Act, to enable the Secretary of Transportation to make grants for surface transportation projects, $90,600,000, to remain available until expended.

SEC. 330. (a) Notwithstanding any other provision of law, the Secretary shall approve the construction of Type II noise barriers from funds apportioned under sections 104(b)(1) and 104(b)(3) of title 23, United States Code at the following location in Georgia: On the West Side of I–285 between Paces Ferry Road and the Chattahoochee River.

(b) Notwithstanding any other provision of law, the Secretary of Transportation shall approve the use of funds apportioned under paragraphs (1) and (3) of section 104(b) of title 23, United States Code, for construction of Type II noise barriers on the West side of GA 400 from the Glenridge Connector to Northland Drive.

SEC. 331. None of the funds in this Act may be used to make a grant unless the Secretary of Transportation notifies the House and Senate Committees on Appropriations not less than 3 full business days before any discretionary grant award is made under section 1221 of Public Law 105–178 and before any grant award letter of intent, or full funding grant agreement totaling $500,000 or more is announced by the department or its modal administrations from any discretionary grant program within the Department: Provided, That no notification shall involve funds that are not available for obligation.

SEC. 332. Of the funds provided in section 101(a)(2) of Public Law 107–42, $77,100,000 are rescinded.

SEC. 333. (a) The Secretary of Transportation shall enter into an agreement with the National Academy of Sciences under which agreement the National Academy of Sciences shall conduct a study of the procedures by which the Department of Energy, together with the Department

of Transportation and the Nuclear Regulatory Commission, selects routes for the shipment of spent nuclear fuel from research nuclear reactors between or among existing Department of Energy facilities currently licensed to accept such spent nuclear fuel.

(b) In conducting the study under subsection (a), the National Academy of Sciences shall analyze the manner in which the Department of Energy—

(1) selects potential routes for the shipment of spent nuclear fuel from research nuclear reactors between or among existing Department facilities currently licensed to accept such spent nuclear fuel;

(2) selects such a route for a specific shipment of such spent nuclear fuel; and

(3) conducts assessments of the risks associated with shipments of such spent nuclear fuel along such a route.

(c) The analysis under subsection (b) shall include a consideration whether, and to what extent, the procedures analyzed for purposes of that subsection take into account the following:

(1) The proximity of the routes under consideration to major population centers and the risks associated with shipments of spent nuclear fuel from research nuclear reactors through densely populated areas.

(2) Current traffic and accident data with respect to the routes under consideration.

(3) The quality of the roads comprising the routes under consideration.

(4) Emergency response capabilities along the routes under consideration.

(5) The proximity of the routes under consideration to places or venues (including sports stadiums, convention centers, concert halls and theaters, and other venues) where large numbers of people gather.

(d) In conducting the study under subsection (a), the National Academy of Sciences shall also make such recommendations regarding the matters studied as the National Academy of Sciences considers appropriate.

(e) The Secretary shall disperse to the National Academy of Sciences the funds for the cost of the study required by subsection (a) not later than 30 days after the date of the enactment of this Act.

(f) Not later than six months after the date of the dispersal of funds under subsection (e), the National Academy of Sciences shall submit to the appropriate committees of Congress a report on the study conducted under subsection (a), including the recommendations required by subsection (d).

(g) In this section, the term ''appropriate committees of Congress'' means—

(1) the Committees on Commerce, Science, and Transportation, Energy and Natural Resources, and Environment and Public Works of the Senate;

(2) the Committee on Energy and Commerce of the House of Representatives; and

(3) the Committees on Appropriations of the House of Representatives and the Senate.

SEC. 334. None of the funds in this Act shall be used to pursue or adopt guidelines or regulations requiring airport sponsors to provide to the Federal Aviation Administration and the Transportation Security Administration without cost building construction, maintenance, utilities and expenses, or space in airport sponsor-owned buildings for services relating to air traffic control, air navigation, aviation security or weather reporting: Provided, That the prohibition of funds in this section does not apply to negotiations between the agency and airport sponsors to achieve agreement on ''below-market'' rates for these items or to grant assurances that require airport sponsors to provide land without cost to the FAA for air traffic control facilities and the TSA for necessary security checkpoints.

SEC. 335. Using up to $300,000 of the amount appropriated for fiscal year 2002 for the Department of Transportation for the Coast Guard for acquisition, construction, and improvements by title I of Public Law 107–87 (115 Stat. 836), the Secretary of Transportation shall, by grant, reimburse the City of Escanaba, Michigan, for the costs incurred by the City for the repair of the North wall of the municipal dock, Escanaba, Michigan, a facility used by the Coast Guard.

SEC. 336. For the purpose of any applicable law, for fiscal year 2003, the city of Norman, Oklahoma, shall be considered to be part of the Oklahoma City Transportation Management Area.

SEC. 337. For an airport project that the Administrator of the Federal Aviation Administration (FAA) determines will add critical airport capacity to the national air transportation system, the Administrator is authorized to accept funds from an airport sponsor, including entitlement funds provided under the ''Grants-in-Aid for Airports'' program, for the FAA to hire additional staff or obtain the services of consultants: Provided, That the Administrator is authorized to accept and utilize such funds only for the purpose of facilitating the timely processing, review, and completion of environmental activities associated with such project.

SEC. 338. (a) IN GENERAL.—Notwithstanding any other provision of subchapter I of Chapter 471 of title 49, the Secretary of Transportation may provide grants under such subchapter I of chapter 471 to the airport sponsor of the Double Eagle II Airport in Albuquerque, New Mexico, for—

(1) the construction of an air traffic control tower; and

(2) the acquisition and installation of air traffic control equipment to be used in the air traffic control tower that will assist in sustaining or improving the safe and efficient movement of air traffic.

(b) ELIGIBILITY.—The sponsor shall be eligible for a grant under this section if—

(1) the sponsor would otherwise be eligible to participate in the pilot program established under section 47124(b)(3) of title 49 except for the lack of the air traffic control tower proposed to be constructed under this section; and

(2) the sponsor agrees to fund not less than 10 percent of the costs of construction of the air traffic control tower.

(c) PROJECT COSTS.—Grants under this act shall be paid only from amounts apportioned to the sponsor or for airports in the state under section 47114(d) of title 49, United States Code.

(d) FEDERAL SHARE.—The Federal share of the cost of construction of an air traffic control tower under this section may not exceed $1,800,000.

SEC. 339. Notwithstanding any other provision of law, States may use funds provided in this Act under Section 402 of title 23, United States Code, to produce and place highway safety public service messages in television, radio, cinema, and print media, and on the Internet in accordance with guidance issued by the Secretary of Transportation: Provided, That any state that uses funds for such public service messages shall submit to the Secretary a report describing and assessing the effectiveness of the messages: Provided further, That $10,000,000 of the funds allocated for innovative seat belt projects under Section 157 of title 23, United States Code, and $10,000,000 of funds allocated under Section 410 of title 23, United States Code, shall be used as directed by the National Highway Traffic Safety Administrator, to purchase advertising in broadcast media to support the national mobilizations conducted in all fifty states, aimed at increasing seat belt use and reducing impaired driving.

SEC. 340. For purposes of entering into joint public-private partnerships and other cooperative arrangements for the performance of work, the Coast Guard Yard and other Coast Guard specialized facilities designated by the Commandant may enter into agreements or other arrangements, receive and retain funds from and pay funds to such public and private entities, and may accept contributions of funds, materials, services, and the use of facilities from such entities: Provided, That amounts received under this section may be credited to appropriate Coast Guard accounts.

SEC. 341. None of the funds in this Act may be obligated for the Office of the Secretary of Transportation to approve assessments or reimbursable agreements pertaining to funds appropriated to the modal administrations in this Act, except for activities underway on the date of enactment of this Act, unless such assessments or agreements have completed the normal reprogramming process for Congressional notification.

SEC. 342. Insert the following new section at the end of chapter 53 of Title 49, United States Code:

''SEC. 5339. Effective for funds not yet expended on the effective date of this section, the federal share for funds under this chapter for a grantee named in section 603(14) of Public Law 97–468 shall be the same as the federal share under 23 U.S.C. section 120(b) for federal aid highway funds apportioned to the state in which it operates.''.

SEC. 343. (a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary of Transportation shall enter into an agreement with the State of Nevada, the State of Arizona, or both, to provide a method of funding for construction of a Hoover Dam Bypass Bridge from funds allocated for the Federal Lands Highway Program under section 202(b) of title 23, United States Code.

(b) METHODS OF FUNDING.—

(1) The agreement entered into under subsection (a) shall provide for funding in a manner consistent with the advance construction and debt instrument financing procedures for Federal-Aid Highways set forth in sections 115 and 122 of title 23, except that the funding source may include funds made available under the Federal Lands Highway Program.

(2) Eligibility for funding under this subsection shall not be construed as a commitment, guarantee, or obligation on the part of the United States to provide for payment of principal or interest of an eligible debt financing instrument as so defined in section 122, nor create a right of a third party against the United States for payment under an eligible debt financing instrument. The agreement entered into pursuant to subsection (a) shall make specific reference to this provision of law.

(3) The provisions of this section do not limit the use of other available funds for which the project referenced in subsection (a) is eligible.

SEC. 344. None of the funds appropriated or otherwise made available in this Act may be made available to any person or entity convicted of violating the Buy American Act (41 U.S.C. 10a–10c).

SEC. 345. For fiscal year 2003, notwithstanding any other provision of law, historic covered bridges eligible for Federal assistance under section 1224 of the Transportation Equity Act for the 21st Century, as amended, may be funded from amounts set aside for the discretionary bridge program.

SEC. 346. None of the funds provided in this Act or prior Appropriations Acts for Coast Guard ''Acquisition, construction, and improvements'' shall be available after the fifteenth day of any quarter of any fiscal year, unless the Commandant of the Coast Guard first submits to the House and Senate Committees on Appropriations a quarterly report on the agency's mission hour emphasis and a quarterly report on all major Coast Guard acquisition projects including projects executed for the Coast Guard by the United States Navy and vessel traffic service projects: Provided, That such acquisition reports shall include an acquisition schedule, estimated current and year funding requirements, and a schedule of anticipated obligations and outlays for each major acquisition project: Provided further, That such acquisition reports shall rate on a relative scale the cost risk, schedule risk, and technical risk associated with each acquisition

project and include a table detailing unobligated balances to date and anticipated unobligated balances at the close of the fiscal year and the close of the following fiscal year should the Administration's pending budget request for the acquisition, construction, and improvements account be fully funded: Provided further, That such acquisition reports shall also provide abbreviated information on the status of shore facility construction and renovation projects: Provided further, That all information submitted in such mission hour emphasis and acquisition reports shall be current as of the last day of the preceding quarter.

SEC. 347. Of the funds made available in fiscal year 2003 in Section 1503 of Public Law 105–178, as amended, $115,000,000 shall instead be available for the programs authorized in Section 1101(a)(9) of such Act and $15,000,000 shall instead be made available for Section 1221 of such Act.

SEC. 348. Funds provided in this Act for the Transportation Administrative Service Center (TASC) shall be reduced by $56,638,000, which limits fiscal year 2003 TASC obligational authority for elements of the Department of Transportation funded in this Act to no more than $75,141,000: Provided, That such reductions from the budget request shall be allocated by the Department of Transportation to each appropriations account in proportion to the amount included in each account for the Transportation Administrative Service Center.

SEC. 349. Funds appropriated or limited in this Act shall be subject to the terms and conditions stipulated in Section 350 of Public Law 107–87.

SEC. 350. (a) Notwithstanding any other provision of law, and subject to the requirements of this section, the Secretary of Transportation is authorized to waive any of the terms, conditions, reservations, and restrictions contained in the deeds of conveyance and subsequent corrections to the deeds of conveyance under which the United States conveyed certain property to Gadsden, Alabama, for airport purposes.

(b) No waiver may be granted under subsection (a) if the waiver would result in the closure of an airport.

(c) Any waiver granted by the Secretary of Transportation under subsection (a) shall be subject to the following conditions:

(1) Gadsden, Alabama, shall agree that in selling, leasing, or conveying any interest in, the property for which waivers are granted under subsection (a), the amount received by the city shall be used by the city for the development, improvement, operation, or maintenance of the Gadsden Municipal Airport.

(2) The city will dedicate to the airport fund that supports the Gadsden Municipal Airport an amount which is equal to the fair lease value or the fair market value, as the case may be, of the property for which waivers are granted under subsection (a) unless any of the airport property was the subject of a taking and condemnation by the federal government.

SEC. 351. Section 1023(h) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 127 note; Public Law 102–240) is amended—

(1) in the subsection heading, by inserting ''OVER-THE-ROAD BUSES AND'' before ''PUBLIC''; and

(2) in paragraph (1), by striking ''to any vehicle which'' and inserting the following: ''to—

''(A) any over-the-road bus (as defined in section 301 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12181)); or

''(B) any vehicle that''.

SEC. 352. Notwithstanding any other provision of law, funds made available for construction of roads and a bridge to provide access to the Rose Bluff industrial area, Lake Charles, Louisiana, under section 149(a)(87) of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (101 Stat. 194; 109 Stat. 607) and item 17 of the table contained in section 1106(a)(2) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2038) shall be made available for the project in Lake Charles, Louisiana, consisting of—

(1) construction of Nelson Access Road to the Port of Lake Charles as described in item 1596 of the table contained in section 1602 of the Transportation Equity Act for the 21st Century (112 Stat. 315);

(2) reconstruction of Cove Lane; and

(3) planning, design, and construction of Port Access Road.

SEC. 353. Section 342 of the Department of Transportation and Related Agencies Appropriations Act, 2002, is amended by striking ''Passenger only ferry to serve Kitsap and King Counties to Seattle'' and inserting ''Ferry/tunnel project in Bremerton, Washington''.

SEC. 354. Section 343 of the Department of Transportation and Related Agencies Appropriations Act, 2002, is amended by striking ''Passenger only ferry to serve Kitsap and King Counties to Seattle'' and inserting ''Ferry/tunnel project in Bremerton, Washington''.

SEC. 355. In addition to amounts otherwise made available by this Act, there is hereby appropriated $3,500,000, to remain available until expended, to enable the Secretary to maintain operations of the Midway Island airfield for a period of not less than one year beyond the date at which the U.S. Fish and Wildlife Service ceases said operations.

SEC. 356. (a) COOPERATIVE AGREEMENT.—As soon as practicable after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall enter into a cooperative agreement with the National Academy of Sciences to evaluate the impact of the final rule relating to prevention of significant deterioration and nonattainment new source review, published at 67 Fed. Reg. 80186 (December 31, 2002). The study shall include—

(1) increases or decreases in emissions of pollutants regulated under the New Source Review program;

(2) impacts on human health;

(3) pollution control and prevention technologies installed after the effective date of the rule at facilities covered under the rulemaking;

(4) increases or decreases in efficiency of operations, including energy efficiency, at covered facilities; and

(5) other relevant data.

(b) DEADLINE.—The NAS shall submit an interim report to Congress no later than March 3, 2004, and shall submit a final report on implementation of the rules.

SEC. 357. Section 145(c) of Public Law 107–71 is amended by striking the number (18) and inserting the number (36).

SEC. 358. SUSQUEHANNA GREENWAY, MARYLAND. The table contained in section 1602 of the Transportation Equity Act for the 21st Century is amended in item 1603 (112 Stat. 316) by striking ''Construct pedestrian bicycle bridge across Susquehanna River between Havre de Grace and Perryville'' and inserting ''Develop Lower Susquehanna Heritage Greenway, including acquisition of property, construction of hiker-biker trails, and construction or use of docks, ferry boats, bridges, or vans to convey bikers and pedestrians across the Susquehanna River between Cecil County and Harford County''.

This division may be cited as the ''Department of Transportation and Related Agencies Appropriations Act, 2003''.

DIVISION J—TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS, 2003

Making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2003, and for other purposes.

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2003, and for other purposes, namely:

TITLE I—DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Departmental Offices including operation and maintenance of the Treasury Building and Annex; hire of passenger motor vehicles; maintenance, repairs, and improvements of, and purchase of commercial insurance policies for, real properties leased or owned overseas, when necessary for the performance of official business; not to exceed $3,500,000 for official travel expenses; not to exceed $3,813,000, to remain available until expended for information technology modernization requirements; not to exceed $150,000 for official reception and representation expenses; not to exceed $258,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Secretary of the Treasury and to be accounted for solely on his certificate, $191,887,000: Provided, That the Office of Foreign Assets Control shall be funded at no less than $21,206,000 and 120 full time equivalent positions: Provided further, That of these amounts $2,900,000 is available for grants to State and local law enforcement groups to help fight money laundering: Provided further, That of these amounts, $5,893,000 shall be for the Treasury-wide Financial Statement Audit Program, of which such amounts as may be necessary may be transferred to accounts of the Department's offices and bureaus to conduct audits: Provided further, That this transfer authority shall be in addition to any other provided in this Act.

DEPARTMENT-WIDE SYSTEMS AND CAPITAL INVESTMENTS PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For development and acquisition of automatic data processing equipment, software, and services for the Department of the Treasury, $68,828,000, to remain available until expended: Provided, That these funds shall be transferred to accounts and in amounts as necessary to satisfy the requirements of the Department's offices, bureaus, and other organizations: Provided further, That this transfer authority shall be in addition to any other transfer authority provided in this Act: Provided further, That none of the funds appropriated shall be used to support or supplement the Internal Revenue Service appropriations for Information Systems or Business Systems Modernization.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, not to exceed $2,000,000 for official travel expenses, including hire of passenger motor vehicles; and not to exceed $100,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector General of the Treasury, $35,424,000, of which not to exceed $2,500 shall be available for official reception and representation expenses.

TREASURY INSPECTOR GENERAL FOR TAX ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Treasury Inspector General for Tax Administration in carrying out the Inspector General Act of 1978, as amended, including purchase (not to exceed 150 for replacement only for police-type use) and hire of passenger motor vehicles (31 U.S.C. 1343(b)); services authorized by 5 U.S.C. 3109, at such rates as may be determined by the Inspector General for Tax Administration; not to exceed $6,000,000 for official travel expenses; and not to exceed $500,000 for unforeseen emergencies of a confidential nature, to be allocated

and expended under the direction of the Inspector General for Tax Administration, $123,962,000.

AIR TRANSPORTATION STABILIZATION PROGRAM

For necessary expenses to administer the Air Transportation Stabilization Board established by section 102 of the Air Transportation Safety and System Stabilization Act (Public Law 107–42), $6,041,000, to remain available until expended.

TREASURY BUILDING AND ANNEX REPAIR AND RESTORATION

For the repair, alteration, and improvement of the Treasury Building and Annex, $30,932,000, to remain available until expended.

EXPANDED ACCESS TO FINANCIAL SERVICES

(INCLUDING TRANSFER OF FUNDS)

To develop and implement programs to expand access to financial services for low- and moderate-income individuals, $2,000,000, such funds to become available upon authorization of this program as provided by law and to remain available until expended: Provided, That of these funds, such sums as may be necessary may be transferred to accounts of the Department's offices, bureaus, and other organizations: Provided further, That this transfer authority shall be in addition to any other transfer authority provided in this Act.

COUNTERTERRORISM FUND

For necessary expenses, as determined by the Secretary, $20,000,000, to remain available until expended, to reimburse any Department of the Treasury organization for the costs of providing support to counter, investigate, or prosecute unexpected threats or acts of terrorism, including payment of rewards in connection with these activities: Provided, That use of such funds shall be subject to prior approval of the Committees on Appropriations in accordance with guidelines for reprogramming and transfer of funds.

FINANCIAL CRIMES ENFORCEMENT NETWORK

SALARIES AND EXPENSES

For necessary expenses of the Financial Crimes Enforcement Network, including hire of passenger motor vehicles; travel expenses of non-Federal law enforcement personnel to attend meetings concerned with financial intelligence activities, law enforcement, and financial regulation; not to exceed $14,000 for official reception and representation expenses; and for assistance to Federal law enforcement agencies, with or without reimbursement, $50,517,000, of which not to exceed $3,400,000 shall remain available until September 30, 2005; and of which $8,338,000 shall remain available until September 30, 2004: Provided, That funds appropriated in this account may be used to procure personal services contracts.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Law Enforcement Training Center, as a bureau of the Department of the Treasury, including materials and support costs of Federal law enforcement basic training; purchase (not to exceed 52 for police-type use, without regard to the general purchase price limitation) and hire of passenger motor vehicles; for expenses for student athletic and related activities; uniforms without regard to the general purchase price limitation for the current fiscal year; the conducting of and participating in firearms matches and presentation of awards; for public awareness and enhancing community support of law enforcement training; not to exceed $11,500 for official reception and representation expenses; room and board for student interns; and services as authorized by 5 U.S.C. 3109, $126,660,000, of which $650,000 shall be available for an interagency effort to establish written standards on accreditation of Federal law enforcement training; and of which up to $24,266,000 for materials and support costs of Federal law enforcement basic training shall remain available until September 30, 2005, and of which up to 20 percent of the $24,266,000 also shall be available for travel, room and board costs for participating agency basic training during the first quarter of a fiscal year, subject to full reimbursement by the benefitting agency: Provided, That the Center is authorized to accept and use gifts of property, both real and personal, and to accept services, for authorized purposes, including funding of a gift of intrinsic value which shall be awarded annually by the Director of the Center to the outstanding student who graduated from a basic training program at the Center during the previous fiscal year, which shall be funded only by gifts received through the Center's gift authority: Provided further, That the Center is authorized to accept detailees from other Federal agencies, on a non-reimbursable basis, to staff the accreditation function: Provided further, That notwithstanding any other provision of law, students attending training at any Center site shall reside in on-Center or Center-provided housing, insofar as available and in accordance with Center policy: Provided further, That funds appropriated in this account shall be available, at the discretion of the Director, for the following: training United States Postal Service law enforcement personnel and Postal police officers; State and local government law enforcement training on a space-available basis; training of foreign law enforcement officials on a space-available basis with reimbursement of actual costs to this appropriation, except that reimbursement may be waived by the Secretary for law enforcement training activities in foreign countries undertaken pursuant to section 801 of the Antiterrorism and Effective Death Penalty Act of 1996, (Public Law 104–32); training of private sector security officials on a space-available basis with reimbursement of actual costs to this appropriation; and travel expenses of non-Federal personnel to attend course development meetings and training sponsored by the Center: Provided further, That the Center is authorized to obligate funds in anticipation of reimbursements from agencies receiving training sponsored by the Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available at the end of the fiscal year: Provided further, That the Center is authorized to provide training for the Gang Resistance Education and Training program to Federal and non-Federal personnel at any facility in partnership with the Bureau of Alcohol, Tobacco and Firearms: Provided further, That the Center is authorized to provide short-term medical services for students undergoing training at the Center.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For expansion of the Federal Law Enforcement Training Center, for acquisition of necessary additional real property and facilities, and for ongoing maintenance, facility improvements, and related expenses, $32,029,000, to remain available until expended.

INTERAGENCY LAW ENFORCEMENT

INTERAGENCY CRIME AND DRUG ENFORCEMENT

For expenses necessary to conduct investigations and convict offenders involved in organized crime drug trafficking, including cooperative efforts with State and local law enforcement, as it relates to the Treasury Department law enforcement violations such as money laundering, violent crime, and smuggling, $107,576,000.

FINANCIAL MANAGEMENT SERVICE

SALARIES AND EXPENSES

For necessary expenses of the Financial Management Service, $220,664,000, of which not to exceed $9,220,000 shall remain available until September 30, 2005, for information systems modernization initiatives; and of which not to exceed $2,500 shall be available for official reception and representation expenses.

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

SALARIES AND EXPENSES

For necessary expenses of the Bureau of Alcohol, Tobacco and Firearms, including purchase of not to exceed 822 vehicles for police-type use, of which 650 shall be for replacement only, and hire of passenger motor vehicles; hire of aircraft; services of expert witnesses at such rates as may be determined by the Director; for payment of per diem and/or subsistence allowances to employees where a major investigative assignment requires an employee to work 16 hours or more per day or to remain overnight at his or her post of duty; not to exceed $20,000 for official reception and representation expenses; for training of State and local law enforcement agencies with or without reimbursement, including training in connection with the training and acquisition of canines for explosives and fire accelerants detection; not to exceed $50,000 for cooperative research and development programs for Laboratory Services and Fire Research Center activities; and provision of laboratory assistance to State and local agencies, with or without reimbursement, $888,430,000, of which not to exceed $1,000,000 shall be available for the payment of attorneys' fees as provided by 18 U.S.C. 924(d)(2); of which up to $2,000,000 shall be available for the equipping of any vessel, vehicle, equipment, or aircraft available for official use by a State or local law enforcement agency if the conveyance will be used in joint law enforcement operations with the Bureau of Alcohol, Tobacco and Firearms and for the payment of overtime salaries including Social Security and Medicare, travel, fuel, training, equipment, supplies, and other similar costs of State and local law enforcement personnel, including sworn officers and support personnel, that are incurred in joint operations with the Bureau of Alcohol, Tobacco and Firearms; of which $13,000,000, to remain available until expended, shall be available for disbursements through grants, cooperative agreements or contracts to local governments for Gang Resistance Education and Training; and of which $3,200,000 for a new headquarters shall remain available until September 30, 2004: Provided, That no funds appropriated herein shall be available for salaries or administrative expenses in connection with consolidating or centralizing, within the Department of the Treasury, the records, or any portion thereof, of acquisition and disposition of firearms maintained by Federal firearms licensees: Provided further, That no funds appropriated herein shall be used to pay administrative expenses or the compensation of any officer or employee of the United States to implement an amendment or amendments to 27 CFR 178.118 or to change the definition of ''Curios or relics'' in 27 CFR 178.11 or remove any item from ATF Publication 5300.11 as it existed on January 1, 1994: Provided further, That none of the funds appropriated herein shall be available to investigate or act upon applications for relief from Federal firearms disabilities under 18 U.S.C. 925(c): Provided further, That such funds shall be available to investigate and act upon applications filed by corporations for relief from Federal firearms disabilities under 18 U.S.C. 925(c): Provided further, That no funds under this Act may be used to electronically retrieve information gathered pursuant to 18 U.S.C. 923(g)(4) by name or any personal identification code.

UNITED STATES CUSTOMS SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Customs Service, including purchase and lease of up to 1,500 motor vehicles of which 550 are for replacement only and of which 1,465 are for police-type use and commercial operations; hire of motor vehicles; contracting with individuals for personal services abroad; not to exceed $40,000 for official reception and representation expenses; and awards of compensation to informers, as authorized by any Act enforced by the United States Customs Service, $2,501,488,000, of

which such sums as become available in the Customs User Fee Account, except sums subject to section 13031(f)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985, as amended (19 U.S.C. 58c(f)(3)), shall be derived from that Account; of the total, not to exceed $150,000 shall be available for payment for rental space in connection with preclearance operations; not to exceed $4,000,000 shall be available until expended for research; not less than $100,000 shall be available to promote public awareness of the child pornography tipline; not less than $200,000 shall be available for Project Alert; not to exceed $5,000,000 shall be available until expended for conducting special operations pursuant to 19 U.S.C. 2081; not to exceed $8,000,000 shall be available until expended for the procurement of automation infrastructure items, including hardware, software, and installation; and not to exceed $5,000,000 shall be available until expended for repairs to Customs facilities: Provided, That of the total amount of funds made available for forced child labor activities in fiscal year 2003, not to exceed $5,000,000 shall remain available until expended for operations and support of such activities: Provided further, That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year: Provided further, That notwithstanding any other provision of law, the fiscal year aggregate overtime limitation prescribed in subsection 5(c)(1) of the Act of February 13, 1911 (19 U.S.C. 261 and 267) shall be $30,000.

HARBOR MAINTENANCE FEE COLLECTION

(INCLUDING TRANSFER OF FUNDS)

For administrative expenses related to the collection of the Harbor Maintenance Fee, pursuant to Public Law 103–182, $3,000,000, to be derived from the Harbor Maintenance Trust Fund and to be transferred to and merged with the Customs ''Salaries and Expenses'' account for such purposes.

OPERATION, MAINTENANCE AND PROCUREMENT, AIR AND MARINE INTERDICTION PROGRAMS

For expenses, not otherwise provided for, necessary for the operation and maintenance of marine vessels, aircraft, and other related equipment of the Air and Marine Programs, including operational training and mission-related travel, and rental payments for facilities occupied by the air or marine interdiction and demand reduction programs, the operations of which include the following: the interdiction of narcotics and other goods; the provision of support to Customs and other Federal, State, and local agencies in the enforcement or administration of laws enforced by the Customs Service; and, at the discretion of the Commissioner of Customs, the provision of assistance to Federal, State, and local agencies in other law enforcement and emergency humanitarian efforts, $177,829,000, which shall remain available until expended: Provided, That no aircraft or other related equipment, with the exception of aircraft which is one of a kind and has been identified as excess to Customs requirements and aircraft which has been damaged beyond repair, shall be transferred to any other Federal agency, department, or office outside of the Department of the Treasury, during fiscal year 2003 without the prior approval of the Committees on Appropriations.

AUTOMATION MODERNIZATION

For expenses not otherwise provided for Customs automated systems, $435,332,000, to remain available until expended, of which not less than $312,900,000 shall be for the development of the Automated Commercial Environment: Provided, That none of the funds appropriated under this heading may be obligated for the Automated Commercial Environment until the United States Customs Service prepares and submits to the Committees on Appropriations a plan for expenditure that: (1) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including OMB Circular A–11, part 3; (2) complies with the United States Customs Service's Enterprise Information Systems Architecture; (3) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government; (4) is reviewed and approved by the Customs Investment Review Board, the Department of the Treasury, and the Office of Management and Budget; and (5) is reviewed by the General Accounting Office: Provided further, That none of the funds appropriated under this heading may be obligated for the Automated Commercial Environment until such expenditure plan has been approved by the Committees on Appropriations.

UNITED STATES MINT

UNITED STATES MINT PUBLIC ENTERPRISE FUND

Pursuant to section 5136 of title 31, United States Code, the United States Mint is provided funding through the United States Mint Public Enterprise Fund for costs associated with the production of circulating coins, numismatic coins, and protective services, including both operating expenses and capital investments. The aggregate amount of new liabilities and obligations incurred during fiscal year 2003 under such section 5136 for circulating coinage and protective service capital investments of the United States Mint shall not exceed $34,900,000.

BUREAU OF THE PUBLIC DEBT

ADMINISTERING THE PUBLIC DEBT

For necessary expenses connected with any public-debt issues of the United States, $195,473,000, of which not to exceed $2,500 shall be available for official reception and representation expenses, and of which not to exceed $2,000,000 shall remain available until expended for systems modernization: Provided, That the sum appropriated herein from the General Fund for fiscal year 2003 shall be reduced by not more than $4,400,000 as definitive security issue fees and Treasury Direct Investor Account Maintenance fees are collected, so as to result in a final fiscal year 2003 appropriation from the General Fund estimated at $191,073,000. In addition, $40,000 to be derived from the Oil Spill Liability Trust Fund to reimburse the Bureau for administrative and personnel expenses for financial management of the Fund, as authorized by section 1012 of Public Law 101–380.

INTERNAL REVENUE SERVICE

PROCESSING, ASSISTANCE, AND MANAGEMENT

For necessary expenses of the Internal Revenue Service for pre-filing taxpayer assistance and education, filing and account services, shared services support, general management and administration; and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, $3,955,777,000, of which up to $3,950,000 shall be for the Tax Counseling for the Elderly Program, of which $7,000,000 shall be available for low-income taxpayer clinic grants, and of which not to exceed $25,000 shall be for official reception and representation expenses.

TAX LAW ENFORCEMENT

For necessary expenses of the Internal Revenue Service for determining and establishing tax liabilities; providing litigation support; conducting criminal investigation and enforcement activities; securing unfiled tax returns; collecting unpaid accounts; conducting a document matching program; resolving taxpayer problems through prompt identification, referral and settlement; compiling statistics of income and conducting compliance research; purchase (for police-type use, not to exceed 850) and hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, $3,729,072,000, of which not to exceed $1,000,000 shall remain available until September 30, 2005, for research, and of which $60,000,000 shall be used to combat abusive tax shelters.

EARNED INCOME TAX CREDIT COMPLIANCE INITIATIVE

For funding essential earned income tax credit compliance and error reduction initiatives, $146,000,000, of which not to exceed $10,000,000 may be used to reimburse the Social Security Administration for the costs of implementing section 1090 of the Taxpayer Relief Act of 1997.

INFORMATION SYSTEMS

For necessary expenses of the Internal Revenue Service for information systems and telecommunications support, including developmental information systems and operational information systems; the hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, $1,632,444,000, which shall remain available until September 30, 2004.

BUSINESS SYSTEMS MODERNIZATION

For necessary expenses of the Internal Revenue Service, $436,000,000, to remain available until September 30, 2005, for the capital asset acquisition of information technology systems, including management and related contractual costs of said acquisitions, including contractual costs associated with operations authorized by 5 U.S.C. 3109: Provided, That none of these funds may be obligated until the Internal Revenue Service submits to the Committees on Appropriations, and such Committees approve, a plan for expenditure that: (1) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including Circular A–11 part 3; (2) complies with the Internal Revenue Service's enterprise architecture, including the modernization blueprint; (3) conforms with the Internal Revenue Service's enterprise life cycle methodology; (4) is approved by the Internal Revenue Service, the Department of the Treasury, and the Office of Management and Budget; (5) has been reviewed by the General Accounting Office; and (6) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government.

ADMINISTRATIVE PROVISIONS—INTERNAL REVENUE SERVICE

SEC. 101. Not to exceed 5 percent of any appropriation made available in this Act to the Internal Revenue Service may be transferred to any other Internal Revenue Service appropriation upon the advance approval of the Committees on Appropriations.

SEC. 102. The Internal Revenue Service shall maintain a training program to ensure that Internal Revenue Service employees are trained in taxpayers' rights, in dealing courteously with the taxpayers, and in cross-cultural relations.

SEC. 103. The Internal Revenue Service shall institute and enforce policies and procedures that will safeguard the confidentiality of taxpayer information.

SEC. 104. Funds made available by this or any other Act to the Internal Revenue Service shall be available for improved facilities and increased manpower to provide sufficient and effective 1–800 help line service for taxpayers. The Commissioner shall continue to make the improvement of the Internal Revenue Service 1–800 help line service a priority and allocate resources necessary to increase phone lines and staff to improve the Internal Revenue Service 1–800 help line service.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Secret Service, including purchase of not to exceed 610 vehicles for police-type use for replacement only, and hire of passenger motor vehicles; purchase of American-made side-car compatible motorcycles; hire of aircraft; training and assistance requested by State and local governments, which may be provided without reimbursement; services of expert witnesses at such rates as may be determined by the Director; rental of buildings in the District of Columbia, and fencing,

lighting, guard booths, and other facilities on private or other property not in Government ownership or control, as may be necessary to perform protective functions; for payment of per diem and/or subsistence allowances to employees where a protective assignment during the actual day or days of the visit of a protectee require an employee to work 16 hours per day or to remain overnight at his or her post of duty; the conducting of and participating in firearms matches; presentation of awards; for travel of Secret Service employees on protective missions without regard to the limitations on such expenditures in this or any other Act if approval is obtained in advance from the Committees on Appropriations; for research and development; for making grants to conduct behavioral research in support of protective research and operations; not to exceed $25,000 for official reception and representation expenses; not to exceed $100,000 to provide technical assistance and equipment to foreign law enforcement organizations in counterfeit investigations; for payment in advance for commercial accommodations as may be necessary to perform protective functions; and for uniforms without regard to the general purchase price limitation for the current fiscal year, $1,010,817,000, of which $1,633,000 shall be available for forensic and related support of investigations of missing and exploited children, and of which $3,749,000 shall be available as a grant for activities related to the investigations of exploited children and shall remain available until expended: Provided, That up to $18,000,000 provided for protective travel shall remain available until September 30, 2004.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For necessary expenses of construction, repair, alteration, and improvement of facilities, $3,519,000, to remain available until expended.

GENERAL PROVISIONS—DEPARTMENT OF THE TREASURY

SEC. 110. Any obligation or expenditure by the Secretary of the Treasury in connection with law enforcement activities of a Federal agency or a Department of the Treasury law enforcement organization in accordance with 31 U.S.C. 9703(g)(4)(B) from unobligated balances remaining in the Fund on September 30, 2003, shall be made in compliance with reprogramming guidelines.

SEC. 111. Appropriations to the Department of the Treasury in this Act shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901), including maintenance, repairs, and cleaning; purchase of insurance for official motor vehicles operated in foreign countries; purchase of motor vehicles without regard to the general purchase price limitations for vehicles purchased and used overseas for the current fiscal year; entering into contracts with the Department of State for the furnishing of health and medical services to employees and their dependents serving in foreign countries; and services authorized by 5 U.S.C. 3109.

SEC. 112. The funds provided to the Bureau of Alcohol, Tobacco and Firearms for fiscal year 2003 in this Act for the enforcement of the Federal Alcohol Administration Act shall be expended in a manner so as not to diminish enforcement efforts with respect to section 105 of the Federal Alcohol Administration Act.

SEC. 113. Not to exceed 2 percent of any appropriations in this Act made available to the Federal Law Enforcement Training Center, Financial Crimes Enforcement Network, Bureau of Alcohol, Tobacco and Firearms, United States Customs Service, Interagency Crime and Drug Enforcement, and United States Secret Service may be transferred between such appropriations upon the advance approval of the Committees on Appropriations. No transfer may increase or decrease any such appropriation by more than 2 percent.

SEC. 114. Not to exceed 2 percent of any appropriations in this Act made available to the Departmental Offices—Salaries and Expenses, Office of Inspector General, Treasury Inspector General for Tax Administration, Financial Management Service, and Bureau of the Public Debt, may be transferred between such appropriations upon the advance approval of the Committees on Appropriations. No transfer may increase or decrease any such appropriation by more than 2 percent.

SEC. 115. Not to exceed 2 percent of any appropriation made available in this Act to the Internal Revenue Service may be transferred to the Treasury Inspector General for Tax Administration's appropriation upon the advance approval of the Committees on Appropriations. No transfer may increase or decrease any such appropriation by more than 2 percent.

SEC. 116. Of the funds available for the purchase of law enforcement vehicles, no funds may be obligated until the Secretary of the Treasury certifies that the purchase by the respective Treasury bureau is consistent with Departmental vehicle management principles: Provided, That the Secretary may delegate this authority to the Assistant Secretary for Management.

SEC. 117. None of the funds appropriated in this Act or otherwise available to the Department of the Treasury or the Bureau of Engraving and Printing may be used to redesign the $1 Federal Reserve note.

SEC. 118. The Secretary of the Treasury may transfer funds from "Salaries and Expenses", Financial Management Service, to the Debt Services Account as necessary to cover the costs of debt collection: Provided, That such amounts shall be reimbursed to such Salaries and Expenses account from debt collections received in the Debt Services Account.

SEC. 119. Section 122(g)(1) of Public Law 105–119 (5 U.S.C. 3104 note), is further amended by striking "4 years" and inserting "5 years".

SEC. 120. None of the funds appropriated or otherwise made available by this or any other Act may be used by the United States Mint to construct or operate any museum without the advance notification of the House Committee on Financial Services and the Senate Committee on Banking, Housing, and Urban Affairs.

SEC. 121. None of the funds appropriated or made available by this Act may be used for the production of Customs Declarations that do not inquire whether the passenger had been in the proximity of livestock.

SEC. 122. The Federal Law Enforcement Training Center is directed to establish an accrediting body that will include representatives from the Federal law enforcement community, as well as non-Federal accreditation experts involved in law enforcement training. The purpose of this body will be to establish standards for measuring and assessing the quality and effectiveness of Federal law enforcement training programs, facilities, and instructors.

SEC. 123. The Treasury Department Appropriations Act, 1997 (as contained in section 101(f) of Division A of Public Law 104–208), under the heading "Treasury Franchise Fund", as amended by section 120 of the Treasury Department Appropriations Act, 2001 (enacted pursuant to section 1(a)(3) of Public Law 106–554), is further amended by striking "until October 1, 2002".

SEC. 124. LICENSE PROCEDURES FOR OFFICE OF FOREIGN ASSETS CONTROL. Notwithstanding any other provision of law, none of the funds appropriated to "Departmental Offices, Salaries and Expenses" for use by the Office of Foreign Assets Control may be expended until the Office has in place with respect to the administration of licenses for travel the following procedures:

(1) All applications for licenses pertaining to travel-related transactions submitted to the Office of Foreign Assets Control shall be considered approved if not resolved within 90 calendar days after receipt of the completed license application.

(2) Whenever the Office decides to deny a license application pertaining to travel-related transactions, the Office shall notify the applicant in writing. The notification will include:

(A) The statutory and regulatory basis for the denial;

(B) To the extent consistent with the national security of the United States, the specific considerations that led to the decision to deny the license application and;

(C) The name, phone number, and e-mail address of the Office representative in a position to discuss the issues with the applicant.

(3) The above-outlined procedures shall be effective 120 days from the date of enactment.

SEC. 125. (a) The Commissioner of Customs, in consultation with the Canadian Customs and Revenue Agency (CCRA), shall seek to establish Integrated Border Inspection Areas (IBIAs) on either side of the United States-Canada border in which United States Customs officers can inspect vehicles entering the United States from Canada before they enter the United States, or Canadian customs officers can inspect vehicles entering Canada from the United States before they enter Canada.

(b) Using the authority granted under section 629(a) of the Tariff Act of 1930, the Commissioner of Customs, in consultation with the CCRA, shall endeavor to—

(1) locate IBIAs in an area with bridges or tunnels with high traffic volume, significant commercial activity, and that have experienced backups and delays since September 11, 2001;

(2) ensure that United States Customs officers stationed in any IBIA on the Canadian side of the border are vested with the maximum authority to carry out their duties and enforce United States law; and

(3) encourage appropriate officials of the United States to enter into an agreement with Canada permitting Canadian customs officers stationed in any IBIA on the United States side of the border to exercise the authority to enforce Canadian law as permitted by Canada.

(c) United States Customs officers stationed in an IBIA, on the Canadian side of the border, shall be afforded the same privileges and immunities for the performance of their duties as they would enjoy if they were stationed in the United States. Canadian customs officers stationed in an IBIA on the United States side of the border, shall be afforded the same privileges and immunities for the performance of their duties as they would enjoy if they were stationed in Canada.

SEC. 126. AMENDMENT TO JOHN C. STENNIS CENTER FOR PUBLIC SERVICE TRAINING AND DEVELOPMENT ACT.—For fiscal year 2003 and thereafter, section 116 of the John C. Stennis Center for Public Service Training and Development Act (2 U.S.C. 1105) is amended—

(1) by striking subsection (b) and inserting the following:

"(b) INVESTMENT OF FUND ASSETS.—

"(1) At the request of the Center, it shall be the duty of the Secretary of the Treasury to invest in full the amounts appropriated to the fund. Such investments may be made only in interest-bearing obligations of the United States issued directly to the fund.

"(2) The purposes for which obligations of the United States may be issued under chapter 31 of Title 31 are hereby extended to authorize the issuance at par of special obligations directly to the fund. Such special obligations shall bear interest at a rate equal to the average rate of interest, computed as to the end of the calendar month next preceding the date of such issue, borne by all marketable interest-bearing obligations of the United States then forming a part of the public debt; except that where such average rate is not a multiple of one-eighth of 1 per centum, the rate of interest of such special obligations shall be the multiple of one-eighth of 1 per centum next lower than such average rate. All requests of the Center to the Secretary of the Treasury provided for in this section shall be binding upon the Secretary."; and

(2) by striking subsection (c) and inserting the following:

''(c) AUTHORITY TO SELL OBLIGATIONS.—At the request of the Center, the Secretary of the Treasury shall redeem any obligation issued directly to the fund. Obligations issued to the fund under subsection (b)(2) shall be redeemed at par plus accrued interest. Any other obligations issued directly to the fund shall be redeemed at the market price.''.

SEC. 127. AMENDMENT TO JAMES MADISON MEMORIAL FELLOWSHIP ACT.—For fiscal year 2003 and thereafter, section 811 of the James Madison Memorial Fellowship Act (20 U.S.C. 4510) is amended—

(1) by striking subsection (b) and inserting the following:

''(b) INVESTMENT OF AMOUNTS APPROPRIATED.—

''(1) At the request of the Trust Fund, it shall be the duty of the Secretary of the Treasury to invest in full the amounts appropriated and contributed to the fund. Such investments may be made only in interest-bearing obligations of the United States issued directly to the fund.

''(2) The purposes for which obligations of the United States may be issued under chapter 31 of Title 31 are hereby extended to authorize the issuance at par of special obligations directly to the fund. Such special obligations shall bear interest at a rate equal to the average rate of interest, computed as to the end of the calendar month next preceding the date of such issue, borne by all marketable interest-bearing obligations of the United States then forming a part of the public debt; except that where such average rate is not a multiple of one-eighth of 1 per centum, the rate of interest of such special obligations shall be the multiple of one-eighth of 1 per centum next lower than such average rate. All requests of the Trust Fund to the Secretary of the Treasury provided for in this section shall be binding upon the Secretary.''; and

(2) by striking subsection (c) and inserting the following:

''(c) SALE OF OBLIGATIONS ACQUIRED BY FUND.—At the request of the Trust Fund, the Secretary of the Treasury shall redeem any obligation issued directly to the fund. Obligations issued to the fund under subsection (b)(2) shall be redeemed at par plus accrued interest. Any other obligations issued directly to the fund shall be redeemed at the market price.''.

This title may be cited as the ''Treasury Department Appropriations Act, 2003''.

TITLE II—POSTAL SERVICE

PAYMENT TO THE POSTAL SERVICE FUND

For payment to the Postal Service Fund for revenue forgone on free and reduced rate mail, pursuant to subsections (c) and (d) of section 2401 of title 39, United States Code, $60,014,000, of which $31,014,000 shall not be available for obligation until October 1, 2003: Provided, That mail for overseas voting and mail for the blind shall continue to be free: Provided further, That 6-day delivery and rural delivery of mail shall continue at not less than the 1983 level: Provided further, That none of the funds made available to the Postal Service by this Act shall be used to implement any rule, regulation, or policy of charging any officer or employee of any State or local child support enforcement agency, or any individual participating in a State or local program of child support enforcement, a fee for information requested or provided concerning an address of a postal customer: Provided further, That none of the funds provided in this Act shall be used to consolidate or close small rural and other small post offices in fiscal year 2003.

This title may be cited as the ''Postal Service Appropriations Act, 2003''.

TITLE III—EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

COMPENSATION OF THE PRESIDENT AND THE WHITE HOUSE OFFICE

COMPENSATION OF THE PRESIDENT

For compensation of the President, including an expense allowance at the rate of $50,000 per annum as authorized by 3 U.S.C. 102, $450,000: Provided, That none of the funds made available for official expenses shall be expended for any other purpose and any unused amount shall revert to the Treasury pursuant to section 1552 of title 31, United States Code: Provided further, That none of the funds made available for official expenses shall be considered as taxable to the President.

SALARIES AND EXPENSES

For necessary expenses for the White House as authorized by law, including not to exceed $3,850,000 for services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 105; subsistence expenses as authorized by 3 U.S.C. 105, which shall be expended and accounted for as provided in that section; hire of passenger motor vehicles, newspapers, periodicals, teletype news service, and travel (not to exceed $100,000 to be expended and accounted for as provided by 3 U.S.C. 103); and not to exceed $19,000 for official entertainment expenses, to be available for allocation within the Executive Office of the President, $59,735,000: Provided, That $8,650,000 of the funds appropriated shall be available for reimbursements to the White House Communications Agency.

OFFICE OF HOMELAND SECURITY

SALARIES AND EXPENSES

For necessary expenses of the Office of Homeland Security, pursuant to Executive Order 13288, $24,844,000.

EXECUTIVE RESIDENCE AT THE WHITE HOUSE

OPERATING EXPENSES

For the care, maintenance, repair and alteration, refurnishing, improvement, heating, and lighting, including electric power and fixtures, of the Executive Residence at the White House and official entertainment expenses of the President, $12,228,000, to be expended and accounted for as provided by 3 U.S.C. 105, 109, 110, and 112–114.

REIMBURSABLE EXPENSES

For the reimbursable expenses of the Executive Residence at the White House, such sums as may be necessary: Provided, That all reimbursable operating expenses of the Executive Residence shall be made in accordance with the provisions of this paragraph: Provided further, That, notwithstanding any other provision of law, such amount for reimbursable operating expenses shall be the exclusive authority of the Executive Residence to incur obligations and to receive offsetting collections, for such expenses: Provided further, That the Executive Residence shall require each person sponsoring a reimbursable political event to pay in advance an amount equal to the estimated cost of the event, and all such advance payments shall be credited to this account and remain available until expended: Provided further, That the Executive Residence shall require the national committee of the political party of the President to maintain on deposit $25,000, to be separately accounted for and available for expenses relating to reimbursable political events sponsored by such committee during such fiscal year: Provided further, That the Executive Residence shall ensure that a written notice of any amount owed for a reimbursable operating expense under this paragraph is submitted to the person owing such amount within 60 days after such expense is incurred, and that such amount is collected within 30 days after the submission of such notice: Provided further, That the Executive Residence shall charge interest and assess penalties and other charges on any such amount that is not reimbursed within such 30 days, in accordance with the interest and penalty provisions applicable to an outstanding debt on a United States Government claim under section 3717 of title 31, United States Code: Provided further, That each such amount that is reimbursed, and any accompanying interest and charges, shall be deposited in the Treasury as miscellaneous receipts: Provided further, That the Executive Residence shall prepare and submit to the Committees on Appropriations, by not later than 90 days after the end of the fiscal year covered by this Act, a report setting forth the reimbursable operating expenses of the Executive Residence during the preceding fiscal year, including the total amount of such expenses, the amount of such total that consists of reimbursable official and ceremonial events, the amount of such total that consists of reimbursable political events, and the portion of each such amount that has been reimbursed as of the date of the report: Provided further, That the Executive Residence shall maintain a system for the tracking of expenses related to reimbursable events within the Executive Residence that includes a standard for the classification of any such expense as political or nonpolitical: Provided further, That no provision of this paragraph may be construed to exempt the Executive Residence from any other applicable requirement of subchapter I or II of chapter 37 of title 31, United States Code.

WHITE HOUSE REPAIR AND RESTORATION

For the repair, alteration, and improvement of the Executive Residence at the White House, $1,200,000, to remain available until expended, for required maintenance, safety and health issues, and continued preventative maintenance.

SPECIAL ASSISTANCE TO THE PRESIDENT AND THE OFFICIAL RESIDENCE OF THE VICE PRESIDENT

SALARIES AND EXPENSES

For necessary expenses to enable the Vice President to provide assistance to the President in connection with specially assigned functions; services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 106, including subsistence expenses as authorized by 3 U.S.C. 106, which shall be expended and accounted for as provided in that section; and hire of passenger motor vehicles, $4,066,000.

OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For the care, operation, refurnishing, improvement, heating and lighting, including electric power and fixtures, of the official residence of the Vice President; the hire of passenger motor vehicles; and not to exceed $90,000 for official entertainment expenses of the Vice President, to be accounted for solely on his certificate, $324,000: Provided, That advances or repayments or transfers from this appropriation may be made to any department or agency for expenses of carrying out such activities.

COUNCIL OF ECONOMIC ADVISERS

SALARIES AND EXPENSES

For necessary expenses of the Council of Economic Advisors in carrying out its functions under the Employment Act of 1946 (15 U.S.C. 1021), $4,405,000.

OFFICE OF POLICY DEVELOPMENT

SALARIES AND EXPENSES

For necessary expenses of the Office of Policy Development, including services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, $4,221,000.

NATIONAL SECURITY COUNCIL

SALARIES AND EXPENSES

For necessary expenses of the National Security Council, including services as authorized by 5 U.S.C. 3109, $9,525,000.

OFFICE OF ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Administration, including services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, and hire of passenger motor vehicles, $70,128,000, of which $16,775,000 shall remain available until expended for the Capital Investment Plan for continued modernization of the information technology infrastructure within the Executive Office of the President: Provided, That the Executive Office of the President shall submit a report to the Committees on Appropriations that: (1)

includes an Enterprise Architecture, as defined in OMB Circular A–130 and the Federal Chief Information Officers Council guidance; (2) presents an Information Technology (IT) Human Capital Plan, to include an inventory of current IT workforce knowledge and skills, a definition of needed IT knowledge and skills, a gap analysis of any shortfalls, and a plan for addressing any shortfalls; (3) presents a capital investment plan for implementing the Enterprise Architecture; (4) includes a description of the IT capital planning and investment control process; and (5) is reviewed and approved by the Office of Management and Budget, is reviewed by the General Accounting Office, and is approved by the Committees on Appropriations.

OFFICE OF MANAGEMENT AND BUDGET

SALARIES AND EXPENSES

For necessary expenses of the Office of Management and Budget, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, $70,752,000, of which not to exceed $5,000,000 shall be available to carry out the provisions of chapter 35 of title 44, United States Code, and of which not to exceed $3,000 shall be available for official representation expenses: Provided, That, as provided in 31 U.S.C. 1301(a), appropriations shall be applied only to the objects for which appropriations were made except as otherwise provided by law: Provided further, That none of the funds appropriated in this Act for the Office of Management and Budget may be used for the purpose of reviewing any agricultural marketing orders or any activities or regulations under the provisions of the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 601 et seq.): Provided further, That none of the funds made available for the Office of Management and Budget by this Act may be expended for the altering of the transcript of actual testimony of witnesses, except for testimony of officials of the Office of Management and Budget, before the Committees on Appropriations or the Committees on Veterans' Affairs or their subcommittees: Provided further, That the preceding shall not apply to printed hearings released by the Committees on Appropriations or the Committees on Veterans' Affairs.

OFFICE OF NATIONAL DRUG CONTROL POLICY

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of National Drug Control Policy; for research activities pursuant to the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1701 et seq.); not to exceed $10,000 for official reception and representation expenses; and for participation in joint projects or in the provision of services on matters of mutual interest with nonprofit, research, or public organizations or agencies, with or without reimbursement, $26,456,000, of which $2,350,000 shall remain available until expended, consisting of $1,350,000 for policy research and evaluation, and $1,000,000 for the National Alliance for Model State Drug Laws: Provided, That the Office is authorized to accept, hold, administer, and utilize gifts, both real and personal, public and private, without fiscal year limitation, for the purpose of aiding or facilitating the work of the Office.

COUNTERDRUG TECHNOLOGY ASSESSMENT CENTER

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the Counterdrug Technology Assessment Center for research activities pursuant to the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1701 et seq.), $40,000,000, which shall remain available until expended, consisting of $18,000,000 for counternarcotics research and development projects, and $22,000,000 for the continued operation of the technology transfer program: Provided, That the $18,000,000 for counternarcotics research and development projects shall be available for transfer to other Federal departments or agencies.

FEDERAL DRUG CONTROL PROGRAMS

HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of National Drug Control Policy's High Intensity Drug Trafficking Areas Program, $226,350,000, for drug control activities consistent with the approved strategy for each of the designated High Intensity Drug Trafficking Areas, of which no less than 51 percent shall be transferred to State and local entities for drug control activities, which shall be obligated within 120 days of the date of the enactment of this Act: Provided, That up to 49 percent, to remain available until September 30, 2004, may be transferred to Federal agencies and departments at a rate to be determined by the Director, of which not less than $2,100,000 shall be used for auditing services and associated activities, and at least $500,000 of the $2,100,000 shall be used to develop and implement a data collection system to measure the performance of the High Intensity Drug Trafficking Areas Program: Provided further, That High Intensity Drug Trafficking Areas Programs designated as of September 30, 2002, shall be funded at no less than the fiscal year 2002 budget request levels unless the Director submits to the Committees on Appropriations, and the Committees approve, justification for changes in those levels based on clearly articulated priorities for the High Intensity Drug Trafficking Areas Programs, as well as published Office of National Drug Control Policy performance measures of effectiveness: Provided further, That no funds of an amount in excess of the fiscal year 2003 budget request shall be obligated prior to the approval of the Committee on Appropriations: Provided further, That none of the funds made available in this Act or any other Act may be expended or obligated for the continued or future operation of a regional office with authority over more than one of the California, Arizona, New Mexico, or Texas partnerships without the consent of each of the affected partnerships.

SPECIAL FORFEITURE FUND

(INCLUDING TRANSFER OF FUNDS)

For activities to support a national anti-drug campaign for youth, and for other purposes, authorized by the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1701 et seq.), $172,700,000, to remain available until expended, of which the following amounts are available as follows: $100,000,000 to support a national media campaign, as authorized by the Drug-Free Media Campaign Act of 1998; $60,000,000 to continue a program of matching grants to drug-free communities, of which $2,000,000 shall be a directed grant to the Community Anti-Drug Coalitions of America for the National Community Anti-Drug Coalition Institute, as authorized in chapter 2 of the National Narcotics Leadership Act of 1988, as amended; $3,000,000 for the Counterdrug Intelligence Executive Secretariat; $2,000,000 for evaluations and research related to National Drug Control Program performance measures; $1,000,000 for the National Drug Court Institute; $5,900,000 for the United States Anti-Doping Agency for anti-doping activities; and $800,000 for the United States membership dues to the World Anti-Doping Agency: Provided, That such funds may be transferred to other Federal departments and agencies to carry out such activities.

UNANTICIPATED NEEDS

For expenses necessary to enable the President to meet unanticipated needs, in furtherance of the national interest, security, or defense which may arise at home or abroad during the current fiscal year, as authorized by 3 U.S.C. 108, $1,000,000.

This title may be cited as the ''Executive Office Appropriations Act, 2003''.

TITLE IV—INDEPENDENT AGENCIES

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

SALARIES AND EXPENSES

For necessary expenses of the Committee for Purchase From People Who Are Blind or Severely Disabled established by Public Law 92–28, $4,629,000.

FEDERAL ELECTION COMMISSION

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the Federal Election Campaign Act of 1971, as amended, $45,244,000, of which not to exceed $5,000 shall be available for reception and representation expenses.

FEDERAL LABOR RELATIONS AUTHORITY

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Federal Labor Relations Authority, pursuant to Reorganization Plan Numbered 2 of 1978, and the Civil Service Reform Act of 1978, including services authorized by 5 U.S.C. 3109, and including hire of experts and consultants, hire of passenger motor vehicles, and rental of conference rooms in the District of Columbia and elsewhere, $28,677,000: Provided, That public members of the Federal Service Impasses Panel may be paid travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons employed intermittently in the Government service, and compensation as authorized by 5 U.S.C. 3109: Provided further, That notwithstanding 31 U.S.C. 3302, funds received from fees charged to non-Federal participants at labor-management relations conferences shall be credited to and merged with this account, to be available without further appropriation for the costs of carrying out these conferences.

GENERAL SERVICES ADMINISTRATION

REAL PROPERTY ACTIVITIES

FEDERAL BUILDINGS FUND

LIMITATIONS ON AVAILABILITY OF REVENUE

(INCLUDING TRANSFER OF FUNDS)

For an additional amount to be deposited in, and to be used for the purposes of, the Fund established pursuant to section 210(f) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(f)), $363,299,000. The revenues and collections deposited into the Fund shall be available for necessary expenses of real property management and related activities not otherwise provided for, including operation, maintenance, and protection of federally owned and leased buildings; rental of buildings in the District of Columbia; restoration of leased premises; moving governmental agencies (including space adjustments and telecommunications relocation expenses) in connection with the assignment, allocation and transfer of space; contractual services incident to cleaning or servicing buildings, and moving; repair and alteration of federally owned buildings including grounds, approaches and appurtenances; care and safeguarding of sites; maintenance, preservation, demolition, and equipment; acquisition of buildings and sites by purchase, condemnation, or as otherwise authorized by law; acquisition of options to purchase buildings and sites; conversion and extension of federally owned buildings; preliminary planning and design of projects by contract or otherwise; construction of new buildings (including equipment for such buildings); and payment of principal, interest, and any other obligations for public buildings acquired by installment purchase and purchase contract; in the aggregate amount of $6,926,833,000, of which: (1) $631,663,000 shall remain available until expended for construction (including funds for sites and expenses and associated design and construction services) of additional projects at the following locations:

New Construction:

Arkansas:

Little Rock, United States Courthouse Annex, $77,154,000
California:
San Diego, United States Courthouse Annex, $23,901,000
District of Columbia:
Washington, Southeast Federal Center Site Remediation, $8,972,000
Florida:
Fort Pierce, United States Courthouse, $2,744,000
Iowa:
Cedar Rapids, United States Courthouse, $5,167,000
Maine:
Jackman, Border Station, $9,194,000
Maryland:
Montgomery County, FDA consolidation, $25,500,000
Suitland, National Oceanic and Atmospheric Administration II, $9,461,000
Suitland, United States Census Bureau, $176,919,000
Mississippi:
Jackson, United States Courthouse, $7,276,000
Missouri:
Cape Girardeau, United States Courthouse, $49,300,000
Montana:
Raymond, Border Station, $7,753,000
New York:
Brooklyn, United States Courthouse Annex—GPO, $39,500,000
Massena, Border Station, $1,646,000
New York, United States Mission to the United Nations, $57,053,000
North Dakota:
Portal, Border Station, $2,201,000
Oregon:
Eugene, United States Courthouse, $77,374,000
Tennessee:
Nashville, United States Courthouse, $7,095,000
Texas:
Austin, United States Courthouse, $13,809,000
Utah:
Salt Lake City, United States Courthouse, $11,807,000
Washington:
Oroville, Border Station, $6,572,000
Nationwide:
Judgment Fund Repayment, $3,012,000
Nonprospectus Construction, $8,253,000: Provided, That funding for any project identified above may be exceeded to the extent that savings are effected in other such projects, but not to exceed 10 percent of the amounts included in an approved prospectus, if required, unless advance approval is obtained from the Committees on Appropriations of a greater amount: Provided further, That all funds for direct construction projects shall expire on September 30, 2004, and remain in the Federal Buildings Fund except for funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date; (2) $997,839,000 shall remain available until expended for repairs and alterations which includes associated design and construction services: Provided further, That funds in the Federal Buildings Fund for Repairs and Alterations shall, for prospectus projects, be limited to the amount by project, as follows, except each project may be increased by an amount not to exceed 10 percent unless advance approval is obtained from the Committees on Appropriations of a greater amount:
Repairs and Alterations:
California:
Los Angeles, Federal Building, 300 North Los Angeles Street, $93,166,000
San Francisco, Appraisers Building, $20,283,000
Tecate, Tecate United States Border Station, $5,709,000
Colorado:
Denver, Byron G. Rogers Federal Building and Courthouse, $9,000,000
Connecticut:
New Haven, Robert N. Gaimo Federal Building, $18,507,000
District of Columbia:
Federal Office Building 10A Garage, $5,454,000
Harry S Truman Building (State), $29,443,000
Illinois:
Chicago, United States Custom House, $9,000,000
Iowa:
Davenport, Federal Building and United States Courthouse, $12,586,000
Maryland:
Baltimore, Metro West, $6,162,000
Woodlawn, Operations Building, $96,905,000
Massachusetts:
Boston, John F. Kennedy Federal Building Plaza, $3,271,000
Missouri:
Kansas City, Bannister Federal Complex, Building 1, $16,130,000
Kansas City, Bannister Federal Complex, Building 2, $3,148,000
New Hampshire:
Manchester, Norris Cotton Federal Building, $17,668,000
Portsmouth, Thomas J. McIntyre Federal Building, $11,149,000
New York:
New York, Jacob K. Javits Federal Building, $7,568,000
Ohio:
Cleveland, Howard M. Metzenbaum United States Courthouse, $15,212,000
Pennsylvania:
Pittsburgh, United States Post Office and Courthouse, $2,810,000
Pittsburgh, William S. Moorhead Federal Building, $68,793,000
Texas:
Dallas, Earle Cabell Federal Building—Courthouse and Santa Fe Federal Building, $16,394,000
Fort Worth, Fritz Garland Lanham Federal Building, $15,249,000
Washington:
Seattle, Henry M. Jackson Federal Building, $26,832,000
Nationwide:
Chlorofluorocarbons Program, $8,000,000
Design Program, $52,527,000
Elevator Program, $21,533,000
Energy Program, $8,000,000
Glass Fragmentation Program, $20,000,000
Terrorism, $10,000,000
Basic Repairs and Alterations, $367,340,000: Provided further, That additional projects for which prospectuses have been fully approved may be funded under this category only if advance approval is obtained from the Committees on Appropriations: Provided further, That the amounts provided in this or any prior Act for ''Repairs and Alterations'' may be used to fund costs associated with implementing security improvements to buildings necessary to meet the minimum standards for security in accordance with current law and in compliance with the reprogramming guidelines of the appropriate Committees of the House and Senate: Provided further, That the difference between the funds appropriated and expended on any projects in this or any prior Act, under the heading ''Repairs and Alterations'', may be transferred to Basic Repairs and Alterations or used to fund authorized increases in prospectus projects: Provided further, That all funds for repairs and alterations prospectus projects shall expire on September 30, 2004, and remain in the Federal Buildings Fund except funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date: Provided further, That the amount provided in this or any prior Act for Basic Repairs and Alterations may be used to pay claims against the Government arising from any projects under the heading ''Repairs and Alterations'' or used to fund authorized increases in prospectus projects; (3) $178,960,000 for installment acquisition payments including payments on purchase contracts which shall remain available until expended; (4) $3,153,211,000 for rental of space which shall remain available until expended; and (5) $1,965,160,000 for building operations which shall remain available until expended: Provided further, That funds available to the General Services Administration shall not be available for expenses of any construction, repair, alteration and acquisition project for which a prospectus, if required by the Public Buildings Act of 1959, as amended, has not been approved, except that necessary funds may be expended for each project for required expenses for the development of a proposed prospectus: Provided further, That funds available in the Federal Buildings Fund may be expended for emergency repairs when advance approval is obtained from the Committees on Appropriations: Provided further, That amounts necessary to provide reimbursable special services to other agencies under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(f)(6)) and amounts to provide such reimbursable fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control as may be appropriate to enable the United States Secret Service to perform its protective functions pursuant to 18 U.S.C. 3056, shall be available from such revenues and collections: Provided further, That revenues and collections and any other sums accruing to this Fund during fiscal year 2003, excluding reimbursements under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(f)(6)) in excess of $6,926,833,000 shall remain in the Fund and shall not be available for expenditure except as authorized in appropriations Acts.

GENERAL ACTIVITIES

POLICY AND CITIZEN SERVICES

For expenses authorized by law, not otherwise provided for, for Government-wide policy and evaluation activities associated with the management of real and personal property assets and certain administrative services; Government-wide policy support responsibilities relating to acquisition, telecommunications, information technology management, and related technology activities; providing citizens with Internet access to Federal information and services; and services as authorized by 5 U.S.C. 3109, $65,995,000.

OPERATING EXPENSES

For expenses authorized by law, not otherwise provided for, for Government-wide activities associated with utilization and donation of surplus personal property; disposal of real property; telecommunications, information technology management, and related technology activities; agency-wide policy direction and management, and Board of Contract Appeals; accounting, records management, and other support services incident to adjudication of Indian Tribal Claims by the United States Court of Federal Claims; services as authorized by 5 U.S.C. 3109; and not to exceed $7,500 for official reception and representation expenses, $94,640,000, of which $23,899,000 shall remain available until expended.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General and services authorized by 5 U.S.C. 3109, $37,617,000: Provided, That not to exceed $15,000 shall be available for payment for information and detection of fraud against the Government, including payment for recovery of stolen Government property: Provided further, That not to exceed $2,500 shall be available for awards to employees of other Federal agencies and private citizens in recognition of efforts and initiatives resulting in enhanced Office of Inspector General effectiveness.

ELECTRONIC GOVERNMENT FUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in support of interagency projects that enable the Federal Government to expand its ability to conduct activities electronically, through the development and implementation of innovative uses of the Internet and other electronic methods, $5,000,000, to remain available until expended: Provided, That these funds may be transferred to Federal agencies to carry out the purposes of the Fund: Provided further, That this transfer authority shall be in addition to any other transfer authority provided in this Act: Provided further, That such transfers may not be made until 10 days after a proposed spending plan and justification for each project to be undertaken has been submitted to the Committees on Appropriations.

ALLOWANCES AND OFFICE STAFF FOR FORMER PRESIDENTS

(INCLUDING TRANSFER OF FUNDS)

For carrying out the provisions of the Act of August 25, 1958, as amended (3 U.S.C. 102 note), and Public Law 95–138, $3,339,000: Provided, That the Administrator of General Services shall transfer to the Secretary of the Treasury such sums as may be necessary to carry out the provisions of such Acts.

GENERAL SERVICES ADMINISTRATION—GENERAL PROVISIONS

SEC. 401. The appropriate appropriation or fund available to the General Services Administration shall be credited with the cost of operation, protection, maintenance, upkeep, repair, and improvement, included as part of rentals received from Government corporations pursuant to law (40 U.S.C. 129).

SEC. 402. Funds available to the General Services Administration shall be available for the hire of passenger motor vehicles.

SEC. 403. Funds in the Federal Buildings Fund made available for fiscal year 2003 for Federal Buildings Fund activities may be transferred between such activities only to the extent necessary to meet program requirements: Provided, That any proposed transfers shall be approved in advance by the Committees on Appropriations.

SEC. 404. No funds made available by this Act shall be used to transmit a fiscal year 2004 request for United States Courthouse construction that: (1) does not meet the design guide standards for construction as established and approved by the General Services Administration, the Judicial Conference of the United States, and the Office of Management and Budget; and (2) does not reflect the priorities of the Judicial Conference of the United States as set out in its approved 5-year construction plan: Provided, That the fiscal year 2004 request must be accompanied by a standardized courtroom utilization study of each facility to be constructed, replaced, or expanded.

SEC. 405. None of the funds provided in this Act may be used to increase the amount of occupiable square feet, provide cleaning services, security enhancements, or any other service usually provided through the Federal Buildings Fund, to any agency that does not pay the rate per square foot assessment for space and services as determined by the General Services Administration in compliance with the Public Buildings Amendments Act of 1972 (Public Law 92–313).

SEC. 406. Funds provided to other Government agencies by the Information Technology Fund, General Services Administration, under section 110 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 757) and sections 5124(b) and 5128 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1424(b) and 1428), for performance of pilot information technology projects which have potential for Government-wide benefits and savings, may be repaid to this Fund from any savings actually incurred by these projects or other funding, to the extent feasible.

SEC. 407. From funds made available under the heading ''Federal Buildings Fund, Limitations on Availability of Revenue'', claims against the Government of less than $2,000,000 arising from direct construction projects and acquisition of buildings may be liquidated from savings effected in other construction projects with prior notification to the Committees on Appropriations.

SEC. 408. DESIGNATION OF THE JUDGE DAN M. RUSSELL, JR. FEDERAL BUILDING AND UNITED STATES COURTHOUSE. (a) The Federal building and United States courthouse located at 2015 15th Street in Gulfport, Mississippi, shall be known and designated as the ''Judge Dan M. Russell, Jr. Federal Building and United States Courthouse''.

(b) Any reference in law, map, regulation, document, paper, or other record of the United States to the Federal building and United States courthouse referred to in subsection (a) shall be deemed to be a reference to the ''Judge Dan M. Russell, Jr. Federal Building and United States Courthouse''.

SEC. 409. DESIGNATION. (a) The United States courthouse located at 100 Federal Plaza in Central Islip, New York, shall be known and designated as the ''Alfonse M. D'Amato United States Courthouse''.

(b) Any reference in law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in subsection (a) shall be deemed to be a reference to the ''Alfonse M. D'Amato United States Courthouse''.

SEC. 410. DESIGNATION OF CESAR E. CHAVEZ MEMORIAL BUILDING. (a) The building known as the Colonnade Center, located at 1244 Speer Boulevard, Denver, Colorado, shall be known and designated as the ''Cesar E. Chavez Memorial Building''.

(b) Any reference in law, map, regulation, document, paper, or other record of the United States to the building referred to in subsection (a) shall be deemed to be a reference to the ''Cesar E. Chavez Memorial Building''.

SEC. 411. For gross obligations for the principal amount of a direct loan as defined by Section 502 of the Congressional Budget Act of 1974, not to exceed $250,000, to be available from amounts transferred by Treasury to the ''Disposal of surplus real and related personal property'' account of the General Services Administration.

SEC. 412. DESIGNATION OF RICHARD SHEPPARD ARNOLD UNITED STATES COURTHOUSE. (a) The United States courthouse located at 600 West Capitol Avenue in Little Rock, Arkansas, and any addition to the courthouse that may hereafter be constructed, shall be known and designated as the ''Richard Sheppard Arnold United States Courthouse''.

(b) Any reference in a law, map, regulation, document, paper, or other record of the United States courthouse referred to in subsection (a) shall be deemed to be a reference to the ''Richard Sheppard Arnold United States Courthouse''.

SEC. 413. (a) Notwithstanding any other provision of law, the Administrator of General Services is authorized to acquire, by purchase, condemnation, or otherwise, the properties known as 26 West Market Street, 30 West Market Street, 39 West Market Street, and 40 West Market Street in Salt Lake City, Utah. In so acquiring, the Administrator shall comply with applicable environmental and historical preservation statutes. This authority is in addition to the authority of the Administrator to acquire any sites necessary for construction of the new United States Courthouse in Salt Lake City, Utah.

(b) In addition, the Administrator is authorized to relocate the historical building currently located at 39 West Market Street, Salt Lake City, Utah, to the parcels known as 26, 30, and 40 West Market Street, Salt Lake City, Utah, and after the relocation the Administrator is authorized to sell by auction, or upon such other terms and conditions as the Administrator deems proper, the properties known as 26, 30, and 40 West Market Street. All proceeds from such sale shall be deposited into the fund established under section 592 of title 40, United States Code, and shall not be available for obligation until authorized by a future appropriations Act.

(c) Funds made available in previous appropriations Acts for site, design and construction of a new Courthouse in Salt Lake City, as well as funds that may be made available for such project in fiscal year 2003 appropriations Acts, may be used to carry out the purposes of subsections (a) and (b).

SEC. 414. DESIGNATION OF NATHANIEL R. JONES FEDERAL BUILDING AND UNITED STATES COURTHOUSE. (a) IN GENERAL.—The Federal building and United States courthouse located at 10 East Commerce Street in Youngstown, Ohio, shall be known and designated as the ''Nathaniel R. Jones Federal Building and United States Courthouse''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building and United States courthouse referred to in subsection (a) shall be deemed to be a reference to the Nathaniel R. Jones Federal Building and United States Courthouse.

MERIT SYSTEMS PROTECTION BOARD

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out functions of the Merit Systems Protection Board pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, and direct procurement of survey printing, $31,788,000 together with not to exceed $2,594,000 for administrative expenses to adjudicate retirement appeals to be transferred from the Civil Service Retirement and Disability Fund in amounts determined by the Merit Systems Protection Board.

MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION

FEDERAL PAYMENT TO MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY TRUST FUND

For payment to the Morris K. Udall Scholarship and Excellence in National Environmental Policy Trust Fund, pursuant to the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 (20 U.S.C. 5601 et seq.), $1,996,000, to remain available until expended: Provided, That up to 60 percent of such funds may be transferred by the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation for the necessary expenses of the Native Nations Institute.

ENVIRONMENTAL DISPUTE RESOLUTION FUND

For payment to the Environmental Dispute Resolution Fund to carry out activities authorized in the Environmental Policy and Conflict Resolution Act of 1998, $1,309,000, to remain available until expended.

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

OPERATING EXPENSES

For necessary expenses in connection with the administration of the National Archives (including the Information Security Oversight Office) and archived Federal records and related activities, as provided by law, and for expenses necessary for the review and declassification of documents, and for the hire of passenger motor vehicles, $249,731,000: Provided, That the Archivist of the United States is authorized to use any excess funds available from the amount borrowed for construction of the National Archives facility, for expenses necessary to provide adequate storage for holdings.

REPAIRS AND RESTORATION

For the repair, alteration, and improvement of archives facilities, and to provide adequate storage for holdings, $14,208,000, to remain available until expended, of which $1,250,000 is for the Military Personnel Records Center preliminary design studies, $3,250,000 is for repairs to the Lyndon Baines Johnson Presidential Library Plaza, and $3,750,000 is for locating, purchasing, and other related site location expenses for the site of a new regional archives facility to be constructed in Anchorage, Alaska.

NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION

GRANTS PROGRAM

For necessary expenses for allocations and grants for historical publications and records as authorized by 44 U.S.C. 2504, as amended, $7,000,000, to remain available until expended.

OFFICE OF GOVERNMENT ETHICS

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Government Ethics pursuant to the Ethics in Government Act of 1978, as amended and the Ethics Reform Act of 1989, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, and not to exceed $1,500 for official reception and representation expenses, $10,486,000.

OFFICE OF PERSONNEL MANAGEMENT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses to carry out functions of the Office of Personnel Management pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109; medical examinations performed for veterans by private physicians on a fee basis; rental of conference rooms in the District of Columbia and elsewhere; hire of passenger motor vehicles; not to exceed $2,500 for official reception and representation expenses; advances for reimbursements to applicable funds of the Office of Personnel Management and the Federal Bureau of Investigation for expenses incurred under Executive Order No. 10422 of January 9, 1953, as amended; and payment of per diem and/or subsistence allowances to employees where Voting Rights Act activities require an employee to remain overnight at his or her post of duty, $128,736,000, of which $24,000,000 shall remain available until expended for the cost of the Government-wide human resources data network project, and $2,500,000 shall remain available until expended for the cost of leading the government-wide initiative to modernize the Federal payroll systems and service delivery; and in addition $120,791,000 for administrative expenses, to be transferred from the appropriate trust funds of the Office of Personnel Management without regard to other statutes, including direct procurement of printed materials, for the retirement and insurance programs, of which $27,640,000 shall remain available until expended for the cost of automating the retirement recordkeeping systems: Provided, That the provisions of this appropriation shall not affect the authority to use applicable trust funds as provided by sections 8348(a)(1)(B), 8909(g), and 9004(f)(1)(A) and (2)(A) of title 5, United States Code: Provided further, That no part of this appropriation shall be available for salaries and expenses of the Legal Examining Unit of the Office of Personnel Management established pursuant to Executive Order No. 9358 of July 1, 1943, or any successor unit of like purpose: Provided further, That the President's Commission on White House Fellows, established by Executive Order No. 11183 of October 3, 1964, may, during fiscal year 2003, accept donations of money, property, and personal services in connection with the development of a publicity brochure to provide information about the White House Fellows, except that no such donations shall be accepted for travel or reimbursement of travel expenses, or for the salaries of employees of such Commission.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act, as amended, including services as authorized by 5 U.S.C. 3109, hire of passenger motor vehicles, $1,498,000, and in addition, not to exceed $10,766,000 for administrative expenses to audit, investigate, and provide other oversight of the Office of Personnel Management's retirement and insurance programs, to be transferred from the appropriate trust funds of the Office of Personnel Management, as determined by the Inspector General: Provided, That the Inspector General is authorized to rent conference rooms in the District of Columbia and elsewhere.

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEES HEALTH BENEFITS

For payment of Government contributions with respect to retired employees, as authorized by chapter 89 of title 5, United States Code, and the Retired Federal Employees Health Benefits Act (74 Stat. 849), as amended, such sums as may be necessary.

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEE LIFE INSURANCE

For payment of Government contributions with respect to employees retiring after December 31, 1989, as required by chapter 87 of title 5, United States Code, such sums as may be necessary.

PAYMENT TO CIVIL SERVICE RETIREMENT AND DISABILITY FUND

For financing the unfunded liability of new and increased annuity benefits becoming effective on or after October 20, 1969, as authorized by 5 U.S.C. 8348, and annuities under special Acts to be credited to the Civil Service Retirement and Disability Fund, such sums as may be necessary: Provided, That annuities authorized by the Act of May 29, 1944, as amended, and the Act of August 19, 1950, as amended (33 U.S.C. 771–775), may hereafter be paid out of the Civil Service Retirement and Disability Fund.

OFFICE OF SPECIAL COUNSEL

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Special Counsel pursuant to Reorganization Plan Numbered 2 of 1978, the Civil Service Reform Act of 1978 (Public Law 95–454), the Whistleblower Protection Act of 1989 (Public Law 101–12), Public Law 103–424, and the Uniformed Services Employment and Reemployment Act of 1994 (Public Law 103–353), including services as authorized by 5 U.S.C. 3109, payment of fees and expenses for witnesses, rental of conference rooms in the District of Columbia and elsewhere, and hire of passenger motor vehicles; $12,434,000.

UNITED STATES TAX COURT

SALARIES AND EXPENSES

For necessary expenses, including contract reporting and other services as authorized by 5 U.S.C. 3109, $37,305,000: Provided, That travel expenses of the judges shall be paid upon the written certificate of the judge.

WHITE HOUSE COMMISSION ON THE NATIONAL MOMENT OF REMEMBRANCE

For necessary expenses of the White House Commission on the National Moment of Remembrance, as authorized by Public Law 106–579, $250,000.

This title may be cited as the ''Independent Agencies Appropriations Act, 2003''.

TITLE V—GENERAL PROVISIONS

THIS ACT

SEC. 501. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 502. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 503. None of the funds made available by this Act shall be available for any activity or for paying the salary of any Government employee where funding an activity or paying a salary to a Government employee would result in a decision, determination, rule, regulation, or policy that would prohibit the enforcement of section 307 of the Tariff Act of 1930.

SEC. 504. No part of any appropriation contained in this Act shall be available to pay the salary for any person filling a position, other than a temporary position, formerly held by an employee who has left to enter the Armed Forces of the United States and has satisfactorily completed his period of active military or naval service, and has within 90 days after his release from such service or from hospitalization continuing after discharge for a period of not more than 1 year, made application for restoration to his former position and has been certified by the Office of Personnel Management as still qualified to perform the duties of his former position and has not been restored thereto.

SEC. 505. No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of the Buy American Act (41 U.S.C. 10a–10c).

SEC. 506. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act, it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act, the Secretary of the Treasury shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

SEC. 507. If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a ''Made in America'' inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, such person shall be ineligible to receive any contract or subcontract made with funds provided pursuant to this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 508. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2003 from appropriations made available for salaries and expenses for fiscal year 2003 in this Act, shall remain available through September 30, 2004, for each such account for the purposes authorized: Provided, That a request shall be submitted to the Committees on Appropriations for approval prior to the expenditure of such funds: Provided further, That these requests shall be made in compliance with reprogramming guidelines.

SEC. 509. None of the funds made available in this Act may be used by the Executive Office of the President to request from the Federal Bureau of Investigation any official background investigation report on any individual, except when—

(1) such individual has given his or her express written consent for such request not more

than 6 months prior to the date of such request and during the same presidential administration; or

(2) such request is required due to extraordinary circumstances involving national security.

SEC. 510. The cost accounting standards promulgated under section 26 of the Office of Federal Procurement Policy Act (Public Law 93–400; 41 U.S.C. 422) shall not apply with respect to a contract under the Federal Employees Health Benefits Program established under chapter 89 of title 5, United States Code.

SEC. 511. For the purpose of resolving litigation and implementing any settlement agreements regarding the nonforeign area cost-of-living allowance program, the Office of Personnel Management may accept and utilize (without regard to any restriction on unanticipated travel expenses imposed in an Appropriations Act) funds made available to the Office pursuant to court approval.

SEC. 512. No funds appropriated or otherwise made available under this Act shall be made available to any person or entity that has been convicted of violating the Buy American Act (41 U.S.C. 10a–10c).

SEC. 513. None of the funds provided in this Act may be used to procure any products, articles, goods, or wares mined, manufactured, or produced wholly or in part by forced or indentured child labor as identified in the 1995 U.S. Department of Labor Report on Forced and Bonded Child Labor, the 2002 U.S. Department of Labor Findings on the Worst Forms of Child Labor, or the most recent U.S. Department of State Human Rights Country Reports.

SEC. 514. ENDOWMENT FOR PRESIDENTIAL LIBRARIES. Section 2112(g) of title 44, United States Code, is amended by adding at the end the following:

''(5)(A) Notwithstanding paragraphs (3) and (4) (to the extent that such paragraphs are inconsistent with this paragraph), this subsection shall be administered in accordance with this paragraph with respect to any Presidential archival depository created as a depository for the papers, documents, and other historical materials and Presidential records pertaining to any President who takes the oath of office as President for the first time on or after July 1, 2002.

''(B) For purposes of subparagraphs (A)(ii), (B)(i)(II), and (B)(ii)(II) of paragraph (3) the percentage of 40 percent shall apply instead of 20 percent.

''(C)(i) In this subparagraph, the term 'base endowment amount' means the amount of the endowment required under paragraph (3).

''(ii)(I) The Archivist may give credits against the base endowment amount if the Archivist determines that the proposed Presidential archival depository will have construction features or equipment that are expected to result in quantifiable long-term savings to the Government with respect to the cost of facility operations.

''(II) The features and equipment described under subclause (I) shall comply with the standards promulgated by the Archivist under subsection (a)(2).

''(III) The Archivist shall promulgate standards to be used in calculating the dollar amount of any credit to be given, and shall consult with all donors of the endowment before giving any credits. The total dollar amount of credits given under this paragraph may not exceed 20 percent of the base endowment amount.

''(D)(i) In calculating the additional endowment amount required under paragraph (4), the Archivist shall take into account credits given under subparagraph (C), and may also give credits against the additional endowment amount required under paragraph (4), if the Archivist determines that construction features or equipment used in making or equipping the physical or material change or addition are expected to result in quantifiable long-term savings to the Government with respect to the cost of facility operations.

''(ii) The features and equipment described under clause (i) shall comply with the standards promulgated by the Archivist under subsection (a)(2).

''(iii) The Archivist shall promulgate standards to be used in calculating the dollar amount of any credit to be given, and shall consult with all donors of the endowment before giving any credits. The total dollar amount of credits given under this paragraph may not exceed 20 percent of the additional endowment amount required under paragraph (4).''.

TITLE VI—GENERAL PROVISIONS

DEPARTMENTS, AGENCIES, AND CORPORATIONS

SEC. 601. Funds appropriated in this or any other Act may be used to pay travel to the United States for the immediate family of employees serving abroad in cases of death or life threatening illness of said employee.

SEC. 602. No department, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act for fiscal year 2003 shall obligate or expend any such funds, unless such department, agency, or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from the illegal use, possession, or distribution of controlled substances (as defined in the Controlled Substances Act) by the officers and employees of such department, agency, or instrumentality.

SEC. 603. Unless otherwise specifically provided, the maximum amount allowable during the current fiscal year in accordance with section 16 of the Act of August 2, 1946 (60 Stat. 810), for the purchase of any passenger motor vehicle (exclusive of buses, ambulances, law enforcement, and undercover surveillance vehicles), is hereby fixed at $8,100 except station wagons for which the maximum shall be $9,100: Provided, That these limits may be exceeded by not to exceed $3,700 for police-type vehicles, and by not to exceed $4,000 for special heavy-duty vehicles: Provided further, That the limits set forth in this section may not be exceeded by more than 5 percent for electric or hybrid vehicles purchased for demonstration under the provisions of the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976: Provided further, That the limits set forth in this section may be exceeded by the incremental cost of clean alternative fuels vehicles acquired pursuant to Public Law 101–549 over the cost of comparable conventionally fueled vehicles.

SEC. 604. Appropriations of the executive departments and independent establishments for the current fiscal year available for expenses of travel, or for the expenses of the activity concerned, are hereby made available for quarters allowances and cost-of-living allowances, in accordance with 5 U.S.C. 5922–5924.

SEC. 605. Unless otherwise specified during the current fiscal year, no part of any appropriation contained in this or any other Act shall be used to pay the compensation of any officer or employee of the Government of the United States (including any agency the majority of the stock of which is owned by the Government of the United States) whose post of duty is in the continental United States unless such person: (1) is a citizen of the United States; (2) is a person in the service of the United States on the date of the enactment of this Act who, being eligible for citizenship, has filed a declaration of intention to become a citizen of the United States prior to such date and is actually residing in the United States; (3) is a person who owes allegiance to the United States; (4) is an alien from Cuba, Poland, South Vietnam, the countries of the former Soviet Union, or the Baltic countries lawfully admitted to the United States for permanent residence; (5) is a South Vietnamese, Cambodian, or Laotian refugee paroled in the United States after January 1, 1975; or (6) is a national of the People's Republic of China who qualifies for adjustment of status pursuant to the Chinese Student Protection Act of 1992: Provided, That for the purpose of this section, an affidavit signed by any such person shall be considered prima facie evidence that the requirements of this section with respect to his or her status have been complied with: Provided further, That any person making a false affidavit shall be guilty of a felony, and, upon conviction, shall be fined no more than $4,000 or imprisoned for not more than 1 year, or both: Provided further, That the above penal clause shall be in addition to, and not in substitution for, any other provisions of existing law: Provided further, That any payment made to any officer or employee contrary to the provisions of this section shall be recoverable in action by the Federal Government. This section shall not apply to citizens of Ireland, Israel, or the Republic of the Philippines, or to nationals of those countries allied with the United States in a current defense effort, or to international broadcasters employed by the United States Information Agency, or to temporary employment of translators, or to temporary employment in the field service (not to exceed 60 days) as a result of emergencies.

SEC. 606. Appropriations available to any department or agency during the current fiscal year for necessary expenses, including maintenance or operating expenses, shall also be available for payment to the General Services Administration for charges for space and services and those expenses of renovation and alteration of buildings and facilities which constitute public improvements performed in accordance with the Public Buildings Act of 1959 (73 Stat. 749), the Public Buildings Amendments of 1972 (87 Stat. 216), or other applicable law.

SEC. 607. In addition to funds provided in this or any other Act, all Federal agencies are authorized to receive and use funds resulting from the sale of materials, including Federal records disposed of pursuant to a records schedule recovered through recycling or waste prevention programs. Such funds shall be available until expended for the following purposes:

(1) Acquisition, waste reduction and prevention, and recycling programs as described in Executive Order No. 13101 (September 14, 1998), including any such programs adopted prior to the effective date of the Executive order.

(2) Other Federal agency environmental management programs, including, but not limited to, the development and implementation of hazardous waste management and pollution prevention programs.

(3) Other employee programs as authorized by law or as deemed appropriate by the head of the Federal agency.

SEC. 608. Funds made available by this or any other Act for administrative expenses in the current fiscal year of the corporations and agencies subject to chapter 91 of title 31, United States Code, shall be available, in addition to objects for which such funds are otherwise available, for rent in the District of Columbia; services in accordance with 5 U.S.C. 3109; and the objects specified under this head, all the provisions of which shall be applicable to the expenditure of such funds unless otherwise specified in the Act by which they are made available: Provided, That in the event any functions budgeted as administrative expenses are subsequently transferred to or paid from other funds, the limitations on administrative expenses shall be correspondingly reduced.

SEC. 609. No part of any appropriation for the current fiscal year contained in this or any other Act shall be paid to any person for the filling of any position for which he or she has been nominated after the Senate has voted not to approve the nomination of said person.

SEC. 610. No part of any appropriation contained in this or any other Act shall be available for interagency financing of boards (except Federal Executive Boards), commissions, councils, committees, or similar groups (whether or not

they are interagency entities) which do not have a prior and specific statutory approval to receive financial support from more than one agency or instrumentality.

SEC. 611. Funds made available by this or any other Act to the Postal Service Fund (39 U.S.C. 2003) shall be available for employment of guards for all buildings and areas owned or occupied by the Postal Service and under the charge and control of the Postal Service, and such guards shall have, with respect to such property, the powers of special policemen provided by the first section of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318), and, as to property owned or occupied by the Postal Service, the Postmaster General may take the same actions as the Administrator of General Services may take under the provisions of sections 2 and 3 of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318a and 318b), attaching thereto penal consequences under the authority and within the limits provided in section 4 of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318c).

SEC. 612. None of the funds made available pursuant to the provisions of this Act shall be used to implement, administer, or enforce any regulation which has been disapproved pursuant to a resolution of disapproval duly adopted in accordance with the applicable law of the United States.

SEC. 613. (a) Notwithstanding any other provision of law, and except as otherwise provided in this section, no part of any of the funds appropriated for fiscal year 2003, by this or any other Act, may be used to pay any prevailing rate employee described in section 5342(a)(2)(A) of title 5, United States Code—

(1) during the period from the date of expiration of the limitation imposed by section 613 of the Treasury and General Government Appropriations Act, 2002, until the normal effective date of the applicable wage survey adjustment that is to take effect in fiscal year 2003, in an amount that exceeds the rate payable for the applicable grade and step of the applicable wage schedule in accordance with such section 613; and

(2) during the period consisting of the remainder of fiscal year 2003, in an amount that exceeds, as a result of a wage survey adjustment, the rate payable under paragraph (1) by more than the sum of—

(A) the percentage adjustment taking effect in fiscal year 2003 under section 5303 of title 5, United States Code, in the rates of pay under the General Schedule; and

(B) the difference between the overall average percentage of the locality-based comparability payments taking effect in fiscal year 2003 under section 5304 of such title (whether by adjustment or otherwise), and the overall average percentage of such payments which was effective in fiscal year 2002 under such section.

(b) Notwithstanding any other provision of law, no prevailing rate employee described in subparagraph (B) or (C) of section 5342(a)(2) of title 5, United States Code, and no employee covered by section 5348 of such title, may be paid during the periods for which subsection (a) is in effect at a rate that exceeds the rates that would be payable under subsection (a) were subsection (a) applicable to such employee.

(c) For the purposes of this section, the rates payable to an employee who is covered by this section and who is paid from a schedule not in existence on September 30, 2002, shall be determined under regulations prescribed by the Office of Personnel Management.

(d) Notwithstanding any other provision of law, rates of premium pay for employees subject to this section may not be changed from the rates in effect on September 30, 2002, except to the extent determined by the Office of Personnel Management to be consistent with the purpose of this section.

(e) This section shall apply with respect to pay for service performed after September 30, 2002.

(f) For the purpose of administering any provision of law (including any rule or regulation that provides premium pay, retirement, life insurance, or any other employee benefit) that requires any deduction or contribution, or that imposes any requirement or limitation on the basis of a rate of salary or basic pay, the rate of salary or basic pay payable after the application of this section shall be treated as the rate of salary or basic pay.

(g) Nothing in this section shall be considered to permit or require the payment to any employee covered by this section at a rate in excess of the rate that would be payable were this section not in effect.

(h) The Office of Personnel Management may provide for exceptions to the limitations imposed by this section if the Office determines that such exceptions are necessary to ensure the recruitment or retention of qualified employees.

SEC. 614. During the period in which the head of any department or agency, or any other officer or civilian employee of the Government appointed by the President of the United States, holds office, no funds may be obligated or expended in excess of $5,000 to furnish or redecorate the office of such department head, agency head, officer, or employee, or to purchase furniture or make improvements for any such office, unless advance notice of such furnishing or redecoration is expressly approved by the Committees on Appropriations. For the purposes of this section, the term ''office'' shall include the entire suite of offices assigned to the individual, as well as any other space used primarily by the individual or the use of which is directly controlled by the individual.

SEC. 615. Notwithstanding any other provision of law, no executive branch agency shall purchase, construct, and/or lease any additional facilities, except within or contiguous to existing locations, to be used for the purpose of conducting Federal law enforcement training without the advance approval of the Committees on Appropriations, except that the Federal Law Enforcement Training Center is authorized to obtain the temporary use of additional facilities by lease, contract, or other agreement for training which cannot be accommodated in existing Center facilities.

SEC. 616. Notwithstanding section 1346 of title 31, United States Code, or section 610 of this Act, funds made available for the current fiscal year by this or any other Act shall be available for the interagency funding of national security and emergency preparedness telecommunications initiatives which benefit multiple Federal departments, agencies, or entities, as provided by Executive Order No. 12472 (April 3, 1984).

SEC. 617. (a) None of the funds appropriated by this or any other Act may be obligated or expended by any Federal department, agency, or other instrumentality for the salaries or expenses of any employee appointed to a position of a confidential or policy-determining character excepted from the competitive service pursuant to section 3302 of title 5, United States Code, without a certification to the Office of Personnel Management from the head of the Federal department, agency, or other instrumentality employing the Schedule C appointee that the Schedule C position was not created solely or primarily in order to detail the employee to the White House.

(b) The provisions of this section shall not apply to Federal employees or members of the armed services detailed to or from—

(1) the Central Intelligence Agency;

(2) the National Security Agency;

(3) the Defense Intelligence Agency;

(4) the offices within the Department of Defense for the collection of specialized national foreign intelligence through reconnaissance programs;

(5) the Bureau of Intelligence and Research of the Department of State;

(6) any agency, office, or unit of the Army, Navy, Air Force, and Marine Corps, the Federal Bureau of Investigation and the Drug Enforcement Administration of the Department of Justice, the Department of Transportation, the Department of the Treasury, and the Department of Energy performing intelligence functions; and

(7) the Director of Central Intelligence.

SEC. 618. No department, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act for the current fiscal year shall obligate or expend any such funds, unless such department, agency, or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from discrimination and sexual harassment and that all of its workplaces are not in violation of title VII of the Civil Rights Act of 1964, as amended, the Age Discrimination in Employment Act of 1967, and the Rehabilitation Act of 1973.

SEC. 619. None of the funds made available in this Act for the United States Customs Service may be used to allow—

(1) the importation into the United States of any good, ware, article, or merchandise mined, produced, or manufactured by forced or indentured child labor, as determined pursuant to section 307 of the Tariff Act of 1930 (19 U.S.C. 1307); or

(2) the release into the United States of any good, ware, article, or merchandise on which the United States Customs Service has in effect a detention order, pursuant to such section 307, on the basis that the good, ware, article, or merchandise may have been mined, produced, or manufactured by forced or indentured child labor.

SEC. 620. No part of any appropriation contained in this or any other Act shall be available for the payment of the salary of any officer or employee of the Federal Government, who—

(1) prohibits or prevents, or attempts or threatens to prohibit or prevent, any other officer or employee of the Federal Government from having any direct oral or written communication or contact with any Member, committee, or subcommittee of the Congress in connection with any matter pertaining to the employment of such other officer or employee or pertaining to the department or agency of such other officer or employee in any way, irrespective of whether such communication or contact is at the initiative of such other officer or employee or in response to the request or inquiry of such Member, committee, or subcommittee; or

(2) removes, suspends from duty without pay, demotes, reduces in rank, seniority, status, pay, or performance of efficiency rating, denies promotion to, relocates, reassigns, transfers, disciplines, or discriminates in regard to any employment right, entitlement, or benefit, or any term or condition of employment of, any other officer or employee of the Federal Government, or attempts or threatens to commit any of the foregoing actions with respect to such other officer or employee, by reason of any communication or contact of such other officer or employee with any Member, committee, or subcommittee of the Congress as described in paragraph (1).

SEC. 621. (a) None of the funds made available in this or any other Act may be obligated or expended for any employee training that—

(1) does not meet identified needs for knowledge, skills, and abilities bearing directly upon the performance of official duties;

(2) contains elements likely to induce high levels of emotional response or psychological stress in some participants;

(3) does not require prior employee notification of the content and methods to be used in the training and written end of course evaluation;

(4) contains any methods or content associated with religious or quasi-religious belief systems or ''new age'' belief systems as defined in Equal Employment Opportunity Commission Notice N–915.022, dated September 2, 1988; or

(5) is offensive to, or designed to change, participants' personal values or lifestyle outside the workplace.

(b) Nothing in this section shall prohibit, restrict, or otherwise preclude an agency from conducting training bearing directly upon the performance of official duties.

SEC. 622. No funds appropriated in this or any other Act may be used to implement or enforce the agreements in Standard Forms 312 and 4414 of the Government or any other nondisclosure policy, form, or agreement if such policy, form, or agreement does not contain the following provisions: ''These restrictions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by Executive Order No. 12958; section 7211 of title 5, United States Code (governing disclosures to Congress); section 1034 of title 10, United States Code, as amended by the Military Whistleblower Protection Act (governing disclosure to Congress by members of the military); section 2302(b)(8) of title 5, United States Code, as amended by the Whistleblower Protection Act (governing disclosures of illegality, waste, fraud, abuse or public health or safety threats); the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 et seq.) (governing disclosures that could expose confidential Government agents); and the statutes which protect against disclosure that may compromise the national security, including sections 641, 793, 794, 798, and 952 of title 18, United States Code, and section 4(b) of the Subversive Activities Act of 1950 (50 U.S.C. 783(b)). The definitions, requirements, obligations, rights, sanctions, and liabilities created by said Executive order and listed statutes are incorporated into this agreement and are controlling.'': Provided, That notwithstanding the preceding paragraph, a nondisclosure policy form or agreement that is to be executed by a person connected with the conduct of an intelligence or intelligence-related activity, other than an employee or officer of the United States Government, may contain provisions appropriate to the particular activity for which such document is to be used. Such form or agreement shall, at a minimum, require that the person will not disclose any classified information received in the course of such activity unless specifically authorized to do so by the United States Government. Such nondisclosure forms shall also make it clear that they do not bar disclosures to Congress or to an authorized official of an executive agency or the Department of Justice that are essential to reporting a substantial violation of law.

SEC. 623. No part of any funds appropriated in this or any other Act shall be used by an agency of the executive branch, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, and for the preparation, distribution or use of any kit, pamphlet, booklet, publication, radio, television or film presentation designed to support or defeat legislation pending before the Congress, except in presentation to the Congress itself.

SEC. 624. None of the funds appropriated by this or any other Act may be used by an agency to provide a Federal employee's home address to any labor organization except when the employee has authorized such disclosure or when such disclosure has been ordered by a court of competent jurisdiction.

SEC. 625. None of the funds made available in this Act or any other Act may be used to provide any non-public information such as mailing or telephone lists to any person or any organization outside of the Federal Government without the approval of the Committees on Appropriations.

SEC. 626. No part of any appropriation contained in this or any other Act shall be used for publicity or propaganda purposes within the United States not heretofore authorized by the Congress.

SEC. 627. (a) In this section the term ''agency''—

(1) means an Executive agency as defined under section 105 of title 5, United States Code;

(2) includes a military department as defined under section 102 of such title, the Postal Service, and the Postal Rate Commission; and

(3) shall not include the General Accounting Office.

(b) Unless authorized in accordance with law or regulations to use such time for other purposes, an employee of an agency shall use official time in an honest effort to perform official duties. An employee not under a leave system, including a Presidential appointee exempted under section 6301(2) of title 5, United States Code, has an obligation to expend an honest effort and a reasonable proportion of such employee's time in the performance of official duties.

SEC. 628. Notwithstanding 31 U.S.C. 1346 and section 610 of this Act, funds made available for the current fiscal year by this or any other Act to any department or agency, which is a member of the Joint Financial Management Improvement Program (JFMIP), shall be available to finance an appropriate share of JFMIP administrative costs, as determined by the JFMIP, but not to exceed a total of $800,000 including the salary of the Executive Director and staff support.

SEC. 629. Notwithstanding 31 U.S.C. 1346 and section 610 of this Act, the head of each Executive department and agency is hereby authorized to transfer to or reimburse the ''Policy and Citizen Services'' account, General Services Administration, with the approval of the Director of the Office of Management and Budget, funds made available for the current fiscal year by this or any other Act, including rebates from charge card and other contracts. These funds shall be administered by the Administrator of General Services to support Government-wide financial, information technology, procurement, and other management innovations, initiatives, and activities, as approved by the Director of the Office of Management and Budget, in consultation with the appropriate interagency groups designated by the Director (including the Chief Financial Officers Council and the Joint Financial Management Improvement Program for financial management initiatives, the Chief Information Officers Council for information technology initiatives, and the Procurement Executives Council for procurement initiatives). The total funds transferred or reimbursed shall not exceed $17,000,000. Such transfers or reimbursements may only be made 15 days following notification of the Committees on Appropriations by the Director of the Office of Management and Budget.

SEC. 630. Notwithstanding any other provision of law, a woman may breastfeed her child at any location in a Federal building or on Federal property, if the woman and her child are otherwise authorized to be present at the location.

SEC. 631. Nothwithstanding section 1346 of title 31, United States Code, or section 610 of this Act, funds made available for the current fiscal year by this or any other Act shall be available for the interagency funding of specific projects, workshops, studies, and similar efforts to carry out the purposes of the National Science and Technology Council (authorized by Executive Order No. 12881), which benefit multiple Federal departments, agencies, or entities: Provided, That the Office of Management and Budget shall provide a report describing the budget of and resources connected with the National Science and Technology Council to the Committees on Appropriations, the House Committee on Science; and the Senate Committee on Commerce, Science, and Transportation 90 days after enactment of this Act.

SEC. 632. Any request for proposals, solicitation, grant application, form, notification, press release, or other publications involving the distribution of Federal funds shall indicate the agency providing the funds and the amount provided. This provision shall apply to direct payments, formula funds, and grants received by a State receiving Federal funds.

SEC. 633. Section 403(f) of Public Law 103–356 (31 U.S.C. 501 note) is amended by striking ''October 1, 2002'' and inserting ''October 1, 2003''.

SEC. 634. (a) PROHIBITION OF FEDERAL AGENCY MONITORING OF PERSONAL INFORMATION ON USE OF INTERNET.—None of the funds made available in this or any other Act may be used by any Federal agency—

(1) to collect, review, or create any aggregate list, derived from any means, that includes the collection of any personally identifiable information relating to an individual's access to or use of any Federal Government Internet site of the agency; or

(2) to enter into any agreement with a third party (including another government agency) to collect, review, or obtain any aggregate list, derived from any means, that includes the collection of any personally identifiable information relating to an individual's access to or use of any nongovernmental Internet site.

(b) EXCEPTIONS.—The limitations established in subsection (a) shall not apply to—

(1) any record of aggregate data that does not identify particular persons;

(2) any voluntary submission of personally identifiable information;

(3) any action taken for law enforcement, regulatory, or supervisory purposes, in accordance with applicable law; or

(4) any action described in subsection (a)(1) that is a system security action taken by the operator of an Internet site and is necessarily incident to the rendition of the Internet site services or to the protection of the rights or property of the provider of the Internet site.

(c) DEFINITIONS.—For the purposes of this section:

(1) The term ''regulatory'' means agency actions to implement, interpret or enforce authorities provided in law.

(2) The term ''supervisory'' means examinations of the agency's supervised institutions, including assessing safety and soundness, overall financial condition, management practices and policies and compliance with applicable standards as provided in law.

SEC. 635. (a) None of the funds appropriated by this Act may be used to enter into or renew a contract which includes a provision providing prescription drug coverage, except where the contract also includes a provision for contraceptive coverage.

(b) Nothing in this section shall apply to a contract with—

(1) any of the following religious plans:

(A) Personal Care's HMO; and

(B) OSF Health Plans, Inc.; and

(2) any existing or future plan, if the carrier for the plan objects to such coverage on the basis of religious beliefs.

(c) In implementing this section, any plan that enters into or renews a contract under this section may not subject any individual to discrimination on the basis that the individual refuses to prescribe or otherwise provide for contraceptives because such activities would be contrary to the individual's religious beliefs or moral convictions.

(d) Nothing in this section shall be construed to require coverage of abortion or abortion-related services.

SEC. 636. The Congress of the United States recognizes the United States Anti-Doping Agency (USADA) as the official anti-doping agency for Olympic, Pan American, and Paralympic sport in the United States.

SEC. 637. (a) The adjustment in rates of basic pay for the statutory pay systems that takes effect in fiscal year 2003 under sections 5303 and 5304 of title 5, United States Code, shall be an increase of 4.1 percent.

(b) Funds used to carry out this section shall be paid from appropriations which are made to

each applicable department or agency for salaries and expenses for fiscal year 2003.

SEC. 638. Not later than 6 months after the date of enactment of this Act, the Inspector General of each applicable department or agency shall submit to the Committee on Appropriations a report detailing what policies and procedures are in place for each department or agency to give first priority to the location of new offices and other facilities in rural areas, as directed by the Rural Development Act of 1972.

SEC. 639. DEFERRAL OF EXPIRATION DATE OF INFORMATION SECURITY REQUIREMENTS. Section 3536 of title 44, United States Code, is amended by striking ''the date that is two years after the date on which this subchapter takes effect'' and inserting ''December 31, 2003''.

SEC. 640. UNITED STATES POSTAL SERVICE. (a) The United States Postal Service (USPS) is required under title 5, chapter 83, United States Code, to fund Civil Service Retirement System benefits attributable to USPS employment since 1971.

(b) The Office of Personnel Management has reviewed the USPS financing of the Civil Service Retirement System and determined current law payments overfund USPS liability.

(c) Therefore, it is the Sense of the Senate that the Congress should address the USPS funding of the Civil Service Retirement System pension benefits.

SEC. 641. SALARIES. No funds shall be used to pay any Federal employee or any employee, member or chairperson of any Federal commission, board, committee, or council an annual salary in excess of the annual salary of the President of the United States.

SEC. 642. SENSE OF CONGRESS ON PAY PARITY. It is the sense of Congress that there should be parity between the adjustments in the compensation of members of the uniformed services and the adjustments in the compensation of civilian employees of the United States, including blue collar Federal employees paid under the Federal Wage System.

SEC. 643. While nothing in this section shall prevent any agency of the executive branch from subjecting work performed by Federal Government employees or private contractors to public-private competition or conversions, none of the funds made available in this Act may be used by an agency of the executive branch to establish, apply, or enforce any numerical goal, target, or quota for subjecting the employees of the executive agency to public-private competitions or for converting such employees or the work performed by such employees to private contractor performance under the Office of Management and Budget Circular A–76 or any other administrative regulation, directive, or policy unless the goal, target, or quota is based on considered research and sound analysis of past activities and is consistent with the stated mission of the executive agency. Nothing in this section shall limit the use of such funds for the administration of the Government Performance and Results Act of 1993 or for the administration of any other provision of law.

SEC. 644. (a) The Administrator of General Services shall accept all right, title and interest in the property described in subsection (b), if written offer therefore (accompanied by such proof of title, property descriptions and other information as the Administration may require) is received by the Administrator from the owner of such property within 12 months after the date of the enactment of this Act.

(b) The property described in this subsection is the property located at 5401 NW Broken Sound Boulevard, Boca Raton, Florida and all improvements thereon.

(c) The United States shall pay an amount that does not exceed $1 in consideration of any right, title, or interest received by the United States under this section.

This division may be cited as the ''Treasury and General Government Appropriations Act, 2003''.

DIVISION K—VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS, 2003

Making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2003, and for other purposes.

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Veteran Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2003, and for other purposes, namely:

TITLE I—DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS ADMINISTRATION

COMPENSATION AND PENSIONS

(INCLUDING TRANSFER OF FUNDS)

For the payment of compensation benefits to or on behalf of veterans and a pilot program for disability examinations as authorized by law (38 U.S.C. 107, chapters 11, 13, 18, 51, 53, 55, and 61); pension benefits to or on behalf of veterans as authorized by law (38 U.S.C. chapters 15, 51, 53, 55, and 61; 92 Stat. 2508); and burial benefits, emergency and other officers' retirement pay, adjusted-service credits and certificates, payment of premiums due on commercial life insurance policies guaranteed under the provisions of article IV of the Soldiers' and Sailors' Civil Relief Act of 1940 (50 U.S.C. App. 540 et seq.) and for other benefits as authorized by law (38 U.S.C. 107, 1312, 1977, and 2106, chapters 23, 51, 53, 55, and 61; 50 U.S.C. App. 540–548; 43 Stat. 122, 123; 45 Stat. 735; 76 Stat. 1198), $28,949,000,000, to remain available until expended: Provided, That not to exceed $17,138,000 of the amount appropriated under this heading shall be reimbursed to ''General operating expenses'' and ''Medical care'' for necessary expenses in implementing those provisions authorized in the Omnibus Budget Reconciliation Act of 1990, and in the Veterans' Benefits Act of 1992 (38 U.S.C. chapters 51, 53, and 55), the funding source for which is specifically provided as the ''Compensation and pensions'' appropriation: Provided further, That such sums as may be earned on an actual qualifying patient basis, shall be reimbursed to ''Medical facilities revolving fund'' to augment the funding of individual medical facilities for nursing home care provided to pensioners as authorized.

READJUSTMENT BENEFITS

For the payment of readjustment and rehabilitation benefits to or on behalf of veterans as authorized by law (38 U.S.C. chapters 21, 30, 31, 34, 35, 36, 39, 51, 53, 55, and 61), $2,264,808,000, to remain available until expended: Provided, That expenses for rehabilitation program services and assistance which the Secretary is authorized to provide under section 3104(a) of title 38, United States Code, other than under subsection (a)(1), (2), (5), and (11) of that section, shall be charged to this account.

VETERANS INSURANCE AND INDEMNITIES

For military and naval insurance, national service life insurance, servicemen's indemnities, service-disabled veterans insurance, and veterans mortgage life insurance as authorized by 38 U.S.C. chapter 19; 70 Stat. 887; 72 Stat. 487, $27,530,000, to remain available until expended.

VETERANS HOUSING BENEFIT PROGRAM FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct and guaranteed loans, such sums as may be necessary to carry out the program, as authorized by 38 U.S.C. chapter 37, as amended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That during fiscal year 2003, within the resources available, not to exceed $300,000 in gross obligations for direct loans are authorized for specially adapted housing loans.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $168,207,000, which may be transferred to and merged with the appropriation for ''General operating expenses''.

EDUCATION LOAN FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, $1,000, as authorized by 38 U.S.C. 3698, as amended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $3,400.

In addition, for administrative expenses necessary to carry out the direct loan program, $70,000, which may be transferred to and merged with the appropriation for ''General operating expenses''.

VOCATIONAL REHABILITATION LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, $55,000, as authorized by 38 U.S.C. chapter 31, as amended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That funds made available under this heading are available to subsidize gross obligations for the principal amount of direct loans not to exceed $3,626,000.

In addition, for administrative expenses necessary to carry out the direct loan program, $289,000, which may be transferred to and merged with the appropriation for ''General operating expenses''.

NATIVE AMERICAN VETERAN HOUSING LOAN PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For administrative expenses to carry out the direct loan program authorized by 38 U.S.C. chapter 37, subchapter V, as amended, $558,000, which may be transferred to and merged with the appropriation for ''General operating expenses''.

GUARANTEED TRANSITIONAL HOUSING LOANS FOR HOMELESS VETERANS PROGRAM ACCOUNT

For the administrative expenses to carry out the guaranteed transitional housing loan program authorized by 38 U.S.C. chapter 37, subchapter VI, not to exceed $750,000 of the amounts appropriated by this Act for ''General operating expenses'' and ''Medical care'' may be expended.

VETERANS HEALTH ADMINISTRATION

MEDICAL CARE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the maintenance and operation of hospitals, nursing homes, and domiciliary facilities; for furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of the Department of Veterans Affairs, including care and treatment in facilities not under the jurisdiction of the department; and furnishing recreational facilities, supplies, and equipment; funeral, burial, and other expenses incidental thereto for beneficiaries receiving care in the department; administrative expenses in support of planning, design, project management, real property acquisition and disposition, construction and renovation of any facility under the jurisdiction or for the use of the department; oversight, engineering and architectural activities not charged to project cost; repairing, altering, improving or providing facilities in the several hospitals and homes under the jurisdiction of the department, not otherwise provided for, either by contract or

by the hire of temporary employees and purchase of materials; uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; aid to State homes as authorized by 38 U.S.C. 1741; administrative and legal expenses of the department for collecting and recovering amounts owed the department as authorized under 38 U.S.C. chapter 17, and the Federal Medical Care Recovery Act, 42 U.S.C. 2651 et seq., $23,889,304,000, plus reimbursements: Provided, That, notwithstanding any other provision of law, the Secretary of Veterans Affairs may establish a priority for treatment for veterans who are service-connected disabled, lower income, or have special needs: Provided further, That of the funds made available under this heading, $500,000,000 is for the equipment and land and structures object classifications only, which amount shall not become available for obligation until August 1, 2003, and shall remain available until September 30, 2004: Provided further, That of the funds made available under this heading, not to exceed $900,000,000 shall be available until September 30, 2004: Provided further, That of the funds made available under this heading for non-recurring maintenance and repair (NRM) activities, $15,000,000 shall be available without fiscal year limitation to support the NRM activities necessary to implement Capital Asset Realignment for Enhanced Services (CARES) activities: Provided further, That from amounts appropriated under this heading, additional amounts, as designated by the Secretary no later than September 30, 2002, may be used for CARES activities without fiscal year limitation: Provided further, That the Secretary of Veterans Affairs shall conduct by contract a program of recovery audits for the fee basis and other medical services contracts with respect to payments for hospital care; and, notwithstanding 31 U.S.C. 3302(b), amounts collected, by setoff or otherwise, as the result of such audits shall be available, without fiscal year limitation, for the purposes for which funds are appropriated under this heading and the purposes of paying a contractor a percent of the amount collected as a result of an audit carried out by the contractor: Provided further, That all amounts so collected under the preceding proviso with respect to a designated health care region (as that term is defined in 38 U.S.C. 1729A(d)(2)) shall be allocated, net of payments to the contractor, to that region.

MEDICAL CARE COLLECTIONS FUND

(INCLUDING TRANSFER OF FUNDS)

Amounts deposited during the current fiscal year in the Department of Veterans Affairs Medical Care Collections Fund under section 1729A of title 38, United States Code, may be transferred to ''Medical care'', to remain available until expended.

MEDICAL AND PROSTHETIC RESEARCH

For necessary expenses in carrying out programs of medical and prosthetic research and development as authorized by 38 U.S.C. chapter 73, to remain available until September 30, 2004, $400,000,000, plus reimbursements.

MEDICAL ADMINISTRATION AND MISCELLANEOUS OPERATING EXPENSES

For necessary expenses in the administration of the medical, hospital, nursing home, domiciliary, construction, supply, and research activities, as authorized by law; administrative expenses in support of capital policy activities, $69,716,000, of which $3,861,000 shall be available until September 30, 2004, plus reimbursements: Provided, That technical and consulting services offered by the Facilities Management Field Support Service, including project management and real property administration (including leases, site acquisition and disposal activities directly supporting projects), shall be provided to Department of Veterans Affairs components only on a reimbursable basis, and such amounts will remain available until September 30, 2003.

DEPARTMENTAL ADMINISTRATION

GENERAL OPERATING EXPENSES

For necessary operating expenses of the Department of Veterans Affairs, not otherwise provided for, including administrative expenses in support of Department-wide capital planning, management and policy activities, uniforms or allowances therefor; not to exceed $25,000 for official reception and representation expenses; hire of passenger motor vehicles; and reimbursement of the General Services Administration for security guard services, and the Department of Defense for the cost of overseas employee mail, $1,256,418,000: Provided, That expenses for services and assistance authorized under 38 U.S.C. 3104(a)(1), (2), (5), and (11) that the Secretary determines are necessary to enable entitled veterans: (1) to the maximum extent feasible, to become employable and to obtain and maintain suitable employment; or (2) to achieve maximum independence in daily living, shall be charged to this account: Provided further, That of the funds made available under this heading, not to exceed $65,800,000 shall be available for obligation until September 30, 2004: Provided further, That from the funds made available under this heading, the Veterans Benefits Administration may purchase up to two passenger motor vehicles for use in operations of that Administration in Manila, Philippines: Provided further, That travel expenses for this account shall not exceed $17,082,000.

NATIONAL CEMETERY ADMINISTRATION

For necessary expenses of the National Cemetery Administration for operations and maintenance, not otherwise provided for, including uniforms or allowances therefor; cemeterial expenses as authorized by law; purchase of one passenger motor vehicle for use in cemeterial operations; and hire of passenger motor vehicles, $133,149,000, of which $6,912,000 shall be available until September 30, 2004.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $55,000,000, to remain available until September 30, 2004.

CONSTRUCTION, MAJOR PROJECTS

For constructing, altering, extending and improving any of the facilities under the jurisdiction or for the use of the Department of Veterans Affairs, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, and 8122 of title 38, United States Code, including planning, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, where the estimated cost of a project is $4,000,000 or more or where funds for a project were made available in a previous major project appropriation, $144,790,000, to remain available until expended, of which $5,000,000 shall be for Capital Asset Realignment for Enhanced Services (CARES) activities; and of which $10,000,000 shall be to make reimbursements as provided in 41 U.S.C. 612 for claims paid for contract disputes: Provided, That except for advance planning activities, including needs assessments which may or may not lead to capital investments, and other capital asset management related activities, such as portfolio development and management activities, and investment strategy studies funded through the advance planning fund and the planning and design activities funded through the design fund and CARES funds, including needs assessments which may or may not lead to capital investments, none of the funds appropriated under this heading shall be used for any project which has not been approved by the Congress in the budgetary process: Provided further, That funds provided in this appropriation for fiscal year 2003, for each approved project (except those for CARES activities referenced above) shall be obligated: (1) by the awarding of a construction documents contract by September 30, 2003; and (2) by the awarding of a construction contract by September 30, 2004: Provided further, That the Secretary of Veterans Affairs shall promptly report in writing to the Committees on Appropriations any approved major construction project in which obligations are not incurred within the time limitations established above: Provided further, That no funds from any other account except the ''Parking revolving fund'', may be obligated for constructing, altering, extending, or improving a project which was approved in the budget process and funded in this account until one year after substantial completion and beneficial occupancy by the Department of Veterans Affairs of the project or any part thereof with respect to that part only.

CONSTRUCTION, MINOR PROJECTS

For constructing, altering, extending, and improving any of the facilities under the jurisdiction or for the use of the Department of Veterans Affairs, including planning and assessments of needs which may lead to capital investments, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, 8122, and 8162 of title 38, United States Code, where the estimated cost of a project is less than $4,000,000, $210,700,000, to remain available until expended, along with unobligated balances of previous ''Construction, minor projects'' appropriations which are hereby made available for any project where the estimated cost is less than $4,000,000, of which $35,000,000 shall be for Capital Asset Realignment for Enhanced Services (CARES) activities: Provided, That from amounts appropriated under this heading, additional amounts may be used for CARES activities upon notification of and approval by the Committees on Appropriations: Provided further, That funds in this account shall be available for: (1) repairs to any of the nonmedical facilities under the jurisdiction or for the use of the department which are necessary because of loss or damage caused by any natural disaster or catastrophe; and (2) temporary measures necessary to prevent or to minimize further loss by such causes.

PARKING REVOLVING FUND

For the parking revolving fund as authorized by 38 U.S.C. 8109, income from fees collected, to remain available until expended, which shall be available for all authorized expenses except operations and maintenance costs, which will be funded from ''Medical care''.

GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE FACILITIES

For grants to assist States to acquire or construct State nursing home and domiciliary facilities and to remodel, modify or alter existing hospital, nursing home and domiciliary facilities in State homes, for furnishing care to veterans as authorized by 38 U.S.C. 8131–8137, $100,000,000, to remain available until expended.

GRANTS FOR THE CONSTRUCTION OF STATE VETERANS CEMETERIES

For grants to aid States in establishing, expanding, or improving State veterans cemeteries as authorized by 38 U.S.C. 2408, $32,000,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

SEC. 101. Any appropriation for fiscal year 2003 for ''Compensation and pensions'', ''Readjustment benefits'', and ''Veterans insurance and indemnities'' may be transferred to any other of the mentioned appropriations.

SEC. 102. Appropriations available to the Department of Veterans Affairs for fiscal year 2003 for salaries and expenses shall be available for services authorized by 5 U.S.C. 3109.

SEC. 103. No appropriations in this Act for the Department of Veterans Affairs (except the appropriations for ''Construction, major projects'', ''Construction, minor projects'', and the ''Parking revolving fund'') shall be available for the purchase of any site for or toward the construction of any new hospital or home.

SEC. 104. No appropriations in this Act for the Department of Veterans Affairs shall be available for hospitalization or examination of any persons (except beneficiaries entitled under the laws bestowing such benefits to veterans, and persons receiving such treatment under 5 U.S.C. 7901–7904 or 42 U.S.C. 5141–5204), unless reimbursement of cost is made to the ''Medical care'' account at such rates as may be fixed by the Secretary of Veterans Affairs.

SEC. 105. Appropriations available to the Department of Veterans Affairs for fiscal year 2003 for ''Compensation and pensions'', ''Readjustment benefits'', and ''Veterans insurance and indemnities'' shall be available for payment of prior year accrued obligations required to be recorded by law against the corresponding prior year accounts within the last quarter of fiscal year 2002.

SEC. 106. Appropriations accounts available to the Department of Veterans Affairs for fiscal year 2003 shall be available to pay prior year obligations of corresponding prior year appropriations accounts resulting from title X of the Competitive Equality Banking Act, Public Law 100–86, except that if such obligations are from trust fund accounts they shall be payable from ''Compensation and pensions''.

SEC. 107. Notwithstanding any other provision of law, during fiscal year 2003, the Secretary of Veterans Affairs shall, from the National Service Life Insurance Fund (38 U.S.C. 1920), the Veterans' Special Life Insurance Fund (38 U.S.C. 1923), and the United States Government Life Insurance Fund (38 U.S.C. 1955), reimburse the ''General operating expenses'' account for the cost of administration of the insurance programs financed through those accounts: Provided, That reimbursement shall be made only from the surplus earnings accumulated in an insurance program in fiscal year 2003 that are available for dividends in that program after claims have been paid and actuarially determined reserves have been set aside: Provided further, That if the cost of administration of an insurance program exceeds the amount of surplus earnings accumulated in that program, reimbursement shall be made only to the extent of such surplus earnings: Provided further, That the Secretary shall determine the cost of administration for fiscal year 2003 which is properly allocable to the provision of each insurance program and to the provision of any total disability income insurance included in such insurance program.

SEC. 108. Notwithstanding any other provision of law, the Department of Veterans Affairs shall continue the Franchise Fund pilot program authorized to be established by section 403 of Public Law 103–356 until October 1, 2003: Provided, That the Franchise Fund, established by title I of Public Law 104–204 to finance the operations of the Franchise Fund pilot program, shall continue until October 1, 2003.

SEC. 109. Amounts deducted from enhanced-use lease proceeds to reimburse an account for expenses incurred by that account during a prior fiscal year for providing enhanced-use lease services, may be obligated during the fiscal year in which the proceeds are received.

SEC. 110. Funds available in any Department of Veterans Affairs appropriation for fiscal year 2003 or funds for salaries and other administrative expenses shall also be available to reimburse the Office of Resolution Management and the Office of Employment Discrimination Complaint Adjudication for all services provided at rates which will recover actual costs but not exceed $29,318,000 for the Office of Resolution Management and $3,010,000 for the Office of Employment and Discrimination Complaint Adjudication: Provided, That payments may be made in advance for services to be furnished based on estimated costs: Provided further, That amounts received shall be credited to ''General operating expenses'' for use by the office that provided the service.

SEC. 111. (a)(1) Section 1729B of title 38, United States Code, is repealed. Any balance as of the date of the enactment of this Act in the Department of Veterans Affairs Health Services Improvement Fund established under such section shall be transferred to the Department of Veterans Affairs Medical Care Collections Fund established under section 1729A of title 38, United States Code.

(2) The table of sections at the beginning of chapter 17 of such title is amended by striking the item relating to section 1729B.

(b) Section 1729A(b) of such title is amended—

(1) by redesignating paragraph (8) as paragraph (10); and

(2) by inserting after paragraph (7) the following new paragraphs:

''(7) Section 8165(a) of this title.

''(8) Section 113 of the Veterans Millennium Health Care and Benefits Act (Public Law 106–117; 38 U.S.C. 8111 note).''.

(c) Section 1722A of such title is amended—

(1) in subsection (c)—

(A) in the first sentence, by striking ''under subsection (a)'' and inserting ''under this section''; and

(B) by striking the second sentence; and

(2) by striking subsection (d).

(d)(1) Section 8165 of such title is amended by striking ''Department of Veterans Affairs Health Services Improvement Fund established under section 1729B of this title'' and inserting ''Department of Veterans Affairs Medical Care Collections Fund established under section 1729A of this title''.

(2) Section 113(b) of the Veterans Millennium Health Care and Benefits Act (Public Law 106–117; 38 U.S.C. 8111 note) is amended by striking ''Department of Veterans Affairs Health Services Improvement Fund established under section 1729B of title 38 United States Code, as added by section 202'' and inserting ''Department of Veterans Affairs Medical Care Collections Fund established under section 1729A of title 38, United States Code''.

TITLE II—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

PUBLIC AND INDIAN HOUSING

HOUSING CERTIFICATE FUND

(INCLUDING TRANSFER AND RESCISSION OF FUNDS)

For assistance under the United States Housing Act of 1937, as amended (''the Act'' herein) (42 U.S.C. 1437 et seq.), not otherwise provided for, including for activities and assistance to prevent the involuntary displacement of low-income families, the elderly and the disabled because of the loss of affordable housing stock, expiration of subsidy contracts (other than contracts for which amounts are provided under another heading in this Act) or expiration of use restrictions, or other changes in housing assistance arrangements, and for other purposes, $16,928,697,228 and amounts recaptured in this account, and except as otherwise provided, to remain available until expended: Provided, That of the amount provided under this heading, $4,200,000,000 shall be available on October 1, 2003: Provided further, That the foregoing amounts shall be for use in connection with expiring or terminating section 8 subsidy contracts, for amendments to section 8 subsidy contracts, for enhanced vouchers (including amendments and renewals) under any provision of law authorizing such assistance under section 8(t) of the Act (42 U.S.C. 1437f(t)), contract administrators, and contracts entered into pursuant to section 441 of the McKinney-Vento Homeless Assistance Act: Provided further, That the Secretary is authorized and directed to enter into contracts for 2,077,336 vouchers under Sections 8(o) and 8(t) of the Act (42 U.S.C. 1437f(o) and (t)), including moderate rehabilitation units under Section 8(e) of the Act (42 U.S.C. 1437f(e)) that are renewed as vouchers, that currently are funded under contracts that are expiring or terminating: Provided further, That of the amount provided under this heading, $11,676,040,908 shall be for use only for renewal of contracts for vouchers expected to be used in the period covered by the annual contracts and for administrative fees earned for such vouchers: Provided further, That of the amount provided under this heading, $400,170,000 shall be in a central fund to be allocated by the Secretary for amendments to contracts for periods not exceeding 12 months in duration for expenditures for up to 2,077,336 vouchers under Sections 8(o) and 8(t) of the Act (42 U.S.C. 1437f(o) and (t)), including authorized vouchers that the Secretary reallocates from agencies that have chronically failed to use them to other agencies; and in addition to amounts provided above, such sums as shall be necessary within only this fiscal year, if any, to fulfill the purposes of the preceding proviso: Provided further, That the Secretary shall make all needed funds available under the preceding proviso to an agency within 14 days of the agency demonstrating an ability to enter into additional housing assistance payment contracts within an agency's authorized voucher level: Provided further, That amounts provided under this heading shall be available for section 8 rental assistance under the Act: (1) for the relocation and replacement of housing units that are demolished or disposed of pursuant to the Omnibus Consolidated Rescissions and Appropriations Act of 1996 (Public Law 104–134; Stat. 1321–269); (2) for the conversion of section 23 projects to assistance under section 8; (3) for funds to carry out the family unification program; (4) for the relocation of witnesses in connection with efforts to combat crime in public and assisted housing pursuant to a request from a law enforcement or prosecution agency; (5) for tenant protection assistance, including replacement and relocation assistance; and (6) for the 1-year renewal of section 8 contracts for units in projects that are subject to approved plans of action under the Emergency Low Income Housing Preservation Act of 1987 or the Low-Income Housing Preservation and Resident Homeownership Act of 1990: Provided further, That of the amount provided under this heading, no less than $3,000,000 shall be transferred to the Working Capital Fund for the development of and modifications to information technology systems which serve activities under ''Public and Indian Housing'': Provided further, That the amounts made available for incremental vouchers under this heading for any fiscal year (to the extent practicable) for non-elderly disabled families shall be provided to non-elderly disabled families upon turnover or renewal: Provided further, That the amounts made available for incremental vouchers under this heading for any fiscal year (to the extent practicable) for welfare-to-work families shall continue to be made available for welfare-to-work families upon turnover or renewal: Provided further, That up to $196,000,000 from amounts made available under this heading may be made available for contract administrators: Provided further, That amounts available under this heading may be made available for administrative fees and other expenses to cover the cost of administering rental assistance programs under section 8 of the Act: Provided further, That within 60 days of enactment, the Secretary shall reduce the annual contributions contracts with public housing agencies that received a warning pursuant to the notice published on April 19, 2000 (65 FR 21088) of failure to use at least 90 percent of the vouchers allocated to the agency and to spend at least 90 percent of the budget authority allocated to the agency, and that by the date of enactment or within 16 months of initial receipt of such warning (regardless of any subsequent warning notice from the Secretary), whichever is later, failed in the most recent completed

month to utilize at least 95 percent of allocated vouchers or contracted budget authority with respect to vouchers that were under annual contributions contract in the agency's prior fiscal year, and within 150 days of enactment the Secretary shall reallocate the number of vouchers from such chronically underutilizing agencies necessary to bring their current rate of voucher utilization to 95 percent and enter into annual contributions contracts with other public housing agencies for the budget authority to support the reallocated vouchers pursuant to the notice published on November 1, 2001 (66 FR 55524), provided that the Secretary shall give first priority, after agencies that need additional vouchers to address urgent needs arising from federally-declared disasters, to high-performing agencies that can serve applicants on the waiting list of the public housing agency from which vouchers are reallocated and to agencies that have nonelderly disabled families affected by the designation of a public housing development under section 7 of the Act, the establishment of preferences in accordance with section 651 of the Housing and Community Development Act of 1992 (42 U.S.C. 13611), or the restriction of occupancy to elderly families in accordance with section 658 of such Act (42 U.S.C. 13618): Provided further, That the fee otherwise authorized under section 8(q) of the Act shall be determined in accordance with section 8(q), as in effect immediately before the enactment of the Quality Housing and Work Responsibility Act of 1998: Provided further, That $1,400,000,000 is rescinded from unobligated balances remaining from funds appropriated to the Department of Housing and Urban Development under this heading or the heading ''Annual contributions for assisted housing'' or any other heading for fiscal year 2002 and prior years, to be effected by the Secretary no later than September 30, 2003: Provided further, That any such balances governed by reallocation provisions under the statute authorizing the program for which the funds were originally appropriated may be available for this rescission, except that this proviso does not apply to reallocation of vouchers required under this Act: Provided further, That the Secretary shall have until September 30, 2003, to meet the rescission in the proviso preceding the immediately preceding proviso: Provided further, That any obligated balances of contract authority that have been terminated shall be canceled.

PUBLIC HOUSING CAPITAL FUND

(INCLUDING TRANSFERS OF FUNDS)

For the Public Housing Capital Fund Program to carry out capital and management activities for public housing agencies, as authorized under section 9 of the United States Housing Act of 1937, as amended (42 U.S.C. 1437g), $2,683,400,000, to remain available until September 30, 2006: Provided, That, hereafter, notwithstanding any other provision of law or any failure of the Secretary of Housing and Urban Development to issue regulations to carry out section 9(j) of the United States Housing Act of 1937 (42 U.S.C. 1437g(j)), such section is deemed to have taken effect on October 1, 1998, and, except as otherwise provided in this heading, shall apply to all assistance made available under this same heading on or after such date: Provided further, That notwithstanding any other provision of law or regulation, during fiscal year 2003, the Secretary may not delegate to any Department official other than the Deputy Secretary any authority under paragraph (2) of such section 9(j) regarding the extension of the time periods under such section for obligation of amounts made available for fiscal year 1998, 1999, 2000, 2001, 2002, or 2003: Provided further, That notwithstanding the first proviso and paragraphs (3) and (5)(B) of such section 9(j), if at any time before the effectiveness of final regulations issued by the Secretary under section 6(j) of the United States Housing Act of 1937 (42 U.S.C. 1437d(j)) providing for assessment of public housing agencies and designation of high-performing agencies, any amounts made available under the public housing Capital Fund for fiscal year 1999, 2000, 2001, 2002, or 2003 remain unobligated in violation of paragraph (1) of such section 9(j) or unexpended in violation of paragraph (5)(A) of such section 9(j), the Secretary shall recapture any such amounts and reallocate such amounts among public housing agencies that, at the time of such reallocation, are not in violation of any requirement under paragraph (1) or (5)(A) of such section: Provided further, That for purposes of this heading, the term ''obligate'' means, with respect to amounts, that the amounts are subject to a binding agreement that will result in outlays immediately or in the future: Provided further, That of the total amount provided under this heading, up to $54,000,000 shall be for carrying out activities under section 9(h) of such Act, of which up to $13,000,000 shall be for the provision of remediation services to public housing agencies identified as ''troubled'' under the Section 8 Management Assessment Program and for surveys used to calculate local Fair Market Rents and assess housing conditions in connection with rental assistance under section 8 of the Act: Provided further, That of the total amount provided under this heading, up to $500,000 shall be for lease adjustments to section 23 projects, and no less than $18,600,000 shall be transferred to the Working Capital Fund for the development and maintenance of information technology systems: Provided further, That no funds may be used under this heading for the purposes specified in section 9(k) of the United States Housing Act of 1937, as amended: Provided further, That of the total amount provided under this heading, up to $75,000,000 shall be available for the Secretary of Housing and Urban Development to make grants to public housing agencies for emergency capital needs resulting from emergencies and natural disasters in fiscal year 2003: Provided further, That of the total amount provided under this heading, $15,000,000 shall be for a Neighborhood Networks initiative for activities authorized in section 9(d)(1)(E) of the United States Housing Act of 1937, as amended: Provided further, That notwithstanding any other provision of law, amounts made available in the previous proviso shall be awarded to public housing agencies on a competitive basis as provided in section 102 of the Department of Housing and Urban Development Reform Act of 1989: Provided further, That of the total amount provided under this heading, up to $100,000,000 shall be made available to public housing agencies for use in the substantial rehabilitation of distressed units, the development of off-site public housing units in mixed-income housing developments, or for loan loss reserves to support such activities.

Of the amount made available under this heading, the Secretary of Housing and Urban Development may use up to $55,000,000 for supportive services for public housing residents, as authorized by section 34 of the United States Housing Act of 1937, as amended, and for residents of housing assisted under the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) and for grants for service coordinators and congregate services for the elderly and disabled residents of public and assisted housing and housing assisted under NAHASDA.

PUBLIC HOUSING OPERATING FUND

For payments to public housing agencies for the operation and management of public housing, as authorized by section 9(e) of the United States Housing Act of 1937, as amended (42 U.S.C. 1437g(e)), $3,530,000,000, to remain available until September 30, 2004: Provided, That of the total amount provided under this heading, $10,000,000 shall be for programs, as determined appropriate by the Attorney General, which assist in the investigation, prosecution, and prevention of violent crimes and drug offenses in public and federally-assisted low-income housing, including Indian housing, which shall be administered by the Department of Justice through a reimbursable agreement with the Department of Housing and Urban Development: Provided further, That up to $250,000,000 shall be made available for payments to public housing agencies that are eligible for additional funds in fiscal year 2002 for the operation and management of public housing: Provided further, That no funds may be made available under this heading in fiscal year 2004 and subsequent fiscal years for payments to public housing agencies for the operation and management of public housing in fiscal year 2003: Provided further, That no funds may be used under this heading for the purposes specified in section 9(k) of the United States Housing Act of 1937, as amended.

REVITALIZATION OF SEVERELY DISTRESSED PUBLIC HOUSING (HOPE VI)

For grants to public housing agencies for demolition, site revitalization, replacement housing, and tenant-based assistance grants to projects as authorized by section 24 of the United States Housing Act of 1937, as amended, $574,000,000, to remain available until September 30, 2004, of which the Secretary may use up to $6,250,000 for technical assistance and contract expertise, to be provided directly or indirectly by grants, contracts or cooperative agreements, including training and cost of necessary travel for participants in such training, by or to officials and employees of the department and of public housing agencies and to residents: Provided, That none of such funds shall be used directly or indirectly by granting competitive advantage in awards to settle litigation or pay judgments, unless expressly permitted herein: Provided further, That of the total amount provided under this heading, $5,000,000 shall be for a Neighborhood Networks initiative for activities authorized in section 24(d)(1)(G) of the United States Housing Act of 1937, as amended: Provided further, That notwithstanding any other provision of law, amounts made available in the previous proviso shall be awarded to public housing agencies on a competitive basis as provided in section 102 of the Department of Housing and Urban Development Reform Act of 1989.

NATIVE AMERICAN HOUSING BLOCK GRANTS

(INCLUDING TRANSFERS OF FUNDS)

For the Native American Housing Block Grants program, as authorized under title I of the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) (25 U.S.C. 4111 et seq.), $648,570,000, to remain available until expended, of which $2,200,000 shall be contracted through the Secretary as technical assistance and capacity building to be used by the National American Indian Housing Council in support of the implementation of NAHASDA; of which $5,000,000 shall be to support the inspection of Indian housing units, contract expertise, training, and technical assistance in the training, oversight, and management of Indian housing and tenant-based assistance, including up to $300,000 for related travel; and of which no less than $600,000 shall be transferred to the Working Capital Fund for development of and modifications to information technology systems which serve programs or activities under ''Public and Indian housing'': Provided, That of the amount provided under this heading, $2,000,000 shall be made available for the cost of guaranteed notes and other obligations, as authorized by title VI of NAHASDA: Provided further, That such costs, including the costs of modifying such notes and other obligations, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize the total principal amount of any notes and other obligations, any part of which is to be guaranteed, not to exceed $16,658,000: Provided further, That the Secretary of Housing and Urban Development may provide technical

and financial assistance to Indian tribes and their tribally-designated housing entities in accordance with the provisions of NAHASDA for emergency housing, housing assistance, and other assistance to address the problem of mold: Provided further, That for administrative expenses to carry out the guaranteed loan program, up to $150,000 from amounts in the first proviso, which shall be transferred to and merged with the appropriation for ''Salaries and expenses'', to be used only for the administrative costs of these guarantees.

INDIAN HOUSING LOAN GUARANTEE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of guaranteed loans, as authorized by section 184 of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–13a), $5,000,000, to remain available until expended: Provided, That such costs, including the costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $197,243,000.

In addition, for administrative expenses to carry out the guaranteed loan program, up to $200,000 from amounts in the first paragraph, which shall be transferred to and merged with the appropriation for ''Salaries and expenses'', to be used only for the administrative costs of these guarantees.

NATIVE HAWAIIAN HOUSING LOAN GUARANTEE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of guaranteed loans, as authorized by section 184A of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–13b), $1,000,000, to remain available until expended: Provided, That such costs, including the costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $39,712,000.

In addition, for administrative expenses to carry out the guaranteed loan program, up to $35,000 from amounts in the first paragraph, which shall be transferred to and merged with the appropriation for ''Salaries and expenses'', to be used only for the administrative costs of these guarantees.

COMMUNITY PLANNING AND DEVELOPMENT

HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS

For carrying out the Housing Opportunities for Persons with AIDS program, as authorized by the AIDS Housing Opportunity Act (42 U.S.C. 12901 et seq.), $292,000,000, to remain available until September 30, 2004: Provided, That the Secretary shall renew all expiring contracts for permanent supportive housing that were funded under section 854(c)(3) of such Act that meet all program requirements before awarding funds for new contracts and activities authorized under this section: Provided further, That the Secretary may use up to $2,000,000 of the funds under this heading for training, oversight, and technical assistance activities.

RURAL HOUSING AND ECONOMIC DEVELOPMENT

For the Office of Rural Housing and Economic Development in the Department of Housing and Urban Development, $25,000,000 to remain available until expended, which amount shall be awarded by June 1, 2004, to Indian tribes, State housing finance agencies, State community and/or economic development agencies, local rural nonprofits and community development corporations to support innovative housing and economic development activities in rural areas: Provided, That all grants shall be awarded on a competitive basis as specified in section 102 of the Department of Housing and Urban Development Reform Act of 1989.

EMPOWERMENT ZONES/ENTERPRISE COMMUNITIES

For grants in connection with a second round of empowerment zones and enterprise communities, $30,000,000, to remain available until expended, for ''Urban Empowerment Zones'', as authorized in section 1391(g) of the Internal Revenue Code of 1986 (26 U.S.C. 1391(g)), including $2,000,000 for each empowerment zone for use in conjunction with economic development activities consistent with the strategic plan of each empowerment zone: Provided, That no funds shall be available under this heading for expenditure in fiscal year 2004 and thereafter unless the Congress enacts tax legislation to fund eligible activities in fiscal year 2004 and thereafter.

COMMUNITY DEVELOPMENT FUND

(INCLUDING TRANSFERS OF FUNDS)

For assistance to units of State and local government, and to other entities, for economic and community development activities, and for other purposes, $5,000,000,000, to remain available until September 30, 2005: Provided, That of the amount provided, $4,580,200,000 is for carrying out the community development block grant program under title I of the Housing and Community Development Act of 1974, as amended (the ''Act'' herein) (42 U.S.C. 5301 et seq.): Provided further, That $72,500,000 shall be for grants to Indian tribes notwithstanding section 106(a)(1) of such Act; $3,300,000 shall be for a grant to the Housing Assistance Council; $2,600,000 shall be for a grant to the National American Indian Housing Council; $2,000,000 shall be for a grant to Girl Scouts of the USA for youth development initiatives in public housing; $2,000,000 shall be for a grant to Boys and Girls Clubs of America for the operating and start-up costs of clubs located in or near, and primarily serving residents of, public and Indian housing; and $45,500,000 shall be for grants pursuant to section 107 of the Act of which $4,000,000 shall be to support Alaska Native serving institutions and Native Hawaiian serving institutions as defined under the Higher Education Act, as amended, $3,000,000 shall be for tribal colleges and universities to build, expand, renovate and equip their facilities, $7,000,000 shall be for insular areas, $11,000,000 shall be for historically black colleges and universities, $3,000,000 shall be for community development work study, $10,000,000 shall be for the Department of Hawaiian Homeland to provide assistance as authorized under title VIII of the Native American Housing Assistance and Self-Determination Act of 1996 (22 U.S.C. 4221 et seq.) (with no more than 5 percent of such funds being available for administrative costs), and of which $7,500,000 shall be for Hispanic serving institutions: Provided further, That no less than $3,400,000 shall be transferred to the Working Capital Fund for the development of and modification to information technology systems which serve programs or activities under ''Community planning and development'': Provided further, That $5,000,000 shall be made available for construction costs of the Paul and Sheila Wellstone Center for Community Building: Provided further, That $22,000,000 shall be for grants pursuant to the Self Help Homeownership Opportunity Program: Provided further, That not to exceed 20 percent of any grant made with funds appropriated under this heading (other than a grant made available in this paragraph to the Housing Assistance Council or the National American Indian Housing Council, or a grant using funds under section 107(b)(3) of the Act) shall be expended for ''Planning and Management Development'' and ''Administration'', as defined in regulations promulgated by the Department.

Of the amount made available under this heading, $35,500,000 shall be for capacity building, of which $31,500,000 shall be for Capacity Building for Community Development and Affordable Housing for LISC and the Enterprise Foundation for activities as authorized by section 4 of the HUD Demonstration Act of 1993 (42 U.S.C. 9816 note), as in effect immediately before June 12, 1997, with not less than $5,000,000 of the funding to be used in rural areas, including tribal areas, and of which $4,000,000 shall be for capacity building activities administered by Habitat for Humanity International.

Of the amount made available under this heading, $40,000,000 shall be available for neighborhood initiatives that are utilized to improve the conditions of distressed and blighted areas and neighborhoods, to stimulate investment, economic diversification, and community revitalization in areas with population outmigration or a stagnating or declining economic base, or to determine whether housing benefits can be integrated more effectively with welfare reform initiatives, of which $1,000,000 shall be for a grant to National Housing Trust/Enterprise Preservation Corporation to preserve 5,000 affordable apartments for low-income people and $5,000,000 shall be for a grant to the Housing Partnership Network for a revolving loan fund for single-family homeownership development and loans to nonprofit affordable housing organizations.

Of the amount made available under this heading, notwithstanding any other provision of law, $65,000,000 shall be available for YouthBuild program activities authorized by subtitle D of title IV of the Cranston-Gonzalez National Affordable Housing Act, as amended, and such activities shall be an eligible activity with respect to any funds made available under this heading: Provided, That local YouthBuild programs that demonstrate an ability to leverage private and nonprofit funding shall be given a priority for YouthBuild funding: Provided further, That no more than 10 percent of any grant award may be used for administrative costs: Provided further, That not less than $10,000,000 shall be available for grants to establish YouthBuild programs in underserved and rural areas: Provided further, That of the amount provided under this paragraph, $2,000,000 shall be set aside and made available for a grant to YouthBuild USA for capacity building for community development and affordable housing activities as specified in section 4 of the HUD Demonstration Act of 1993, as amended.

Of the amount made available under this heading, $130,500,000 shall be available for grants for the Economic Development Initiative (EDI) to finance a variety of targeted economic investments in accordance with the terms and conditions specified in the statement of the Committee on Appropriations submitted for the record accompanying this Act: Provided, That each grant specified in the report shall be reduced by 10 percent.

The referenced statement of the managers under the heading ''Community development block grants'' in title II of Public Law 105–277 is deemed to be amended by striking ''$750,000 to the Maryland State Department of Housing and Community Development for relocation of residents of Wagners Point community in Baltimore, Maryland'' and insert in lieu thereof ''$750,000 to the Maryland State Department of Housing and Community Development for relocation of residents of Wagners Point community in Baltimore, Maryland ($514,000) and for recovery efforts that occurred on or after the April 28, 2002 tornado in Charles and Calvert Counties ($236,000)''.

COMMUNITY DEVELOPMENT LOAN GUARANTEES PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of guaranteed loans, $14,000,000, to remain available until September 30, 2004, as authorized by section 108 of the Housing and Community Development Act of 1974, as amended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $608,696,000, notwithstanding any aggregate limitation on outstanding obligations

guaranteed in section 108(k) of the Housing and Community Development Act of 1974, as amended: Provided further, That in addition, for administrative expenses to carry out the guaranteed loan program, $1,000,000, which shall be transferred to and merged with the appropriation for ''Salaries and expenses''.

BROWNFIELDS REDEVELOPMENT

For Economic Development Grants for Brownfields redevelopment projects, $25,000,000, to remain available until September 30, 2004: Provided, That the Secretary of Housing and Urban Development shall make these grants available on a competitive basis as specified in section 102 of the Department of Housing and Urban Development Reform Act of 1989: Provided further, That notwithstanding section 108(q) of the Housing and Community Development Act of 1974, recipients of funding made available under this heading may, at the discretion of the Secretary, also apply for funding under section 108.

HOME INVESTMENT PARTNERSHIPS PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For the HOME investment partnerships program, as authorized under title II of the Cranston-Gonzalez National Affordable Housing Act, as amended, $1,950,000,000, to remain available until September 30, 2005: Provided, That of the total amount provided under this heading, up to $40,000,000 shall be available for housing counseling under section 106 of the Housing and Urban Development Act of 1968; and no less than $1,100,000 shall be transferred to the Working Capital Fund for the development of and maintenance of, and modification to information technology systems which serve Programs or activities under ''Community Planning and Development''.

HOMELESS ASSISTANCE GRANTS

(INCLUDING TRANSFER OF FUNDS)

For the emergency shelter grants program as authorized under subtitle B of title IV of the McKinney-Vento Homeless Assistance Act, as amended; the supportive housing program as authorized under subtitle C of title IV of such Act; the section 8 moderate rehabilitation single room occupancy program as authorized under the United States Housing Act of 1937, as amended, to assist homeless individuals pursuant to section 441 of the McKinney-Vento Homeless Assistance Act; and the shelter plus care program as authorized under subtitle F of title IV of such Act, $1,215,025,000, of which $193,000,000 shall be available to renew expiring shelter plus care grants, to remain available until September 30, 2005: Provided, That not less than 30 percent of funds made available, excluding amounts provided for renewals under the shelter plus care program, shall be used for permanent housing: Provided further, That all funds awarded for services shall be matched by 25 percent in funding by each grantee: Provided further, That the Secretary shall renew on an annual basis expiring contracts or amendments to contracts funded under the shelter plus care program if the program is determined to be needed under the applicable continuum of care and meets appropriate program requirements and financial standards, as determined by the Secretary: Provided further, That all awards of assistance under this heading shall be required to coordinate and integrate homeless programs with other mainstream health, social services, and employment programs for which homeless populations may be eligible, including Medicaid, State Children's Health Insurance Program, Temporary Assistance for Needy Families, Food Stamps, and services funding through the Mental Health and Substance Abuse Block Grant, Workforce Investment Act, and the Welfare-to-Work grant program: Provided further, That $17,600,000 of the funds appropriated under this heading shall be available for technical assistance and management information systems: Provided further, That no less than $1,500,000 of the funds appropriated under this heading shall be transferred to the Working Capital Fund: for the development of and modifications to information technology systems which serve activities under ''Community Planning and Development''.

HOUSING PROGRAMS

HOUSING FOR SPECIAL POPULATIONS

(INCLUDING TRANSFER OF FUNDS)

For assistance for the purchase, construction, acquisition, or development of additional public and subsidized housing units for low income families not otherwise provided for, $1,033,801,000, to remain available until September 30, 2005: Provided, That $783,286,000, plus recaptures or cancelled commitments, shall be for capital advances, including amendments to capital advance contracts, for housing for the elderly, as authorized by section 202 of the Housing Act of 1959, as amended, and for project rental assistance for the elderly under section 202(c)(2) of such Act, including amendments to contracts for such assistance and renewal of expiring contracts for such assistance for up to a 1-year term, which shall remain available for disbursement until September 30, 2015, and for supportive services associated with the housing, of which amount $44,000,000 plus up to $9,000,000 of amounts recaptured or commitments cancelled under this heading, shall be for service coordinators and the continuation of existing congregate service grants for residents of assisted housing projects, and of which amount up to $50,000,000 shall be for grants under section 202b of the Housing Act of 1959 (12 U.S.C. 1701q–2) for conversion of eligible projects under such section to assisted living or related use: Provided further, That of the amount under this heading, $250,515,000 shall be for capital advances, including amendments to capital advance contracts, for supportive housing for persons with disabilities, as authorized by section 811 of the Cranston-Gonzalez National Affordable Housing Act, for project rental assistance for supportive housing for persons with disabilities under section 811(d)(2) of such Act, including amendments to contracts for such assistance and renewal of expiring contracts for such assistance for up to a 1-year term, which shall remain available for disbursement until September 30, 2015, and for supportive services associated with the housing for persons with disabilities as authorized by section 811(b)(1) of such Act, and for tenant-based rental assistance contracts entered into pursuant to section 811 of such Act: Provided further, That no less than $500,000, to be divided evenly between the appropriations for the section 202 and section 811 programs, shall be transferred to the Working Capital Fund for the development of and modifications to information technology systems which serve activities under ''Housing Programs'' or ''Federal Housing Administration,'': Provided further, That, in addition to amounts made available for renewal of tenant-based rental assistance contracts pursuant to the second proviso of this paragraph, the Secretary may designate up to 25 percent of the amounts earmarked under this paragraph for section 811 of such Act for tenant-based assistance, as authorized under that section, including such authority as may be waived under the next proviso, which assistance is 5 years in duration: Provided further, That the Secretary may waive any provision of such section 202 and such section 811 (including the provisions governing the terms and conditions of project rental assistance and tenant-based assistance) that the Secretary determines is not necessary to achieve the objectives of these programs, or that otherwise impedes the ability to develop, operate, or administer projects assisted under these programs, and may make provision for alternative conditions or terms where appropriate: Provided further, That all balances and recaptures, as of October 1, 2002, remaining in the ''Congregate Housing Services'' account as authorized by the Housing and Community Development Amendments of 1978, as amended, shall be transferred to and merged with the amounts for those purposes under this heading.

FLEXIBLE SUBSIDY FUND

(TRANSFER OF FUNDS)

From the Rental Housing Assistance Fund, all uncommitted balances of excess rental charges as of September 30, 2002, and any collections made during fiscal year 2003, shall be transferred to the Flexible Subsidy Fund, as authorized by section 236(g) of the National Housing Act, as amended.

RENTAL HOUSING ASSISTANCE

The limitation otherwise applicable to the maximum payments that may be required in any fiscal year by all contracts entered into under section 236 of the National Housing Act (12 U.S.C. 1715z–1) is reduced in fiscal year 2003 by not more than $100,000,000 in uncommitted balances of authorizations of contract authority provided for this purpose in appropriations acts: Provided, That up to $100,000,000 of recaptured section 236 budget authority resulting from any actions described in section 236(s)(7)(A) of the National Housing Act (12 U.S.C. 1715z–1) shall be made available as provided under section 236(s) of the National Housing Act.

MANUFACTURED HOUSING FEES TRUST FUND

For necessary expenses as authorized by the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended (42 U.S.C. 5401 et seq.), $13,000,000, to remain available until expended, to be derived from the Manufactured Housing Fees Trust Fund: Provided, That not to exceed the total amount appropriated under this heading shall be available from the general fund of the Treasury to the extent necessary to incur obligations and make expenditures pending the receipt of collections to the Fund pursuant to section 620 of such Act: Provided further, That the amount made available under this heading from the general fund shall be reduced as such collections are received during fiscal year 2003 so as to result in a final fiscal year 2003 appropriation from the general fund estimated at not more than $0 and fees pursuant to such section 620 shall be modified as necessary to ensure such a final fiscal year 2003 appropriation.

FEDERAL HOUSING ADMINISTRATION

MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

During fiscal year 2003, commitments to guarantee loans to carry out the purposes of section 203(b) of the National Housing Act, as amended, shall not exceed a loan principal of $160,000,000,000.

During fiscal year 2003, obligations to make direct loans to carry out the purposes of section 204(g) of the National Housing Act, as amended, shall not exceed $250,000,000: Provided, That the foregoing amount shall be for loans to nonprofit and governmental entities in connection with sales of single family real properties owned by the Secretary and formerly insured under the Mutual Mortgage Insurance Fund.

For administrative expenses necessary to carry out the guaranteed and direct loan program, $347,829,000, of which not to exceed $343,807,000 shall be transferred to the appropriation for ''Salaries and expenses''; and not to exceed $4,022,000 shall be transferred to the appropriation for ''Office of Inspector General''. In addition, for administrative contract expenses, $85,720,000, of which no less than $21,360,000 shall be transferred to the Working Capital Fund for the development of and modifications to information technology systems which serve programs or activities under ''Housing Programs'' or ''Federal Housing Administration'': Provided, That to the extent guaranteed loan commitments exceed $65,500,000,000 on or before April 1, 2003, an additional $1,400 for administrative contract expenses shall be available

for each $1,000,000 in additional guaranteed loan commitments (including a pro rata amount for any amount below $1,000,000), but in no case shall funds made available by this proviso exceed $16,000,000.

GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the cost of guaranteed loans, as authorized by sections 238 and 519 of the National Housing Act (12 U.S.C. 1715z–3 and 1735c), including the cost of loan guarantee modifications, as that term is defined in section 502 of the Congressional Budget Act of 1974, as amended, $15,000,000, to remain available until expended: Provided, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, of up to $21,000,000,000.

Gross obligations for the principal amount of direct loans, as authorized by sections 204(g), 207(l), 238, and 519(a) of the National Housing Act, shall not exceed $50,000,000, of which not to exceed $30,000,000 shall be for bridge financing in connection with the sale of multifamily real properties owned by the Secretary and formerly insured under such Act; and of which not to exceed $20,000,000 shall be for loans to nonprofit and governmental entities in connection with the sale of single-family real properties owned by the Secretary and formerly insured under such Act.

In addition, for administrative expenses necessary to carry out the guaranteed and direct loan programs, $223,716,400, of which $204,395,400, shall be transferred to the appropriation for ''Salaries and expenses''; and of which $19,321,000 shall be transferred to the appropriation for ''Office of Inspector General''. In addition, for administrative contract expenses necessary to carry out the guaranteed and direct loan programs, $93,780,000, of which no less than $14,240,000 shall be transferred to the Working Capital Fund for the development of and modifications to information technology systems which serve activities under ''Housing Programs'' or ''Federal Housing Administration'': Provided, That to the extent guaranteed loan commitments exceed $8,426,000,000 on or before April 1, 2003, an additional $1,980 for administrative contract expenses shall be available for each $1,000,000 in additional guaranteed loan commitments over $8,426,000,000 (including a pro rata amount for any increment below $1,000,000), but in no case shall funds made available by this proviso exceed $14,400,000.

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

GUARANTEES OF MORTGAGE-BACKED SECURITIES LOAN GUARANTEE PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

New commitments to issue guarantees to carry out the purposes of section 306 of the National Housing Act, as amended (12 U.S.C. 1721(g)), shall not exceed $200,000,000,000, to remain available until September 30, 2004.

For administrative expenses necessary to carry out the guaranteed mortgage-backed securities program, $10,343,000, to be derived from the GNMA guarantees of mortgage-backed securities guaranteed loan receipt account, of which not to exceed $10,343,000, shall be transferred to the appropriation for ''Salaries and expenses''.

POLICY DEVELOPMENT AND RESEARCH

RESEARCH AND TECHNOLOGY

For contracts, grants, and necessary expenses of programs of research and studies relating to housing and urban problems, not otherwise provided for, as authorized by title V of the Housing and Urban Development Act of 1970, as amended (12 U.S.C. 1701z–1 et seq.), including carrying out the functions of the Secretary under section 1(a)(1)(i) of Reorganization Plan No. 2 of 1968, $47,000,000, to remain available until September 30, 2004: Provided, That of the total amount provided under this heading, $8,750,000 shall be for the Partnership for Advancing Technology in Housing (PATH) Initiative.

FAIR HOUSING AND EQUAL OPPORTUNITY

FAIR HOUSING ACTIVITIES

For contracts, grants, and other assistance, not otherwise provided for, as authorized by title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, and section 561 of the Housing and Community Development Act of 1987, as amended, $45,899,000, to remain available until September 30, 2004, of which $20,250,000 shall be to carry out activities pursuant to such section 561: Provided, That no funds made available under this heading shall be used to lobby the executive or legislative branches of the Federal Government in connection with a specific contract, grant or loan.

OFFICE OF LEAD HAZARD CONTROL

LEAD HAZARD REDUCTION

For the Lead Hazard Reduction Program, as authorized by section 1011 of the Residential Lead-Based Paint Hazard Reduction Act of 1992, $201,000,000, to remain available until September 30, 2004, of which $10,000,000 shall be for the Healthy Homes Initiative, pursuant to sections 501 and 502 of the Housing and Urban Development Act of 1970 that shall include research, studies, testing, and demonstration efforts, including education and outreach concerning lead-based paint poisoning and other housing-related diseases and hazards: Provided, That of the total amount made available under this heading, $75,000,000 shall be made available for an urban lead hazard reduction demonstration program in the form of grants to up to 25 major urban areas, as identified by the Secretary as having: (1) the highest number of pre-1940 units of rental housing; (2) significant deterioration of paint; and (3) a disproportionately high number of documented cases of lead-poisoned children: Provided further, That of the amounts made available under this paragraph, grants will be allocated equally among major urban areas that meet the eligibility criteria for the abatement of lead-based paint hazards so long as a major urban area makes a contribution equal to 10 percent of the funds that are available to the grantee under this paragraph should all of the 25 eligible grantees receive awards: Provided further, That not less than 80 percent of the funds made available under this paragraph shall be used exclusively for abatement and interim control of lead-based hazards as defined by 42 U.S.C. 4851: Provided further, That of the total grant, up to 15 percent may be used for demolition and up to 20 percent of the funds may be available for other lead-based paint hazards activities including risk assessments, testing and education: Provided further, That each major urban area shall target those privately-owned units and multifamily buildings that serve a majority of low-income families that are defined as low-income families as provided under section 3(b)(2) of the United States Housing Act of 1937: Provided further, That each major urban area shall submit a detailed plan and strategy that demonstrates adequate capacity that is acceptable to the Secretary of Housing and Urban Development on the proposed use of these funds pursuant to a Notice of Funding Availability issued by the Secretary no later than February 15, 2003: Provided further, That for the purposes of environmental reviews for the urban lead hazard reduction demonstration, section 1011 of Title X of the 1992 Housing and Community Development Act shall apply: Provided further, That units treated, and the majority of units in multifamily buildings, remain available for low-income residents for at least 3 years following treatment: Provided further, That where a major urban area fails to meet the requirements of this demonstration program, the Secretary shall reallocate the funds for that urban area to each of the other eligible major urban areas: Provided further, That the Secretary shall submit an annual report to the Congress on the effectiveness of this demonstration program concurrently with the submission of the congressional justifications for the budget of the Department of Housing and Urban Development: Provided further, That should legislation authorizing the urban lead hazard reduction demonstration program not be enacted by June 30, 2003, amounts designated for this initiative shall become available for any such purpose authorized under Section 1011 of the Residential Lead-based Paint Hazard Reduction Act of 1992.

MANAGEMENT AND ADMINISTRATION

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary administrative and non-administrative expenses of the Department of Housing and Urban Development, not otherwise provided for, including purchase of uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; hire of passenger motor vehicles; services as authorized by 5 U.S.C. 3109; and not to exceed $25,000 for official reception and representation expenses, $1,070,229,000, of which $548,202,400 shall be provided from the various funds of the Federal Housing Administration, $10,343,000 shall be provided from funds of the Government National Mortgage Association, $1,000,000 shall be provided from the ''Community development loan guarantees program'' account, $150,000 shall be provided by transfer from the ''Native American housing block grants'' account, $200,000 shall be provided by transfer from the ''Indian housing loan guarantee fund program'' account and $35,000 shall be transferred from the ''Native Hawaiian housing loan guarantee fund'' account: Provided, That no less than $10,500,000 shall be transferred to the Working Capital Fund for the development of and modifications to information technology systems.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $97,684,000, of which $23,343,000 shall be provided from the various funds of the Federal Housing Administration: Provided, That the Inspector General shall have independent authority over all personnel issues within this office: Provided further, That no less than $300,000 shall be transferred to the Working Capital Fund for the development of and modifications to information technology systems for the Office of Inspector General.

WORKING CAPITAL FUND

For additional capital for Working Capitol Fund (42 U.S.C. 3535) for the development of, modifications to, and infrastructure for Department-wide Information technology systems, and for the continuing operation of both Department-wide and program-specific information systems, $276,737,000 to remain available until September 30, 2004: Provided, That any amounts transferred to this Fund under this Act shall remain available until expended.

CONSOLIDATED FEE FUND

(RESCISSION)

Of the balances remaining available from fees and charges under section 7(j) of the Department of Housing and Urban Development Act on October 1, 2002, $8,000,000 are rescinded.

OFFICE OF FEDERAL HOUSING ENTERPRISE OVERSIGHT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For carrying out the Federal Housing Enterprises Financial Safety and Soundness Act of 1992, including not to exceed $500 for official reception and representation expenses, $30,000,000, to remain available until expended, to be derived from the Federal Housing Enterprises Oversight Fund: Provided, That not to exceed such amount shall be available from the general fund of the Treasury to the extent necessary to incur obligations and make expenditures pending the receipt of collections to the Fund: Provided further, That the general fund amount

shall be reduced as collections are received during the fiscal year so as to result in a final appropriation from the general fund estimated at not more than $0.

ADMINISTRATIVE PROVISIONS

SEC. 201. Fifty percent of the amounts of budget authority, or in lieu thereof 50 percent of the cash amounts associated with such budget authority, that are recaptured from projects described in section 1012(a) of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (42 U.S.C. 1437 note) shall be rescinded, or in the case of cash, shall be remitted to the Treasury, and such amounts of budget authority or cash recaptured and not rescinded or remitted to the Treasury shall be used by State housing finance agencies or local governments or local housing agencies with projects approved by the Secretary of Housing and Urban Development for which settlement occurred after January 1, 1992, in accordance with such section. Notwithstanding the previous sentence, the Secretary may award up to 15 percent of the budget authority or cash recaptured and not rescinded or remitted to the Treasury to provide project owners with incentives to refinance their project at a lower interest rate.

SEC. 202. None of the amounts made available under this Act may be used during fiscal year 2003 to investigate or prosecute under the Fair Housing Act any otherwise lawful activity engaged in by one or more persons, including the filing or maintaining of a non-frivolous legal action, that is engaged in solely for the purpose of achieving or preventing action by a Government official or entity, or a court of competent jurisdiction.

SEC. 203. (a) Notwithstanding section 854(c)(1)(A) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)(1)(A)), from any amounts made available under this title for fiscal year 2003 that are allocated under such section, the Secretary of Housing and Urban Development shall allocate and make a grant, in the amount determined under subsection (b), for any State that—

(1) received an allocation in a prior fiscal year under clause (ii) of such section; and

(2) is not otherwise eligible for an allocation for fiscal year 2003 under such clause (ii) because the areas in the State outside of the metropolitan statistical areas that qualify under clause (i) in fiscal year 2003 do not have the number of cases of acquired immunodeficiency syndrome (AIDS) required under such clause.

(b) The amount of the allocation and grant for any State described in subsection (a) shall be an amount based on the cumulative number of AIDS cases in the areas of that State that are outside of metropolitan statistical areas that qualify under clause (i) of such section 854(c)(1)(A) in fiscal year 2003, in proportion to AIDS cases among cities and States that qualify under clauses (i) and (ii) of such section and States deemed eligible under subsection (a).

SEC. 204. (a) Section 225(a) of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2000, Public Law 106–74 (113 Stat. 1076), is amended by striking ''year 2000, and the amounts that would otherwise be allocated for fiscal year 2001 and fiscal year 2002'', and inserting ''years 2000, 2001, 2002, and 2003''.

(b) Notwithstanding any other provision of law, the Secretary of Housing and Urban Development shall allocate to Wake County, North Carolina, the amounts that otherwise would be allocated for fiscal year 2003 under section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)) to the City of Raleigh, North Carolina, on behalf of the Raleigh-Durham-Chapel Hill, North Carolina Metropolitan Statistical Area. Any amounts allocated to Wake County shall be used to carry out eligible activities under section 855 of such Act (42 U.S.C. 12904) within such metropolitan statistical area.

SEC. 205. (a) During fiscal year 2003, in the provision of rental assistance under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)) in connection with a program to demonstrate the economy and effectiveness of providing such assistance for use in assisted living facilities that is carried out in the counties of the State of Michigan specified in subsection (b) of this section, notwithstanding paragraphs (3) and (18)(B)(iii) of such section 8(o), a family residing in an assisted living facility in any such county, on behalf of which a public housing agency provides assistance pursuant to section 8(o)(18) of such Act, may be required, at the time the family initially receives such assistance, to pay rent in an amount exceeding 40 percent of the monthly adjusted income of the family by such a percentage or amount as the Secretary of Housing and Urban Development determines to be appropriate.

(b) The counties specified in this subsection are Oakland County, Macomb County, Wayne County, and Washtenaw County, in the State of Michigan.

SEC. 206. Except as explicitly provided in law, any grant or assistance made pursuant to title II of this Act shall be made on a competitive basis in accordance with section 102 of the Department of Housing and Urban Development Reform Act of 1989.

SEC. 207. Section 683(2) of the Housing and Community Development Act of 1992 is amended—

(1) in subparagraph (F), by striking ''and'';

(2) in subparagraph (G), by striking ''section.'' and inserting ''section; and''; and

(3) by adding the following new subparagraph at the end:

''(H) housing that is assisted under section 811 of the Cranston-Gonzalez National Affordable Housing Act.''.

SEC. 208. Section 9 of the United States Housing Act of 1937 is amended by inserting at the end the following new subsection:

''(o) LOAN DEVELOPMENT FUNDING.—

''(1) In order to facilitate the financing of the rehabilitation and development needs of public housing, public housing agencies may enter into loans or other financial obligations with financial institutions for the purpose of financing the rehabilitation of a portion of public housing or the development off-site of public housing in mixed income developments (including demolition costs of the public housing units to be replaced), provided that the number of public housing units developed off-site replaces no less than an equal number of on-site public housing units in a project. Loans or other obligations entered into pursuant to this subsection shall be in such form and denominations, have such maturities, and be subject to such conditions as may be prescribed by regulations issued by the Secretary.

''(2) The Secretary may prohibit a public housing agency from obtaining a loan under this subsection only if the rehabilitation or replacement housing proposed by a public housing agency is inconsistent with its Public Housing Agency Plan, as submitted under section 5A, or the proposed terms of the guaranteed loan constitutes an unacceptable financial risk to the public housing agency or for repayment of the loan under this subsection.

''(3) Notwithstanding any other provision of this title, funding allocated to a public housing agency under subsections (d)(2) and (e)(2) of this section for capital and operating funds is authorized for use in the payment of the principal and interest due (including such servicing, underwriting or other costs as may be specified in the regulations of the secretary) on the loans or other obligations entered into pursuant to this subsection.

''(4) The amount of any loan or other obligation entered into under this subsection shall not exceed in total the pro-rata amount of funds that would be allocated over a period not to exceed 30 years under subsections (d)(2) and (e)(2) of this section on a per unit basis as a percentage of the number of units that are designated to be rehabilitated or replaced under this subsection by a public housing agency as compared to the total number of units in the public housing development, as determined on the basis of funds made available under such subsections (d)(2) and (e)(2) in the previous year. Any reduction in the total amount of funds provided to a public housing agency under this section in subsequent years shall not reduce the amount of funds to be paid under a loan entered into under this subsection but instead shall reduce the capital and operating funds which are available for the other housing units in the public housing development in that fiscal year. Any additional income, including the receipt of rental income from tenants, generated by the rehabilitated or replaced units may be used to establish a loan loss reserve for the public housing agency to assist in the repayment of loans or other obligations entered into under this subsection or to address any shortfall in the operating or capital needs of the public housing agency in any fiscal year.

''(5) Subject to appropriations, the Secretary may use funds from the Public Housing Capital Fund to (A) establish a loan loss reserve account within the Department of Housing and Urban Development to minimize the risk of loss associated with the repayment of loans made under this subsection, or (B) make grants to a public housing agency for capital investment needs or for the creation of a loan loss reserve account to be used in conjunction with a loan made under this subsection for the rehabilitation of a portion of public housing or the development off-site of public housing in mixed income developments (including demolition costs of the public housing units to be replaced).

''(6) The Secretary may, to the extent approved in appropriations Acts, assist in the payment of all or a portion of the principal and interest amount due under the loan or other obligation entered into under this subsection, if the Secretary determines that the public housing agency is unable to pay the amount it owes because of circumstances of extreme hardship beyond the control of the public housing agency.

''(7) Any loan or other obligation (including any mortgage instrument) entered into under this subsection shall include use restrictions that ensure the units rehabilitated or developed under this subsection shall be reserved for occupancy by families eligible for public housing under section 3 of this Act, and such use restrictions shall continue to apply to these units upon any default or foreclosure.

''(8) The Secretary is authorized to provide mortgage insurance upon such terms and conditions as may be appropriate to underwrite any loan or other obligation (including any mortgage instrument) entered into under this subsection. The Secretary shall establish premiums to support the cost of this mortgage insurance which shall be paid by public housing agencies through funds made available under subsections (d)(2) and (e)(2) of this section. The Secretary shall maintain all units subject to a loan or other obligation insured under this section as public housing upon any default and foreclosure and shall establish upon such terms and conditions as may be appropriate to ensure repayment of any amounts that are owed upon default or foreclosure.''.

SEC. 209. Notwithstanding any other provision of law, no funds in this Act or in any other Act in any fiscal year, including all future and prior fiscal years, may be used hereafter by the Secretary of Housing and Urban Development to provide any assistance or other funds for housing units defined in section 9(n) of the United States Housing Act of 1937 (as in effect immediately before the enactment of this Act) as ''covered locally developed public housing units''. The States of New York and Massachusetts shall reimburse any funds already made available under any appropriations Act for these units to the Secretary of Housing and Urban Development for reallocation to public

housing agencies: Provided, That, if either State fails to make such reimbursement within 12 months, the Secretary shall recapture such funds through reductions from the amounts allocated to each State under section 106 of the Housing and Community Development Act of 1974.

SEC. 210. Funds of the Department of Housing and Urban Development subject to the Government Corporation Control Act or section 402 of the Housing Act of 1950 shall be available, without regard to the limitations on administrative expenses, for legal services on a contract or fee basis, and for utilizing and making payment for services and facilities of the Federal National Mortgage Association, Government National Mortgage Association, Federal Home Loan Mortgage Corporation, Federal Financing Bank, Federal Reserve banks or any member thereof, Federal Home Loan banks, and any insured bank within the meaning of the Federal Deposit Insurance Corporation Act, as amended (12 U.S.C. 1811–1831).

SEC. 211. Unless otherwise provided for in this Act or through a reprogramming of funds, no part of any appropriation for the Department of Housing and Urban Development shall be available for any activity in excess of amounts set forth in the budget estimates submitted to Congress.

SEC. 212. Corporations and agencies of the Department of Housing and Urban Development which are subject to the Government Corporation Control Act, as amended, are hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of such Act as may be necessary in carrying out the programs set forth in the budget for 2003 for such corporation or agency except as hereinafter provided: Provided, That collections of these corporations and agencies may be used for new loan or mortgage purchase commitments only to the extent expressly provided for in this Act (unless such loans are in support of other forms of assistance provided for in this or prior appropriations Acts), except that this proviso shall not apply to the mortgage insurance or guaranty operations of these corporations, or where loans or mortgage purchases are necessary to protect the financial interest of the United States Government.

SEC. 213. (a) Section 9(n)(1) of the United States Housing Act of 1937 is hereby repealed.

(b) Section 226 of the Departments of Veterans Affairs and Housing and Urban development, and Independent Agencies Appropriations Act, 1999, is hereby repealed.

(c) The amendment made by subsection (a) shall be deemed to have taken effect on October 1, 1998.

(d) The amendment made by subsection (b) shall be deemed to have taken effect on October 21, 1998.

SEC. 214. Notwithstanding any other provision of law, in fiscal year 2003 and each fiscal year thereafter, in managing and disposing of any multifamily property that is owned or held by the Secretary and is occupied primarily by elderly or disabled families, the Secretary of Housing and Urban Development shall maintain any rental assistance payments under section 8 of the United States Housing Act of 1937 that are attached to any dwelling units in the property. To the extent the Secretary determines that such a multifamily property owned or held by the Secretary is not feasible for continued rental assistance payments under such section 8, the Secretary may, in consultation with the tenants of that property, contract for project-based rental assistance payments with an owner or owners of other existing housing properties or provide other rental assistance.

SEC. 215. (a) Section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)) is amended by adding at the end the following:

''(22) WELFARE-TO-WORK HOUSING VOUCHER PROGRAM.—

''(A) RENEWAL.—Upon renewal, incremental vouchers awarded under this paragraph shall continue to be administered under this paragraph

''(B) ELIGIBLE GRANTEES.—A public housing agency (including Indian tribes and tribally designated housing entities, as defined by the Secretary) is eligible to receive assistance under this paragraph if the public housing agency demonstrates, to the satisfaction of the Secretary—

''(i) that the agency—

''(I) is effectively administering a voucher program;

''(II) is capable of leasing the allotted number of welfare-to-work vouchers in the time allowed by the Secretary; and

''(III) has included in the annual plan of the agency a description of a program to provide welfare-to-work vouchers; and

''(ii) that the agency—

''(I) is carrying out an effective welfare-to-work housing program using Federal, State, or local funds (including vouchers funded under the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999 (Public Law 105–276), or other vouchers), and has a collaboration with the State, local, or tribal entities administering the programs under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) and under the Workforce Investment Act of 1998 (29 U.S.C. 2811 et seq.) that serve families in the jurisdiction; or

''(II) has entered into a memorandum of understanding with the State, local, or tribal entities that administer the programs under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) and under the Workforce Investment Act of 1998 (29 U.S.C. 2811 et seq.) that serve families in the jurisdiction, and such memoranda specify how the agencies will collaborate with the public housing agency in identifying eligible families, determining criteria for selection among eligible families in light of the circumstances in the jurisdiction, and providing payments and services to families (including outreach to owners and case management) so that families may obtain housing in an area of greater employment opportunity or in proximity to a current place of employment or transportation to employment and overcome other barriers to obtaining or retaining employment.

''(C) ADDITIONAL CRITERIA FOR GRANTEE SELECTION.—The Secretary—

''(i) may establish criteria in addition to that established in subparagraph (B) for the selection of public housing agencies that are eligible to receive assistance under this paragraph; and

''(ii) shall consult with the Secretary of Health and Human Services and the Secretary of Labor in determining additional criteria under this subparagraph.

''(D) ELIGIBLE FAMILIES.—Families selected to receive assistance under this paragraph shall be—

''(i) receiving, or shall have received in the 2 years preceding the date on which the family was selected to receive assistance under this paragraph, assistance or other payments (including benefits provided by payments to third parties) or services funded under the Temporary Assistance for Needy Families (TANF) program under part A of title IV of the Social Security Act or as part of a qualified State expenditure of a State under section 409(a)(7)(B)(i) of such Act; and

''(ii) in need of housing voucher assistance as determined by the public housing agency, the agency that administers the Temporary Assistance for Needy Families program, or the Workforce Investment Agency in order to obtain housing in an area of greater employment opportunity or in proximity to a current place of employment or transportation to employment; participate effectively in a program to overcome barriers to employment; or retain employment or increase hours of employment.

''(E) PREFERENCE.—The Secretary shall give preference in the award of assistance under this paragraph to public housing agencies within a State—

''(i) with jurisdiction that minimizes the need to use the procedures established under subsection (r) to allow families to reside in areas with job opportunities; or

''(ii) that demonstrate, to the satisfaction of the Secretary, that the procedures under subsection (r) do not pose a barrier to the choice of housing for families.''.

SEC. 216. A public housing agency or such other entity that administers Federal housing assistance in the states of Alaska, Iowa, and Mississippi shall not be required to include a resident of public housing or a recipient of assistance provided under section 8 of the United States Housing Act of 1937 on the board of directors or a similar governing board of such agency or entity as required under section (2)(b) of such Act. Each public housing agency or other entity that administers Federal housing assistance under section 8 in the states of Alaska, Iowa and Mississippi shall establish an advisory board of not less than 6 residents of public housing or recipients of section 8 assistance to provide advice and comment to the public housing agency or other administering entity on issues related to public housing and section 8. Such advisory board shall meet not less than quarterly.

SEC. 217. The Director of the Office of Management and Budget and the Secretary of Housing and Urban Development shall include as part of the fiscal year 2004 budget (and for each budget in each succeeding fiscal year) for the Department of Housing and Urban Development a separate line in each account for the cost of contract rental renewals, where applicable. The Budget Justifications for Department of Housing and Urban Development shall include a five-year run-out of the cost of all contract rental renewals.

SEC. 218. (a) Section 24(m)(1) of the United States Housing Act of 1937 (42 U.S.C. 1437v(m)(1)) is amended by striking ''$600,000,000'' and all that follows through ''2002'' and inserting the following: ''$574,000,000 for fiscal year 2003''.

(b) Section 24(n) of the United States Housing Act of 1937 (42 U.S.C. 1437v(n)) is amended by striking ''September 30, 2002'' and inserting ''September 30, 2004''.

SEC. 219. No funds in this Act or any other Act in any fiscal year may hereafter be used by the Secretary of Housing and Urban Development to waive any income eligibility restrictions on housing that has been assisted under Section 8 of the United States Housing Act of 1937 unless explicitly authorized by law.

SEC. 220. The Director of the Office of Budget in the Department of Housing and Urban Development shall provide quarterly reports to the House and Senate Committees on Appropriations regarding all uncommitted, unobligated, and excess funds in each program and activity within the jurisdiction of the Department of Housing and Urban Development and shall submit additional, updated information to these committees within 12 hours of any request.

SEC. 221. Section 204, as amended, of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1997, Public Law 104–204 (12 U.S.C. 1715z–11a), is amended by inserting ''or other sites as part of a revitalization plan that includes such a property'' after the words ''on the properties (which shall be eligible whether vacant or occupied)''.

SEC. 222. The Secretary of Housing and Urban Development shall submit an annual report no later than August 30, 2003 and annually thereafter to the House and Senate Committees on Appropriations regarding the number of Federally assisted units under lease and the per unit

cost of these units to the Department of Housing and Urban Development. This data shall cover all units that are assisted by funds made available under the ''Housing Certificate Fund''. This report should be accurate within 30 days of submission.

SEC. 223. Notwithstanding the requirements regarding first-time homebuyers in section 104 of the National Affordable Housing Act of 1990 (42 U.S.C. 12704), the Enterprise Housing Corporation of Maryland may use the remaining balance of the grant award, H3–95MD0005–I–N, within the East Baltimore Community of the City of Baltimore, Maryland.

SEC. 224. The part of the HUD Community Development Block Grant to the State of Iowa which is administered by the Iowa Department of Economic Development (grant number B99DC190001) and which, in turn, was granted by the Iowa Department of Economic Development to Benton County, Iowa (Benton County contract number 01–WS–006–99), for the purpose of providing safe potable water to residences of southern Benton County through a distribution system constructed by Poweshiek Water Association, is exempt from the provisions of section 104(g)(2), (g)(3) and (g)(4) of title I of the Housing and Community Act of 1974, as amended.

TITLE III—INDEPENDENT AGENCIES

AMERICAN BATTLE MONUMENTS COMMISSION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, including the acquisition of land or interest in land in foreign countries; purchases and repair of uniforms for caretakers of national cemeteries and monuments outside of the United States and its territories and possessions; rent of office and garage space in foreign countries; purchase (one for replacement only) and hire of passenger motor vehicles; and insurance of official motor vehicles in foreign countries, when required by law of such countries, $30,400,000, to remain available until expended.

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

SALARIES AND EXPENSES

For necessary expenses in carrying out activities pursuant to section 112(r)(6) of the Clean Air Act, as amended, including hire of passenger vehicles, uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902, and for services authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376, $7,850,000, of which $7,350,000 is to remain available until September 30, 2003 and $500,000 is to remain available until September 30, 2004: Provided, That the Chemical Safety and Hazard Investigation Board shall have not more than three career Senior Executive Service positions: Provided further, That, hereafter, there shall be an Inspector General at the Board who shall have the duties, responsibilities, and authorities specified in the Inspector General Act of 1978, as amended: Provided further, That an individual appointed to the position of Inspector General of the Federal Emergency Management Agency (FEMA) shall, by virtue of such appointment, also hold the position of Inspector General of the Board: Provided further, That the Inspector General of the Board shall utilize personnel of the Office of Inspector General of FEMA in performing the duties of the Inspector General of the Board, and shall not appoint any individuals to positions within the Board.

DEPARTMENT OF THE TREASURY

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS FUND PROGRAM ACCOUNT

To carry out the Community Development Banking and Financial Institutions Act of 1994, including services authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for ES–3, $73,000,000, to remain available until September 30, 2004, of which $5,000,000 shall be for technical assistance and training programs designed to benefit Native American, Native Hawaiian, and Alaskan Native communities and provided primarily through qualified community development lenders organizations with experience and expertise in community development banking and lending in Indian country, Native American organizations, tribes and tribal organizations and other suitable providers, and up to $10,750,000 may be used for administrative expenses, including administration of the New Markets Tax Credit, up to $6,000,000 may be used for the cost of direct loans, and up to $250,000 may be used for administrative expenses to carry out the direct loan program: Provided, That the cost of direct loans, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $11,000,000.

INTERAGENCY COUNCIL ON THE HOMELESS

OPERATING EXPENSES

For necessary expenses (including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms in the District of Columbia, and the employment of experts and consultants under section 3109 of title 5, United States Code) of the Interagency Council on the Homeless in carrying out the functions pursuant to title II of the McKinney-Vento Homeless Assistance Act, as amended, $1,500,000.

CONSUMER PRODUCT SAFETY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Consumer Product Safety Commission, including hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable under 5 U.S.C. 5376, purchase of nominal awards to recognize non-Federal officials' contributions to Commission activities, and not to exceed $500 for official reception and representation expenses, $56,767,000.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

NATIONAL AND COMMUNITY SERVICE PROGRAMS OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the Corporation for National and Community Service (the ''Corporation'') in carrying out programs, activities, and initiatives under the National and Community Service Act of 1990 (the ''Act'') (42 U.S.C. 12501 et seq.), $405,842,000, to remain available until September 30, 2004: Provided, That the Corporation shall enroll no more than 50,000 members in the AmeriCorps programs: Provided further, That not more than $32,500,000 shall be available for administrative expenses authorized under section 501(a)(4): Provided further, That not more than $2,500 shall be for official reception and representation expenses: Provided further, That not more than $15,000,000, to remain available until expended, shall be transferred to the National Service Trust of which up to $5,000,000 shall be available for national service scholarships for high school students performing community service: Provided further, That not more than $240,492,000 of the amount provided under this heading shall be available for grants under the National Service Trust program authorized under subtitle C of title I of the Act (42 U.S.C. 12571 et seq.) (relating to activities including the AmeriCorps program), of which not more than $47,000,000 may be used to administer, reimburse, or support any national service program authorized under section 121(d)(2) of such Act (42 U.S.C. 12581(d)(2)): Provided further, That to the maximum extent feasible, funds appropriated under subtitle C of title I of the Act shall be provided in a manner that is consistent with the recommendations of peer review panels in order to ensure that priority is given to programs that demonstrate quality, innovation, replicability, and sustainability: Provided further, That not more than $10,000,000 of the funds made available under this heading shall be made available for the Points of Light Foundation for activities authorized under title III of the Act (42 U.S.C. 12661 et seq.), of which not more than $2,500,000 may be used to support an endowment fund, the corpus of which shall remain intact and the interest income from which shall be used to support activities described in title III of the Act, provided that the Foundation may invest the corpus and income in federally insured bank savings accounts or comparable interest bearing accounts, certificates of deposit, money market funds, mutual funds, obligations of the United States, and other market instruments and securities but not in real estate investments: Provided further, That no funds shall be available for national service programs run by Federal agencies authorized under section 121(b) of such Act (42 U.S.C. 12571(b)): Provided further, That to the maximum extent practicable, the Corporation shall increase significantly the level of matching funds and in-kind contributions provided by the private sector, and shall reduce the total Federal costs per participant in all programs: Provided further, That not more than $25,000,000 of the funds made available under this heading shall be available for the Civilian Community Corps authorized under subtitle E of title I of the Act (42 U.S.C. 12611 et seq.): Provided further, That not more than $43,000,000 shall be available for school-based and community-based service-learning programs authorized under subtitle B of title I of the Act (42 U.S.C. 12521 et seq.): Provided further, That not more than $29,850,000 shall be available for quality and innovation activities authorized under subtitle H of title I of the Act (42 U.S.C. 12853 et seq.), of which $10,000,000 shall be available for challenge grants to non-profit organizations: Provided further, That not more than $5,000,000 of the funds made available under this heading shall be made available to America's Promise—The Alliance for Youth, Inc.: Provided further, That not more than $5,000,000 shall be available for audits and other evaluations authorized under section 179 of the Act (42 U.S.C. 12639).

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $6,900,000, to remain available until September 30, 2004.

ADMINISTRATIVE PROVISIONS

Notwithstanding any other provision of law, the term ''qualified student loan'' with respect to national service education awards shall mean any loan determined by an institution of higher education to be necessary to cover a student's cost of attendance at such institution and made, insured, or guaranteed directly to a student by a State agency, in addition to other meanings under section 148(b)(7) of the National and Community Service Act.

Notwithstanding any other provision of law, funds made available under section 129(d)(5)(B) of the National and Community Service Act to assist entities in placing applicants who are individuals with disabilities may be provided to any entity that receives a grant under section 121 of the Act.

U.S. COURT OF APPEALS FOR VETERANS CLAIMS

SALARIES AND EXPENSES

For necessary expenses for the operation of the United States Court of Appeals for Veterans Claims as authorized by 38 U.S.C. 7251–7298, $14,612,000 of which $1,045,000 shall be available for the purpose of providing financial assistance as described, and in accordance with the process and reporting procedures set forth, under this heading in Public Law 102–229.

DEPARTMENT OF DEFENSE—CIVIL

CEMETERIAL EXPENSES, ARMY

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, for maintenance, operation, and improvement of Arlington National Cemetery and Soldiers' and Airmen's Home National Cemetery, including the purchase of two passenger motor vehicles for replacement only, and not to exceed $1,000 for official reception and representation expenses, $24,445,000, to remain available until expended.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

NATIONAL INSTITUTES OF HEALTH

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For necessary expenses for the National Institute of Environmental Health Sciences in carrying out activities set forth in section 311(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, and section 126(g) of the Superfund Amendments and Reauthorization Act of 1986, $76,074,000.

AGENCY FOR TOXIC SUBSTANCES AND DISEASE REGISTRY

TOXIC SUBSTANCES AND ENVIRONMENTAL PUBLIC HEALTH

For necessary expenses for the Agency for Toxic Substances and Disease Registry (ATSDR) in carrying out activities set forth in sections 104(i), 111(c)(4), and 111(c)(14) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended; section 118(f) of the Superfund Amendments and Reauthorization Act of 1986 (SARA), as amended; and section 3019 of the Solid Waste Disposal Act, as amended, $81,000,000, to be derived from the Hazardous Substance Superfund Trust Fund pursuant to section 517(a) of SARA (26 U.S.C. 9507): Provided, That notwithstanding any other provision of law, in lieu of performing a health assessment under section 104(i)(6) of CERCLA, the Administrator of ATSDR may conduct other appropriate health studies, evaluations, or activities, including, without limitation, biomedical testing, clinical evaluations, medical monitoring, and referral to accredited health care providers: Provided further, That in performing any such health assessment or health study, evaluation, or activity, the Administrator of ATSDR shall not be bound by the deadlines in section 104(i)(6)(A) of CERCLA: Provided further, That none of the funds appropriated under this heading shall be available for ATSDR to issue in excess of 40 toxicological profiles pursuant to section 104(i) of CERCLA during fiscal year 2003, and existing profiles may be updated as necessary.

ENVIRONMENTAL PROTECTION AGENCY

SCIENCE AND TECHNOLOGY

For science and technology, including research and development activities, which shall include research and development activities under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended; necessary expenses for personnel and related costs and travel expenses, including uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376; procurement of laboratory equipment and supplies; other operating expenses in support of research and development; construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project, $707,203,000, which shall remain available until September 30, 2004.

ENVIRONMENTAL PROGRAMS AND MANAGEMENT

For environmental programs and management, including necessary expenses, not otherwise provided for, for personnel and related costs and travel expenses, including uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376; hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase of reprints; library memberships in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members; construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project; and not to exceed $19,000 for official reception and representation expenses, $2,136,569,000, which shall remain available until September 30, 2004, including administrative costs of the brownfields program under the Small Business Liability Relief and Brownfields Revitalization Act of 2002.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project, $37,325,000, to remain available until September 30, 2004.

BUILDINGS AND FACILITIES

For construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of, or for use by, the Environmental Protection Agency, $42,918,000, to remain available until expended.

HAZARDOUS SUBSTANCE SUPERFUND

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended, including sections 111(c)(3), (c)(5), (c)(6), and (e)(4) (42 U.S.C. 9611), and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project; $1,272,888,000, to remain available until expended, consisting of $636,444,000, as authorized by section 517(a) of the Superfund Amendments and Reauthorization Act of 1986 (SARA), as amended by Public Law 101–508, and $636,444,000 as a payment from general revenues to the Hazardous Substance Superfund for purposes as authorized by section 517(b) of SARA, as amended: Provided, That funds appropriated under this heading may be allocated to other Federal agencies in accordance with section 111(a) of CERCLA: Provided further, That of the funds appropriated under this heading, $12,742,000 shall be transferred to the ''Office of Inspector General'' appropriation to remain available until September 30, 2004, and $86,168,000 shall be transferred to the ''Science and technology'' appropriation to remain available until September 30, 2004.

LEAKING UNDERGROUND STORAGE TANK TRUST FUND

For necessary expenses to carry out leaking underground storage tank cleanup activities authorized by section 205 of the Superfund Amendments and Reauthorization Act of 1986, and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project, $72,313,000, to remain available until expended.

OIL SPILL RESPONSE

For expenses necessary to carry out the Environmental Protection Agency's responsibilities under the Oil Pollution Act of 1990, $15,581,000, to be derived from the Oil Spill Liability trust fund, to remain available until expended.

STATE AND TRIBAL ASSISTANCE GRANTS

For environmental programs and infrastructure assistance, including capitalization grants for State revolving funds and performance partnership grants, $3,920,639,000, to remain available until expended, of which $1,425,000,000 shall be for making capitalization grants for the Clean Water State Revolving Funds under title VI of the Federal Water Pollution Control Act, as amended (the ''Act''); $875,000,000 shall be for capitalization grants for the Drinking Water State Revolving Funds under section 1452 of the Safe Drinking Water Act, as amended, except that, notwithstanding section 1452(n) of the Safe Drinking Water Act, as amended, none of the funds made available under this heading in this Act, or in previous appropriations Acts, shall be reserved by the Administrator for health effects studies on drinking water contaminants; $75,000,000 shall be for architectural, engineering, planning, design, construction and related activities in connection with the construction of high priority water and wastewater facilities in the area of the United States-Mexico Border, after consultation with the appropriate border commission; $45,000,000 shall be for grants to the State of Alaska to address drinking water and wastewater infrastructure needs of rural and Alaska Native Villages; $3,000,000 shall be for remediation of above ground leaking fuel tanks pursuant to Public Law 106–554; $126,000,000, in addition to $2,241,450 previously appropriated under this heading in Public Law 106–74, shall be for making grants for the construction of wastewater and water treatment facilities and groundwater protection infrastructure in accordance with the terms and conditions specified for such grants in the statement of the Committee on Appropriations submitted for the record accompanying this Act; $120,500,000 shall be to carry out section 104(k) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended, including grants, interagency agreements, and associated program support costs; and $1,123,835,000 shall be for grants, including associated program support costs, to States, federally recognized tribes, interstate agencies, tribal consortia, and air pollution control agencies for multi-media or single media pollution prevention, control and abatement and related activities, including activities pursuant to the provisions set forth under this heading in Public Law 104–134, and for making grants under section 103 of the Clean Air Act for particulate matter monitoring and data collection activities subject to terms and conditions specified by the Administrator, of which $50,000,000 shall be for carrying out section 128 of CERCLA, as amended: Provided, That for fiscal year 2003, State authority under section 302(a) of Public Law 104–182 shall remain in effect: Provided further, That for fiscal year 2003, and notwithstanding section 518(f) of the Act, the Administrator is authorized to use the amounts appropriated for any fiscal year under section 319 of that Act to make grants to Indian tribes pursuant to sections 319(h) and 518(e) of that Act: Provided further, That for fiscal year 2003, notwithstanding the limitation on amounts in section 518(c) of the Act, up to a total of 1½ percent of the funds appropriated for State Revolving Funds under title VI of that Act may be reserved by the Administrator for grants under section 518(c) of such Act: Provided further, That no funds provided by this legislation to address the water, wastewater and other critical infrastructure needs of the colonias in the United States along the United States-Mexico border shall be made available to a county or municipal government unless that government has established an enforceable local ordinance, or other zoning rule, which prevents in that jurisdiction the development or construction of any additional colonia areas, or the development within an existing colonia the construction of any new home, business, or other structure which lacks water, wastewater, or other necessary infrastructure.

The referenced statement of the managers under this heading in Public Law 106–74 is deemed to be amended by striking everything after ''137.'' in reference to item number 137 and inserting, ''$2,739,550 for the City of Welch, West Virginia, for water and sewer extensions to the Indian Ridge Industrial Park''.

ADMINISTRATIVE PROVISIONS

For fiscal year 2003, notwithstanding 31 U.S.C. 6303(1) and 6305(1), the Administrator of the Environmental Protection Agency, in carrying out the Agency's function to implement directly Federal environmental programs required or authorized by law in the absence of an acceptable tribal program, may award cooperative agreements to federally-recognized Indian Tribes or Intertribal consortia, if authorized by their member Tribes, to assist the Administrator in implementing Federal environmental programs for Indian Tribes required or authorized by law, except that no such cooperative agreements may be awarded from funds designated for State financial assistance agreements.

None of the funds appropriated or otherwise made available by this Act may be used to promulgate a final regulation to implement changes in the payment of pesticide tolerance processing fees as published on June 9, 1999, in the Federal Register (64 Fed. Reg. pages 31040 through 31050). The Environmental Protection Agency shall promulgate a final regulation to implement changes in the payment of pesticide tolerance processing fees no later than September 30, 2003. Any final regulation promulgated to implement changes in the payment of pesticide tolerance processing fees shall not require the payment of retroactive fees.

The Environmental Protection Agency may not use any of the funds appropriated or otherwise made available by this Act to implement the Registration Fee system codified at 40 Code of Federal Regulations Subpart U (sections 152.400 et seq.) if its authority to collect maintenance fees pursuant to FIFRA section 4(i)(5) is extended for at least 1 year beyond September 30, 2002.

Section 136a–1 of title 7, U.S.C. is amended—

(1) in subsection (i)(5)(C)(i) by striking ''$17,000,000 fiscal year 2002'' and inserting ''$23,200,000 for fiscal year 2003'';

(2) in subsection (i)(5)(H) by striking ''2002'' and inserting ''2003'';

(3) in subsection (i)(6) by striking ''2002'' and inserting ''2003''; and

(4) in subsection (k)(3)(A) by striking ''2002'' and inserting ''2003''.

EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

For necessary expenses of the Office of Science and Technology Policy, in carrying out the purposes of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601 and 6671), hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, not to exceed $2,500 for official reception and representation expenses, and rental of conference rooms in the District of Columbia, $5,368,000.

COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF ENVIRONMENTAL QUALITY

For necessary expenses to continue functions assigned to the Council on Environmental Quality and Office of Environmental Quality pursuant to the National Environmental Policy Act of 1969, the Environmental Quality Improvement Act of 1970, and Reorganization Plan No. 1 of 1977, and not to exceed $750 for official reception and representation expenses, $3,031,000: Provided, That, notwithstanding section 202 of the National Environmental Policy Act of 1970, the Council shall consist of one member, appointed by the President, by and with the advice and consent of the Senate, serving as chairman and exercising all powers, functions, and duties of the Council.

FEDERAL DEPOSIT INSURANCE CORPORATION

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $30,848,000, to be derived from the Bank Insurance Fund, the Savings Association Insurance Fund, and the FSLIC Resolution Fund.

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in carrying out the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $842,843,000, and, notwithstanding 42 U.S.C. 5203, to remain available until expended, of which not to exceed $2,900,000 may be transferred to ''Emergency management planning and assistance'' for the consolidated emergency management performance grant program; and not to exceed $21,577,000 may be transferred to the Office of Inspector General for audits and investigations.

NATIONAL PRE-DISASTER MITIGATION FUND

For a pre-disaster mitigation grant program pursuant to 42 U.S.C. 5131 et seq., $25,000,000, to remain available until expended: Provided, That grants shall be awarded on a competitive basis subject to the criteria in 42 U.S.C. 5133(g): Provided further, That notwithstanding 42 U.S.C. 5133(f), grant awards shall be made without reference to State allocations, quotas, or other formula-based allocations of funds.

DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

For the cost of direct loans, $557,000 as authorized by section 319 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $25,000,000.

In addition, for administrative expenses to carry out the direct loan program, $557,000.

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, including hire and purchase of motor vehicles as authorized by 31 U.S.C. 1343; uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376; expenses of attendance of cooperating officials and individuals at meetings concerned with the work of emergency preparedness; transportation in connection with the continuity of Government programs to the same extent and in the same manner as permitted the Secretary of a Military Department under 10 U.S.C. 2632; and not to exceed $2,500 for official reception and representation expenses, $239,690,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $17,754,000: Provided, That notwithstanding any other provision of law, the Inspector General of the Federal Emergency Management Agency shall hereafter also serve as the Inspector General of the Chemical Safety and Hazard Investigation Board.

EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses, not otherwise provided for, to carry out activities under the National Flood Insurance Act of 1968, as amended, and the Flood Disaster Protection Act of 1973, as amended (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduction Act of 1977, as amended (42 U.S.C. 7701 et seq.), the Federal Fire Prevention and Control Act of 1974, as amended (15 U.S.C. 2201 et seq.), the Defense Production Act of 1950, as amended (50 U.S.C. App. 2061 et seq.), sections 107 and 303 of the National Security Act of 1947, as amended (50 U.S.C. 404–405), and Reorganization Plan No. 3 of 1978, $1,615,214,000: Provided, That $900,000,000 shall be for programs as authorized be section 33 of the Federal Fire Prevention and Control Act of 1974, as amended (15 U.S.C. 2201 et seq.): Provided further, That up to 5 percent of this amount shall be transferred to ''Salaries and expenses'' for program administration: Provided further, That of the amount provided under this heading: $114,000,000 shall be for grants for interoperable communications equipment; $114,000,000 shall be for grants for emergency operations centers; $75,000,000 shall be for Urban Search and Rescue Teams; $75,000,000 shall be for grants for state and local emergency planning; $15,000,000 shall be for Community Emergency Response Teams; $60,000,000 shall be for emergency responder training programs; $15,000,000 shall be for mutual aid agreements; and $1,100,000 for security clearances for State and local emergency management personnel.

RADIOLOGICAL EMERGENCY PREPAREDNESS FUND

The aggregate charges assessed during fiscal year 2003, as authorized by Public Law 106–377, shall not be less than 100 percent of the amounts anticipated by FEMA necessary for its radiological emergency preparedness program for the next fiscal year. The methodology for assessment and collection of fees shall be fair and equitable; and shall reflect costs of providing such services, including administrative costs of collecting such fees. Fees received pursuant to this section shall be deposited in the Fund as offsetting collections and will become available for authorized purposes on October 1, 2003, and remain available until expended.

CERRO GRANDE FIRE CLAIMS

For an additional amount for ''Cerro Grande Fire Claims'', up to $100,000,000 shall be made available for claims resulting from the Cerro Grande fires: Provided, That up to $5,000,000 may be made available for administrative purposes.

EMERGENCY FOOD AND SHELTER PROGRAM

To carry out an emergency food and shelter program pursuant to title III of Public Law 100–77, as amended, $153,000,000, to remain available until expended: Provided, That total administrative costs shall not exceed 3½ percent of the total appropriation.

FLOOD MAP MODERNIZATION FUND

For necessary expenses pursuant to section 1360 of the National Flood Insurance Act of 1968, $100,000,000, and such additional sums as may be provided by State and local governments or other political subdivisions for cost-shared mapping activities under section 1360(f)(2), to remain available until expended.

NATIONAL FLOOD INSURANCE FUND

(INCLUDING TRANSFER OF FUNDS)

For activities under the National Flood Insurance Act of 1968 (''Act'') and the Flood Disaster Protection Act of 1973, as amended, not to exceed $32,393,000 for salaries and expenses associated with flood mitigation and flood insurance operations, and not to exceed $77,666,000 for flood mitigation, to remain available until September 30, 2004, including up to $20,000,000 for expenses under section 1366 of the Act, which amount shall be available for transfer to the National Flood Mitigation Fund until September 30, 2004, and which amounts shall be derived from offsetting collections assessed and collected pursuant to 42 U.S.C. 4014, and shall be retained and used for necessary expenses under this heading: Provided, That beginning in fiscal year 2003 and thereafter, fees authorized in 42 U.S.C. 4014(a)(1)(B)(iii) shall be collected only if provided in advance in appropriations acts. In fiscal year 2003, no funds in excess of: (1) $55,000,000 for operating expenses; (2) $529,380,000 for agents' commissions and taxes; and (3) $40,000,000 for interest on Treasury borrowings shall be available from the National Flood Insurance Fund without prior notice to the Committees on Appropriations.

Section 1309(a)(2) of the Act (42 U.S.C. 4016(a)(2)), as amended, is further amended by striking ''2002'' and inserting ''2007''.

Section 1319 of the Act, as amended (42 U.S.C. 4026), is amended by striking ''December 31, 2002'' and inserting ''December 31, 2007''.

Section 1336(a) of the Act, as amended (42 U.S.C. 4056), is amended by striking ''December 31, 2002'' and inserting ''December 31, 2007''.

Section 1376(c) of the Act, as amended (42 U.S.C. 4127(c)), is amended by striking ''December 31, 2002'' and inserting ''December 31, 2007''.

The above 4 amendments will be deemed effective on January 1, 2003.

NATIONAL FLOOD MITIGATION FUND

(INCLUDING TRANSFER OF FUNDS)

Notwithstanding sections 1366(b)(3)(B)–(C) and 1366(f) of the National Flood Insurance Act of 1968, as amended, $20,000,000, to remain available until September 30, 2004, for activities designed to reduce the risk of flood damage to structures pursuant to such Act, of which $20,000,000 shall be derived from the National Flood Insurance Fund.

GENERAL SERVICES ADMINISTRATION

FEDERAL CONSUMER INFORMATION CENTER FUND

For necessary expenses of the Federal Consumer Information Center, including services authorized by 5 U.S.C. 3109, $12,541,000, to be deposited into the Federal Consumer Information Center Fund: Provided, That the appropriations, revenues, and collections deposited into the Fund shall be available for necessary expenses of Federal Consumer Information Center activities in the aggregate amount of $18,000,000. Appropriations, revenues, and collections accruing to this Fund during fiscal year 2003 in excess of $18,000,000 shall remain in the Fund and shall not be available for expenditure except as authorized in appropriations Acts.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

HUMAN SPACE FLIGHT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses, not otherwise provided for, in the conduct and support of human space flight research and development activities, including research, development, operations, support and services; maintenance; construction of facilities including repair, rehabilitation, revitalization and modification of facilities, construction of new facilities and additions to existing facilities, facility planning and design, environmental compliance and restoration, and acquisition or condemnation of real property, as authorized by law; space flight, spacecraft control and communications activities including operations, production, and services; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; travel expenses; purchase and hire of passenger motor vehicles; not to exceed $35,000 for official reception and representation expenses; and purchase, lease, charter, maintenance and operation of mission and administrative aircraft, $6,095,900,000, to remain available until September 30, 2004, of which amounts as determined by the Administrator for salaries and benefits; training, travel and awards; facility and related costs; information technology services; science, engineering, fabricating and testing services; and other administrative services may be transferred to ''Science, aeronautics and technology'' in accordance with section 312(b) of the National Aeronautics and Space Act of 1958, as amended by Public Law 106–377.

SCIENCE, AERONAUTICS AND TECHNOLOGY

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses, not otherwise provided for, in the conduct and support of science, aeronautics and technology research and development activities, including research, development, operations, support and services; maintenance; construction of facilities including repair, rehabilitation, revitalization, and modification of facilities, construction of new facilities and additions to existing facilities, facility planning and design, environmental compliance and restoration, and acquisition or condemnation of real property, as authorized by law; space flight, spacecraft control and communications activities including operations, production, and services; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; travel expenses; purchase and hire of passenger motor vehicles; not to exceed $35,000 for official reception and representation expenses; and purchase, lease, charter, maintenance and operation of mission and administrative aircraft, $9,003,000,000, to remain available until September 30, 2004, of which amounts as determined by the Administrator for salaries and benefits; training, travel and awards; facility and related costs; information technology services; science, engineering, fabricating and testing services; and other administrative services may be transferred to ''Human space flight'' in accordance with section 312(b) of the National Aeronautics and Space Act of 1958, as amended by Public Law 106–377.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $26,600,000.

ADMINISTRATIVE PROVISIONS

Notwithstanding the limitation on the availability of funds appropriated for ''Human space flight'', or ''Science, aeronautics and technology'' by this appropriations Act, when any activity has been initiated by the incurrence of obligations for construction of facilities as authorized by law, such amount available for such activity shall remain available until expended. This provision does not apply to the amounts appropriated for institutional minor revitalization and construction of facilities, and institutional facility planning and design.

Notwithstanding the limitation on the availability of funds appropriated for ''Human space flight'', or ''Science, aeronautics and technology'' by this appropriations Act, the amounts appropriated for construction of facilities shall remain available until September 30, 2005.

Notwithstanding the limitation on the availability of funds appropriated for ''Office of Inspector General'', amounts made available by this Act for personnel and related costs and travel expenses of the National Aeronautics and Space Administration shall remain available until September 30, 2003 and may be used to enter into contracts for training, investigations, costs associated with personnel relocation, and for other services, to be provided during the next fiscal year. Funds for announced prizes otherwise authorized shall remain available, without fiscal year limitation, until the prize is claimed or the offer is withdrawn.

None of the funds provided in fiscal year 2003 under the heading ''Science, Aeronautics and Technology'' may be used to purchase items proposed for acquisition in RFP5–55151–GCE.

NATIONAL CREDIT UNION ADMINISTRATION

CENTRAL LIQUIDITY FACILITY

During fiscal year 2003, gross obligations of the Central Liquidity Facility for the principal amount of new direct loans to member credit unions, as authorized by 12 U.S.C. 1795 et seq., shall not exceed $1,500,000,000: Provided, That administrative expenses of the Central Liquidity Facility in fiscal year 2003 shall not exceed $309,000.

COMMUNITY DEVELOPMENT REVOLVING LOAN FUND

For the Community Development Revolving Loan Fund program as authorized by 42 U.S.C. 9812, 9822 and 9910, $1,000,000 shall be available: Provided, That $700,000, together with amounts of principal and interest on loans repaid, is available until expended for loans to community development credit unions and $300,000 is available until September 30, 2004 for technical assistance to low-income and community development credit unions.

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

For necessary expenses in carrying out the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), and the Act to establish a National Medal of Science (42 U.S.C. 1880–1881); services as authorized by 5 U.S.C. 3109; maintenance and operation of aircraft and purchase of flight services for research support; acquisition of aircraft; and authorized travel; $4,081,650,000, of which not to exceed $320,000,000 shall remain available until expended for Polar research and operations support, and for reimbursement to other Federal agencies for operational and science support and logistical and other related activities for the United States Antarctic program; the balance to remain available until September 30, 2004: Provided, That receipts for scientific support services and materials furnished by the National Research Centers and other National Science Foundation supported research facilities may be credited to this appropriation: Provided further, That to the extent that the amount appropriated is less than the total amount authorized to be appropriated for included program activities, all amounts, including floors and ceilings, specified in the authorizing Act for those program activities or their subactivities shall be reduced proportionally: Provided further, That $85,000,000 of the funds available under this heading shall be made available for a comprehensive research initiative on plant genomes for economically significant crops.

MAJOR RESEARCH EQUIPMENT AND FACILITIES CONSTRUCTION

For necessary expenses for the acquisition, construction, commissioning, and upgrading of major research equipment, facilities, and other such capital assets pursuant to the National Science Foundation Act of 1950, as amended, including authorized travel, $59,280,000, to remain available until expended.

EDUCATION AND HUMAN RESOURCES

For necessary expenses in carrying out science and engineering education and human resources programs and activities pursuant to the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), including services as authorized by 5 U.S.C. 3109, authorized travel, and rental of conference rooms in the District of Columbia, $932,730,000, to remain available until September 30, 2004: Provided, That to the extent that the amount of this appropriation is less than the total amount authorized to be appropriated for included program activities, all amounts, including floors and ceilings, specified in the authorizing Act for those program activities or their subactivities shall be reduced proportionally.

SALARIES AND EXPENSES

For salaries and expenses necessary in carrying out the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875); services authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; not to exceed $9,000 for official reception and representation expenses; uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; rental of conference rooms in the District of Columbia; and reimbursement of the General Services Administration for security guard services; $182,160,000: Provided, That contracts may be entered into under ''Salaries and expenses'' in fiscal year 2003 for maintenance and operation of facilities, and for other services, to be provided during the next fiscal year.

OFFICE OF THE NATIONAL SCIENCE BOARD

For necessary expenses (including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms in the District of Columbia, and the employment of

experts and consultants under section 3109 of title 5, United States Code) involved in carrying out section 4 of the National Science Foundation Act of 1950 (42 U.S.C. 1863) and Public Law 86–209 (42 U.S.C. 1880 et seq.), $3,500,000: Provided, That not more than $9,000 shall be available for official reception and representation expenses.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General as authorized by the Inspector General Act of 1978, as amended, $9,660,000, to remain available until September 30, 2004.

NEIGHBORHOOD REINVESTMENT CORPORATION

PAYMENT TO THE NEIGHBORHOOD REINVESTMENT CORPORATION

For payment to the Neighborhood Reinvestment Corporation for use in neighborhood reinvestment activities, as authorized by the Neighborhood Reinvestment Corporation Act (42 U.S.C. 8101–8107), $110,000,000, of which $5,000,000 shall be for a homeownership program that is used in conjunction with section 8 assistance under the United States Housing Act of 1937, as amended; and of which $5,000,000 shall be for a multi-family rental housing program.

SELECTIVE SERVICE SYSTEM

SALARIES AND EXPENSES

For necessary expenses of the Selective Service System, including expenses of attendance at meetings and of training for uniformed personnel assigned to the Selective Service System, as authorized by 5 U.S.C. 4101–4118 for civilian employees; purchase of uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; hire of passenger motor vehicles; services as authorized by 5 U.S.C. 3109; and not to exceed $750 for official reception and representation expenses; $26,480,000: Provided, That during the current fiscal year, the President may exempt this appropriation from the provisions of 31 U.S.C. 1341, whenever the President deems such action to be necessary in the interest of national defense: Provided further, That none of the funds appropriated by this Act may be expended for or in connection with the induction of any person into the Armed Forces of the United States.

TITLE IV—GENERAL PROVISIONS

SEC. 401. Where appropriations in titles I, II, and III of this Act are expendable for travel expenses and no specific limitation has been placed thereon, the expenditures for such travel expenses may not exceed the amounts set forth therefor in the budget estimates submitted for the appropriations: Provided, That this provision does not apply to accounts that do not contain an object classification for travel: Provided further, That this section shall not apply to travel performed by uncompensated officials of local boards and appeal boards of the Selective Service System; to travel performed directly in connection with care and treatment of medical beneficiaries of the Department of Veterans Affairs; to travel performed in connection with major disasters or emergencies declared or determined by the President under the provisions of the Robert T. Stafford Disaster Relief and Emergency Assistance Act; to travel performed by the Offices of Inspector General in connection with audits and investigations; or to payments to interagency motor pools where separately set forth in the budget schedules: Provided further, That if appropriations in titles I, II, and III exceed the amounts set forth in budget estimates initially submitted for such appropriations, the expenditures for travel may correspondingly exceed the amounts therefor set forth in the estimates only to the extent such an increase is approved by the Committees on Appropriations.

SEC. 402. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 403. No funds appropriated by this Act may be expended—

(1) pursuant to a certification of an officer or employee of the United States unless—

(A) such certification is accompanied by, or is part of, a voucher or abstract which describes the payee or payees and the items or services for which such expenditure is being made; or

(B) the expenditure of funds pursuant to such certification, and without such a voucher or abstract, is specifically authorized by law; and

(2) unless such expenditure is subject to audit by the General Accounting Office or is specifically exempt by law from such audit.

SEC. 404. None of the funds provided in this Act to any department or agency may be obligated or expended for: (1) the transportation of any officer or employee of such department or agency between the domicile and the place of employment of the officer or employee, with the exception of an officer or employee authorized such transportation under 31 U.S.C. 1344 or 5 U.S.C. 7905 or (2) to provide a cook, chauffeur, or other personal servants to any officer or employee of such department or agency.

SEC. 405. None of the funds provided in this Act may be used for payment, through grants or contracts, to recipients that do not share in the cost of conducting research resulting from proposals not specifically solicited by the Government: Provided, That the extent of cost sharing by the recipient shall reflect the mutuality of interest of the grantee or contractor and the Government in the research.

SEC. 406. None of the funds provided in this Act may be used, directly or through grants, to pay or to provide reimbursement for payment of the salary of a consultant (whether retained by the Federal Government or a grantee) at more than the daily equivalent of the rate paid for level IV of the Executive Schedule, unless specifically authorized by law.

SEC. 407. None of the funds provided in this Act may be used to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings. Nothing herein affects the authority of the Consumer Product Safety Commission pursuant to section 7 of the Consumer Product Safety Act (15 U.S.C. 2056 et seq.).

SEC. 408. Except as otherwise provided under existing law, or under an existing Executive Order issued pursuant to an existing law, the obligation or expenditure of any appropriation under this Act for contracts for any consulting service shall be limited to contracts which are: (1) a matter of public record and available for public inspection; and (2) thereafter included in a publicly available list of all contracts entered into within 24 months prior to the date on which the list is made available to the public and of all contracts on which performance has not been completed by such date. The list required by the preceding sentence shall be updated quarterly and shall include a narrative description of the work to be performed under each such contract.

SEC. 409. Except as otherwise provided by law, no part of any appropriation contained in this Act shall be obligated or expended by any executive agency, as referred to in the Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.), for a contract for services unless such executive agency: (1) has awarded and entered into such contract in full compliance with such Act and the regulations promulgated thereunder; and (2) requires any report prepared pursuant to such contract, including plans, evaluations, studies, analyses and manuals, and any report prepared by the agency which is substantially derived from or substantially includes any report prepared pursuant to such contract, to contain information concerning: (A) the contract pursuant to which the report was prepared; and (B) the contractor who prepared the report pursuant to such contract.

SEC. 410. None of the funds appropriated in title I of this Act shall be used to enter into any new lease of real property if the estimated annual rental is more than $300,000 unless the Secretary submits a report which the Committees on Appropriations of the Congress approve within 30 days following the date on which the report is received.

SEC. 411. (a) It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

SEC. 412. None of the funds appropriated in this Act may be used to implement any cap on reimbursements to grantees for indirect costs, except as published in Office of Management and Budget Circular A–21.

SEC. 413. Such sums as may be necessary for fiscal year 2003 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

SEC. 414. None of the funds made available in this Act may be used for any program, project, or activity, when it is made known to the Federal entity or official to which the funds are made available that the program, project, or activity is not in compliance with any Federal law relating to risk assessment, the protection of private property rights, or unfunded mandates.

SEC. 415. Except in the case of entities that are funded solely with Federal funds or any natural persons that are funded under this Act, none of the funds in this Act shall be used for the planning or execution of any program to pay the expenses of, or otherwise compensate, non-Federal parties to lobby or litigate in respect to adjudicatory proceedings funded in this Act. A chief executive officer of any entity receiving funds under this Act shall certify that none of these funds have been used to engage in the lobbying of the Federal Government or in litigation against the United States unless authorized under existing law.

SEC. 416. No part of any funds appropriated in this Act shall be used by an agency of the executive branch, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, and for the preparation, distribution or use of any kit, pamphlet, booklet, publication, radio, television or film presentation designed to support or defeat legislation pending before the Congress, except in presentation to the Congress itself.

SEC. 417. All Departments and agencies funded under this Act are encouraged, within the limits of the existing statutory authorities and funding, to expand their use of ''E-Commerce'' technologies and procedures in the conduct of their business practices and public service activities.

SEC. 418. Appropriations and funds available for the administrative expenses of the Department of Housing and Urban Development and the Selective Service System shall be available in the current fiscal year for purchase of uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; hire of passenger motor vehicles; and services as authorized by 5 U.S.C. 3109.

SEC. 419. None of the funds provided in this Act to any department or agency shall be obligated or expended to procure passenger automobiles as defined in 15 U.S.C. 2001 with an EPA estimated miles per gallon average of less than 22 miles per gallon.

SEC. 420. Notwithstanding 42 U.S.C. 5196c, amounts provided in Public Law 107–117 and subsequent appropriations Acts for the construction of emergency operations centers (or similar facilities) shall only require a 25 percent match non-Federal share.

SEC. 421. Subsection (b) of section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229) is amended by adding at the end the following new paragraph (12):

''(12) ELIGIBLE GRANTEE ON BEHALF OF ALASKA NATIVE VILLAGES.—The Alaska Village Initiatives, a non-profit organization incorporated in the State of Alaska, shall be considered an eligible grantee for purposes of receiving assistance under this section on behalf of Alaska Native villages.''.

SEC. 422. The Director of the Department of Homeland Security is authorized to acquire fee title to up to 178.5 acres of undeveloped property on the North and West sides of Virginia Routes 601 and 605 in Clarke County and Loudoun County, Virginia, adjacent to a Federal Emergency Management Agency facility in Clarke County and Loudoun County, Virginia.

SEC. 423. From amounts previously appropriated under the heading ''Emergency Response Fund'' in Public Law 107–038, $90,000,000 shall be made available, until expended, for the Federal Emergency Management Agency to administer baseline and follow-up screening and clinical examinations and long-term health monitoring and analysis for emergency services personnel and rescue and recovery personnel, of which not less that $25,000,000 shall be made available for such services for current and retired firefighters.

SEC. 424. Section 214 of the Housing and Community Development Act of 1980 (42 U.S.C. 1436a) is amended by—

(1) in subsection (a)(6), by striking ''or'' at the end;

(2) by renumbering paragraph (7) as paragraph (8) in subsection (a);

(3) by adding after paragraph (6) in subsection (a), the following new paragraph:

''(7) a qualified alien described in 8 U.S.C. 1641, or'';

(4) in subsection (c)(1)(A), by striking ''paragraphs (1) through (6)'' and inserting ''paragraphs (1) through (7)''; and

(5) in subsection (c)(2)(A), by inserting ''(other than a qualified alien as described in 8 U.S.C. 1641(c))'' after ''any alien''.

This division may be cited as the ''Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2003''.

DIVISION L—HOMELAND SECURITY ACT OF 2002 AMENDMENTS

SEC. 101. GENERAL.—The Homeland Security Act of 2002 (Public Law 107–296) is amended—

(1) in section 308, by striking subsections (a) through (c)(1) and inserting in lieu thereof the following:

''(a) IN GENERAL.—The Secretary, acting through the Under Secretary for Science and Technology, shall carry out the responsibilities under section 302(4) through both extramural and intramural programs.

''(b) EXTRAMURAL PROGRAMS.—

''(1) IN GENERAL.—The Secretary, acting through the Under Secretary for Science and Technology, shall operate extramural research, development, demonstration, testing, and evaluation programs so as to—

''(A) ensure that colleges, universities, private research institutes, and companies (and consortia thereof) from as many areas of the United States as practicable participate;

''(B) ensure that the research funded is of high quality, as determined through merit review processes developed under section 302(14); and

''(C) distribute funds through grants, cooperative agreements, and contracts.

''(2) UNIVERSITY-BASED CENTERS FOR HOMELAND SECURITY.—

''(A) DESIGNATION.—The Secretary, acting through the Under Secretary for Science and Technology, shall designate a university-based center or several university-based centers for homeland security. The purpose of the center or these centers shall be to establish a coordinated, university-based system to enhance the Nation's homeland security.

''(B) CRITERIA FOR DESIGNATION.—Criteria for the designation of colleges or universities as a center for homeland security, shall include, but are not limited to, demonstrated expertise in—

''(i) The training of first responders.

''(ii) Responding to incidents involving weapons of mass destruction and biological warfare.

''(iii) Emergency and diagnostic medical services.

''(iv) Chemical, biological, radiological, and nuclear countermeasures or detection.

''(v) Animal and plant health and diagnostics.

''(vi) Food safety.

''(vii) Water and wastewater operations.

''(viii) Port and waterway security.

''(ix) Multi-modal transportation.

''(x) Information security and information engineering.

''(xi) Engineering.

''(xii) Educational outreach and technical assistance.

''(xiii) Border transportation and security.

''(xiv) The public policy implications and public dissemination of homeland security related research and development.

''(C) DISCRETION OF SECRETARY.—To the extent that exercising such discretion is in the interest of Homeland Security, and with respect to the designation of any given university-based center for homeland security, the Secretary may except certain criteria as specified in section 308(b)(2)(B) and consider additional criteria beyond those specified in section 308(b)(2)(B). Upon designation of a university-based center for homeland security, the Secretary shall that day publish in the Federal Register the criteria that were excepted or added in the selection process and the justification for the set of criteria that were used for that designation.

''(D) REPORT TO CONGRESS.—The Secretary shall report annually, from the date of enactment, to Congress concerning the implementation of this section. That report shall indicate which center or centers have been designated and how the designation or designations enhance homeland security, as well as report any decisions to revoke or modify such designations.

''(E) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this paragraph.

''(c) INTRAMURAL PROGRAMS.—

''(1) CONSULTATION.—In carrying out the duties under section 302, the Secretary, acting through the Under Secretary for Science and Technology, may draw upon the expertise of any laboratory of the Federal Government, whether operated by a contractor or the Government.''; and

(2) in subsection 835(d) by striking all after the word ''security'' and inserting in lieu thereof a period.

SEC. 102. NON-PREJUDICIAL REPEAL OF SECTIONS 1714 THROUGH 1717 OF THE HOMELAND SECURITY ACT OF 2002. (a) REPEAL.—In accordance with subsection (c), sections 1714 through 1717 of the Homeland Security Act of 2002 (Public Law 107–296) are repealed.

(b) APPLICATION OF THE PUBLIC HEALTH SERVICE ACT.—The Public Health Service Act (42 U.S.C. 201 et seq.) shall be applied and administered as if the sections repealed by subsection (a) had never been enacted.

(c) RULE OF CONSTRUCTION.—No inference shall be drawn from the enactment of sections 1714 through 1717 of the Homeland Security Act of 2002 (Public Law 107–296), or from this repeal, regarding the law prior to enactment of sections 1714 through 1717 of the Homeland Security Act of 2002 (Public Law 107–296). Further, no inference shall be drawn that subsection (a) or (b) effects any change in that prior law, or that Leroy v. Secretary of Health and Human Services, Office of Special Master, No. 02–392V (October 11, 2002), was incorrectly decided.

(d) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the Nation's ability to produce and develop new and effective vaccines faces significant challenges, and important steps are needed to revitalize our immunization efforts in order to ensure an adequate supply of vaccines and to encourage the development of new vaccines;

(2) these steps include ensuring that patients who have suffered vaccine-related injuries have the opportunity to seek fair and timely redress, and that vaccine manufacturers, manufacturers of components or ingredients of vaccines, and physicians and other administrators of vaccines have adequate protections;

(3) prompt action is particularly critical given that vaccines are a front line of defense against common childhood and adult diseases, as well as against current and future biological threats; and

(4) not later than 6 months after the date of enactment of this Act, the Committee on Health, Education, Labor, and Pensions of the Senate should report a bill addressing the issues described in paragraphs (1) through (3).

SEC. 103. GENERAL.—The Homeland Security Act of 2002 (Public Law 107–296) is amended—

(1) in subsection 232(f), by striking the period at the end of the sentence and inserting: '': Provided, That any such transfer or provision of funding shall be carried out in accordance with section 605 of Public Law 107–77.'';

(2) in subsection 234(b), by striking the period at the end of the sentence and inserting: '': Provided, That any such transfer shall be carried out in accordance with section 605 of Public Law 107–77.'';

(3) in subsection 873(b)—

(A) by inserting ''Except as authorized by section 2601 of title 10, United States Code, and by section 93 of title 14, United States Code,'' before the word ''Gifts'' in the second place it appears; and

(B) by striking the letter ''G'' and inserting in lieu thereof ''g'' in the word ''Gifts'' in the second place it appears;

(4) in subsection 1511(e)(2), after the word ''development'' and before the period, by inserting: '', and to any funds provided to the Coast Guard from the Aquatic Resources Trust Fund of the Highway Trust Fund for boating safety programs''; and

(5) at the end of the Act, by adding the following new section:

''SEC. 1714. Notwithstanding any other provision of this Act, any report, notification, or consultation addressing directly or indirectly the use of appropriated funds and stipulated by this Act to be submitted to, or held with, the Congress or any Congressional committee shall also be submitted to, or held with, the Committees on Appropriations of the Senate and the House of Representatives under the same conditions and with the same restrictions as stipulated by this Act.''.

SEC. 104. CONTRACTS WITH CORPORATE EXPATRIATES. (a) SHORT TITLE.—This section may be cited as the ''Senator Paul Wellstone Corporate Patriotism Act of 2003''.

(b) LIMITATION ON WAIVERS.—Section 835 of the Homeland Security Act of 2002 (Public Law 107–296) is amended by striking subsection (d) and inserting the following:

''(d) WAIVERS.—The President may waive subsection (a) with respect to any specific contract if the President certifies to Congress that the waiver is essential to the national security.''.

(c) EXPANDED COVERAGE OF ENTITIES.—Section 835(a) of such Act is amended by inserting ''nor any directly or indirectly held subsidiary of such entity'' after ''subsection (b)''.

SEC. 105. SAVINGS PROVISION OF CERTAIN TRANSFERS MADE UNDER THE HOMELAND SECURITY ACT OF 2002. The transfer of functions under subtitle B of title XI of the Homeland Security Act of 2003 (Public Law 107–296) shall not affect any pending or completed administrative actions, including orders, determinations, rules, regulations, personnel actions, permits, agreements, grants, contracts, certificates, licenses, or registrations, in effect on the date immediately prior to the date of such transfer, or any proceeding, unless and until amended, modified,

superseded, terminated, set aside, or revoked. Pending civil actions shall not be affected by such transfer of functions.

SEC. 106. RESTORATION OF PROVISION REGARDING FEES TO COVER THE FULL COSTS OF ALL ADJUDICATION SERVICES. The Homeland Security Act of 2002 is amended by striking section 457, including the amendment made by such section.

SEC. 107. SENSE OF THE SENATE. It is the sense of the Senate that the conferees on the part of the Senate on the disagreeing votes of the two Houses on this joint resolution should insist that the committee of conference ensure that the joint resolution as reported from the committee includes section 102 of division L relating to Homeland Security Act of 2002 Amendments, as passed by the Senate (relating to amendments to sections 1714 through 1717 of the Homeland Security Act of 2002 (Public Law 107–296)).

DIVISION M—OTHER MATTERS

TITLE I—DEFENSE RELATED TECHNICAL CORRECTIONS

SEC. 101. Section 8126 of Public Law 107–248 is amended to read as follows: ''Of the amounts appropriated in Public Law 107–206, under the heading 'Defense Emergency Response Fund', up to $4,500,000 may be made available to settle the disputed takings of property adjacent to the Army Tooele Depot, Utah: Provided, That none of these funds may be used to acquire fee title to the properties.''.

SEC. 102. Of the amounts appropriated in Public Law 107–248, under the heading ''Operation and Maintenance, Navy'', $20,000,000 shall be available for use only in the disposal of obsolete vessels in the Maritime Administration National Defense Reserve Fleet. Further, the Secretary of the Navy and the Secretary of Transportation shall report to the congressional defense committees no later than March 1, 2003, regarding the total number of obsolete vessels in the Maritime Administration National Defense Reserve Fleet designated for disposal, the comparative condition of the vessels, the method of disposal, and the projected costs for disposal of each vessel.

SEC. 103. Section 124 of Public Law 107–249 is amended as follows: ''Not more than $2,000,000 of the funds appropriated or made available by this Act may be obligated for Partnership for Peace Programs.''.

SEC. 104. In Public Law 107–249, the total amount appropriated under the heading ''Military Construction, Air Force'' is reduced by $18,600,000, and the total amount appropriated under the heading ''Military Construction, Air Force Reserve'' is increased by $18,600,000.

SEC. 105. (a) Of the funds appropriated in Public Law 107–249 for ''Military Construction, Air Force'', $15,000,000 for land acquisition at Nellis Air Force Base, Nevada, may be transferred by the Secretary of the Air Force to the United States Fish and Wildlife Service to fulfill the obligations of the Air Force under section 3011(b)(5)(F) of the Military Lands Withdrawal Act of 1999. Upon receipt by the Service of the funds transferred in this paragraph, the obligations of the Department of the Air Force shall be considered fulfilled.

(b) The United States Fish and Wildlife Service may grant funds received by the Service under subsection (a) in a lump sum to the National Fish and Wildlife Foundation for use in accomplishing the purposes of section 3011(b)(5)(F) of the Military Lands Withdrawal Act of 1999. Funds received by the Foundation under the previous paragraph shall be subject to the provisions of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3709(a)).

SEC. 106. Section 8040 of Public Law 107–248 is amended by striking ''$100,000'' and inserting ''$250,000''.

SEC. 107. Upon enactment of this Act, the Secretary of Defense shall make the following transfers of funds: Provided, That the amounts transferred shall be made available for the same purpose as the appropriations to which transferred, and for the same time period as the appropriation from which transferred: Provided further, That the amounts shall be transferred between the following appropriations in the amount specified:

To:

Under the heading, ''Procurement, Defense-Wide, 2003/2005'', $74,000,000; and

''Procurement, Defense-Wide 2002/2004'' $30,000,000;

From:

Under the heading, ''Procurement of Weapons and Tracked Combat Vehicles, Army 2002/2004'', $5,000,000;

''Procurement of Weapons and Tracked Combat Vehicles, Army 2003/2005'', $10,000,000;

''Procurement of Ammunition, Army, 2002/2004'', $10,100,000;

''Research, Development, Test and Evaluation, Army, 2002/2003'', $5,000,000;

''Research, Development, Test and Evaluation, Army, 2003/2004'', $60,000,000; and

''Research, Development, Test and Evaluation, Defense-Wide, 2003/2004'', $13,900,000.

SEC. 108. Notwithstanding any other provision of law, from funds made available to the Department of Defense under the heading ''Operation and Maintenance, Defense-Wide'' in the Department of Defense Appropriations Act, 2003 (Public Law 107–248), the Secretary of Defense shall award a grant in the amount of $2,000,000 to the Commonwealth of Pennsylvania for Quecreek Mine disaster rescue and recovery efforts.

SEC. 109. In addition to amounts appropriated in Public Law 107–248 there are hereby appropriated the following amounts for the following accounts:

''Operation and Maintenance, Army'', $133,947,000;

''Operation and Maintenance, Navy'', $55,013,000;

''Operation and Maintenance, Air Force'', $80,158,000;

''Operation and Maintenance, Defense-Wide'', $418,297,000;

''Other Procurement, Air Force'', $2,977,841,000;

''Procurement, Defense-Wide'', $32,975,000;

''Research, Development, Test and Evaluation, Navy'', $2,000,000;

''Research, Development, Test and Evaluation, Air Force'', $26,980,000; and

''Research, Development, Test and Evaluation, Defense-Wide'', $167,718,000.

SEC. 110. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414).

SEC. 111. (a) LIMITATION ON USE OF FUNDS FOR RESEARCH AND DEVELOPMENT ON TOTAL INFORMATION AWARENESS PROGRAM.—Notwithstanding any other provision of law, commencing 60 days after the date of the enactment of this Act, no funds appropriated or otherwise made available to the Department of Defense, whether to an element of the Defense Advanced Research Projects Agency or any other element, or to any other department, agency, or element of the Federal Government, may be obligated or expended on research and development on the Total Information Awareness program unless—

(1) the report described in subsection (b) is submitted to Congress not later than 60 days after the date of the enactment of this Act; or

(2) the President certifies to Congress in writing, that—

(A) the submittal of the report to Congress within 60 days after the date of the enactment of this Act is not practicable; and

(B) the cessation of research and development on the Total Information Awareness program would endanger the national security of the United States.

(b) REPORT.—The report described in this subsection is a report, in writing, of the Secretary of Defense, the Attorney General, and the Director of Central Intelligence, acting jointly, that—

(1) contains—

(A) a detailed explanation of the actual and intended use of funds for each project and activity of the Total Information Awareness program, including an expenditure plan for the use of such funds;

(B) the schedule for proposed research and development on each project and activity of the Total Information Awareness program; and

(C) target dates for the deployment of each project and activity of the Total Information Awareness program;

(2) assesses the likely efficacy of systems such as the Total Information Awareness program in providing practically valuable predictive assessments of the plans, intentions, or capabilities of terrorists or terrorist groups;

(3) assesses the likely impact of the implementation of a system such as the Total Information Awareness program on privacy and civil liberties; and

(4) sets forth a list of the laws and regulations that govern the information to be collected by the Total Information Awareness program, and a description of any modifications of such laws that will be required to use the information in the manner proposed under such program;

(5) includes recommendations, endorsed by the Attorney General, for practices, procedures, regulations, or legislation on the deployment, implementation, or use of the Total Information Awareness program to eliminate or minimize adverse effects of such program on privacy and other civil liberties.

(c) LIMITATION ON DEPLOYMENT OF TOTAL INFORMATION AWARENESS PROGRAM.—(1) Notwithstanding any other provision of law and except as provided in paragraph (2), if and when research and development on the Total Information Awareness program, or any component of such program, permits the deployment or implementation of such program or component, no department, agency, or element of the Federal Government may deploy or implement such program or component, or transfer such program or component to another department, agency, or element of the Federal Government, until the Secretary of Defense—

(A) notifies Congress of that development, including a specific and detailed description of—

(i) each element of such program or component intended to be deployed or implemented; and

(ii) the method and scope of the intended deployment or implementation of such program or component (including the data or information to be accessed or used); and

(B) has received specific authorization by law from Congress for the deployment or implementation of such program or component, including—

(i) a specific authorization by law for the deployment or implementation of such program or component; and

(ii) a specific appropriation by law of funds for the deployment or implementation of such program or component.

(2) The limitation in paragraph (1) shall not apply with respect to the deployment or implementation of the Total Information Awareness program, or a component of such program, in support of the following:

(A) Lawful military operations of the United States conducted outside the United States.

(B) Lawful foreign intelligence activities conducted wholly overseas, or wholly against non-United States persons.

(d) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Total Information Awareness program should not be used to develop technologies for use in conducting intelligence activities or law enforcement activities against United States persons without appropriate consultation with Congress or without clear adherence to principles to protect civil liberties and privacy; and

(2) the primary purpose of the Defense Advanced Research Projects Agency is to support the lawful activities of the Department of Defense and the national security programs conducted pursuant to the laws assembled for codification purposes in title 50, United States Code.

(e) DEFINITIONS.—In this section:

(1) TOTAL INFORMATION AWARENESS PROGRAM.—The term ''Total Information Awareness program''—

(A) means the computer hardware and software components of the program known as Total Information Awareness, any related information awareness program, or any successor program under the Defense Advanced Research Projects Agency or another element of the Department of Defense; and

(B) includes a program referred to in subparagraph (1), or a component of such program, that has been transferred from the Defense Advanced Research Projects Agency or another element of the Department of Defense to any other department, agency, or element of the Federal Government.

(2) NON-UNITED STATES PERSON.—The term ''non-United States person'' means any person other than a United States person.

(3) UNITED STATES PERSON.—The term ''United States person'' has the meaning given that term in section 101(i) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(i)).

TITLE II

PRICE-ANDERSON ACT AMENDMENTS

SEC. 201. SHORT TITLE.

This title may be cited as the ''Price-Anderson Amendments Act of 2002''.

SEC. 202. EXTENSION OF INDEMNIFICATION AUTHORITY.

(a) INDEMNIFICATION OF NUCLEAR REGULATORY COMMISSION LICENSEES.—Section 170 c. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(c)) is amended—

(1) in the subsection heading, by striking ''LICENSES'' and inserting ''LICENSEES''; and

(2) by striking ''August 1, 2002'' each place it appears and inserting ''August 1, 2017''.

(b) INDEMNIFICATION OF DEPARTMENT OF ENERGY CONTRACTORS.—Section 170 d.(1)(A) of the Atomic Energy Act of 1954 (42 U.S.C. 2210(d)(1)(A)) is amended by striking ''December 31, 2004'' and inserting ''August 1, 2017''.

(c) INDEMNIFICATION OF NONPROFIT EDUCATIONAL INSTITUTIONS.—Section 170 k. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(k)) is amended by striking ''August 1, 2002'' each place it appears and inserting ''August 1, 2017''.

(d) EFFECTIVE DATE.—The indemnification authority extended by this section shall apply to nuclear incidents occurring on or after August 1, 2002.

SEC. 203. MAXIMUM ASSESSMENT.

Section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) is amended—

(1) in the second proviso of the third sentence of subsection b.(1)—

(A) by striking ''$63,000,000'' and inserting ''$94,000,000''; and

(B) by striking ''$10,000,000 in any 1 year'' and inserting ''$15,000,000 in any 1 year (subject to adjustment for inflation under subsection t.)''; and

(2) in subsection t.(1)—

(A) by inserting ''total and annual'' after ''amount of the maximum'';

(B) by striking ''the date of the enactment of the Price-Anderson Amendments Act of 1988'' and inserting ''July 1, 2002''; and

(C) by striking ''such date of enactment'' and inserting ''July 1, 2002''.

SEC. 204. DEPARTMENT OF ENERGY LIABILITY LIMIT.

(a) INDEMNIFICATION OF DEPARTMENT OF ENERGY CONTRACTORS.—Section 170 d. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(d)) is amended by striking paragraph (2) and inserting the following:

''(2) In an agreement of indemnification entered into under paragraph (1), the Secretary—

''(A) may require the contractor to provide and maintain financial protection of such a type and in such amounts as the Secretary shall determine to be appropriate to cover public liability arising out of or in connection with the contractual activity; and

''(B) shall indemnify the persons indemnified against such liability above the amount of the financial protection required, in the amount of $10,000,000,000 (subject to adjustment for inflation under subsection t.), in the aggregate, for all persons indemnified in connection with the contract and for each nuclear incident, including such legal costs of the contractor as are approved by the Secretary.''.

(b) CONTRACT AMENDMENTS.—Section 170 d. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(d)) is further amended by striking paragraph (3) and inserting the following:

''(3) All agreements of indemnification under which the Department of Energy (or its predecessor agencies) may be required to indemnify any person under this section shall be deemed to be amended, on the date of enactment of the Price-Anderson Amendments Act of 2002, to reflect the amount of indemnity for public liability and any applicable financial protection required of the contractor under this subsection.''.

(c) LIABILITY LIMIT.—Section 170 e.(1)(B) of the Atomic Energy Act of 1954 (42 U.S.C. 2210(e)(1)(B)) is amended—

(1) by striking ''the maximum amount of financial protection required under subsection b. or''; and

(2) by striking ''paragraph (3) of subsection d., whichever amount is more'' and inserting ''paragraph (2) of subsection d.''.

SEC. 205. INCIDENTS OUTSIDE THE UNITED STATES.

(a) AMOUNT OF INDEMNIFICATION.—Section 170d.(5) of the Atomic Energy Act of 1954 (42 U.S.C. 2210(d)(5)) is amended by striking ''$100,000,000'' and inserting ''$500,000,000''.

(b) LIABILITY LIMIT.—Section 170e.(4) of the Atomic Energy Act of 1954 (42 U.S.C. 2210(e)(4)) is amended by striking ''$100,000,000'' and inserting ''$500,000,000''.

SEC. 206. REPORTS.

Section 170p. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(p)) is amended by striking ''August 1, 1998'' and inserting ''August 1, 2013''.

SEC. 207. INFLATION ADJUSTMENT.

Section 170t. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(t)) is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by adding after paragraph (1) the following:

''(2) The Secretary shall adjust the amount of indemnification provided under an agreement of indemnification under subsection d. not less than once during each 5-year period following July 1, 2002, in accordance with the aggregate percentage change in the Consumer Price Index since—

''(A) that date, in the case of the first adjustment under this paragraph; or

''(B) the previous adjustment under this paragraph.''.

SEC. 208. TREATMENT OF MODULAR REACTORS.

Section 170b. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(b)) is amended by adding at the end the following:

''(5)(A) For purposes of this section only, the Commission shall consider a combination of facilities described in subparagraph (B) to be a single facility having a rated capacity of 100,000 electrical kilowatts or more.

''(B) A combination of facilities referred to in subparagraph (A) is 2 or more facilities located at a single site, each of which has a rated capacity of 100,000 electrical kilowatts or more but not more than 300,000 electrical kilowatts, with a combined rated capacity of not more than 1,300,000 electrical kilowatts.''.

SEC. 209. APPLICABILITY.

The amendments made by sections 203, 204, and 205 do not apply to a nuclear incident that occurs before the date of the enactment of this Act.

SEC. 210. CIVIL PENALTIES.

(a) REPEAL OF AUTOMATIC REMISSION.—Section 234Ab.(2) of the Atomic Energy Act of 1954 (42 U.S.C. 2282a(b)(2)) is amended by striking the last sentence.

(b) LIMITATION FOR NOT-FOR-PROFIT INSTITUTIONS.—Subsection d. of section 234A of the Atomic Energy Act of 1954 (42 U.S.C. 2282a(d)) is amended to read as follows:

''d.(1) Notwithstanding subsection a., in the case of any not-for-profit contractor, subcontractor, or supplier, the total amount of civil penalties paid under subsection a. may not exceed the total amount of fees paid within any one-year period (as determined by the Secretary) under the contract under which the violation occurs.

''(2) For purposes of this section, the term 'not-for-profit' means that no part of the net earnings of the contractor, subcontractor, or supplier inures, or may lawfully inure, to the benefit of any natural person or for-profit artificial person.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall not apply to any violation of the Atomic Energy Act of 1954 occurring under a contract entered into before the date of enactment of this section.

DIVISION N—EMERGENCY RELIEF AND OFFSETS

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2003, and for other purposes, namely:

TITLE I—ELECTION REFORM

SEC. 101. (a) In addition to amounts otherwise made available in this Act, $1,500,000,000 is appropriated to establish an election reform grant program to provide assistance to States and localities in improving election technology and the administration of Federal elections.

TITLE II—AGRICULTURAL ASSISTANCE

SEC. 201. SHORT TITLE.

This title may be cited as the ''Agricultural Assistance Act of 2003''.

SEC. 202. DEFINITIONS.

In this title:

(1) COVERED COMMODITY.—The term ''covered commodity'' has the meaning given the term in section 1001 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7901).

(2) DISASTER COUNTY.—The term ''disaster county'' means a county included in the geographic area covered by a qualifying natural disaster declaration, excluding a contiguous county.

(3) ELIGIBLE NONINSURABLE COMMODITY.—The term ''eligible noninsurable commodity'' means an eligible crop for which the producers on a farm are eligible to obtain assistance under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333).

(4) INSURABLE COMMODITY.—The term ''insurable commodity'' means an agricultural commodity (excluding livestock) produced in an area that is eligible for coverage under a policy or plan of insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

(5) QUALIFYING NATURAL DISASTER DECLARATION.—The term ''qualifying natural disaster declaration'' means—

(A) a natural disaster declared by the Secretary under section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)); or

(B) a major disaster or emergency designated by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

(6) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

SEC. 203. SUPPLEMENTAL DIRECT PAYMENTS.

(a) IN GENERAL.—The Secretary shall make payments to producers on a farm if—

(1)(A) the farm is located in a disaster county declared during calendar year 2001 or 2002; or

(B) the producers on the farm have incurred qualifying crop losses with respect to the 2001 or 2002 crop of a covered commodity or peanuts due to damaging weather or related condition, as determined by the Secretary using the same loss thresholds for the quantity and quality losses as were used in administering section 815 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106–387; 114 Stat. 1549, 1549A–55); and

(2) the producers on the farm are eligible for direct payments for the 2002 crop of a covered commodity or peanuts under sections 1103 and 1303, respectively, of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7913, 7953).

(b) AMOUNT.—The amount of the payment made to the producers on a farm under this section shall be equal to 42 percent of the amount of the direct payment the producers on the farm are eligible to receive for the 2002 crop under sections 1103 and 1303, respectively, of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7913, 7953).

(c) CROP INSURANCE.—As a condition of the receipt of a payment under this section—

(1) in the case of an insurable commodity, the producers on the farm shall enter into a contract with the Secretary under which the producers on the farm agree—

(A) to obtain at least catastrophic risk protection coverage for each insurable commodity produced on the farm for each of the next 2 crop years for which crop insurance is available under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.), as determined by the Secretary; and

(B) on violation of the contract, to repay to the Secretary any payment received under this section; and

(2) in the case of an eligible noninsurable commodity, the producers on the farm shall enter into a contract with the Secretary under which the producers on the farm agree—

(A) to file the required paperwork, and pay the administrative fee by the applicable State filing deadline, for each eligible noninsurable commodity produced on the farm for each of the next 2 crop or calendar years (as applicable) under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333), as determined by the Secretary; and

(B) on violation of the contract, to repay to the Secretary any payment received under this section.

(d) ADMINISTRATION.—The total amount of payments made to a person under this section for 1 or more covered commodities, and the total amount of payments made to a person under this section for peanuts, shall not exceed the dollar amounts that are specified in paragraphs (1) and (2), respectively, of section 1001(b) of the Food Security Act of 1985 (7 U.S.C. 1308(b)).

(e) TIME FOR PAYMENT.—The Secretary shall make payments under this section as soon as practicable after the date of enactment of this Act.

SEC. 204. LIVESTOCK ASSISTANCE.

(a) LIVESTOCK ASSISTANCE PROGRAM.—Subject to subsection (c), in carrying out the 2002 Livestock Compensation Program announced by the Secretary on October 10, 2002 (67 Fed. Reg. 63070), the Secretary shall—

(1) provide assistance to any applicant that—

(A) conducts a livestock operation that is physically located in a county that requested a declaration as a disaster county during the period beginning on January 1, 2001, and ending on the date of enactment of this Act; and

(B) meets all other eligibility requirements established by the Secretary for the Program;

(2) provide assistance to producers of an animal described in section 10806(a)(1) of the Farm Security and Rural Investment Act of 2002 (21 U.S.C. 321d(a)(1)) that meet all other eligibility requirements established by the Secretary for the Program; and

(3) effective beginning on the date of enactment of this Act, carry out the Program using funds of the Commodity Credit Corporation.

(b) LIVESTOCK LOSS ASSISTANCE PROGRAM.—

(1) IN GENERAL.—Subject to paragraph (2) and subsection (c), the Secretary shall use $250,000,000 of funds of the Commodity Credit Corporation to establish a program under which payments for livestock losses are made using the criteria established to carry out the 1999 Livestock Assistance Program to producers for losses in a disaster county declared during calendar year 2001 or 2002.

(2) CHOICE OF PAYMENTS.—If the farm of the producers is located in a disaster county declared during each of calendar years 2001 and 2002, the producers on the farm may elect to receive payments under this subsection for losses associated with the qualifying natural disaster declaration in either calendar year 2001 or calendar year 2002, but not both.

(c) RELATIONSHIP OF LIVESTOCK ASSISTANCE PROGRAMS.—

(1) DEFINITION OF LIVESTOCK ASSISTANCE PROGRAM.—In this subsection, the term ''livestock assistance program'' means—

(A) the 2002 Cattle Feed Program announced by the Secretary on September 3, 2002 (67 Fed. Reg. 56260);

(B) the 2002 Livestock Compensation Program, as announced by the Secretary on October 10, 2002 (67 Fed. Reg. 63070) and modified in accordance with subsection (a); and

(C) the livestock loss assistance program established under subsection (b).

(2) PAYMENTS.—The amount of assistance that the producers on a farm would otherwise receive for a loss under a livestock assistance program shall be reduced by the amount of the assistance that the producers on the farm receive under any other livestock assistance program.

SEC. 205. EMERGENCY SURPLUS REMOVAL.

The Secretary shall transfer $250,000,000 of funds of the Commodity Credit Corporation to the fund established by section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), to carry out emergency surplus removal of agricultural commodities.

SEC. 206. SPECIALTY CROPS.

The Secretary shall use $100,000,000 of funds of the Commodity Credit Corporation to provide assistance to producers directly or through grants to States, or take such other action as the Secretary determines is appropriate, to assist producers of fruits and vegetables (including nuts).

SEC. 207. TOBACCO PAYMENTS.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE PERSON.—The term ''eligible person'' means a person that—

(A) owns a farm for which, irrespective of temporary transfers or undermarketings, a basic quota or allotment for eligible tobacco is established for the 2002 crop year under part I of subtitle B of title III of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1311 et seq.);

(B) controls the farm from which, under the quota or allotment for the relevant period, eligible tobacco is marketed, could have been marketed, or can be marketed, taking into account temporary transfers; or

(C) grows, could have grown, or can grow eligible tobacco that is marketed, could have been marketed, or can be marketed under the quota or allotment for the 2002 crop year, taking into account temporary transfers.

(2) ELIGIBLE TOBACCO.—The term ''eligible tobacco'' means each of the following kinds of tobacco:

(A) Flue-cured tobacco, comprising types 11, 12, 13, and 14.

(B) Fire-cured tobacco, comprising types 21, 22, and 23.

(C) Dark air-cured tobacco, comprising types 35 and 36.

(D) Virginia sun-cured tobacco, comprising type 37.

(E) Burley tobacco, comprising type 31.

(F) Cigar-filler and cigar-binder tobacco, comprising types 42, 43, 44, 54, and 55.

(b) PAYMENTS.—Not later than June 1, 2003, the Secretary shall use funds of the Commodity Credit Corporation to make payments under this section.

(c) POUNDAGE PAYMENT QUANTITIES.—

(1) IN GENERAL.—

(A) FLUE-CURED AND CIGAR TOBACCO.—In the case of Flue-cured tobacco (types 11, 12, 13, and 14) and cigar-filler and cigar-binder tobacco (types 42, 43, 44, 54, and 55), the poundage payment quantity under this section shall equal the number of pounds of the basic poundage quota of the kind of tobacco, irrespective of temporary transfers or undermarketings, under part I of subtitle B of title III of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1311 et seq.) for the 2002 crop year.

(B) OTHER KINDS OF ELIGIBLE TOBACCO.—In the case of each other kind of eligible tobacco, the poundage payment quantity under this section shall equal—

(i) in the case of eligible persons that are owners described in subsection (a)(1)(A), the number of pounds of the basic poundage quota of the kind of tobacco, irrespective of temporary transfers or undermarketings, under part I of subtitle B of title III of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1311 et seq.) for the 2002 crop year; and

(ii) in the case of eligible persons that are controllers described in subsection (a)(1)(B) or growers described in subsection (a)(1)(C), the number of pounds of effective poundage quota of the kind of tobacco, including temporary transfers or undermarketings, under part I of subtitle B of title III of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1311 et seq.) for the 2002 crop year.

(2) CONVERSION OF INDIVIDUAL ALLOTMENTS TO POUNDAGE PAYMENT QUANTITIES.—In the case of each kind of eligible tobacco other than Flue-cured tobacco (types 11, 12, 13, and 14) and Burley tobacco (type 31), individual allotments shall be converted to poundage payment quantities by multiplying—

(A) the number of acres that may, irrespective of temporary transfers or undermarketings, be devoted, without penalty, to the production of the kind of tobacco under the allotment under part I of subtitle B of title III of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1311 et seq.) for the 2002 crop year; by

(B)(i) in the case of fire-cured tobacco (type 21), 1,746 pounds per acre;

(ii) in the case of fire-cured tobacco (types 22 and 23), 2,676 pounds per acre;

(iii) in the case of dark air-cured tobacco (types 35 and 36), 2,475 pounds per acre;

(iv) in the case of Virginia sun-cured tobacco (type 37), 1,502 pounds per acre; and

(v) in the case of cigar-filler and cigar-binder tobacco (types 42, 43, 44, 54, and 55), 2,230 pounds per acre.

(d) AVAILABLE PAYMENT AMOUNTS.—The available payment amount for each kind of eligible tobacco under subsection (b) shall not exceed the amount obtained by multiplying—

(1) 5.55 cents per pound; and

(2) the national basic poundage quota for the applicable kind.

(e) DIVISION OF PAYMENTS AMONG ELIGIBLE PERSONS.—

(1) IN GENERAL.—Payments available with respect to a pound of payment quantity, as determined under subsection (d), shall be made available to eligible persons in accordance with this paragraph, as determined by the Secretary.

(2) FLUE-CURED AND CIGAR TOBACCO.—In the case of payments made available in a State

under subsection (b) for Flue-cured tobacco (types 11, 12, 13, and 14) and cigar-filler and cigar-binder tobacco (types 42, 43, 44, 54, and 55), the Secretary shall distribute (as determined by the Secretary)—

(A) 50 percent of the payments to eligible persons that are owners described in subsection (a)(1)(A); and

(B) 50 percent of the payments to eligible persons that are growers described in subsection (a)(1)(C).

(3) OTHER KINDS OF ELIGIBLE TOBACCO.—In the case of payments made available in a State under subsection (b) for each other kind of eligible tobacco not covered by paragraph (2), the Secretary shall distribute (as determined by the Secretary)—

(A) 33⅓ percent of the payments to eligible persons that are owners described in subsection (a)(1)(A);

(B) 33⅓ percent of the payments to eligible persons that are controllers described in subsection (a)(1)(B); and

(C) 33⅓ percent of the payments to eligible persons that are growers described in subsection (a)(1)(C).

(f) SPECIAL RULE FOR GEORGIA.—The Secretary may make payments under this section to eligible persons in Georgia only if the State of Georgia agrees to use $13,000,000 to make payments at the same time, or subsequently, to the same persons in the same manner as provided for the Federal payments under this section, as required by section 204(b)(6) of the Agricultural Risk Protection Act of 2000 (7 U.S.C. 1421 note; Public Law 106–224).

(g) JUDICIAL REVIEW.—A determination by the Secretary under this section shall not be subject to judicial review.

SEC. 208. COTTONSEED.

The Secretary shall use $50,000,000 of funds of the Commodity Credit Corporation to provide assistance to producers and first-handlers of the 2002 crop of cottonseed.

SEC. 209. HURRICANE ASSISTANCE.

(a) IN GENERAL.—In a State in a which a qualifying natural disaster declaration has been made during a calendar year, the Secretary shall make available to first processors that are eligible to obtain a loan under section 156(a) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272(a)) assistance in the form of payments, or commodities in the inventory of the Commodity Credit Corporation from carrying out that section, to partially compensate producers and first processors for crop and other losses that are related to the qualifying natural disaster declaration.

(b) ADMINISTRATION.—Assistance under this section shall be—

(1) shared by an affected first processor with affected producers that provide commodities to the processor in a manner that reflects contracts entered into between the processor and the producers; and

(2) made available under such terms and conditions as the Secretary determines are necessary to carry out this section.

(c) QUANTITY.—To carry out this section, the Secretary shall—

(1) use 200,000 tons of commodities in the inventory of the Commodity Credit Corporation under section 156(a) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272(a));

(2) make payments in an aggregate amount equal to the market value of 200,000 tons of commodities described in paragraph (1); or

(3) take any combination of actions described in paragraphs (1) and (2) using commodities or payments with a total market value of 200,000 tons of commodities described in paragraph (1).

(d) LIMITATIONS.—The Secretary shall provide assistance under this section only in a State described in section 359f(c)(1)(A) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359ff(c)(1)(A)) in which a qualifying natural disaster declaration was made during calendar year 2002.

SEC. 210. WEATHER-RELATED LOSSES.

The Secretary shall use not more than $80,000,000 of funds of the Commodity Credit Corporation to provide assistance to sugar beet producers that suffered production losses (including quality losses) for the 2002 crop year, as determined by the Secretary.

SEC. 211. ASSISTANCE TO AGRICULTURAL PRODUCERS LOCATED ALONG RIO GRANDE FOR WATER LOSSES.

(a) IN GENERAL.—The Secretary shall use $10,000,000 of funds of the Commodity Credit Corporation to make a grant to the State of Texas, acting through the Texas Department of Agriculture, to provide assistance to agricultural producers in the State of Texas with farming operations along the Rio Grande that have suffered economic losses during the 2002 crop year due to the failure of Mexico to deliver water to the United States in accordance with the Treaty Relating to the Utilization of Waters of the Colorado and Tijuana Rivers and of the Rio Grande, and Supplementary Protocol signed November 14, 1944, signed at Washington February 3, 1944 (59 Stat. 1219; TS 994).

(b) AMOUNT.—The amount of assistance provided to individual agricultural producers under this section shall be proportional to the amount of economic losses described in subsection (a) that were incurred by the producers.

SEC. 212. ASSISTANCE TO AGRICULTURAL PRODUCERS LOCATED IN NEW MEXICO FOR TEBUTHIURON APPLICATION LOSSES.

(a) IN GENERAL.—The Secretary shall use not more than $1,650,000 of funds of the Commodity Credit Corporation to reimburse agricultural producers on farms located in the vicinity of Malaga, New Mexico, for losses incurred during calendar years 2002 and 2003 as the result of the application by the Federal Government of tebuthiuron on land on or near the farms of the producers during August 2002, to remain available until expended.

(b) AMOUNT.—The amount of assistance provided to individual agricultural producers under this section shall be proportional to the amount of losses described in subsection (a) that were incurred by the producers.

SEC. 213. ADMINISTRATION.

Section 1232(a)(7)(A)(iii) of the Food Security Act of 1985 (16 U.S.C. 3832(a)(7)(A)(iii)) is amended by inserting before the semicolon the following: '', except that this clause shall not apply during the 2002 calendar year''.

SEC. 214. SENSE OF SENATE ON ASSISTANCE FOR PORK PRODUCERS UNDER THE FEED ASSISTANCE PROGRAMS.

It is the sense of the Senate that—

(1) weather-related disasters have caused economic distress for United States pork producers in the form of higher feed costs;

(2) feed assistance programs administered by the Secretary (such as the Livestock Assistance Program established under part 1439 of title 7, Code of Federal Regulations, and the 2002 Cattle Feed Program announced by the Secretary on September 3, 2002 (67 Fed. Reg. 56260)), have been very effective in—

(A) assisting cow-calf producers that have been negatively affected by weather-related disasters; and

(B) reducing Commodity Credit Corporation-owned stocks of powdered nonfat dry milk; and

(3) the Secretary, using authorities of the Commodity Credit Corporation, should expand feed assistance programs administered by the Secretary to include United States pork producers that are negatively affected by weather-related disasters.

SEC. 215. FUNDING.

(a) IN GENERAL.—The Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation to carry out this title, to remain available until expended.

(b) ADMINISTRATION.—The Secretary, acting through the Farm Service Agency, may use not more than $70,000,000 of funds of the Commodity Credit Corporation to cover administrative costs associated with the implementation of this title and title I of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7901 et seq.), to remain available until expended.

SEC. 216. REGULATIONS.

(a) IN GENERAL.—The Secretary may promulgate such regulations as are necessary to implement this title.

(b) PROCEDURE.—The promulgation of the regulations and administration of this title shall be made without regard to—

(1) the notice and comment provisions of section 553 of title 5, United States Code;

(2) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

(3) chapter 35 of title 44, United States Code (commonly known as the ''Paperwork Reduction Act'').

(c) CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.—In carrying out this section, the Secretary shall use the authority provided under section 808 of title 5, United States Code.

TITLE III—WILDLAND FIRE EMERGENCY

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

WILDLAND FIRE MANAGEMENT

For an additional amount to repay prior year advances from other appropriations transferred for wildfire suppression and emergency rehabilitation by the Department of the Interior, $189,000,000, to remain available until expended.

RELATED AGENCY

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

WILDLAND FIRE MANAGEMENT

For an additional amount to repay advances from other appropriations from which funds were transferred for wildfire suppression and emergency rehabilitation activities, $636,000,000, to remain available until expended. Of the funds provided, $70,000,000 shall be transferred to the Knutson Vandenburg fund, $30,000,000 shall be transferred to the Salvage Sale fund, $143,000,000 shall be transferred to the Land Acquisition account, $132,000,000 shall be transferred to the Capital Improvement and Maintenance account, $30,000,000 shall be transferred to the Timber Purchaser Election account, $77,000,000 shall be transferred to the State and Private Forestry account, $23,000,000 shall be transferred to the Forest and Rangeland Research account, $62,000,000 shall be transferred to the National Forest System account, $20,000,000 shall be transferred to the Brush Disposal Account, $30,000,000 shall be transferred to the Working Capital Fund of the Forest Service, $4,000,000 shall be transferred to the Receipts for Road and Trail fund, $1,000,000 shall be transferred to the Operations and Maintenance of Quarters fund, and $14,000,000 shall be transferred to the Forest Service Recreation Fee Demonstration fund.

TITLE IV—TANF AND MEDICARE

SEC. 401. Section 114 of Public Law 107–229, as amended by section 3 of Public Law 107–240 and by section 2 of Public Law 107–294, is amended—

(1) by striking ''the date specified in section 107(c) of this joint resolution'' and inserting ''September 30, 2003''; and

(2) by striking '': Provided further, That notwithstanding'' and all that follows through the period and inserting a period.

SEC. 402. SPECIFICATION OF THE CONVERSION FACTOR FOR PAYMENTS UNDER THE MEDICARE PHYSICIAN FEE SCHEDULE FOR 2003. (a) IN GENERAL.—Section 1848(d) of the Social Security Act (42 U.S.C. 1395w–4(d)) is amended by adding at the end the following new paragraph:

''(5) CONVERSION FACTOR FOR 2003.—

''(A) IN GENERAL.—Notwithstanding paragraph (4), the conversion factor established under this subsection for services furnished during the period beginning on March 1, 2003, and ending on September 30, 2003, shall be equal to the conversion factor established under this subsection for 2002.''.

''(B) NO EFFECT FOR SUBSEQUENT PERIODS.—The conversion factor under paragraph (1) and the update adjustment factor under paragraph (4)(B) for the portion of 2003 occurring after September 30, 2003, and before January 1, 2004, and for a year after 2003 shall be applied and computed as if subparagraph (A) had not been in effect.

''(C) CONFORMING PROVISIONS TO ENSURE NO EFFECT FOR SUBSEQUENT PERIODS.—In carrying out subparagraph (B):

''(i) NO EFFECT ON TARGET FOR ALLOWED EXPENDITURES.—The allowed expenditures under paragraph (4)(C)(iii) for the portion of 2003 occurring after September 30, 2003, and before January 1, 2004, and for years after 2003 shall be applied and computed as if subparagraph (A) had not been in effect.

''(ii) REMOVAL OF ADDITIONAL EXPENDITURES FROM ACTUAL EXPENDITURES.—In applying paragraph (4)(B) for the portion of 2003 occurring after September 30, 2003, and before January 1, 2004, and for years beginning with 2004, the actual expenditures for 2003 shall be—

''(I) the actual expenditures otherwise determined for 2003, reduced by

''(II) the portion of such expenditures in 2003 that are attributable to the increase in the conversion factor under subparagraph (A).

''(iii) NOT TREATED AS CHANGE IN LAW AND REGULATION IN SUSTAINABLE GROWTH RATE DETERMINATION.—The enactment of this paragraph shall not be treated as a change in law for purposes of applying subsection (f)(2)(D).''.

(b) CONFORMING AMENDMENTS.—Section 1848(d) of the Social Security Act (42 U.S.C. 1395w–4(d)) is amended—

(1) in paragraph (1)(A), by inserting ''and subject to paragraph (5)'' after ''with 2001'';

(2) in paragraph (4)(A), by inserting ''(including paragraph (5))'' after ''Unless otherwise provided by law'';

(3) in paragraph (4)(B), by inserting ''and paragraphs (5)(B) and (5)(C)'' after ''subparagraph (D)'' in the matter preceding clause (i); and

(4) in paragraph (4)(C)(iii), by striking ''The allowed expenditures'' and inserting ''Subject to paragraph (5)(C)(i), the allowed expenditures''.

SEC. 403. TEMPORARY EQUALIZATION OF URBAN AND RURAL STANDARDIZED PAYMENT AMOUNTS UNDER THE MEDICARE INPATIENT HOSPITAL PROSPECTIVE PAYMENT SYSTEM. (a) IN GENERAL.—Notwithstanding the determination of the applicable standardized amounts under paragraph (3)(A) of section 1886(d) of the Social Security Act (42 U.S.C. 1395ww(3)(A)), for purposes of making payments under such section for discharges occurring during the period beginning on April 1, 2003, and ending on September 30, 2003, the standardized amount applicable under such paragraph for hospitals located other than in a large urban area for that period shall be increased to an amount equal to the standardized amount otherwise applicable under such paragraph for hospitals located in a large urban area for that period.

(b) NO EFFECT ON PERIODS BEYOND SEPTEMBER 30, 2003.—The increase in the standardized amount for hospitals located other than in a large urban area provided for under subsection (a) for the period beginning on April 1, 2003, and ending on September 30, 2003, shall not apply to discharges occurring after such period, and shall not be taken into account in calculating the payment amounts applicable for discharges occurring after such period.

SEC. 404. EXTENSION OF TEMPORARY INCREASE FOR HOME HEALTH SERVICES FURNISHED IN A RURAL AREA. (a) IN GENERAL.—Section 508(a) of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (114 Stat. 2763A–533), as enacted into law by section 1(a)(6) of Public Law 106–554, is amended—

(1) by striking ''24-MONTH INCREASE BEGINNING APRIL 1, 2001'' and inserting ''IN GENERAL'';

(2) by striking ''April 1, 2003'' and inserting ''October 1, 2003''; and

(3) by inserting before the period at the end the following: ''(or 5 percent in the case of such services furnished on or after April 1, 2003, and before October 1, 2003)''.

(b) CONFORMING AMENDMENT.—Section 547(c)(2) of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (114 Stat. 2763A–553), as enacted into law by section 1(a)(6) of Public Law 106–554, is amended by striking ''the period beginning on April 1, 2001, and ending on September 30, 2002,'' and inserting ''a period under such section''.

SEC. 405. Section 136 of Public Law 107–229, as added by section 5 of Public Law 107–240, is amended by striking ''60 days after the date specified in section 107(c) of Public Law 107–229, as amended'' and inserting ''September 30, 2003''.

TITLE V—FISHERIES DISASTERS

SEC. 501. FISHERIES DISASTERS.—In addition to amounts appropriated or otherwise made available, $100,000,000 is appropriated to the Department of Commerce for fisheries disaster assistance. Not more than 5 percent of such funds may be used for administrative expenses, and no funds may be used for lobbying activities or representational expenses.

(a) WESTERN PACIFIC AND NORTH PACIFIC.—$5,000,000 shall be made available as a direct lump sum payment to the State of Hawaii for economic assistance to fisheries affected by federal closures or fishing restrictions and $35,000,000 shall be made available as a direct lump sum payment to the State of Alaska no later than 30 days after the date of enactment of this Act to make payments to persons or entities which have experienced significant economic hardship. Funds in Alaska shall be used to provide (A) personal assistance with priority given to food, energy needs, housing assistance, transportation fuel including subsistence activities, and other urgent needs; (B) assistance for small businesses including fishermen, fish processors, and related businesses serving the fishing industry; (C) and assistance for local and borough governments adversely affected by reductions in fish landing fees and other fishing-related revenue; and (D) product development and marketing.

(b) NORTHEAST AND WEST COAST.—$10,000,000 shall be made available to conduct a voluntary fishing capacity reduction program in the Northeast multispecies fishery and $10,000,000 shall be made available to conduct a voluntary fishing capacity reduction program in the West Coast groundfish fishery. Such sums shall supplement the voluntary capacity reduction program authorized for the fishery in Sec. 211 of Public Law 107–206 and be consistent with section 312(b) of the Magnuson-Stevens Fishery Conservation and Management Act and the requirements relating to the capacity program in section 211 of Public Law 107–206 that shall—

(1) permanently revoke all fishery licenses, fishery permits, area and species endorsements, and any other fishery privileges issued to a vessel or vessels (or to persons on the basis of their operation or ownership of that vessel or vessels) removed under the program; and

(2) ensure that vessels removed under the program are made permanently ineligible to participate in any fishery worldwide, and that the owners of such vessels will operate only under the United States flag or be scrapped as a reduction vessel pursuant to section 600.1011(c) of title 50, Code of Federal Regulations.

(c) GULF AND SOUTH ATLANTIC.—

(1) $17,500,000 shall be made available for assistance to the shrimp industries in the states of South Carolina, Georgia, North Carolina, and Florida in proportion to the percentage of the shrimp catch landed by each state for economic assistance to the South Atlantic shrimp fishery: Provided, That the State of Florida shall receive only that proportion associated with landings of the Florida east coast fishery; and

(2) $17,500,000 shall be made available for assistance to the shrimp industries in the states of Mississippi, Texas, Alabama, Louisiana, and Florida in proportion to the percentage of the shrimp catch landed by each state for economic assistance to the Gulf shrimp fishery: Provided, That the State of Florida shall receive only that proportion associated with landings of the Florida gulf coast fishery. Provided further, That 2 percent of funds received by each state shall be retained by the state for distribution of additional payments to fishermen with a demonstrated record of compliance with turtle excluder and bycatch reduction device regulations, and that the remainder of the funds may be used only for: (A) personal assistance with priority given to food, energy needs, housing assistance, transportation fuel, and other urgent needs; (B) assistance for small businesses including fishermen, fish processors, and related businesses serving the fishing industry; (C) domestic product marketing and seafood promotion; (D) state seafood testing programs; (E) development of limited entry programs for the fishery; (F) funding or other incentives to ensure widespread and proper use of turtle excluder devices and bycatch reduction devices in the fishery; and (G) voluntary capacity reduction programs for shrimp fisheries under limited access.

(d) BLUE CRAB FISHERY.—$5,000,000 shall be made available for assistance to blue crab fisheries affected by reduced harvests and sales of blue crab in proportion to the amount of the catch landed by each state, Provided, That such funds may be used only for: (A) personal assistance with priority given to food, energy needs, housing assistance, transportation fuel, and other urgent needs; (B) assistance for small businesses including fishermen, fish processors, and related businesses serving the fishing industry; (C) domestic product marketing and seafood promotion; and (D) state seafood testing programs: Provided further, That the Secretary of Commerce, in consultation with the Commandant of the Coast Guard, shall provide coordinated, enhanced and routine support for fisheries monitoring and enforcement through use of remote sensing, aircraft and communications assets, with particular emphasis on federal waters seaward of the coasts of South Carolina and Georgia, including the Charleston Bump closed area.

TITLE VI—OFFSETS

SEC. 601. (a) ACROSS-THE-BOARD RESCISSIONS.—There is hereby rescinded an amount equal to 1.6 percent of—

(1) the budget authority provided for fiscal year 2003 for any discretionary account in divisions A through K of this joint resolution; and

(2) the budget authority provided in any advance appropriation for fiscal year 2003 for any discretionary account in any prior fiscal year appropriations Act.

(b) PROPORTIONATE APPLICATION.—Any rescission made by subsection (a) shall be applied proportionately—

(1) to each discretionary account and each item of budget authority described in subsection (a); and

(2) within each such account and item, to each program, project, and activity (with programs, projects, and activities as delineated in the appropriation Act or accompanying reports for the relevant fiscal year covering such account or item, or for accounts and items not included in appropriation Acts, as delineated in the most recently submitted President's budget).

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess until 2:15 p.m.

Thereupon, the Senate, at 12:45 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Ms. MURKOWSKI).

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Madam President, I understand we are in morning business; is that correct?

The PRESIDING OFFICER. The Senator is correct.

EDUCATION

Mr. KENNEDY. Madam President, I welcome the fact that the leadership has given this time to express our strong views on a very important issue, the whole issue, the quality of education for the children of this country.

It was just about a year ago, Members—I see Senator REED of Rhode Island, Senator DODD from our committee—remember clearly this Nation came together, Republican and Democrat, to sign the No Child Left Behind Act, the gateway of opportunity, of progress, for academic achievement and accomplishment.

We all looked forward to smaller classes, better trained teachers, after-school programs. We looked forward to this with great hope and great anticipation. We looked forward to parental involvement so parents could understand how their children were learning in local schools, with greater accountability for students, for schools, for teachers and parents, and also for the Congress of the United States.

As we come to the time of the President of the United States speaking, if we listen carefully to what is happening all across this country, we will hear we have failed in our understanding and commitment to education and the administration has failed in giving life to our promises in the form of resources to make sure those promises are kept.

Listen to what the Governor of Delaware, Ruth Ann Minner, said recently: Delaware has asked local school districts to return $10 million from current year budgets. The impact of those kinds of budget-cutting measures takes a tremendous toll in providing enough teachers to continue progress to reduce class size, which is so important to the quality of education. Federal programs, such as No Child Left Behind or IDEA, implemented without adequate Federal funding—no matter that we share the goal and the vision—represent an empty promise.

We have had debates here on whether we have provided the resources or not. Let's listen to what is happening across the country.

In a Washington Post article today, it says Oregon today is on the verge of cutting 15 days, potentially 24 days, from its school year. The United States ranks 18th among the industrial nations in school year length. How can we expect American schoolchildren to learn in 180 days as much as Korean children learn in 220? And now Oregon may cut back to 165 days of the school year.

The New York Times reported on the impact on the children. Linda Pattison, a fourth grade teacher here uses her fingers to check off the lessons that she usually teaches but will skip. Her pupils will not study the metric system, arithmetic, electricity and science, nor Oregon's history and social studies. ''I can only compare this to my divorce,'' said the teacher.

More than 100 school districts in 8 States have moved to 4-day weeks to cut costs. Oklahoma City has cut bus service entirely for 1,000 students. In Barnstable, MA, they are charging an additional $200 for music education, $200 for busing, and $1,800 now for all-day kindergarten. In Centennial, MN, schools have upwards of 30 students per class. Class sizes have grown significantly in the last year. In Colton, OR, academic classes in the junior high have as many as 41 students per teacher. That's not education; that's crowd control.

I don't fault these communities. They are in a bind. Local schools cannot meet the high standards on a tin-cup budget.

I see my colleagues here. I think they would share with me the hope that tonight the President of the United States will make it clear that help is on its way to those families, to those teachers, to those parents; that we believe the investment in those children will make a real difference, in terms of our economy and in their ability to acquire skills. It will make a difference in terms of young people being able to make a difference for our society and for our democracy and for our leadership. This is something I hope, on the one hand, he will explain, why we have not been able to do it and, second, that he will have a change of mind and he will say—again, what I believe this President understands—what we have failed to follow through with, and that is that we are going to invest in our children and our children's education.

I thank our colleagues who are here. I see my friends from Rhode Island and Connecticut. I know they want to say a word on the subject.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Madam President, I rise to respond and echo the comments of Senator KENNEDY. A year ago, with much hope and great fanfare, we all looked at the signing of the No Child Left Behind Act as a positive step forward, a recognition that we could not simply sit back and let education in the United States continue on its then-current course.

We also hoped the great rhetoric would be matched with real resources. Sadly, those resources have not materialized. The President, only a few weeks after signing the bill, released his budget numbers for fiscal year 2003 which significantly reduced funding for the No Child Left Behind Act. In fact, the President's budget contained the smallest increase overall for education funding in years. A small increase, but nothing commensurate with the kind of expectations that were generated by the No Child Left Behind Act.

We fear—I fear—that that same reality will be visited upon us this evening in the State of the Union speech, and next week when the President releases this year's budget. There will be no significant increase overall in education spending.

The President may point to an increase in title I that he has advertised, a $1 billion increase. That would raise title I funding to $12.3 billion. But let me remind all who are listening, that $12.3 billion is about $6 billion less than the authorized figure in the No Child Left Behind Act.

I can remember the discussions, the debate when we were urging a level of title I funding that would be adequate to deal with the challenges we have placed on all the school districts in this country, to be accountable and to perform at a level that is equal to the challenges of this new and very demanding world we face. So the title I money is an increase, but it is insignificant compared to the target we established, agreed on, and fought for in the No Child Left Behind Act.

Mr. KENNEDY. Will the Senator yield?

Mr. REED. I am happy to yield.

Mr. KENNEDY. Seeing the Senator from Connecticut here, does my friend from Rhode Island remember that we had a specific vote? I believe it was a vote on a Dodd-Collins amendment, which ended up with 79 votes, Republicans and Democrats alike. Seventy-nine Senators voted for that full funding here on the floor of the Senate. Yet we were unable to get that kind of support from the administration. Republicans, Democrats alike here on the floor of the Senate said this is a priority for us. Does the Senator remember? This is not a partisan issue. We were joined, were we not, by Republican colleagues?

Mr. REED. Indeed, you are correct, I say to the Senator. We were joined by practically every Member of the Senate regardless of party and region. They believed, as we did, in the need for real resources, particularly for the title I program. What the President is proposing is more of a cosmetic increase in title I, rather than the kind of increase we need to do the job.

I was listening to Senator KENNEDY, my colleague from Massachusetts. He laid out the current dilemma of local school districts, where they are cutting class days, they are charging for transportation, they are charging for music education. That is in response to the current distressed economy. Don't forget, school districts are now required to do much more, by the Federal Government, by the No Child Left Behind

Act. They are in a situation where they have to cut costs. At the same time, they have to respond to more challenges, more mandates from the Federal Government. It is getting worse.

Mr. KENNEDY. Will the Senator yield for another point?

Mr. REED. I am happy to yield.

Mr. KENNEDY. I see we are joined by another member of the committee, the Senator from New York.

Would the Senator not agree with me, and I hope my colleagues would comment, one of the very sad aspects of this is, not only are they having the cuts, but where there are percentage cuts—which have taken place and which were initially proposed in my own State of Massachusetts—in the wealthier communities, they are making up the difference.

I have several illustrations which show how communities that have greater affluence are making up the difference of what they are getting shortchanged, but the poorer districts are once again left high and dry. In well-off Manhattan Beach, CA, parents and the district raised $1.4 million in private funding to pay for music and art staff and teacher aides. The average home in this district is worth $900,000. Also, in a wealthy Kansas City suburb, the Belinder Elementary School brought in proceeds from parent donations earlier this year to help pay the salaries of a nurse, counselor, and foreign language teacher. The efforts raised $78,000 in two weeks to pay for positions that would have been cut as the district faced a $6 million shortfall. But in poor communities, parental philanthropy is not an option—and the children in those communities will be left behind. In Boston, Massachusetts, principals were told to brace for a $60 million cut—and there is no hope for making up that money from somewhere else. According to Boston's Chief Operating Officer, Michael Contompasis, this means, ". . . humongous layoffs. Everything is on the table." So, again, those children who come from particularly trying and difficult or disadvantaged circumstances are paying even a higher price.

Mr. REED. I think that is absolutely right. I think the Senator from Connecticut might have a comment also, and I yield to him for a comment.

Mr. DODD. Madam President, I thank our colleagues from Massachusetts, New York, and Rhode Island who are here to talk about this issue. In just a few short hours from now we are going to hear the President address the Nation on the State of the Union. If you were to ask the question, what is the state of the union, to the average person, if the question were to be asked, I suppose, of the average family, you may get this sort of analysis: How secure is my family economically? Personally? What does our future look like? That is not a bad question, when you ask how are you doing.

When it comes to the issue of education, I think the answer has to be: Worried about how I see the future for my family and our children. I am relying on the Federal Government to be a supporter of basic needs in education.

You have to be able to listen to the rhetoric. You will hear a speech tonight. I presume it will be a good one. Presidents normally give pretty good speeches on the State of the Union. But I also think, as my colleagues pointed out, matching up the rhetoric, the language, with the action is critically important. It is the same as we would ask of anyone else. It is nice to hear words about diversity of higher education, nice to hear about making college more affordable, and leaving no child behind. But then you quickly have to ask, Now, what have you done to increase the diversity of our populations in higher education? What have you done or what are you doing to make higher education more affordable? And what, in fact, are you doing to see to it that no child is left behind in our elementary and secondary public school education system?

If you look at those three issues alone—as our colleagues already pointed out here, but it deserves being repeated—in the area of diversity, of course, we find the President attacking the affirmative action programs in the country.

My friend from Rhode Island is maybe in a unique position to talk about the United States military, the United States military academies, and what a remarkable job they have done. He is a graduate of West Point and was a distinguished officer in the United States Army for many years, as a professor at West Point. Certainly our military academies have demonstrated how having affirmative action perhaps has contributed significantly to the strength and well-being and diversity of our officer corps in the United States.

In fact, I would argue that the affirmative action programs in our military academies are exactly the affirmative action programs the President has attacked at the University of Michigan and elsewhere.

Second, I ask my colleagues from Rhode Island, New York, or Massachusetts, what has happened to make college more affordable? We have asked that Pell grants be supported. Yet the administration has said already—maybe they will change their mind tonight; I hope they do. Nothing would please me more than to have the President announce in the State of the Union tonight that he is supporting the full funding of the Pell grant program. I hope this evening he will talk about that.

Third, of course, our colleagues have already spoken out about the Leave No Child Behind legislation, with special education, where we are abysmally short. The White House did not stand up last year in support of special education and still continues to oppose the $4.6 billion necessary to meet the goals.

But my colleague may want to comment on the diversity issue, since he is a graduate of the West Point Academy and knows how important those programs have been to strengthening the United States military. I ask him whether or not that is the case.

Mr. REED. Reclaiming my time, whatever is left, I believe in fact that it is a model for the kind of program that recognizes talent, effort and initiative, but also considers that we want not just a student body at West Point, but also an officer corps in the Army that represents every segment of society. I also serve currently as Chairman of the Board of Visitors at West Point. We have the opportunity to review the admissions process every year.

Frankly, it is a success. The admissions policy at West Point provides an opportunity to broaden, diversify, and make better the institution with some very talented individuals.

Let me put it in perspective. I graduated in 1971. We had two African-Americans in my class. Today, African-Americans make up 8 percent of the student body. Frankly, the military has a larger representation of minorities than that 8 percent, but it represents an officer corps that is both diverse and, let me emphasize, talented. There is no sacrificing standards. There is no sacrificing ability. There is no sacrificing patriotism or anything else. We get wonderful people.

To me, affirmative action is not about quotas. It is about looking beyond just the people who want to show up in the front ranks because they have gone to good high schools, they have parents helping them along, and all the other things that lead them to even apply to West Point. It is about looking beyond that. It has been very successful.

I also suggest that it has been represented by the success of those young men and women in our military forces who are now general officers. The Commandant of Cadets of West Point today is an African-American officer, a graduate of West Point. That would have been exceptional 30 years ago.

Mr. DODD. If my colleague will yield, I asked someone once to define or describe affirmative action. They said: Senator, affirmative action is when someone tells you they can't find somebody, try again. If they still can't, try again.

What my colleague from Rhode Island is saying, when we talk about the success and the wisdom of affirmative action, it has been because of places such as West Point Academy and other of our military academies, where they have tried again to identify and find qualified students and consider them as enrollees to these universities where, in fact, they may have looked into a lot of issues other than just the simple criteria that you might apply to everyone else. As a result of that, they have been able to bring people into our academies. It is not a determining factor, but a factor, in considering the admissions to these academies. Is that not true?

Mr. REED. That is exactly correct.

Frankly, the other argument that is made against affirmative action programs is that they stigmatize the beneficiaries. That could not be further from the truth when it comes to the wonderful officers who have graduated from West Point, Annapolis, and the Air Force Academy. They walk out well qualified, well prepared, well trained. There is no stigma. It is with pride that they serve their country.

Mr. DODD. I thank the Senator.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Madam President, we have several Members who want to speak. Our time runs out at a quarter of the hour. I am told, because of the extraordinary circumstances that took place on Sunday afternoon, we would yield from 18 minutes to 15 minutes of the hour to our friend from Florida to make some comments about the world champion team. But I ask unanimous consent that the remaining time be divided between the Senators from New York, Maryland, and Vermont.

Mr. SARBANES. May I have 30 seconds?

Mr. KENNEDY. Yes, 30 seconds.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SARBANES. Madam President, I just want to say to the distinguished Senator from Massachusetts, in this chart about the President breaking his promise to the Nation's children about No Child Left Behind, and the budget, which fails to fund the No Child Left Behind legislation, that is being done in order to have a tax cut that will assure that no millionaire is left behind. That is exactly what has happened.

The President's commitment, with respect to budget priorities, is to give this huge tax break on dividends so that no millionaire will be left behind. Meanwhile, we are leaving behind tens of thousands of schoolchildren all across America.

I thank the Senator.

Mr. KENNEDY. The Senator is quite correct.

Madam President, the time up to 18 minutes before the hour I ask be divided between the Senator from New York and the Senator from Vermont. I hope the Senator from New York will comment about the increase in tuition. At the New York state universities, I understand it has increased 41 percent. I yield to the Senator.

Mrs. CLINTON. Madam President, the Senator from Massachusetts is correct. As is his custom, he has done his homework. He knows we are facing dire circumstances in New York. I know many other places around the country are as well.

But I want to focus, for my limited time, on what is going to happen in my State. News reports tell me that when the Governor addresses the budget—probably tomorrow—he will be announcing drastic cuts in education, totaling as much as $1.2 billion.

This is the first time in a decade that the New York education system will face an absolute cut in its budget. This is not that we are decreasing the amount of the increase; this is an absolute cut.

New York City, which I am sure you know, has a million children in the school system—some of the best kids you will ever meet, and also some of the poorest kids from some of the toughest circumstances.

New York City, which receives 40 percent of the State education funds, stands to lose almost $500 million. How will that be dealt with? You know how it is going to be dealt with. We are going to be laying off teachers. We are going to be putting more children into already crowded classrooms. We are going to be limiting opportunities for advanced placement classes, for lab classes, for the extra kinds of credits in classes that particularly needy children need.

We are going to be looking at delays and actually the stopping of maintenance and other repairs, so that we are going to have not only overcrowded classrooms, overcrowded schools, with very few of the teachers who are needed, but we are going to be basically sending a message to our kids that: You remember that rhetoric. Remember that bill that was signed about Leave No Child Behind? Well, you are not in that group. We don't know how we define that group anymore because we sure are not talking about the million kids in the New York City school system or the hundreds of thousands of kids in Buffalo and Rochester, and Syracuse, and Albany, and Binghampton, and Elmira, and out on Long Island—kids who are going to get left behind.

What is the alternative to all these drastic cuts? It is to try to raise the local taxes to make up for both the Federal and State cuts. I have to tell you, first of all, many parts of New York already do a tremendous job in trying to provide the best quality education for the children in their schools. I live in a community that proudly pays very high property taxes because of what we then can provide to the children from this community. But many places will not be able to do that. At a certain point, the kind of disconnect between bold pronouncements about cutting Federal taxes—which have the impact of forcing States to make very difficult decisions, which have the further impact of forcing local communities either to do without essential services or to raise their taxes—somehow that old shell game is going to get exposed; and so it should.

We were promised, when we passed Leave No Child Behind, that the resources would be there. That promise is being broken. Yes, it is. It is being broken. By breaking it, we are leaving millions and millions of children behind. And as the Senator from Massachusetts so well knows, we are leaving many children in New York behind.

So I hope we will try to redress this extraordinary decision and, similarly, that we will look at what is going to happen in postsecondary education where the Pell grant has lost its purchasing power, where in a State such as ours we are slashing tuition assistance programs plus increasing tuition at the same time.

Something has to give. And what will give is that thousands of students will leave our institutions of higher learning because they will not be able to afford to stay. I think that is a bad bargain for New York and a bad bargain for America.

I appreciate the distinguished Senator from Massachusetts allowing me to express specifically the concerns I have about my State.

Mr. KENNEDY. As I understand, in about 2 minutes the Senator from Florida will be recognized, and after that the Senator from Vermont.

There are just two items I want to mention and repeat. One is that in Oregon we have now about 180 days of education. Some districts are thinking of going to 165 days. If all of the school districts in our country were to follow this example, that would put us as 23rd in the world in terms of the amount of time children are studying in school—where we talk about being No. 1. We talk about being No. 1? We are penalizing our children.

But a second point. And the Senator spoke very eloquently about the increase in tuition.

Does the Senator not agree with me that today the indebtedness of students who come primarily from working families, who have the ability, the academic desire to succeed and excel, are now indebting themselves three times what they were just 10 years ago because of the escalation in tuitions? And therefore, we are saying to a whole group of sons and daughters of working families, that in effect, the opportunity for education, even though you have the ability and the academic success, you will effectively be denied continuing education?

Mrs. CLINTON. The Senator is absolutely accurate. The problem is made even worse by a phenomenon that has occurred over the last several years where much of the aid that the colleges themselves have provided has gone away from need-based aid to so-called merit-based aid. So students who come from families such as mine are meritorious—and I am very proud of that—but then they are taking those dollars, those very scarce collegiate scholarship dollars, they are taking them, when they don't need them, and thereby depriving other students who do need them from that access. So it is both the Federal and State programs and even the colleges' own programs which, combined, are leaving hundreds of thousands of worthy, meritorious, needy students behind.

We are doing it on both ends of the education spectrum. As the Senator so well knows, we are setting ourselves up for a very unfortunate set of circumstances.

If you ask the question: How does this country become richer, safer,

smarter, and stronger?—any list of answers that has any basis in evidence, fact, or logic will tell you, investing in education. We know investing in education increases the lifelong earnings of college graduates by $600,000. Every year of postsecondary education will provide between 5 to 15 percent more in annual earnings. Yet here we are closing the door to college education, basically telling a lot of kids who depend on loans, depend on grants, depend upon increasing student debt: I am sorry; you are not in our plans for the future.

That is a terrible mistake for this country to make.

Mr. DODD. Will my colleague yield on that point?

The PRESIDING OFFICER. The Senator from Massachusetts has 2 minutes remaining.

Mr. KENNEDY. I think we had an agreement that the Senator from Florida was yielded my time so he can make an important statement about the Buccaneers.

Mr. DODD. Who are the Buccaneers?

Mr. NELSON of Florida. Mr. President, in the midst of these deadly serious subjects that we are talking about, I want to bring a little bit of levity and a bright spot from an extraordinary football game that has now caused the world champions to have the sun especially shining brightly in the State of Florida and, in particular, in the Tampa Bay region.

This resolution commends the Tampa Bay fans because they have been so faithful over the years. This is a miracle. It is a miracle that it has finally happened to the Tampa Bay Buccaneers and, oh, do they deserve it—the most valuable player of the game, the best NFL defensive player, the best defensive record in the whole league, the quarterback himself being from Florida.

I could go on and on. But just to cap off my statement of offering a little lightheartedness to an otherwise very serious day is to point out that I went to the junior Senator from California, as the junior Senator from Florida, to say: Is it worth it to you before the game to have a little friendly wager?

We had a crate of Florida oranges versus a 25-pound box of California almonds. I said: Why don't you throw in a little Napa Valley chardonnay as well.

I am going to be enjoying that. Our staff will be enjoying it, for the sake of all of our people in Florida who have a big smile on their face.

I yield the floor.

The PRESIDING OFFICER. The time controlled by the Senator from Massachusetts has expired. The next 20 minutes will be controlled by the Senator from Vermont and the Senator from California.

Mr. JEFFORDS. I yield 5 minutes to the Senator from Connecticut.

EDUCATIONAL INVESTMENT

Mr. DODD. I want to address a question to our colleague from New York and also my colleague from Vermont. What I am about to say is also something he has talked about in the past. We are often told we are now in a period of international crisis and that resources cannot really be allocated as much as we would like for education given these other demands.

Certainly my colleagues are aware, historically, some of the most significant investments we have made as a nation in terms of education have occurred right in the midst of some of our most significant crises as a country.

In 1787, shortly after the American Revolution, at a time when there was great demand for resources, we insisted that land be set aside in new territories, specifically the Federal Government did, for institutions of higher learning. Right in the middle of the Civil War, there was the Morrill Act, authored by a Senator from Vermont, that created the land grant colleges. Here we were in the greatest crisis in the history of the United States, and yet the Congress and the President in the midst of all of that believed we ought to be doing everything we could to establish land grant colleges.

Then, of course, prior to the end of World War II, the GI bill is another example. Here is a nation at war and demand for resources are great; our Nation is in peril, although it was toward the end of the war. Yet the Congress and the President thought it was so critically important that we allocated resources for furthering the advancement of higher education.

I don't know if my colleagues would like to briefly respond to that point.

Mrs. CLINTON. I would respond in support of the observations that the Senator from Connecticut has made. It is deeply troubling to me that in the current atmosphere in which we find ourselves, the first victim seems to be the future.

We are shortchanging the future and, in particular, we are shortchanging our children. I don't believe any previous generation of Americans, as the Senator has illustrated, has ever done this before. We are about to become the first generation that deliberately, intentionally, will leave our children worse off than we were.

I find that absolutely mind-boggling. I cannot even grasp it. We talk about our parents, the greatest generation, who sacrificed, who planned for the future, who made big investments in education, in highways, in research and development, in infrastructure, in health care, and here we are about to dismantle the work they so carefully put into place, starting with education but by no means ending there.

It is a moment of real concern and should be talked about, not just in this Chamber but throughout our country. What is it exactly we intend to leave our children besides a more dangerous world and a pile of debt?

Mr. DODD. I thank my colleague for her answer. She is absolutely correct. It would be a unique and historic tragedy if we were the first generation to not fulfill its obligations to the coming generation.

I said the Homestead Act. It was the Northwest Ordinance of 1787 that was an example of a country in crisis that still found time to invest in its educational needs. I don't know if my colleague from Vermont wanted to comment on that as well. It was Senator Morrill from Vermont who created the land grant colleges. The University of Connecticut was one of the beneficiaries of that idea. Right in the middle of the Civil War, Abraham Lincoln and the Congress said: We ought to be investing in the educational needs of the Nation, and authored that legislation. I know my colleague from Vermont has spoken eloquently for and fought for higher education. I thought he might want to comment on those decisions.

Mr. JEFFORDS. Vermont is proud of the fact that it has provided leadership throughout the centuries, and the Morrill Act did more for expanding the ability of education for our young people to strengthen this Nation than any other action that has been taken since.

I thank the Senator for bringing up the history, especially relative to my own State.

STATE OF THE UNION

Mr. JEFFORDS. Mr. President, as the President prepares to address the Nation, I hope he will remember that homeland security starts here at home, and that he addresses the critical domestic priorities facing our Nation at this time. Today, very briefly, I want to discuss a few of those priorities.

In last year's State of the Union Address, the President highlighted his and Congress's bipartisan efforts on education. He discussed how education was integral to having a secure Nation with a well-educated and trained workforce that would grow and strengthen our economy.

President Bush said:

> Good jobs begin with good schools, and we've made a fine start.

But you cannot educate our children on the cheap, and I am afraid that is what the President is asking our Nation's educational system to do. Last year's Bush administration budget was the worst education budget in 7 years.

The Bush budget fell $7 billion short of the resources promised in the No Child Left Behind Act, and it cut funding for the legislation's initiatives by $90 million. It also proposed less than half of the Federal commitment to special education. This $11 billion shortfall negatively affects all of our public school students and shifts billions of dollars more to local property taxes.

At the same time, our communities are being forced to make decisions on defraying education budget shortfalls. Some schools are having to cut days off of their years and time off for the students. That is a crisis that should not

happen. Some school districts are considering shortening the school year in order to be able to live within their budget. Some schools no longer have money to hire substitute teachers for the remainder of the school year.

We have a responsibility to ensure that every individual has the opportunity to receive a high-quality education, from prekindergarten to elementary and secondary, to special education, to technical and higher education and beyond. Unfortunately, any gains that have been made in education achievement are currently in jeopardy due to the lack of funds at the local, State, and Federal levels.

There is nothing more important to our Nation's future, to our homeland security, and to our economy than ensuring we have a top-notch educational system that is the envy of the world.

I call on the Bush administration to make education funding and our children's future a higher national priority.

THE ENVIRONMENT

Mr. President, I also want to briefly discuss the Bush administration's record on environmental issues.

As the ranking member of the Senate Environment and Public Works Committee, I am sorry to report that the Bush administration continues to move us backward instead of forward in our efforts to protect our environment.

Weekly, usually on Friday afternoons, when the press is all asleep, or whatever, the Bush administration stages the below-radar attacks on public health and the environment. The administration ignores the abundant proof of imminent and long-term threats from pollution that endanger our lives and our ecosystems.

Today and every day since the administration took office, approximately 82 people will have died prematurely due to sickness and lung disease caused by fine particulate matter from powerplant pollution, which could and should be prevented.

Today and every day since the administration took office, up to 160 acres of vital wetlands have been converted for development or paved over. Instead of trying to slow the rate of wetlands destruction, the administration is seeking to ease existing wetlands protection.

Today and every day since the administration took office, the Nation adds around 16 million tons of carbon dioxide to the atmosphere, each year contributing 25 percent of the world's total carbon. This raises the risk and threat of global warming.

Shortly after being sworn in, the President reversed his commitment to control greenhouse gases and has not looked back once. I am afraid the Bush administration's environmental policies have been more focused on protecting the special interests than protecting the air and water and land that we all share.

In closing, on the issues of education funding and the environment, I am afraid our Nation has taken two steps back rather than one step forward. I can only hope that for the good of this Nation we can come together and once again move this Nation in the right direction.

How much time do I have?

The PRESIDING OFFICER. The Senators have 10 minutes of their 20 minutes remaining.

Mr. JEFFORDS. I reserve the remainder of our time.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Madam President, Senator REID asked if I could extend this time until 3:30. I make that unanimous consent request.

The PRESIDING OFFICER. The Chair, in my capacity as a Senator from Alaska, objects.

CONCERNS OF CALIFORNIANS

Mrs. BOXER. All right. Madam President, I was here earlier to discuss the State of the Union as I saw it in California, and I reported that my constituents—Democrats, Republicans, Independents, young, and old—are very anxious about where we are. They are anxious when they see that we had a surplus that, in 2 short years, has turned into a raging deficit. They are anxious that we are on the brink of war without a lot of our allies coming along. They are anxious about their pension plans. Many are having to work longer and harder because of what happened with the stock market losing trillions of dollars in value. They are anxious about seeing a Nation that has lost its way on foreign policy and domestic policy. They have asked me to address some of these issues in every way that I can.

This afternoon, I am here to address the issue of the environment. I am very proud that Senator JEFFORDS is here on the floor, because he is fighting very hard for clean air. He has introduced legislation—the Clean Power Act—to take on the challenges we face with 2 billion tons of carbon dioxide, which causes global warming; 45 million tons of mercury, which poisons fish and endangers the health of children and pregnant women; 6 million tons of nitrogen oxide, which creates smog and causes asthma; and 13 million tons of sulfur dioxide, which causes acid rain, premature death, and lung disease. He has authored a very good bill to cure this problem.

The administration is not supporting his bill. They have written their own bill called ''Clear Skies.'' Many I know are calling it ''dirty skies.'' If we would just leave the Clean Air Act intact, as it is, we would clean up the air far faster than this administration rollback. That is just one more example of a series of rollbacks that we are seeing done by this administration.

Frankly, the people of California, from both political parties, who cherish their environment, love to see the ocean, the forests, the lakes, and the rivers, and they cherish clean air. We have made so much progress and we want the Clean Water Act to stand intact. They are anxious, they are concerned, and they are puzzled as to why this administration is turning its back on Presidents—Republicans and Democrats, starting with Teddy Roosevelt who made the environment a nonpartisan issue, and President Eisenhower who said the Alaskan Wildlife Refuge should be left intact, and President Nixon who created the Environmental Protection Agency, and President Clinton who did so many far-reaching things on the environment, protecting acres of land of roadless, beautiful areas, and used his executive pen to make sure that beautiful areas of our country are off limits to special interests because we believe when we got this land from God that it is our responsibility to preserve it and leave it in better condition than we found it.

We take this very seriously in California. This is not a partisan issue. I have people who voted for President Bush coming up to me and tugging at my sleeve: What is the matter with this administration?

Every Friday, late at night, when the press operations have shut down, they are making yet another rollback. The people in my State want me to fight against it, and I intend to do so.

Let's talk about this attack in specifics. One in every four Americans lives within 4 miles of a Superfund site. This chart has little dots that represent Superfund sites. Seventy million Americans live within 4 miles of a Superfund site. Ten million of those are children who are at risk of cancer and other health problems.

My State happens to have the second highest number of sites after New Jersey, but as we can see, there are sites in almost every State in the Union. These Superfund sites are dangerous. They include chemicals such as arsenic, benzene, DDT, and brain-damaging toxins like lead and mercury.

In 1980, Congress enacted the Superfund law. During the last 4 years of the Clinton administration, an average of 87 final cleanups occurred each year. Let's look at what is happening under George Bush. Half of those sites are being cleaned up. Worse than that, who is now paying? Under Bill Clinton and under Republican Presidents before him, including George Bush's father, we taxed the polluters. The polluters paid to clean up their mess.

When I was growing up, my mother always said: Clean up your mess. She did not want to hear me say: It is somebody else's responsibility, mom. It is not mine.

Wrong. If you make a mess, you clean it up. Simple. That goes for polluters. That is why we set up the Superfund. The polluter pays was the rule of the day.

Now what is happening? This President does not support the Superfund fee on the biggest polluters. We see where the taxpayers used to pay only

18 percent of the cleanup costs, in this year are going to pay 50 to 54 percent of the cleanup costs. After this year, there will be almost nothing left in the Superfund, and this will be 100-percent paid for by taxpayers at a time when this President is depleting the money we already have by giving tax cuts to the people who earn over a million dollars a year, who do not need it.

So what is wrong with this picture? This President refuses to stand behind a bipartisan effort to reinstate the Superfund fee. I have introduced the bill with Senator CHAFEE, a Republican. This President will not support that and instead supports using general taxpayer funds to clean up Superfund sites.

Polluter pays is a principle that has worked. It has been supported by people of both parties and Presidents of both parties. It seems to me our people are in danger, and this administration is walking away from the Superfund.

I want to talk a little bit about clean water because this is very important. The Bush administration is working to remove Federal protection from many waters, including many creeks, streams, small ponds, and wetlands. These bodies of water have long been protected by the Clean Water Act. There was a rule published late in the day, and the effect of the rule is that 20 to 30 percent of our bodies of water could be exempted from the Clean Water Act. Why on earth would anyone want to do that when we see the results of the Federal Government's now saying that 20 to 30 percent of our water bodies no longer are covered by the Clean Water Act will be more polluted waterways? We already know the Nation's waters are getting dirtier, and almost half of our lakes, streams, rivers, and coastal estuaries are not safe for fishing, for swimming, or for boating.

How many people have taken their children on a vacation only to go down to a lake, go down to an ocean and find the sign, ''Polluted. You may not enter this body of water''?

We will kill off the remaining populations of 43 percent of endangered or threatened species that rely on wetlands for survival. We will deplete drinking water sources.

Mr. President, I ask about the time. My understanding from Senator HARRY REID was we had time until 3:15. He asked me if I could then extend that to 3:30. No one is on the floor from the other side. Because there is no one on the other side, I ask unanimous consent—and I think if I do not get that unanimous consent, it says to me that people on the other side of the aisle, the Republicans, are not interested in allowing free speech to move forward. There is no one in the Chamber. I am happy to cease and desist when the next speaker comes. I ask unanimous consent that until another speaker comes that I be able to complete my remarks on the war on the environment that is going on each and every day, that is hurting our air, hurting our water, hurting our country.

The PRESIDING OFFICER (Mr. CRAPO). I have been advised by the leadership of the majority that they do intend to use their time, and so in my capacity as a Senator from Idaho, I object to the request.

Mrs. BOXER. I once more ask unanimous consent that I be able to speak until the next speaker comes to the floor.

The PRESIDING OFFICER. Under the previous rules, the Senator from California's time has expired. However, her side has until 3:15. She may ask unanimous consent to use that time.

Mrs. BOXER. That is what I have been doing.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator has until the hour of 3:15 or until a Senator from her side wants to claim that time.

Mrs. BOXER. I have been asked to take that time. That is what I was trying to convey to my friend. I ask for an additional 2 minutes because it took 2 minutes for the Chair to figure out that I actually could take HARRY REID's time. Would that be all right?

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. I thank the Chair.

Mr. President, I am very feisty today because I see an attack on our environment. I want to make the case, and I am going to try to do it in the remaining 7, 8, or 9 minutes I have.

If we move away from the Clean Water Act, what we will see is more polluted waters, more waterborne illness, higher drinking water filtration costs, more flooding, fish kills, and impaired sports fishing—that is why we have so many sports fishermen with us—fewer waterfowl and less recreational hunting. That is why we have so many recreational hunters with us as we try to resist this move to remove bodies of water from the Clean Water Act.

We will see reduced tourism, less spending on bird watching, ecotourism, and wildlife photography. I know my colleague understands the importance of tourism to our States. People come to see the beautiful wildlife, have a hunting or fishing trip, to take photographs, to show their children what wildlife really is. It is a hard time for those of us who believe so much that protecting the environment is a bipartisan issue.

I want to talk about something that is very near and dear to my heart because when I came to the House of Representatives in the 1980s, we learned that 100,000 dolphin were being killed every year because of destructive fishing practices, including Purse-Seining on dolphin. Many people now know what that is because Greenpeace called it to the world's attention. When tuna swim, they swim underneath the dolphin, and so unless one is really careful, they are going to throw their nets over the dolphin, and the dolphin are going to be killed or harmed. This practice was occurring in the 1980s. One hundred thousand dolphin were being killed each and every year because of dolphin deadly methods of fishing.

I have to say the young people of America turned the tide because kids would say to their parents: This is wrong to do to the dolphin, and if it means we are not going to take a tuna sandwich in our lunch, fine. We will boycott tuna until the tuna fishermen catch the tuna in a way that does not harm the dolphin.

Happily, the Congress passed the law I wrote. All the law said was we should create a label called a ''dolphin safe'' label, and if the tuna in that can was caught in a way that did not harm the dolphin, the manufacturer could, in fact, put that on the can.

What happened as a result of that legislation? By the way, it costs no money at all. It was just letting the consumer know the truth. The dolphin kill went down to 2,000 a year from 100,000 a year. That was because of the ''dolphin safe'' label of 1990.

The label was not that well respected. In about 1997, there were moves to weaken it. Basically, we held firm. Now the Commerce Department under George Bush has decided, forget all that, you can use the ''dolphin safe'' label even if you go back to purse seining on dolphin—as long as no one saw any dolphin die.

Scientific studies say that just does not work. When you harass the dolphin and you use the helicopters and you chase the dolphin and you torment the dolphin, we know what happens. They are not reproducing and they are not healthy. Yet this Bush administration wants to change the label. Now, fortunately, groups have gone to court and gotten the administration to guarantee that it will not change the meaning of ''dolphin safe'' until the court has examined this issue. For the moment, the ''dolphin safe'' label stands.

I put the administration on notice: If they persist in this, we will start another boycott. Americans do not agree with the administration putting free trade ahead of the dolphin. I can state that 75 percent of Americans want to make sure that label means something.

I have been in public life having first been elected in the 1970s, and I have always been a fighter for a clean and healthy environment. In all the years I have been in office, I have never seen such an attack on the environment. I have a list of every single attack on the environment this administration has made. It is published. We did it in chart form. We have four charts. Each shows repeals or rollbacks of an environmental law or regulation. It can be found on the NRDC Web site. If I were to have it on a piece of paper, it would roll out 32 feet.

Two hundred rules and regulations have been rolled back by this administration against the will of the American people, many of them on Friday afternoon. I am here to say on behalf of

many on this side of the aisle—and some on the other—we believe protecting the environment is an American value.

It is not a Democratic value or a Republican value, it is an American value. We cherish our God-given environment. We cherish our forests, our streams, our lakes, our oceans. We believe it is important we keep the air clean, the water clean.

We will continue to come to the floor and make the case that this is the most anti-environmental administration in recent history. It is amazing when we compare contributions of a Republican President, Teddy Roosevelt, a Republican President, Richard Nixon, a Republican President, George Bush 1—who, by the way, said we should test poor children for lead in their blood. That is important to find out if they are sick or healthy. If they have lead in their blood, we should take action. This President tried to repeal that rule until we called him on it and pointed out it costs $13 a child and he stopped it. He tried to say we should not try to take arsenic out of water. We called him on it.

Mr. President, the state of the Union is anxious—anxious about the economy, it is anxious about jobs. It is anxious about a number of things: The possibility of war; it is anxious about a foreign policy that is in totally different directions where one country has inspections going on and we don't trust the leader of that country, we are ready to go against him, and another country has nuclear weapons and we are going to resolve that diplomatically. The country is anxious. They are anxious about the state of their environment. They do not want to have another Friday come and find out their rules for clean air, clean water, beautiful forests, are under attack.

I am here to say to the President: I know you are doing the last-minute rewriting of your speech. Think about what we are saying today. Democrats have come here in good faith to point out their differences. Reach out to us. Have a plan for the economy that is going to work. Say you will follow in the bipartisan traditions of environmental protection. Work with us on a foreign policy that is consistent and does not wait until a crisis hits but actually is proactive. Work with us on prescription drugs. Work with us so that people can get health insurance. We are ready, we are willing, and able to work with you.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, it is my understanding we now have 1 hour from this minute under our control.

The PRESIDING OFFICER. The Senator is correct.

THE PRESIDENTIAL BURDEN

Mrs. HUTCHISON. Mr. President, the President of the United States has an awesome responsibility. I don't think anyone in America would say that he does not realize what his responsibility is and that he is not working as hard as any person could to try to do the right thing for our country, in both our domestic agenda, our homeland security, and, of course, our national defense.

He has a heavy burden. He must do something that stimulates the economy, that puts people back to work, and at the same time he must spend everything that is necessary to secure the people in our country who live here and to make sure that our young men and women who are fighting the war on terrorism, who are fighting for our freedom and our country, wherever they may be in the world, have everything they need to do the job we are asking them to do.

I have been listening to a lot of the comments that have been made on the floor today. I would like to take each of the areas that have been mentioned and try to talk about what the President's agenda is and why he is trying so hard to beef up our economy, at the same time fighting a very long and, frankly, iconoclastic war on terrorism.

This is a new kind of enemy. It is not the kind of enemy that is one country or two countries. It is no particular country. It is not the kind of enemy we always have had one which wanted to kill or harm us but didn't want to hurt themselves. No, this is an enemy that is willing to blow itself up in order to harm Americans. It is even an enemy that would tell their children, teach their children, educate their children, that suicide, in order to harm Americans and freedom-loving people, is a good thing.

This is a difficult kind of war. Our President knows we are fighting on every front, that we are trying to find the enemy, no matter where they are. If they are in the caves in Afghanistan or if they are in Iraq or if they are in North Korea or if they are in our own country, the President is doing everything he can to execute this war and to tell the people of the United States we must stand together. We must stand together and keep the spirit of our country if we are going to have the patience and the resolve to beat this new kind of enemy.

That is what our President is trying to do. He doesn't want to make war. He doesn't want to make war on Iraq or anyone else. But he also knows that if we are going to keep another 9/11 from happening—God forbid a 9/11 with a nuclear weapon or biological or chemical weapon—if he is going to prevent that from happening in our country, he is going to have to have the full support of the American people. That is exactly what he is trying to get, by talking about the problems in Iraq, talking about what Saddam Hussein is doing.

The people who have seen Saddam Hussein, who have seen the treachery of this despot, know he is someone we must not have in control of a country and with the potential of having a weapon of mass destruction.

I know the President tonight is going to talk about the war on terrorism and all the things he is doing and all the young men and women who are on their way to the Middle East to make sure we are negotiating from a position of strength. But I know this President's very last resort is war. It is not the 1st resort, nor the 2nd resort, nor the 3rd resort, nor the 100th resort. But he knows that unless Saddam Hussein knows we mean business—we will do what we say we are going to do—we are going to lose this war on terrorism. That is the leadership the President of the United States is showing.

The President, in addition to the burden of having to prosecute a war, also has the burden of having to make sure our domestic economy stays strong, because it will be very difficult to prosecute a war if our domestic economy continues to erode.

We passed a tax cut 2 years ago under the leadership of President Bush and with strong support from Congress. That tax cut has helped a lot of people. I believe that tax cut kept us from going into a deeper recession. Now the President is trying to stimulate the economy, and the President is looking at history, and what has happened when we have had tax cuts in history has been phenomenal.

In 1964, President Kennedy led the fight for tax cuts. In 1965—1 year later—the gross domestic product rose 8 percent. Over the next 5 years, it rose 48 percent. Unemployment fell from 5.2 percent in 1965 to 3.5 percent in 1969. Five years later, revenues had risen for the U.S. Government by 66 percent. There was a $5.9 billion deficit in 1965 but a $3.2 billion surplus in 1969. That was the effect of the tax cuts of 1964.

After the Reagan tax cut of 1981, the gross domestic product rose 4 percent the next year, 1982; 42 percent over the next 5 years; unemployment fell from 7.6 percent to 7 percent in 1986. Five years later, revenues had risen by 28 percent.

So it has been proven that tax cuts will give the economy the boost it needs.

We have seen a situation in America where corporations have been dissuaded, because of double taxation of dividends, from giving dividends. So people who are saving and investing in order to have retirement security have been getting fewer and fewer dividends because companies get nothing for paying the dividend. They have to pay taxes on the money first before they would issue a dividend. It is cheaper to go into debt. So we have seen debt financing rise, and dividends that go to shareholders that can help secure retirement have been going down.

Today in America, 50 percent of the people own stock and 50 percent of the people who get dividends are our senior citizens. These are people who have tried to provide for their retirement security, not looking to their Government but looking to themselves. That is what we want to encourage. That is

why the President is trying to eliminate the dividends' taxes.

So we are trying very hard to stimulate the economy.

How are we doing it? We are doing it, of course, by trying to eliminate the double taxation of dividends, trying to encourage corporations to give dividends and help people who want to have that income to live on, who need that income. But we are also doing something else. We are trying to lessen the burden of the marriage penalty. Why would we have a marriage penalty in our country? We don't need to tax marriage, but that is what we do. And the President is trying to eliminate that. I have introduced the bill in the Senate to eliminate the marriage tax penalty.

We are also trying to bring down the tax rate for every bracket—yes, every bracket. Mr. President, 35 percent of the small businesses in our country will get relief if we lower the upper bracket. Everyone will get relief under the President's plan—everyone who pays taxes will get relief, and especially the small businesspeople in our country who desperately need this tax relief and are trying very hard to make ends meet in these tough times. We want to help them.

I think the President is doing a great job. I am very proud that he is trying to stimulate the economy. He is very concerned about people who have lost their jobs, people who are worried about their retirement security, and he is trying to do something about it. At the same time, he is taking on a massive war on terrorism, to make sure that freedom reigns in the world, to make sure that our way of life—democracy, freedom, free enterprise, self-reliance—lasts in the world—not a way of life that says that suicide is a good thing if you can kill other people at the same time, not a way of life that says people will never have a chance to have a role in their own government. There will be no self-government in a world of terrorism. We cannot allow that kind of power to take over the world. That is what the President is trying to do.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I compliment our distinguished Senator from Texas for the excellent remarks she has made about really what is going on right now and what the President is trying to do.

I, for one, want to help the President. I want to help him to help this economy. So I rise today in support of President Bush's growth and jobs plan, and I would like to take a few minutes today to tell you why I believe this is the right prescription for America at this time.

I know from talking to people in my own home State of Utah, and across the country, that our current economy is not meeting its full potential. This is crystal clear. The nationwide unemployment rate stands at 6 percent. And while that is better than usual after a recession, it is still far too high. Thousands of people in Utah and millions of people across the country are out there looking for work. Yes, most of them are finding jobs eventually, but jobs are far too scarce still. As long as there are people who want to work but cannot get work, we have a problem in our country.

The President's plan starts off by speeding up the tax reductions this body has already passed by a significant margin. This is just plain common sense. A big part of the tax cut we passed in 2001 was designed to be phased in over the following 10 years, with rate cuts, marriage penalty relief, and child tax credits increasing every few years. But since our economy is below its potential right now, then right now is the time to make the full amount of these tax cuts effective. Doing so would put money in people's pockets immediately. The IRS would change their withholding tables immediately after the accelerated tax cuts become law, so more money would show up immediately in workers' paychecks.

The President's plan to speed up the tax cuts now, right when we need them, will have an immediate, visible impact on practically every American taxpayer.

A key part of the President's plan is to accelerate marriage penalty relief and speed up the $1,000-per-child tax credit. Phasing in these family-friendly tax provisions slowly might have made some political sense 2 years ago, but today, when young families are wondering whether Mom and Dad will have a job next week, cutting the tax man's share of the pie will be a big help.

Waiting 3 to 5 years for family tax relief makes no sense in the middle of a slow economic recovery. Let's do it now. Let's provide a tremendous boost to millions of American families.

As to some of the media reports that the President's plan unfairly benefits the wealthiest people in the country and does little or nothing for low- or middle-income taxpayers, let me set the record straight.

According to the Treasury Department, a married couple with two children and an annual income of $40,000 would see their taxes decline, under the President's plan, by $1,133—from $1,178 to $45—in 2003.

In other words, under today's taxes, they would pay $1,178. That would be reduced $1,133 to where they have a tax bill of $45. That is for people who make $40,000 a year. For this family, there is not much more tax relief that can be given.

Under the Bush plan, 92 million taxpayers would receive, on average, a tax cut of $1,083 in the year 2003 and thereafter. Forty-six million married couples would receive an average tax cut of $1,716. Thirty-four million families with children would benefit from an average tax benefit of $1,473. Six million single women with children would receive an average tax cut of $1,384. Twenty-three million small business owners would receive tax cuts averaging $2,042. Talk about helping the middle class.

In my home State of Utah, over 646,000 taxpayers would get tax relief from the President's package. That is important to me. That is important to almost 650,000 people in the State of Utah.

Under our ultra-progressive income tax, the top 50 percent of income earners—those who made $27,682 in the year 2000 or more—that upper 50 percent, from $27,000 and up, paid over 96 percent of all the income taxes paid in this Nation.

Therefore, those who are paying most of the income taxes are naturally going to get much of the benefit of a tax cut. In fact, it is almost impossible to cut any tax without making the people who pay that tax better off.

Projections prepared by the Treasury Department show that 40 percent of the President's proposed tax cut would go to people with income over $200,000 per year. But it is important to note that this same group is paying 44.8 percent—almost 45 percent—of the total income tax.

If we enact the President's plan, people making over $200,000 a year will end up paying even a larger fraction of the Nation's income tax bill, 45.4 percent. On the other hand, people making less than $50,000 would pay less of the total share than they do now.

Further, the President's plan contains an important provision to increase the incentive for small business investment. I might have made this provision even stronger than the President chose to make it. But even as it stands, the increase to $75,000 per year of business expensing will be a boon to companies struggling to grow. It will increase the demand for business equipment and software, sectors that have been hit especially hard in this downturn. This proposal can help to revive business spending and create new jobs in industries that make machines, computers, and software.

I would like to debunk one particular false notion that is making the rounds here on Capitol Hill and in the media; the idea that lower income people spend all of their tax cut but the middle and higher income people will just save them.

It turns out that how much you earn does not have a night-and-day impact on the people's decision to spend. A recent study by the nonpartisan National Bureau of Economic Research concluded—and I quote—

> Low-income households are not more likely to spend the rebate.

In fact, as this chart shows, it looks as though families with lower incomes actually tended to spend a smaller fraction of their rebate.

I will just point to this chart now. The modest income earners spent little of their rebates. Americans who earned

up to $50,000 per year spent less than 20 percent of their 2001 tax rebate. But Americans who earned more than $50,000 a year spent over 25 percent of their rebate checks.

It would appear to me rebates are not the way to go if we want to stimulate the economy. Yet that is what our colleagues on the other side seem to think is the gold standard to help get the economy going.

I would now like to address the part of the President's package that has drawn the most attention, the plan to end the double taxation of dividends. Ending the double taxation of dividends will make stocks more valuable, it will make businesses more financially sound, and it will make it harder for a few wrongdoers to hide their corporate shenanigans.

Why do America's corporations load up on debt financing despite the fact that the higher debt levels increase the risk of bankruptcy? I will tell you why. Because our Nation's tax laws have always given them massive financial incentives to do just exactly that.

The reason is simple. When a corporation pays interest to bondholders, that payment is taxed only once. That is at the bondholder level. But, in contrast, when it pays dividends to stockholders, that payment is taxed twice—to both the corporation and the shareholder.

President Bush's economic growth plan contains a proposal to end this absurd incentive and, by doing so, his plan will strengthen the foundations of our economy and help ensure growth and new jobs for years to come.

This chart—''How the Double Taxation of Dividends Harms Our Nation''—shows that bankruptcies go up, corporate accountability goes down, and investment in capital formation also goes down. And that is where jobs are thrown to the wind.

Our Tax Code's harsh and unfair treatment of dividend payments harms the foundation of our economy in those three ways. It increases the number of bankruptcies, it weakens corporate accountability, and it slows the formation of capital.

By loading up on tax-deductible bonds and bank loans rather than issuing new shares of stock, corporations increase their chance of going bankrupt.

Our Tax Code should not encourage this behavior. When corporations load up on debt, they commit too much of their cash flow to making interest payments, and the danger of bankruptcy becomes all too real. Once we change this policy, businesses will find they have people lined up out the door to buy stocks that pay dividends. When companies hear of the clamor for dividend-paying stocks, they will have a much stronger incentive to pay for new projects and new factories by issuing new shares of stock rather than running to the bank or the bond market for a loan.

And then, if times get tough, businesses will not be as likely to declare bankruptcy and head to Federal court for a painful reorganization, as we are seeing today. Instead, many companies will be able to cut their dividend to shareholders, and continue business more or less as usual.

This is not speculation on my part. Just open up any textbook on corporate finance—books that are on the shelves of many an MBA—and you will see it yourself in black and white: Business managers are taught to weigh the benefits of tax-favored debt finance against the increased risk of bankruptcy. They even have a name for it. They call it the Trade-off Theory of Capital Structure. And it is caused by the double taxation of dividends.

Our Tax Code's inequitable treatment of equity also weakens corporate accountability. Dividend payments are cash-on-the-barrelhead evidence that a company is profitable.

While not a perfect measure by any means, it can be an important signal that a firm is solvent. As they say on Wall Street, ''Profit is an opinion, but cash is a fact.''

The Wall Street Journal reported recently that only about 30 percent of S&P 500 corporations pay any dividends at all. A crucial reason for this dividend drought is our Tax Code, which requires corporations to pay 35 cents in taxes for every dollar in profit and then, on top of that, requires taxpayers who get those profits in the form of dividends to pay personal income tax. The total government take, when state taxes are added, can exceed 70 percent. So what is the incentive to pay dividends—something we ought to be encouraging, rather than destroying.

Finally, our inequitable treatment of equity slows innovation and the formation of capital. The double taxation of dividend income cuts the flow of equity funding to all but the most promising investments. Good ideas go unexplored and promising investments go unfunded because they cannot guarantee enough after-tax profit to investors.

I believe it is important for Congress to eliminate the double taxation of dividends. It is important for our country and the stability of our business community. That is why I support President Bush's plan. By making shares a more attractive investment, his plan will boost demand for stocks and push up their value. By reducing the long-run risk of bankruptcy and encouraging companies to take on promising projects, it will be good for employees. And most importantly, ending the double taxation of dividends will make American corporations stronger, much more accountable, than they are today and more innovative in the years to come.

I am proud to be able to support the President's growth and jobs package, and I am looking forward to working with my colleagues on the Finance Committee, both Democrats and Republicans, to pass out a bill that give tax cuts to America's families, that gives small businesses an opportunity to grow, and that end the double taxation of dividends to strengthen both our stock market and the financial foundations of American business. This is an economic agenda that addresses the needs of today as well as the challenges of the future. The American people deserve no less.

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. THOMAS. 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. THOMAS. Mr. President, we are in morning business, I believe.

The PRESIDING OFFICER. The Senator is recognized for up to 32 minutes.

STATE OF THE UNION MESSAGE

Mr. THOMAS. Mr. President, I have listened to some of the conversation that has gone on. Obviously, much of it has been pointed toward this evening's speech that we all look forward to from the President, the State of the Union, at which time he will outline at least some of his plans for the direction this country will take.

I am looking forward to it. The President has committed himself to going in certain directions. All of us understand that. All of us are in favor of the things the President wants to do. I suppose we have different views of how that might be done. That is the way it ought to be.

I do hope we don't spend all of our time simply criticizing; that we not use this as a sort of political fulcrum, but we really talk about the issues. No one could disagree with the notion that we are looking for ways to grow the economy and create jobs. Who can argue with that? No one. How you do it, yes, I suppose there are different views.

To strengthen and improve health care, certainly that is one of the issues all of us are faced with, whether it be Medicare, Medicaid, the CHIP program, or just general health care. We are all very much interested in it.

In my State of Wyoming, a rural State, we have a little different problem, but interestingly enough, we have problems the same as they do in Chicago or New York City. The cost, for instance, of liability insurance is higher in our State than it is some others, which is kind of strange. Nevertheless, we would all agree with the fact that we need to do something about that.

Obviously, the defense of our country against terrorism, the defense of our country against challenges overseas and security at home, no one disagrees. Again, we have different ways of doing it.

I would like to deviate from the issue for a moment to talk a little bit about—I guess, philosophically or in a broader sense—the notion of dealing

with these issues in terms of a longer term view. We have held in my State of Wyoming over the last couple years several meetings; in fact, about 26 meetings in 23 counties. We call them Vision 20/20. We met with the people in the community, all of whom would come—some invited for special reasons—to talk about what they wanted their community and their family and their business to be in 20 years or 10 years or 15 years, how they envisioned the way things should be. Of course, as you might imagine, we found out there are different views from different people, but pretty much some of the same consistency in terms of wanting better jobs, better security, having health care, having freedom.

We find ourselves in this body, as in many bodies, as a matter of fact, dealing almost exclusively with those issues that are right now upon us, fixing what is going to happen tomorrow.

Of course, that is necessary. But it seems to me we would help ourselves a great deal and help our country a great deal if we could look a little further out into the future and say: What do we want this Government to look like in 15 years, what kind of a system would we think would be best for health care in 15 or 20 years, and then begin to get some kind of a general conception of where we want to be and where we think it is best to be for our country and for the people who live here. And then as we move through the daily issues and as we move toward the issues that we have to resolve, we can measure those against where we want to be and see if in fact they are contributing to the attainment of the goals we have set.

One of them certainly is the role of Government. We haven't talked about this as much lately as we used to. What is the role of the Federal Government? How much Federal Government do we want in our lives over a period of time? This, after all, is the United States of America. This is a federation of States. Most of us would agree that the Government that rules best is the one closest to the people. Obviously, there are roles for the national organization, there are roles for the Federal Government. But there are also limits that ought to be there, if we don't want the Federal Government to be the end-all of governmental activity.

What do we see there? How do we want to do that? Most people would believe there are some constitutional limits to the role of the Federal Government. We seem to have dismissed those to a large extent and find Government involved in nearly every aspect of our life.

That becomes kind of a political thing that we talk about. We talked about that last week—what can we do this week for somebody? We ended up with the other side of the aisle, in that week we spent trying to catch up with the appropriations, having proposals of $500 billion worth of spending that would grow Government over 10 years, at the same time complaining about a deficit. So we didn't have a good concept of where we wanted to go and measure against balancing spending and balancing the budget. Of course, we want to deviate from that from time to time, and the circumstances now require that we do something unusual, I am sure, about defense and terrorism and about the economy.

So we are obviously going to spend more money now than we would normally spend because it is not a normal situation. We hear all the time ''back in 1998 we didn't have a lot of the problems that we have now.'' We have to deal with them. Overall, what do we want? We want a balanced budget. I think we want to be able to hold down spending, not increase it, which is what we hear about, frankly, all the time.

We need to take a look at terminating activities that are out of date. It seems when we get something going in the Federal Government, it is there forever. In the private sector, when you have a company or an operation of your own and you find something is not contributing to that, you have to change it. Not so in the Government. But that ought to be one of the directions we want to take.

Certainly, we ought to be able to do health care. What do we want over time with health care? We have already indicated pretty clearly over the past number of years, when it was tried in the last administration to have a Government-run program, we didn't accept that and most of us do not now. Obviously, some work needs to be done to help people who need help. But where do we want to be? Do we want this health care to be primarily in the private sector? I think so. Most people do. So these are things we need to talk about and think about and have a good deal of attention paid to. What is the role of the Federal Government on these issues?

I noticed the other day a quotation from President Clinton that Government's responsibility is to create more opportunities, and the people's responsibility is to make the most of it. I agree with that. I don't think his policies were in line with that, but I agree with that statement. So what we are talking about here primarily tonight—and I am sure for several months—is about strengthening America's economy. The President's economic agenda has two main goals: To encourage consumer spending that will boost economic recovery, and promote investment by individuals and businesses that will lead to the economic growth and job creation. Those are two different points of view, and I respect that. Their point of view is to distribute money to everybody. Over here, it is to create incentive to create jobs so you have a long-term, positive impact. We need to do that.

So we will have great discussions, of course, on all of these issues. That is the way it ought to be and, indeed, that is the way it is.

I see my friend from New Mexico here. I hope we can address ourselves on these issues and do it in a way that we can disagree without making a total political issue of each of them—talk about them on their merits, on what they will do for the country, and not the impact they will have in 2004. Frankly, we have had an awful lot of that. We need to move beyond that.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, parliamentary inquiry. I thought I was to have 10 minutes. Am I too late for that?

The PRESIDING OFFICER. There are 22 and a half minutes available on the Republican side at this point. The Senator can take that time if he chooses.

Mr. DOMENICI. I will use 10 at this time.

The PRESIDING OFFICER. The Senator is recognized for 10 minutes.

Mr. DOMENICI. Mr. President, it is rather amazing, in the United States we only have one country, we have one people, we have one President, and he gives one State of the Union Address. Today we began to see how difficult partisan politics has made the idea of having one President, because before our President—the one President we have—takes the one opportunity to address the American people as to what he would like to do and what he would like help from the Congress and the people on, we have an array of Democratic Senators come to the floor, all of whom have today set their own standard for what he ought to do, all of whom have criticisms of what he might say, all of whom suggest if he doesn't do this, it will not work.

Well, I submit the President will have a myriad of healthy ideas for the American economy, and I would like to discuss one major one for a few minutes with the Senate and the American people—that is, the concern we have in the United States about our economy not producing jobs as it should and, thus, creating worry among our people beyond the unemployed. Many Americans who are employed will not spend money, purchase, or build a new house because their fear causes restraint. The American economy is not producing jobs. The business investors don't want to invest because they are not sure what is going to happen, so they too are withholding. They are being investigated and have all kinds of pressures so they are holding back. Even with this combination, the American economy, when you add it all together, is moving ahead quite well. That piece of the economy or that element that we call the gross domestic product is increasing.

Normally, when it is increasing, you produce more jobs. The gross product is not going down, which is negative, meaning a recession; it is going up. In fact, sometimes in history, if it went up this amount, jobs would be increasing in large numbers. This time it is

not happening. That is why we call it a ''jobless'' recovery.

Our President isn't laying blame on the Bill Clinton Presidency, when this recession started. I don't believe he has uttered a word about who caused it. I hope he does not tonight. As a matter of fact, on that score, we can all waste America's time talking about 3 years ago, what was going on—was the American economy on the downturn, and was President Clinton to blame or the Democrats?

The truth of the matter is a series of phenomena have occurred, including a huge terrorist strike that occurred in New York, and a huge drop in the stock market of the United States. You cannot blame that on this President.

All of those things, and others, have combined with a 10 or 11-year growth cycle that had to come down, bringing the American economy into a nongrowth era for a while. Now it is starting up, and we want our President to tell us how we can improve that situation for America. That is what it means to speak about the economy and jobs.

Our President says: You all may have a lot of good ways, but I believe we ought to cut taxes. Most economists suggest cutting taxes, if you cut them right, will stimulate economic growth. The more money that is put into the economy—that means into the pockets of people and the pockets of business so they can spend it—the more you do that, the more you have a chance of moving the American economy.

I understand the Democrats, with Senator DASCHLE as their leader, have a $141 billion package, a portion of which is giving money to the States because their treasuries are broke. If you want to do that, don't call it a stimulus package. We may do that in another event in the Senate, but our President, rightfully, is not including that in a stimulus package. That is not a stimulus, to help our States. At one time, we had a countercyclical problem. I don't know if DON NICKLES remembers, but Senator Muskie started it, and every time the economy would go down, you give the States money. Well, the President doesn't have that in this budget, in this proposal on taxes; but it may be considered separately if we have to help. What he does is look at accelerated expansion of the 10 percent bracket, accelerated reduction in income tax rates, accelerated elimination of the marriage penalty, with some refund of money, and an accelerated increase in the tax credits. It has the exclusion of dividends from individual taxable income and increases in small business expensing. That means if they can expense more, they keep more, which I just said you must do. Let them keep more so they can buy more equipment, spend more on jobs. The President has a hold harmless provision under the alternative minimum tax, a very necessary provision, and the cost of the plan is $98 billion in the first calendar year and $670 billion over 10 years.

The Democrat plan is so small I think we ought to nickname it. I think we ought to call it ''the mouse.''

The American economy is $10 trillion. If we are talking about 5 years, it is $50 trillion. That means the sum of the transactions going on, paychecks, car purchases, house purchases, financing, equals $10 trillion a year.

When my colleagues say let's accelerate it, that means let's put money into the economy that stirs that up enough and shakes up all those transactions where a little bit more fever is put in each one of them so some action is occurring which we would equate with growth and jobs.

Clearly, that cannot be done unless enough is put in to move the giant battleship called the American economy. So how can that be moved with a mouse? It cannot. If a mouse is put out there to do it, the mouse will die and nothing will happen.

If my colleagues don't want to throw away taxpayers' money, then produce a plan that purports to create jobs and is so small it does nothing. Otherwise, that money will have been thrown away and my colleagues would be back in 18 months or 2 years asking the American people to give them another shot at it because we did not do enough.

So I submit that the President's proposal, which he has already given us a glimpse of, which he will tell the American people about tonight in detail, is the right one for America. Am I alone? Of course I am not alone in thinking this. There are 110 economists. One would think from what some on the other side say that the President called on a few people and they gave him ideas and he picked this one and said: Oh, here is a new idea. Let's not tax dividends on the individuals who receive them.

That idea has been around. I have been in Congress 30 years. It was around when I arrived. This is what 110 economists, with three Nobel prize winners, said. I ask unanimous consent to have printed in the RECORD a summary of their approach.

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

110 ECONOMISTS BACK BUSH TAX PLAN; 3 NOBEL LAUREATES JOIN GROUP URGING CONGRESS' SUPPORT

(By James G. Lakely)

The Washington Times—January 18, 2003.—A letter signed by 100 economists, including three Nobel Prize winners, urges Congress to support the main elements of President Bush's $647 billion tax-cut plan, make his 2001 tax cut permanent and restrain federal spending to spur the sluggish economy.

''As a rule, government cannot create wealth or expand the economy. Only the private sector can do that,'' said the letter this week to all members of Congress.'' Government can, however, hinder economic growth through excessive taxes, high marginal tax rates, over-regulation, or unnecessary spending.'' The economists, including Nobel laureates Milton Friedman, James Buchanan and 2002 winner Vernon Smith, said increased spending to combat terrorism is warranted but that ''excessive federal spending has a dampening effect on the American economy.''

To remedy that, Congress should ''end programs that outlive their usefulness and roll back government's share of the Gross Domestic Product.''

According to the Congressional Budget Office, government spending represented 19 percent of the GDP in 2002, a level that has remained roughly stable during the past 15 years but threatens to explode to 40 percent because of entitlement spending by 2075.

The ''wobbly'' financial markets can gain solid footing again, said the economists, if Mr. Bush's $1.35 trillion tax cut in 2001 is made permanent.

''Investors and individual taxpayers will be able to make better decisions on their finances if they have greater confidence about what tax laws they will be facing in coming years,'' the letter said. ''It is imperative for Congress to make the entire 2001 tax cut permanent.''

The economists also applauded Mr. Bush's proposal to eliminate the double-taxation on corporate dividends, a policy they said is ''especially harmful to economic growth.''

Support for Mr. Bush's tax plan largely follows party lines. House Democratic leaders have scheduled an event Tuesday on Capitol Hill to argue that the president's plan is neither fair nor fiscally responsible and would leave state governments starving for money.

The various Democratic tax-cut proposals are dramatically smaller, short-term, targeted more narrowly and feature payments of at least $300 to all families, including those who pay no federal income tax.

A spokesman for the Democrats on the House Appropriations Committee criticized the president's plan for being too skewed toward ''the superwealthy.''

''The White House needs to wake up and realize that giving their rich cronies another tax break is not going to halt the Bush recession,'' the Democratic aide said.

''We need to put money in the hands of people who are having trouble putting food on their table, not people who want to buy a second yacht.''

But Sen. Evan Bayh, Indiana Democrat, said he is ''keeping an open mind'' on supporting a pro-growth tax bill that has many of the features of the president's package. ''I'm not someone who has an allergic reaction to the dividend proposal as some do,'' Mr. Bayh said.

''I think you'll see a great many elements of the president's proposal [in the final bill]. I think, frankly, we'll improve it to make it even more growth-oriented for the economy today.''

Mr. DOMENICI. They suggest that only the private sector can do what is required. Government cannot create wealth or expand the economy. Friedman, Buchanan, and Vernon Smith, all Nobel laureates, said increased spending to combat terrorism must be done, but to the extent that it is a lot of money, it will not help the American economy. They go on to say we need what the President is suggesting in his plan.

This summary I have before me, News World Communications, from the Washington Times quotes this series of communications.

I see Mr. NICKLES, the Senator from Oklahoma. I was going to speak about Iraq for a few minutes but I think I will not because I assume he will speak on the economy and taxes. I think it would be good today to have my speech and his back to back.

IRAQ

Mr. DOMENICI. I conclude with some comments on Iraq. I hope that tonight our President will tell our people the issue in Iraq is why has Saddam Hussein not destroyed the weapons of mass destruction that are in his country; not that we did not find them, not that we did not find a smoking gun.

The United Nations verified that he had thousands of weapons in his country, thousands of weapons of biological and chemical makeup that can kill millions of people.

I ask unanimous consent for 2 additional minutes.

The PRESIDING OFFICER (Mr. CHAFEE). Without objection, it is so ordered.

Mr. DOMENICI. Some 9 or 10 years ago, the United Nations said Saddam must get rid of them, and then we pulled out. The United Nations sat around, Iraq started selling oil again, and Saddam started being Saddam. Then we decided we will go in and see if he has gotten rid of them. Noncompliance by him means he has not shown what happened to the weapons.

The 12,000-page document, which was all over the press as if they had submitted 12,000 pages of real explanation, was presented some days ago as though it explained where these thousands of weapons went. The United States and its agents of absolute integrity have read every single page, every single line. The conclusion is that the 12,000-page document is a farce. It does not explain what happened to all of those weapons. It is a joke.

They put in those pages what they wanted, and they described what they wanted. The sum total is, where are they?

He continues to say: I am showing them everything. And we continue to say: It is your responsibility to show us what you did with them. After all, it is not like every country in the world would accept thousands of these chemical weapons. Some nation that is crazy enough to take them would have to be found. So we have to be told they are not here. But where are they? If they are dumped in the ocean, somebody would find out. They cannot easily be gotten rid of so he has not gotten rid of them. He hid them.

Now we are telling the world there is noncompliance. I hope the world sees it our way, but more importantly I hope Saddam sees it our way. I hope he understands there are a lot of us that understand what is going on and that it is like I just said: He better come clean or, in fact, something will happen. I hope he does it himself and I hope our friends realize they better join us in putting him on the spot or he will put the world on the spot, and he will do it very soon.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

IRAQ, THE ECONOMY, AND THE BUDGET

Mr. NICKLES. Mr. President, I compliment my colleague, Senator DOMENICI, for his speech and also for many of the comments he made relating to the economy, the budget, and Iraq. I think the Senator from New Mexico is exactly right. The issue with Iraq is not whether the arms control inspectors can find a few weapons. It is whether or not Saddam Hussein is going to disarm and whether he is going to comply with the United Nations and whether the United Nations is going to enforce compliance.

We can pass 17 resolutions, all of which say the international community says he must disarm, but if we do not compel him to disarm, it makes the United Nations somewhat irrelevant to the whole proposal. Do those resolutions mean anything besides rhetoric or are we going to enforce them?

The previous administration did not enforce them. As a result, we did not even have arms control inspectors, much less enforcing the existing resolutions. Now we have a President who is going to lead the world, who says we should enforce these resolutions, and we should compel his disarmament.

When we think of the dangerousness of these weapons, I mentioned earlier today that two envelopes with anthrax that unfortunately were destined to the Senate killed a few people. They were not even opened in the post office. Yet they still killed people. They are very deadly materials. He happens to have tons of similar-type weapons, some even more dangerous such as VX.

I think the President is right in drawing a line in the sand and saying he must comply. The world community, the United Nations, agreed with the President last year. I hope they continue to support compelling Saddam Hussein to comply with existing U.N. resolutions.

I will submit for the RECORD a table which summarizes the Senate's action on H.J. Res. 2, the fiscal year 2003 omnibus appropriations resolution. This table was prepared by my staff based upon estimates of the Congressional Budget Office. I also wish to congratulate the chairman of the Appropriations Committee, Senator STEVENS, for working to limit the total fiscal year 2003 appropriations bills to amounts requested by the President.

As adopted by the Senate, H.J. Res. 2 contains $386.864 billion in discretionary spending when added to the amounts in the defense and military construction appropriations bills already enacted, which total $752.193 billion in fiscal year 2003 discretionary spending. These totals include a 1.6 percent across-the-board reduction amounting to $6.4 billion from all accounts funded in the other 11 appropriations bills, plus amounts for classified defense programs, $3.9 billion in fire and management, $825 million for which the President submitted separate requests.

Compared to fiscal year 2002, total discretionary spending under H.J. Res. 2 would grow by 2.4 percent, defense discretionary spending would grow by 6.9 percent, and domestic discretionary spending would decrease by 1.9 percent; compared to fiscal year 2002, less spending for one-time nonrecurring projects. Total discretionary spending under H.J. Res. 2 would grow by 4.7 percent, defense discretionary spending would grow by 7.3 percent, and domestic discretionary spending would grow by 2.1 percent. H.J. Res. 2 also includes several changes in mandatory programs not counted on the discretionary side of the budget.

The increased spending, which would total $4.221 billion in 2003, includes changes in agriculture payments for drought, payments to physicians in rural hospitals, and TANF payments to States.

I ask unanimous consent a table displaying the Budget Committee scoring of H.J. Res. 2 and enacted appropriations with comparison to 2002 be printed in the RECORD.

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

CBO ESTIMATES OF THE SENATE PASSED APPROPRIATIONS BILLS FOR FY 2003 COMPARED TO FY 2002

[Budget authority, in billions of dollars]

Subcommittees	2002	Senate appropriations bills	Percent increase or decrease
Divisions A–K, and Defense and Military Construction Bills			
Agriculture	17.171	18.350	6.9
CJS	42.995	41.505	−3.5
Defense	0.560	0.574	2.5
Nondefense	42.435	40.931	−3.5
Defense	334.113	354.830	6.2
DC	0.607	0.512	−15.7
Energy and Water	25.334	26.164	3.3
Defense	15.164	15.899	4.8
Nondefense	10.170	10.265	0.9
Foreign Ops	16.433	16.429	−0.0
Interior	19.135	18.952	−1.0
Labor, HHS	127.659	136.519	6.9
Legislative	3.254	3.362	3.3
Mil Con	10.604	10.499	−1.0
Transportation	23.095	21.574	−6.6
Defense	0.440	0.340	−22.7
Nondefense	22.655	21.234	−6.3
Treasury, Postal	18.515	18.220	−1.6
VA, HUD	95.758	90.349	−5.6
Defense	0.153	0.144	−5.9
Nondefense	95.605	90.205	−5.6
Deficiencies	−0.350	0.000	
Defense	−0.196	0.000	
Nondefense	−0.154	0.000	
Total, Divisions A–K	734.323	757.265	3.1
Defense	360.838	382.286	5.9
Nondefense	373.485	374.979	0.4
Division M			
Classified Defense Programs	0.000	3.895	
Division N			
Election Reform—Title I	0.000	1.500	
Wildland Fire Management—Title III	0.000	0.825	
Fisheries Disasters—Title V	0.000	0.100	
2.85 percent across the board rescission on accounts (except Head Start) in 11 bills—Title VI	0.000	−11.392	
Subtotal	0.000	−8.967	
Total, Discretionary	734.323	752.193	2.4
Defense	360.838	385.680	6.9
Nondefense	373.485	366.513	−1.9
One-time, non-recurring projects	15.946	0.000	
Defense	1.338	0.000	
Nondefense	14.608	0.000	
Total, Discretionary less one-time	718.377	752.193	4.7
Defense	359.500	385.680	7.3
Nondefense	358.877	366.513	2.1
Total, without enacted Defense and Mil Con		386.864	
Defense		20.351	
Nondefense		366.513	

CBO ESTIMATES OF THE SENATE PASSED APPROPRIATIONS BILLS FOR FY 2003 COMPARED TO FY 2002—Continued

[Budget authority, in billions of dollars]

Subcommittees	2002	Senate appropriations bills	Percent increase or decrease
Memo			
Mandatory Items in Division N			
Title II—Agriculture			
Drought Relief, as amended		3.100	
Title IV—Medicare Physicians		0.630	
Title IV—Rural Hospitals		0.250	
Title IV—Welfare Payments to States		0.173	
Collins Amendment—Home Health		0.040	
Bingaman Amendment—QI–1 Program		0.028	
Total		4.221	
Total, with Mandatories		756.414	
Total, without enacted Defense and Mil Con		391.085	

Source: Congressional Budget Office; Senate Budget Committee Republican Staff.

Mr. NICKLES. Mr. President, this is more fiscally responsible than any appropriations bills we have passed in the last many years. I compliment the chairman of the Appropriations Committee, Chairman STEVENS, as well as Senator FRIST and all of our colleagues who worked aggressively to contain the growth of these bills. That was not easy. We had a lot of votes. We voted down over half a trillion in additional spending amendments. I compliment my colleagues for showing some fiscal discipline.

In order to show fiscal discipline in the future, we have to pass a budget. Last year we did not pass a budget and we did not pass 11 of 13 appropriations bills. I hope this year we will be able to pass a budget; that we will be able to pass it on time; and that it will also allow for us to pass a growth package in addition to a package that would improve and enhance Medicare. Passing a budget makes it possible to do all those things. Without passing a budget we may not do any. We may not get appropriations done; we may not do a growth package; we may not do a prescription drug proposal or a Medicare enhancement proposal.

I speak just for a moment now on the President's proposal for economic growth and job creation. I have heard some colleagues coming to the floor criticizing it. I am also bewildered by statements they are making. Many have criticized the President's effort to eliminate double taxation on dividends, saying it benefits one group or another. I have not heard anyone say this is really good tax policy. Let's tax dividends twice. Let's tax it on the corporate level and tax it on the individual level so the net effective rate of taxation is anywhere from 65 percent to 73 percent, maybe 73.6 percent.

Now, with tax rates as high as two thirds or more, we more than discourage dividends. Dividends are basically rewarding the owners of the company with the fruits or profits of the company. With the double taxation, we are telling companies not to do this. I used to run a company. It makes no sense to do it. For corporations, particularly privately held corporations—I used to run one—why pay dividends if the Government is going to take, at least in present law, 35 percent automatically; and then individuals who may be paying rates of 28 percent or 27 percent, or maybe they are paying rates of 32 percent or 35 percent or 38 percent. If you add 35 percent and 35 percent, that is 70 percent. If a corporation makes $1,000 in earnings and they want to distribute it to their employees, the government gets $700 and the stock owner gets 30 percent.

That is absurd. It makes no sense.

Corporations are greatly discouraged from distributing their earnings to their owners. That is bad tax policy. And the present Tax Code encourages corporations to go into debt. We encourage corporations to pile up the debt because they get to expense it, but we do not tell them if they go the equity route, to build financing, to obtain financing, they can expense dividends. I hope we would do it. I would think expensing dividends from a corporate side would be the better way to eliminate double taxation. There are two or three different ways it can be done. I mention that to my colleagues.

The President has good tax policy—one that will help grow the economy, one that will encourage investment, one that would eliminate some of the gross distortions we have in the present Tax Code.

I make a couple of other comments concerning the President's tax proposal. I have heard a few people allude to the fact that it only benefits the wealthy. They have not read the President's proposal. The President's proposal is that we would have a $1,000 tax credit per child. Part of that was passed in 2001 and earlier where he said we will increase it. Right now the Tax Code has a $600 tax credit per child. He wants to make it $1,000. I have four kids. They are grown now so they will not qualify unless we include grandkids and maybe we should do that, too. One thousand dollars per child is $4,000 for four kids, $1,600 more than present law. One does not have to be wealthy to get it. If you have four kids, you get $1,600 more, a tax credit, where you do not have to pay taxes. That will take a lot of taxpayers to a zero tax bracket.

The President says, let's eliminate the marriage penalties by doubling the 15 percent tax bracket for an individual or a couple. The net impact of that, if a couple has a combined income of $55,000, they get to save about $1,000 per couple. If you want to do something to help middle income taxpayers, married couples, families, the President has it. He has a child tax credit, and he also has elimination of the marriage penalties. That is in his proposal. He also says individuals should not pay taxes at rates higher than corporations. I agree. Let's accelerate the tax cuts now for 2004 and 2006. And when you finish with that, the maximum income tax bracket, personal income taxes, is 35 percent. It just so happens 70 or 80 percent of the people who are paying that highest tax bracket are sole proprietorships, entrepreneurs, self-employed. Why should they pay a tax rate higher than General Motors? Presently, they do. General Motors pays a tax rate of 35 percent right now. Those individuals pay a tax rate of 38.6 percent. I don't think they should have to pay a tax rate higher than General Motors. They have a smaller business. Let's have a little equity.

Some say this is not doing enough for low-income. We have helped individuals and families. We have reduced tax rates for taxpayers in income tax brackets. The President expands the 10 percent tax bracket which he created 2 years ago. There was 15 percent tax brackets and the President made it retroactive on lowest income people. He took a lot of individuals in the 15 percent tax bracket and made their rate 10 percent. That was a 33 percent reduction in their tax bracket. We made it retroactive. That was equal to a benefit of about $600 for a couple. Now the President says let's expand the 10 percent bracket further. I compliment him for that, as well.

There is a lot of benefit in here for all income groups. A lot of people are throwing rocks at this without looking at the substance of it. I hope maybe they would look a little closer and maybe we should work a little more together and have a little bipartisan cooperation and see if we cannot do something to help grow the economy. It is vitally important we grow the economy. The President has a good proposal, a good package, one that will be, I am sure, thoroughly scrutinized by the Ways and Means Committee, by the Finance Committee.

We have a tradition in the Finance Committee reporting out bipartisan packages, whether in taxes or whether it be in the health care. I hope we will do both this year. We can. The President has given us a good proposal to do so. I look forward to working with my colleagues, Democrats and Republicans, to pass a budget and to pass a growth package that will help grow the economy. It is important that Congress enact both this year.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, I understand that under the previous order, at 4:15 we start going back and forth. I ask the Senator from New York, who is prepared under that order, if I might proceed for 5 to 7 minutes prior to his taking it? I do not wish to be discourteous to my colleague because I know he came over for the 4:15 slot.

Mr. SCHUMER. I have no objection. The Senator is always a gentleman, and it is a pleasure to let him speak for his time first.

Mr. BENNETT. I thank the Senator and appreciate the opportunity.

The PRESIDING OFFICER. The Senator from Utah.

WAR WITH IRAQ

Mr. BENNETT. Mr. President, as I go out among my constituents, the one question I always get asked in these present times is: Are we going to go to war with Iraq?

For a while my answer was, that is up to Saddam Hussein. It depends on how he acts and what he does, as to whether or not we are going to go to war with Iraq.

But what he does now is fairly clear. The position he has taken is fairly clear. He made the comment to an Egyptian journalist, that has been repeated now around the world:

Time is working for us.

He has made it clear that he is not going to change. There will be no disarmament of Iraq from within. There will be no genuine cooperation with the inspectors. So I think my earlier answer probably is no longer correct. The decision now lies with President Bush: Will we go to war or won't we?

In that circumstance, the President is being bombarded on all sides with editorial comment and punditry, with firm, solid recommendations, yes and no, depending on the ideological status of the particular pundit. They can make those firm recommendations from the safe, secure position of knowing that they will not have to be acted upon and that they will not be held accountable if their recommendation is followed and the result is not successful.

The President faces what is clearly the most agonizing and difficult decision of his Presidency. I pray for him and urge other Americans to pray for him as he makes this decision.

I want to lay down what I see as the challenge here. I do not think it is an easy question. I do not think it is clear, one way or the other. The truly Presidential decisions never are. If the decisions were easy, they would be made before they got to the level of the President. If the action was clear, smart people at lower levels of Government would take it. It is only when the decision is agonizingly close and the options not clear on either side that it ends up ultimately on the President's desk in the Oval Office and becomes his decision and his decision alone.

This is what I see. Saddam Hussein is going through the motions of cooperating with the inspectors, and there are those who say: Let that process play out. We have him contained. As long as there are inspectors in the country, there will not be any effort to use weapons of mass destruction. Let's just let that play out.

Then there are those who say: He has violated the resolution of the United Nations. The legal position is absolutely clear. If the United Nations and the United States are going to be taken seriously around the world, we must now take military action and we cannot wait any longer.

I am sure those legal arguments with respect to Resolution 1441 in the United Nations are valid. I don't argue with them. But they don't change the practicality of the situation, that an attack on Iraq—even if it is justified under the legality of the United Nations resolution—might still prove to be a mistake. The solidity of the legal position with respect to Resolution 1441 is a legitimate question for Colin Powell to raise with his fellow diplomats, but it does not ease the agony of the necessity of making the final decision in the Oval Office.

I believe that Saddam Hussein is cooperating with the investigators for one reason and one reason only; that is that American troops are massing on the border. He knows American military power is sufficient, if unleashed, to bring his regime down and probably end his life. He is taking every step he can to try prevent that.

Those who say let this play out, leave the status quo and let it go forward, don't appreciate the difficulty of America keeping those troops on line, keeping those troops on the border, keeping those airplanes on alert so that he will continue to try to satisfy the inspectors. We cannot continue to do that for an extended period of time. It is not fair. It is not possible, given the lives and other challenges faced by these young people. At some point and at some point relatively soon, the President is going to have to make a decision to either move in or stand down. And the ultimate question here is not what is the legality of U.N. Resolution 1441 or what is the relevance of the United Nations in the world community. The ultimate question here is, What will be the result if he moves forward, and what will be the result if he stands down, he, in this case, of course, being President Bush.

We have heard a lot of talk. That is not the right term. That implies something less than seriousness. We have heard a lot of analysis about what could happen if he moves forward. Some of the scenarios are very encouraging; some are frightening. We don't know in advance which ones would come true. We have had less analysis placed on the question of what would happen if the President orders the troops to stand down and start to come home. We do have some historic precedent for this. I remember going to the room in the Capitol on the fourth floor and hearing Madeleine Albright describe the situation in Iraq, in terms eerily familiar to the terms we are currently hearing from Secretary Powell. I remember walking out of that briefing in room 407 and saying to myself: We will be at war with Iraq within 3 days.

Then President Clinton made the decision that we would stand down. American troops were not at the forward edge they are now, so that decision was not as difficult in terms of the logistics, as it would be for President Bush now. But at the same time, the progress being made then was not as good as it is now. President Clinton, for whatever reasons—good, bad, or indifferent—decided to stand down and the result has not been one with which the world is pleased.

Now, if we stand down, the result ultimately, in my opinion, would be more devastating for world peace, long term, than if we move forward.

I know how agonizing that decision must be for the President. I will look forward to listening to him discuss it with us tonight. I hope he will outline for us what would be the consequences if we stand down, in terms of American credibility—credibility that is not just saving face in some kind of psychological way, credibility that is essential to keeping the peace in the world. What would happen to those countries that are urging, hoping, praying for Saddam Hussein to be gone, if they said the Americans got this far, they came this close, and then they turned around and left? That means we cannot depend on the Americans ever again. We can't trust their word ever again. What would be the consequences of that? I think they would be serious.

I remember a couplet I learned as a child. I never quite understood what it meant until someone in my later years explained the historic context. It is just a child's rhyme, but it was based on a historic event. It said:

The King of France went up the hill
With twenty thousand men;
The King of France came down the hill,
And ne'er went up again.

There was even a tune that went to it. I will not duplicate Senator D'Amato and sing on the Senate floor. But that is where we are.

The King of France went up the hill
With twenty thousand men;
The king of France came down the hill,
And ne'er went up again.

The United States of America, acting on a 15-to-nothing resolution out of the Security Council of the United Nations, as well as an overwhelming vote in this Chamber and in the other body, has marched up the hill and told Saddam Hussein he must disarm. Now there are those who say because he has stopped producing these weapons, as long as these troops are at his border we can afford to turn around and march down again.

It is, as I said, an agonizing decision. It will be made by the President of the United States. He will not ask my advice, for I have no expertise in these matters. But my constituents do ask me about it because I represent them in this body.

I think having marched up the hill, having taken the United Nations Resolution 1441 at its face value, and having stood the troops there, that has produced the results we have had so far. We cannot now back down.

I wish the President well. As I said, he is in my prayers, and I hope that of all Americans, as he makes this most momentous decision. The consequence is: What happens if we do? And what happens if we do not?

I wish the President well as he makes that analysis. I have confidence in this

President and his instincts that he will, in fact, ultimately make the correct decision.

PROVIDING FOR A JOINT SESSION OF CONGRESS

Mr. BENNETT. Mr. President, I ask unanimous consent that the Senate proceed to H. Con. Res. 12, a resolution providing for a joint session of Congress, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 12) providing for a joint session of Congress to receive a message from the President on the state of the Union.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. BENNETT. Mr. President, I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 12) was agreed to.

JOINT SESSION OF THE TWO HOUSES—THE STATE OF THE UNION ADDRESS BY THE PRESIDENT OF THE UNITED STATES

Mr. BENNETT. Mr. President, I ask unanimous consent that the Presiding Officer of the Senate be authorized to appoint a committee on the part of the Senate to join with a like committee on the part of the House of Representatives to escort the President of the United States into the House Chamber for the joint session to be held tonight, Tuesday, January 28, 2003, at 9 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENNETT. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

PRAYERS FOR THE PRESIDENT AND THE MEN AND WOMEN IN THE ARMED FORCES

Mr. SCHUMER. Mr. President, first let me join my friend from Utah in sentiments that he expressed at the end of his speech in that we hope and pray for the wisest decision from the President. And we hope and pray for our young men and women who are amassing in the Middle East now.

War, of course, should be the last resort. We still hope that it can be avoided. But if it cannot, we wish them and their families the best and pray for their speedy success.

HOMELAND SECURITY

Mr. SCHUMER. Mr. President, my reason for coming to the Chamber today is similar to those of many of my colleagues on this side of the aisle. We are discussing what we hope the President will speak about tonight, what we want him to speak about, what we expect him to speak about.

Some of my colleagues have talked about areas such as the economy, the environment, education, and health care. I am going to address the issue of homeland security because, as much as we do overseas, we have to make sure our homeland is secure as well.

If, God willing, we were able to just eliminate all of al-Qaida and all of Saddam and his supporters, we would still face a danger from terrorism. Terrorists can strike almost at will in different ways, and our country is not yet secure against them, although I will say we have made some progress, particularly in the areas of air safety and in bioterrorism, since 9/11.

But we have so much more to do. What worries me is that the focus of this administration is almost exclusively on fighting the war on terrorism overseas. To beat the terrorists we need a one-two punch—one, fighting that war overseas, dealing with terrorism overseas; but, two, making our homeland more secure. And there seems to be a rather quaint and quirky notion among many of those in the administration that we can successfully fight the war here at home without spending a nickel. That is just wrong.

The bottom line is if someone were to say to the Commander in Chief of the Armed Forces, go fight the war in Iraq without any new resources, without any new dollars, he would say: I can't. But that is basically what we are saying to Mr. Tom Ridge and those who work under him.

Time and time again, when Members on both sides of the aisle have done a lot of research and proposed measures that would increase our security here at home, we are told: Well, that's a good idea, but we can't spend any money on it.

That just cannot be. There are so many areas where we lie naked, possible prey, God forbid, to terrorists.

Take our ports. We are far, far behind where we should be in monitoring what comes in on our ships. As we all know, those ships could be filled with deadly devices.

Take our borders. On the northern border, my State has a long and peaceful border with Canada. But, right now, if we pass the budget that was passed in the Senate, there will be fewer Customs inspectors on that northern border than there were on 9/11.

As to the FBI, this new budget that we passed, unfortunately, cuts the number of FBI agents. While the counterterrorism parts of the FBI are increasing, all the other parts are decreasing. It makes no sense to say we are going to make our citizens more secure from a foreign threat and leave them prey to a domestic threat. Bank robberies in my community are going up. It seems logical to assume that one of the reasons for that is that the FBI is not able to do its function under the strained budget that we have given it—to do both functions: fighting terrorism and fighting crime here at home.

As to cyberterrorism, unfortunately, Richard Clark, a brilliant man—the administration's point man on cyber-security—is leaving. But I am sure, as he has told many of you, we are again doing virtually nothing to make ourselves more secure from a deadly virus that might invade one of the very important technological systems that secure our country. And the list goes on and on and on.

As to truck safety, trucks that carry hazardous material, Brazil is doing a far better job in dealing with terrorism there than we are, even though they have not been the focus of terrorist attacks.

As to the rails, in my City of New York, Penn Station has a 1½-mile tunnel that has no egress. God forbid if something terrible happened there. What we have to do is look at all of our weak pressure points in terms of where terrorists would strike and strengthen them.

But this administration, in part because they do not want to spend the dollars necessary—as eager as they are to spend the dollars overseas that are necessary—is not doing the job.

So today we are going to look, as the President speaks, as to what specifically he is going to do to bolster our case in terms of homeland security. We are going to see if the promise that was made—for instance, in the USA Patriot Act, that we triple the number of Border Patrol and Customs agents and immigration authorities at the northern border—will be fulfilled.

We are going to look and see if there are the dollars necessary to update the INS computers, which are notoriously bad, so terrorists cannot slip into the country, and the FBI computers that, again, were so bad that all the signals we had about a plot that was hatched for 9/11 were missed, mainly because the FBI computers were less sophisticated, frankly, than the one my eighth grade, 14-year-old daughter has at our home.

The list goes on and on. And no one expects this administration will clean up every single problem we have in 6 months. But in terms of effort, in terms of focus, in terms of allocation of resources, they are woefully behind.

My good colleague from West Virginia, who has done so much to lead this fight, made a very good point on the homeland security bill. That bill, as you all know, rearranged agencies but did not change what happens within them.

Rearranging agencies does not change things. Moving the Coast Guard over to this new agency is not going to help it patrol 200 miles off the coast as it must do in our post 9/11 world.

When our President tonight gives his speech, we are all going to be looking to see what specifically he will say and

what resources he will devote to protect our domestic security. Up until now the administration's voice has been all too quiet and all too silent. We hope tonight's speech indicates a large change.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. What is the status of the time?

The PRESIDING OFFICER. The time until 4:45 is under the control of the Senator from New Hampshire, 5 minutes.

Mr. GREGG. Five minutes.

The PRESIDING OFFICER. Correct.

Mr. GREGG. I was of the impression that the unanimous consent gave us 7 minutes.

The PRESIDING OFFICER. It is now 5 minutes.

FUNDING

Mr. GREGG. Mr. President, there have been a lot of representations made on the floor today by Members of the other side of the aisle relative to funding and lack of funding. It is interesting because, as we went through the last budget exercise in the Senate last week, when the appropriations bills were passed, we heard from the other side that they needed more and more money. And although the President tried to hold the line on fiscal discipline by setting a number of $750 billion of discretionary spending, which was the agreed-to amount signed off on by the Senator from West Virginia and members of the Democratic Party back when they controlled the Senate in the last Congress, suddenly we found that money was not enough.

There was over a half a trillion dollars of new spending proposed from the other side of the aisle that was not offset, not paid for, that would have been put on top of the spending which the President had committed to. That irresponsible explosion in proposals in spending is an example of the lack of discipline which we are seeing in the area of fiscal policy from the other side of the aisle.

It has to be put in the context not only of the fact that it is an explosive attempt to expand the Federal deficit through new spending, but also in the context of the fact that this President has made stronger commitments in the area of education and national defense than any President in recent times and certainly than the President who preceded him.

I yield the floor.

It is very hard for me to understand how with a straight face, Members from the other side of the aisle can come down here and attack this President for failing to fund education. When we look at what this President has done in the area of funding education, we need to look at some pretty simple and obvious charts. In his first year, President Bush increased funding for education over President Clinton's budget by $20 billion. That is $20 billion of new money this President put directly into education in his first year as President.

An example of that commitment was in the area of special education, where President Clinton basically zero funded, relative to increases, the issue of special education, while President Bush dramatically increased it, by $1 billion a year, year in and year out, since he has been President the first 3 years—$1 billion each year, so that he has radically increased funding for special education.

It is pretty hard for the other side to come down here and make the representation that this President has not significantly increased funding. In fact, if you look at the spending this President has committed to funding and done in the context of fiscal responsibility, not exploding the budget with spending as was proposed from the other side of the aisle when they proposed over half a trillion dollars of new spending last week without offsets, this President, in the area of education, has increased funding by $2.5 billion in the area of title I, for example, in his first 2 years in office. That is a greater increase, by 25 percent, than President Clinton gave in his 7 years in office. So the commitment for funding for education has been dramatic.

We heard earlier that the President hasn't funded up to the authorization levels. That is not unusual in this Congress or in this Government not to fund to the authorization levels. I will point out that if you are going to compare funding up to the authorization levels of this Presidency versus President Clinton, under President Clinton's Presidency, the gap between funding, the difference between funding to appropriation levels and authorization levels was about twice what this President's gap is in that area. President Bush has done even a better job in coming close to funding at authorization levels than President Clinton did.

It is really inconsistent and a touch hypocritical to come down here and attack President Bush for failing to fund education when, in fact, he has done more to fund education than any President in recent times and certainly dramatically more than his predecessor during a time when the Democratic Party controlled both the Senate and the Presidency.

There have been other representations that he has not funded adequately homeland security. That is an incredible representation. When I hear the Senator from New York come down here and say that homeland security has not been adequately funded, when you think of the billions, tens of billions of dollars the Congress has voted to assist the City of New York, very appropriately, under the leadership of this President, I find it difficult to understand how that argument can be made.

If you look at the funding in the area of the FBI, we have heard this representation: This number of agencies is going to have to be cut.

That is a total fabrication. FBI funding under this President has gone up every year. It is going up significantly this year. It went up significantly last year. And more agents are being added. The same is true of the INS, the same is true of the Marshals Service, of DEA. All of these accounts come under the jurisdiction of a committee which I had the good fortune to be ranking member of and now am chairman of, the Commerce, State, Justice Committee. The representation that we are actually reducing manpower or reducing the accounts in these areas is simply wrong. It is inaccurate, and it is a gross misstatement. It should not be made on the floor of the Senate because people should know the facts before they come down here and make these representations.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. GREGG. I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from North Dakota is recognized.

THE ECONOMY

Mr. DORGAN. Mr. President, this is a most interesting discussion we are having. I guess two and two equals five here in the Senate. We are told repeatedly that this Senate and Congress should increase defense spending, and it does; increase spending on homeland security, and it does. And then cut other domestic discretionary spending. But now we are told, we don't really cut other domestic discretionary spending.

The President apparently wants to increase defense spending, increase homeland security spending, increase other spending, and then have tax cuts, as if somehow that all adds up. I don't know where you get that kind of schooling. Does two and two equal five? I don't think so.

Either there are cuts in domestic discretionary spending or there are no cuts. We all know the truth. I will bring charts down here and talk about these areas of the Government where they will be spending less this year than they did last year. With respect to homeland security, I wonder if my colleagues really make the case that the President has not in any way ignored the needs of homeland security when in fact we appropriated $2.5 billion for homeland security that the President would not spend, in spite of the fact that, for example, with port security, that is the security of America's seaports, we have 5.7 million containers coming in every year to the seaports, and 100,000 of them are inspected and 5.6 million are not.

Everyone in this country understands, all law enforcement understands, that that is a very difficult problem. The homeland security issue with respect to seaports is a very serious issue. It is unaddressed.

It is interesting to come here and listen to this, but there are either cuts in spending or there are not. We will have some discussion about that in the future. Let me talk about a couple of other things, if I might.

We are going to hear the State of the Union speech tonight. The fact is, I want this President to succeed. I want this country to succeed. I wish no ill will towards anyone because of partisanship. We are of different parties, but we serve the same interest. We serve the common interest of this country. All of us want this President to succeed, want his administration to succeed, and we want this country to do well.

But I want to tell you, there are some days when I wonder about what is going on around here. Today is one of those days. I don't know when in all the years I have served in the House and Senate that I have been more disturbed than I was in reading this article I will describe. It appeared in yesterday's Washington Times. A similar story ran in the Los Angeles Times the day before yesterday.

Let me read the first paragraph:

> Top White House officials warned yesterday the Bush administration has not ruled out using nuclear weapons against Iraqi President Saddam Hussein if he deploys weapons of mass destruction against the United States.

Now, I don't understand this at all. We are told in the Los Angeles Times, and in this story, that they are talking about using designer bunker buster nuclear weapons, something that has been discussed previously in the administration. Do you know that India and Pakistan were shooting at each other yesterday over Kashmir? Both of them have nuclear weapons, and the leadership of this country must be exhorted to tell these countries you cannot use the nuclear option? We are the country that must exercise restraint.

We have people in this administration who, in my judgment, make the most reckless, dangerous statements I have heard in some 2 decades in this town when they talk about the potential of using nuclear weapons. That is not what this country ought to be talking about. There are some 30,000 nuclear weapons, give or take a couple thousand, that exist on this Earth. It ought to be our responsibility to try to make sure that never again is a nuclear weapon exploded in anger on the face of this Earth. If one, just one, is exploded, others will explode. This country ought not talk about the use of nuclear weapons. We ought not be reckless to talk about designing a new type of bunker buster nuclear weapon. This lowers the threshold of other countries who aspire to having nuclear weapons about when they might consider using them. It is reckless, dangerous, and irresponsible. I cannot believe I am reading this sort of thing. The nuclear option in Iraq—the L.A. Times says:

> The United States has lowered the bar for using the ultimate weapon. The United States is thinking about the unthinkable, preparing for the possible use of nuclear weapons against Iraq.

I ask unanimous consent that the entire article be printed in the RECORD.

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

[From the Washington Times, Jan. 27, 2003]

ADMINISTRATION WON'T BAR USE OF NUCLEAR WEAPONS

(By Ellen Sorokin)

Two top White House officials warned yesterday the Bush administration has not ruled out using nuclear weapons against Iraqi President Saddam Hussein if he deploys weapons of mass destruction against the United States or its allies.

White House Chief of Staff Andrew H. Card Jr. said on Sunday morning talk shows that the United States will use ''whatever means necessary'' to protect its citizens and the world from a ''holocaust.''

''I'm not going to put anything on the table or off the table,'' Mr. Card said on NBC's ''Meet the Press.'' ''But we have a responsibility to make sure Saddam Hussein and his generals do not use weapons of mass destruction.''

Dan Bartlett, White House communications director, echoed Mr. Card's sentiments.

''What is clear—and the message that President Bush has sent unequivocally—is that if the Iraqi regime, if Saddam Hussein and his generals decide for one second to use weapons of mass destruction against allied forces of the United States of America and our allies, we will make sure it doesn't happen,'' Mr. Bartlett said on CNN's ''Late Edition.''

Their comments came two days after an article published in the Los Angeles Times claimed the United States was considering using nuclear weapons in a possible war against Iraq to destroy underground command posts and stop Iraqi forces from using weapons of mass destruction.

The story cited top U.S. private military expert William M. Arkin. According to the story, he said plans for using nuclear weapons against Iraq were being fleshed out at the U.S. Strategic Command in Omaha, Neb., at the Pentagon and at an ''undisclosed location'' in Pennsylvania where Vice President Richard B. Cheney spent time during terrorism alerts.

Defense Secretary Donald H. Rumsfeld signed in December 2001 a classified nuclear posture review that opened the possibility for nuclear weapons to be used against targets able to withstand most non-nuclear attacks. Countries such as Iraq, Iran, North Korea, Libya and Syria were added to the list of possible targets.

Defense Department spokesman Maj. Ted Wadsworth refused to confirm or deny the report, saying: ''That's something that policy-makers have to talk about.''

Yesterday, several lawmakers and policy analysts said they hoped the administration would not resort to using nuclear weapons to deal with the situation in Iraq.

Sen. RICHARD G. LUGAR, Indiana Republican and chairman of the Foreign Relations Committee, said he hasn't heard any discussion on using nuclear weapons on Iraq.

''Our policy is negotiation,'' Mr. LUGAR told ''Late Edition.'' ''[Secretary of State Colin L.] Powell at the United Nations, bringing together the U.N., trying to get Saddam to declare, hoping the inspectors against hope will find something. All we're saying . . . Saddam has to realize he will be disarmed. He doesn't understand that. I don't think he believes it. And that's the critical point.''

Sen. BARBARA BOXER, California Democrat and a member of the Foreign Relations Committee, said the real test of the country's leadership is bringing the world together and resolving the issues in a way that results with the least loss of life.

''It's very chilling to talk about first use of nuclear weapons,'' Mrs. BOXER said on ''Late Edition.''

''And I wish we didn't go down the path. The whole world knows that we are the superpower, we are for sure the only superpower, we have an arsenal that could destroy every man, woman and child in the world 10 times over. We don't have to go around beating the drums of war,'' she said.

Pentagon adviser Richard Perle said on ''Fox News Sunday'' he couldn't think of a ''target of interest'' in a conflict with Iraq that couldn't be addressed with non-nuclear weapons.

''We have extraordinary military technology, weapons of great precision that have the enormous benefit of destroying the target almost all of the time without doing unintended damage to civilians,'' said Mr. Perle, a resident fellow at the conservative American Enterprise Institute for Public Policy Research in Washington.

''I can't see why we would wish to use a nuclear weapon,'' he said.

Several lawmakers said they would first want Mr. Bush to present evidence as to why military force against Iraq is needed.

Senate Minority Leader TOM DASCHLE, South Dakota Democrat, said Mr. Bush has yet to make a ''compelling case'' that military force against Iraq is necessary right now.

''He hasn't done that,'' Mr. DASCHLE said on CBS' ''Face the Nation.''

''The President needs to make a compelling case that Iraq poses a very imminent threat to the United States and, secondly, that he has worked through the international community and exhausted all other options. Only if those two criteria are met does he have the authority, the license to take military action.''

Mr. DORGAN. Mr. President, I hope those who are in closed rooms thinking in this kind of a dangerous way are not part of the Government for long, or part of this administration for long. That is not what we ought to be doing in this country.

Let me describe one other piece of information about this issue of foreign policy. One year ago in the State of the Union Address, the President said—correctly, in my judgment—that the greatest threat to this country is the network of terrorists around the globe that wish this country harm. They are the ones who murdered thousands of innocent Americans. One year ago now, I was in Afghanistan. Flying into that country over the mountains, you looked down and you understood that deep inside caves in the mountains were Osama bin Laden and his key planners, planning the murder of innocent Americans. That network of terrorists and others around the world represent a serious threat to this country.

But we have not heard about Osama bin Laden for a long while. I read yesterday that the President himself mentioned Osama bin Laden six times in the last year. It appears that these days it is ''Osama been forgotten,'' rather than Osama bin Laden.

Osama bin Laden is a very serious threat to this country. He is apparently alive, according to our intelligence services. His chief deputy has not been found. Key leadership of the al-Qaida has not been discovered. The head of the CIA says we are at as great a risk today for terrorism as we were the day before September 11. It is now Iraq, all Iraq, all the time.

But the President was right last year. This country, in my judgment, suffers grave danger from the acts of terrorists who are still there, still active, and still wish to harm this country and kill innocent Americans.

My hope is that we could have some balance in the concerns we express about what is going on around the world between North Korea, Iraq, al-Qaida, and more.

Mr. President, I assume President Bush will talk a great deal about foreign policy tonight, but I think he will also talk about economic policy.

Saddam Hussein is a bad, evil guy, no question about that. North Korea is a threat. Terrorists, especially, are a very serious continuing threat. All of that, to be sure, exists. It is also the case that here at home we have an economy that is not doing very well. A great many people are out of work. Some people say, well, let's brush all that aside, things are just fine. They are not fine. The administration, for some while, has said this is just fine. The economy has hit a little speed bump, I think they called it, but things will be fine.

In the last 2 months, the administration fired their economic team, brought in some new people, and now they are saying we need a stimulus program, despite what they have provided us is not a stimulus at all. It will provide no jump start to the economy. If that is what we want, this is like hooking a flashlight battery to a car and hoping to start it. It will not work.

The question for all of us is: What will really work to give this economy some boost? First and foremost, part of what is weighing down on the neck of this economy is every morning every American wakes up and tunes in the news and the top story every day, every month, is the potential of war. That means unpredictability, uncertainty, and great concern. When that exists, the American people don't have the confidence in the future that we need. Confidence is what this economy is about. Our economic foundation is confidence by the American people. When they are confident, they do things that manifest that confidence. They take a trip, buy a car, buy a home, make a purchase, and the country expands. That is the expansionary side of the business cycle. When they are not confident about the future, they do the exact opposite. They defer the trip, don't buy the car, don't make the purchase, and the economy then contracts.

First and foremost, people are concerned about this talk every day, every week, every month regarding the specter of war. We have to find a way to move through this period and give people confidence about the future. But the economy also needs a boost, a fiscal policy that gives it a boost, a jump start.

The principles are very simple. They have nothing at all to do with what the President suggested. The principles are that a jump start of the economy ought to be immediate, temporary, and effective. I regret to say that the President proposes none of that. I wish he would have proposed something that was consistent with those principles. I would say sign me up, I am for it. But that is not the case.

We have lost a great many jobs—2.4 million private sector jobs—since President Bush took over. Now, it is not the role of Government to create jobs. That is not what Government does. The private sector and businesses create jobs. But the Government creates conditions under which jobs are created, economic conditions in which the economy expands or contracts. When it contracts, people lay their employees off, entrepreneurs and businesses lay off employees because they don't see a better future. When the economy expands, people are hired and more people are put to work as employees.

The fact is that, at the moment, we have exploding deficits, high unemployment, a lack of confidence in the future, and we need, it seems to me—all of us—to be serious about what we do in putting the economy back on track. We are finally talking about ''how'' rather than ''whether.'' Three months ago, the question was ''whether.'' The President's economic team was saying that things are fine. We are all saying they are not fine, we have to fix what is wrong with the economy, and the sooner the better.

My hope is that this evening the President will recognize all of us want to work with him on national economic policy and on foreign policy. It is very important that we do the right thing. The President's plan, regrettably, is not near the right thing for what ails this economy.

Providing exemptions for dividend payments, the bulk of which are owned by upper income people, the wealthiest Americans, and borrowing money to do it so we can have tax cuts for 10 years into the future of $670 billion makes no sense at all.

If someone were to say let's have a debate on reforming the tax system, we could debate all of these things, but if we are talking about how to stimulate this economy, how to jump-start the American economy, the President has provided exactly the wrong set of recommendations. They are not immediate, temporary or effective. He will be stuck, we will be stuck, and the American people will be stuck with an economy that is sluggish and is not doing what it needs to do to expand and help businesses create jobs. That is not what I want. It is not what any of my colleagues want. We had an economy that works, one that gave hope and opportunity to the American people, and we want that back.

I am going to come to the Chamber in the next couple of days and show some charts. I was going to show them today. The Office of Management and Budget, which tells us how the economy is doing, is so wildly off the mark they might as well be throwing darts at some chart to find out what the surplus, deficit, and fiscal policy ought to be. They predict, and promise from time to time, that the fiscal condition of this country is going to be incredibly good with big surpluses. Then a few months later, they say it is going to be an economy in big trouble and big deficits. It seems to me one could probably get as close as they are getting by throwing darts at a board. We really need a plan that works, one that is predictable, one we can count on, one that restores economic health to this country and puts the economy back on track.

Mr. REID. Will the Senator yield?

Mr. DORGAN. I am happy to yield.

Mr. REID. Will the Senator explain what this chart means?

Mr. DORGAN. This chart shows the predictions of the Office of Management and Budget. In the year 2002, they predicted we would have a $283 billion surplus.

Mr. REID. How did that turn out?

Mr. DORGAN. It turned out we had a $159 billion deficit.

Mr. REID. How far were they off? It is $283 billion, plus $159 billion, that's how far they were off?

Mr. DORGAN. That is very good. They were off over $400 billion. For 2003 they said we were going to have a $41 billion surplus. Now we are going to have over a $300 billion surplus.

Mr. REID. That is easy: $341 billion.

Mr. DORGAN. That is right. The Senator took advanced math in Searchlight, NV, I can see.

Mr. REID. I also ask my friend, wouldn't this $300 billion surplus that is the revised estimate be one of the largest deficits in more than 2 decades?

Mr. DORGAN. Yes, absolutely.

Now we have some people saying deficits really are not so bad. Where did that start? It seems to me if children are saddled with the debt from our spending, or our tax cuts, the kids are being told, by the way, here is our policy and you pay for it.

Is that good or bad? Where I come from, that is not the kind of value system that one wants to express in fiscal policy.

I am going to have more to say on this, but this is not the time. I know we want to be out soon and the President is going to be giving his State of the Union Address this evening.

I want to make the point that both in foreign policy and fiscal policy, this country is significantly challenged. These are very tricky times. It requires a very steady hand and good policies.

Let me finish where I started. I am very concerned about people, on the eve of a State of the Union Address by a President of the United States, talking about the potential use of nuclear weapons by our country. I cannot believe that is what is happening. Just after India and Pakistan, who possess nuclear weapons and do not like each other much, have been shooting at each other, this country is saying, by the way, there might be circumstances in which we could use nuclear weapons. Whoever these two top White House officials are who said this, shame on them.

Mr. REID. Will the Senator yield?

Mr. DORGAN. I am happy to yield.

Mr. REID. The majority leader is not in the Chamber to close the Senate, and I have a couple of questions I would like to ask. Mitch Daniels, the head of the Office of Management and Budget, said on January 16 this year we ought not to hyperventilate about this new deficit estimate. Are you aware that the Senate majority leader said on January 5, 1996: ''We have a moral obligation to balance the budget; I am very hopeful that we are going to see to that''? Are you aware he said that?

Mr. DORGAN. It is not surprising. I think the value system for most of us has been we ought to try to have fiscal responsibility and balance the budget.

I say to the head of the Office of Management and Budget, he ought to start hyperventilating. If he does not hyperventilate over this, I guess there is nothing that gets his heart rate or breathing up.

When we talk about the issue of projected surpluses and then huge, suffocating budget deficits as far out as the eye can see, one better hyperventilate a little bit about that.

Mr. REID. Is the Senator aware that on February 1, 1998, the senior Senator from New Hampshire said: ''As long as we have a Republican Congress we are going to have a balanced budget, and if we can get a Republican President we can start paying down the debt on the Federal Government''?

That really has not proven to be true, has it?

Mr. DORGAN. It is not true that we have at this point a balanced budget. What is true is the budget is seriously out of balance and headed south. It is going to get worse and we need to fix it. Ignoring it is not going to solve the problem. We need to jump-start this economy with something that is effective and that is a stimulus plan of some type that gives something to the American people to work with, and gives them some confidence.

I happen to believe that Senator DASCHLE, myself, and others who have talked about rebates make a lot of sense. Incentivizing consumption in the short term and incentivizing business investment in the short term, in an immediate and temporary way, is what I think will give some boost to this American economy.

Mr. REID. Is the Senator aware that on November 15, 1995, the junior Senator from Pennsylvania, now a part of the Senate leadership in the majority, said: ''The American people are sick and tired of excuses for inaction to balance the budget. The public wants us to stay the course toward a balanced budget, and we take that obligation quite seriously''?

That really is not the way it is. Is it not true that during the last 4 years of the Clinton administration we spent less money than we took in?

Mr. DORGAN. Oh, yes.

Mr. REID. Is it not true we had a surplus?

Mr. DORGAN. We had very significant and increasing surpluses in the Federal budget. As a result of those surpluses, we began to actually eliminate Federal indebtedness, which relieved some of that burden off the shoulders of our children and their children.

Mr. REID. Is it not true we were even warned the last year of the Clinton administration to be careful, the debt is being paid down too quickly, slow it down or it may have some short-term impact on the economy?

Mr. DORGAN. What is true is when we got to a new fiscal policy proposal by the administration, they said let's cut $1.7 trillion in taxes because we have surpluses as far as the eye can see. Some of us said—I certainly did—maybe we ought to be a little bit conservative. What if we do not have surpluses forever? What if we run into some tough times? What if the economy runs into trouble? Then guess what happened. Without my vote, Congress passed a very large, permanent tax cut. We quickly discovered we were in a recession. Then we had a terrorist attack on September 11. Then we had a war on terrorism. Then we had the largest corporate scandals in history. All of this happened, it seems to me, suggesting that perhaps some of us who urged caution were right, because what happened is those big budget surpluses are now very big budget deficits.

What does the President say we ought to do about that? Let's provide more 10-year tax cuts to the tune of $670 billion. When interest is added to it, it is going to be over $1 trillion. None of that adds up.

Mr. REID. Is the Senator aware that on February 6, 1997, the senior Senator from Nebraska said: ''The real threat to Social Security is the national debt. If we do not act to balance the budget and stop adding to the debt, then we are truly placing the future of Social Security in jeopardy''? These huge deficits that have been accumulated during the last 2 years of this administration—the first 2 years, I should say, of this administration, the last 2 years—certainly that is not good for Social Security. Senator HAGEL is right, is that not true?

Mr. DORGAN. What these deficits do is they injure the Social Security system, and the long-term solvency of the Social Security system. There is no question about that. We have a lot riding on putting this economy back on track. The sooner the better. I think what the President and the Congress need to do is find a way to work together to do something that is effective right now.

Let me thank the Senator from Nevada for his questions.

I yield the floor.

Mr. REID. 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. SANTORUM. I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURE READ THE FIRST TIME—S. 224

Mr. DASCHLE. Mr. President, I understand that S. 224, introduced earlier today, is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill for the first time.

The assistant legislative clerk read as follows:

A bill (S. 224) to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage.

Mr. DASCHLE. I now ask for its second reading, and I object to my own request.

The PRESIDING OFFICER. The objection is heard.

The bill will receive its second reading on the next legislative day.

MEASURE READ THE FIRST TIME—S. 225

Mr. DASCHLE. I understand S. 225, introduced earlier today, is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill for the first time.

The assistant legislative clerk read as follows:

A bill (S. 225) to provide for emergency unemployment compensation.

Mr. DASCHLE. I now ask for its second reading, and I object to my request.

The PRESIDING OFFICER. The objection is heard.

The bill will receive its second reading on the next legislative day.

Mr. DASCHLE. Mr. President, we will have more to say about these matters tomorrow. As my colleagues know, this is an ongoing interest on the part of our caucus to move forward in providing benefits to those who are uninsured, especially those who are no longer eligible for current benefits. There are about a million of those people who are looking to us for help, and we will have more to say about that tomorrow.

CAMBODIA'S RULING PARTY

Mr. McCONNELL. Mr. President, there are two recent developments in Cambodia deserving of the Senate's attention.

First, voter registration for parliamentary elections in July, which is ongoing throughout that country over the next month, is being undermined by the ruling Cambodian People's Party, CPP. In complete control of the national and local election machinery, the CPP is making it difficult for opposition activists and supporters to register to vote and is creating a climate of fear that only bolsters the status quo.

While I am pleased the opposition Sam Rainsy Party and the royalist FUNCINPEC party have publicly complained of CPP interference and manipulation, I am deeply troubled by the relative silence of the international community in condemning these pre-election abuses.

Unless the complacent donor community aggressively checks CPP's manipulation in the preparation of these polls, the outcome of the elections will be a foregone conclusion even before the first vote is cast.

Second, recent comments by CPP hardliner and Prime Minister Hun Sen should be of grave concern to all donor nations, and democracy activists throughout Cambodia. On January 14, 2003, Hun Sen said: ''I would like to announce to all the political parties to be very careful. If you would like to break Hun Sen's party, or the CPP, you might miss the opportunity to work on your own internal affairs. And as usual, Hun Sen would beat up and destroy the head of the engine. Meaning, I never beat up unimportant person but completely destroy the main engine. If you would like to play this game, I would be more than happy to accompany you. And I will use my last resort if that is what it takes. . . .''

This public threat betrays Hun Sen's total commitment to harassment, intimidation, and violence as a means of maintaining his rule.

Hun Sen's dark character was further revealed when he continued: ''I assure you that I have all the means to get the information from you [opposition political parties]. If you have the meeting in the morning, the information will come to me in the afternoon. Except if you kill all the people in your own party like Pol Pot, then the information will not reach Hun Sen. Everywhere there are Hun Sen's men. Don't forget that I am the head of an undercover agency. I would like my capabilities to be known to the world. The CIA [Central Intelligence Agency] is American, but we are the Cambodian Intelligence Agency (CIA).''

Through his own words, and by his own admission, Hun Sen has shown himself to be nothing less than a paranoid evil dictator. His tough talk is unimpressive and only underscores his complicity in the numerous corrupt and violent episodes of Cambodia's more recent past, including illegal logging and the ongoing harassment of Global Witness, the killing of opposition activists, the banning of Voice of America rebroadcasts by the Beehive radio station, the March 1997 grenade attack against the Khmer Nation Party, and the July 1997 coup d'etat.

Let me be very clear to the State Department, the World Bank, and other international financial institutions: the failure to hold Prime Minister Hun Sen and the CPP accountable for their repressive actions and abuses, including in the ongoing harassment of Global Witness, will have funding ramifications in the fiscal year 2004 foreign operations bill.

I want to assure the people of Cambodia that many of us in the Congress will continue to follow political developments in Cambodia. We know that you want change, and the stability that comes from a nation rooted in the rule of law. And we know that the CPP cannot provide this.

EXTENSION OF THE RURAL ADD-ON PAYMENT FOR HOME HEALTH

Ms. COLLINS. Mr. President, on behalf of myself and Senator BOND, I want to thank the chairman of the Finance Committee and the chairman of the Appropriations Committee for agreeing to include a 6 month extension of the add-on payment for rural home health services in the omnibus appropriations bill. Extension of this add-on payment, which currently is scheduled to sunset on April 1 will help to ensure that Medicare patients in rural areas continue to have access to the home health services that they need.

Home health has become an increasingly important part of our health care system. The kinds of highly skilled, and often technically complex, services that our Nation's home health agencies provide have enabled millions of our most frail and vulnerable older persons to avoid hospitals and nursing homes and stay just where they want to be, in the comfort and security of their own homes.

Surveys have shown that the delivery of home health services in rural areas can be as much as 12 to 15 percent more costly because of the extra travel time required to cover long distances between patients, higher transportation expenses, and other factors.

Rural agencies also experience higher costs relative to productivity. Because of the longer travel times and distances between patients, rural caregivers are unable to perform as many visits in a day as their urban counterparts. Saundra Scott-Adams, the executive director of the Visiting Nurses of Aroostook in Aroostook County, ME, where I am from, tells me her agency covers 6,600 square miles with a population of only 72,000. Her costs are understandably much higher and her staff productivity much lower than the average due to the long distances her staff must cover to see patients.

Moreover, agencies in rural areas are frequently smaller than their urban counterparts, which means their relative costs are higher due to smaller scale operations. Smaller agencies with fewer patients and fewer visits means that fixed costs, particularly those associated with meeting regulatory requirements, are spread over a smaller number of patients and visits, increasing overall per-patient and per-visit costs.

If the rural add-on payment is eliminated on April 1, it will only put more pressure on rural home health agencies that are already struggling and could force more of these agencies to close. Many agencies operating in rural areas are the only home health providers in a vast geographic area. If any of these agencies are forced to close, the Medicare patients in that region will lose complete access to home health care.

The Medicare Payment Advisory Commission, MedPAC, met earlier this week and voted unanimously to extend for 1 year the add-on payments for rural home health services at 5 percent. Our provision is consistent with the MedPAC's recommendation and will extend the expiring provision through September 30. This will give the Finance Committee time to consider whether this add-on payment should be extended further.

Once again, I thank my colleagues for their assistance, and I look forward to working with them on this and other issues of importance to the health of rural Americans.

ADDITIONAL STATEMENTS

HONORING MISS DAISY ROSE BECK

• Mr. BROWNBACK. Mr. President, I rise today to honor Miss Daisy Rose Beck who passed away on September 7, 2002, after losing a hard fought battle with leukemia. She retired from the U.S. Federal Service in 1995 after serving America for 54 consecutive years. She holds the record for length of employment as a female GS-level employee.

From the early 1960s through 1995, her duties included personal secretary for the four-star U.S. army generals who pulled tours of duty in the Republic of Korea, commanding the United Nations Command, ROK/U.S. Combined Forces Command, U.S. Forces Korea and the 8th U.S. Army. In addition, she was one of the workers at the German War Crimes Trial at Nuremberg.

Daisy Rose Beck was very quiet, friendly, efficient, respectful, and very much loved by all who met her. Daisy served for decades in places where most Americans only served a single year. She is a true American, hard working, efficient, intelligent, courteous, kind, and yet focused and dedicated to the success of a mission.

These days we face harsh enemies around the globe. We Americans have a proud tradition of doing what is right

with fairness, kindness, and courage. Daisy Beck epitomizes these qualities. She is a wonderful, positive role model for all Americans in times of adversity.●

TRIBUTE TO SCARLOTTE DEUPREE

● Mr. SESSIONS. Mr. President, today I pay tribute to an outstanding citizen of the great State of Alabama, Miss Scarlotte Deupree.

Scarlotte may be a young woman, but her accomplishments are numerous and exceptional. Her most recent achievement was receiving the very distinguished honor of being First Runner Up to Miss America for 2003. This honor bears important functions, including representing and advocating good American values, which is a fundamental part of the Miss America Pageant. These young women choose platforms, or issues, important to our society and use their stature to help raise awareness and bring positive changes to these areas. Before entering the Miss America Pageant, Scarlotte knew that her platform would be adult literacy, an issue she has worked with for many years.

Scarlotte has devoted a great amount of her time to helping others and raising the public's awareness of adult literacy. Included in Scarlotte's work are her efforts in forming the Sylacauga Adult Literacy Council, her coordination of the first Women in Literacy Summit, as well as her work with the Literacy Council of Central Alabama, ALERT, Habitat for Humanity, and the Ronald McDonald House. In addition, Ms. Deupree helped spearhead the Literacy Awareness Week for the cities of Homewood and Athens, AL.

For her great work, Ms. Deupree has been honored by the Daily Points of Light Foundation with the Daily Point of Light No. 660 Award. She also received the Distinguished Partner Award by the Literacy Council of Central Alabama, the Miss Alabama Community Service Award, 1999 and 2002, Miss America State Community Service Award, 2002, the U.S. Presidential Service Gold Award, 1999 and 2002, and she was voted ''Most Ambitious'' by her student peers at Samford University.

Scarlotte also has a great record of accomplishment in other areas, including education. She completed high school at the top of her class at Sylacauga High School, where she was a member of the National Honor Society, student council, Mu Alpha Theta Math Honor Society, Political Awareness Club, and the B.B. Comer Library Teen Advisory Board. She went on to study English and journalism at Samford University, one of the Nation's best liberal arts colleges. There she was a member of the Sigma Tau Delta English Honor Fraternity, Samford University Honor's Program, Freshman Forum, Alpha Delta Pi Social Sorority, and volunteered as a Step Sing Consultant. In addition, she worked in my Senate office as an intern in the winter of 2000, a very busy time for our political system and country. She produced excellent work, received high marks from my staff, and contributed greatly to my office during her stay. I was very impressed with her.

She is an example of the great work our Nation's young people do. I am very proud of her and I know she will continue to give leadership to the critical area of adult literacy and that she will be a leader in whatever career she chooses. I applaud her tireless efforts on behalf of all Alabamians and would like to take this opportunity to thank her for all that she has contributed to her community, the State of Alabama and our Nation.

Mr. President, I ask my colleagues to join me today in recognizing Scarlotte Deupree for her outstanding achievements and wish her well as she continues to work to improve literacy.●

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 and a withdrawal which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON THE STATE OF THE UNION—PM 1

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was ordered to lie on the table:

To the Congress of the United States:

Mr. Speaker, Vice President Cheney, Members of Congress, distinguished guests, fellow citizens:

Every year, by law and by custom, we meet here to consider the state of the union. This year, we gather in this chamber deeply aware of decisive days that lie ahead.

You and I serve our country in a time of great consequence. During this session of Congress, we have the duty to reform domestic programs vital to our country . . . and we have the opportunity to save millions of lives abroad from a terrible disease. We will work for a prosperity that is broadly shared . . . and we will answer every danger and every enemy that threatens the American people.

In all these days of promise and days of reckoning, we can be confident. In a whirlwind of change, and hope, and peril, our faith is sure, our resolve is firm, and our union is strong.

This country has many challenges. We will not deny, we will not ignore, we will not pass along our problems to other Congresses, other Presidents, and other generations. We will confront them with focus, and clarity and courage.

During the last 2 years, we have seen what can be accomplished when we work together. To lift the standards of our public schools, we achieved historic education reform—which must now be carried out in every school, and every classroom, so that every child in America can read, and learn, and succeed in life. To protect our country, we reorganized our government and created the Department of Homeland Security—which is mobilizing against the threats of a new era. To bring our economy out of recession, we delivered the largest tax relief in a generation. To insist on integrity in American business, we passed tough reforms, and we are holding corporate criminals to account.

Some might call this a good record. I call it a good start. Tonight I ask the House and Senate to join me in the next bold steps to serve our fellow citizens.

Our first goal is clear: We must have an economy that grows fast enough to employ every man and woman who seeks a job.

After recession, terrorist attacks, corporate scandals, and stock market declines, our economy is recovering—yet it is not growing fast enough, or strongly enough. With unemployment rising, our Nation needs more small businesses to open, more companies to invest and expand, more employers to put up the sign that says, ''Help Wanted.''

Jobs are created when the economy grows; the economy grows when Americans have more money to spend and invest; and the best, fairest way to make sure Americans have that money is not to tax it away in the first place.

I am proposing that all the income tax reductions set for 2004 and 2006 be made permanent and effective this year. And under my plan, as soon as I have signed the bill, this extra money will start showing up in workers' paychecks. Instead of gradually reducing the marriage penalty, we should do it now. Instead of slowly raising the child credit to a thousand dollars, we should send the checks to American families now.

This tax relief is for everyone who pays income taxes—and it will help our economy immediately. Ninety-two million Americans will keep—this year—an average of almost $1,100 more of their own money. A family of four with an income of $40,000 would see their federal income taxes fall from $1,178 to $45 per year. And our plan will improve the bottom line for more than 23 million small businesses.

You, the Congress, have already passed all these reductions, and promised them for future years. If this tax

relief is good for Americans three, or five, or seven years from now, it is even better for Americans today.

We also strengthen the economy by treating investors equally in our tax laws. It is fair to tax a company's profits. It is not fair to again tax the shareholders on the same profits. To boost investor confidence, and to help the nearly 10 million seniors who receive dividend income, I ask you to end the unfair double taxation of dividends.

Lower taxes and greater investment will help this economy expand. More jobs mean more taxpayers—and higher revenues to our government. The best way to address the deficit and move toward a balanced budget is to encourage economic growth—and to show some spending discipline in Washington, D.C. We must work together to fund only our most important priorities. I will send you a budget that increases discretionary spending by 4 percent next year—about as much as the average family's income is expected to grow. And that is a good benchmark for us: Federal spending should not rise any faster than the paychecks of American families.

A growing economy, and a focus on essential priorities, will also be crucial to the future of Social Security. As we continue to work together to keep social Security sound and reliable, we must offer younger workers a chance to invest in retirement accounts that they will control and they will own.

Our second goal is high-quality, affordable health care for all Americans.

The American system of medicine is a model of skill and innovation—with a pace of discovery that is adding good years to our lives. Yet for many people, medical care costs too much—and many have no coverage at all. These problems will not be solved with a nationalized health care system that dictates coverage and rations care. Instead, we must work toward a system in which all Americans have a good insurance policy . . . choose their own doctors . . . and seniors and low-income Americans receive the help they need. Instead of bureaucrats, and trial lawyers, and HMOs, we must put doctors, and nurses, and patients back in charge of American medicine.

Health care reform must begin with Medicare, because Medicare is the binding commitment of a caring society. We must renew that commitment by giving seniors access to the preventive medicine and new drugs that are transforming health care in America.

Seniors happy with the current Medicare system should be able to keep their coverage just the way it is. And just like you, the members of Congress, members of your staffs, and other federal employees, all seniors should have the choice of a health care plan that provides prescription drugs. My budget will commit an additional $400 billion over the next decade to reform and strengthen Medicare. Leaders of both political parties have talked for years about strengthening Medicare—I urge the members of this new Congress to act this year.

To improve our health care system, we must address one of the prime causes of higher costs—the constant threat that physicians and hospitals will be unfairly sued. Because of excessive litigation, everybody pays more for health care—and many parts of America are losing fine doctors. No one has every been healed by a frivolous lawsuit—and I urge the Congress to pass medical liability reform.

Our third goal is to promote energy independence for our country, while dramatically improving the environment.

I have sent you a comprehensive energy plan to promote energy efficiency and conservation, to develop cleaner technology, and to produce more energy at home. I have sent you Clear Skies legislation that mandates a 70 percent cut in air pollution from power plants over the next 15 years. I have sent you a Healthy Forests Initiative, to help prevent the catastrophic fires that devastate communities, kill wildlife, and burn away millions of acres of treasured forest.

I urge you to pass these measures, for the good of both our environment and our economy. Even more, I ask you to take a crucial step, and protect our environment in ways that generations before us could not have imagined. In this century, the greatest environmental progress will come about, not through endless lawsuits or command and control regulations, but through technology and innovation. Tonight I am proposing $1.2 billion in research funding so that American can lead the world in developing clean, hydrogen-powered automobiles.

A simple chemical reaction between hydrogen and oxygen generates energy, which can be used to power a car—producing only water, not exhaust fumes. With a new national commitment, our scientists and engineers will overcome obstacles to taking these cars from laboratory to showroom—so that the first car driven by a child born today could be powered by hydrogen, and pollution-free. Join me in this important innovation—to make our air significantly cleaner, and our country much less dependent on foreign sources of energy.

Our fourth goal is to apply the compassion of America to the deepest problems of America. For so many in our country—the homeless, the fatherless, the addicted—the need is great. Yet there is power—wonder-working power—in the goodness, and idealism, and faith of the American people.

Americans are doing the work of compassion every day—visiting prisoners, providing shelter to battered women, bringing companionship to lonely seniors. These good works deserve our praise . . . they deserve our personal support . . . and, when appropriate, they deserve the assistance of our government. I urge you to pass both my faith-based initiative and the Citizen Service Act—to encourage acts of compassion that can transform America, one heart and one soul at a time.

Last year, I called on my fellow citizens to participate in USA Freedom Corps, which is enlisting tens of thousands of new volunteers across America. Tonight I ask Congress and the American people to focus the spirit of service and the resources of government on the needs of some of our most vulnerable citizens—boys and girls trying to grow up without guidance and attention . . . and children who have to go through a prison gate to be hugged by their mom or dad. I propose a $450 million initiative to bring mentors to more than a million disadvantaged junior high students and children of prisoners. Government will support the training and recruiting of mentors, yet it is the men and women of America who will fill the need. One mentor, one person, can change a life forever—and I urge you to be that one person.

Another cause of hopelessness is addiction to drugs. Addiction crowds out friendship, ambition, moral conviction, and reduces all the richness of life to a single destructive desire. As a government, we are fighting illegal drugs by cutting off supplies, and reducing demand through anti-drug education programs. Yet for those already addicted, the fight against drugs is a fight for their own lives.

Too many Americans in search of treatment cannot get it. So tonight I propose a new $600 million program to help an additional 300,000 Americans receive treatment over the next 3 years.

Our Nation is blessed with recovery programs that do amazing work, One of them is found at the Healing Place Church in Baton Rouge, Louisiana. A man in the program said, ''God does miracles in people's lives, and you never think it could be you.'' Tonight, let us bring to all Americans who struggle with drug addiction this message of hope: The miracle of recovery is possible, and it could be you.

By caring for children who need mentors, and for addicted men and women who need treatment, we are building a more welcoming society—a culture that values every life. And in this work we must not overlook the weakest among us. I ask you to protect infants at the very hour of birth, and end the practice of partial-birth abortion. And because no human life should be started or ended as the object of an experiment, I ask you to set a high standard for humanity and pass a law against all human cloning.

The qualities of courage and compassion that we strive for in America also determine our conduct abroad. The American flag stands for more than our power and our interests. Our Founders dedicated this country to cause of human dignity—the rights of every person and the possibilities of every life. This conviction leads us into the world to help the afflicted, and defend the peace, and confound the designs of

evil men. In Afghanistan, we helped to liberate an oppressed people . . . and we will continue helping them secure their country, rebuild their society, and educate all their children—boys and girls. In the Middle East, we will continue to seek peace between a secure Israel and a democratic Palestine. Across the earth, America is feeding the hungry; more than 60 percent of international food aid comes as a gift from the people of the United States.

As our Nation moves troops and builds alliances to make our world safer, we must also remember our calling, as a blessed country, to make this world better. Today, on the continent of Africa, nearly 30 million people have the AIDS virus—including three million children under the age of 15. There are whole countries in Africa where more than one-third of the adult population carries the infection. More than four million require immediate drug treatment. Yet across that continent, only 50,000 AIDS victims—only 50,000—are receiving the medicine they need.

Because the AIDS diagnosis is considered a death sentence, many do not seek treatment. Almost all who do are turned away. A doctor in rural South Africa describes his frustration. He says, ''We have no medicines . . . many hospitals tell [people], 'You've got AIDS. We can't help you. Go home and die.' ''

In an age of miraculous medicines, no person should have to hear those words. AIDS can be prevented. Antiretrovial drugs can extend life for many years. And the cost of those drugs has dropped from $12,000 a year to under $300 a year—which places a tremendous possibility within our grasp.

Ladies and gentlemen, seldom has history offered a greater opportunity to do so much for so many. We have confronted, and will continue to confront, HIV/AIDS in our own country. And to meet a severe and urgent crisis abroad, tonight I propose the Emergency Plan for AIDS Relief—a work of mercy beyond all current international efforts to help the people of Africa. This comprehensive plan will prevent seven million new AIDS infections . . . treat at least two million people with life-extending drugs . . . and provide humane care for millions of people suffering from AIDS, and for children orphaned by AIDS. I ask the Congress to commit $15 billion over the next 5 years, including nearly $10 billion in new money, to turn the tide against AIDS in the most afflicted nations of Africa and the Caribbean.

This Nation can lead the world in sparing innocent people from a plague of nature. And this Nation is leading the world in confronting and defeating the man-made evil of international terrorism.

There are days when the American people do not hear news about the war on terror. There is never a day when I do not learn of another threat, or receive reports of operations in progress, or give an order in this global war against a scattered network of killers. The war goes on, and we are winning.

To date we have arrested, or otherwise dealt with, many key commanders of al-Qaida. They include a man who directed logistics and funding for the September 11th attacks . . . the chief of al-Qaida operations in the Persian Gulf who planned the bombings of our embassies in East Africa and the USS *Cole* . . . an al-Qaida operations chief from Southeast Asia . . . a former director of al-Qaida's training camps in Afghanistan . . . a key al-Qaida operative in Europe . . . and a major al-Qaida leader in Yemen. All told, more than 3,000 suspected terrorists have been arrested in many countries. And many others have met a different fate. They are no longer a problem for the United States and our friends and allies.

We are working closely with other nations to prevent further attacks. America and coalition countries have uncovered and stopped terrorist conspiracies targeting the American embassy in Yemen . . . the American embassy in Singapore . . . a Saudi military base . . . and ships in the straits of Hormuz, and the straits of Gibraltar. We have broken al-Qaida cells in Hamburg, and Milan, and Madrid, and London, and Paris—as well as Buffalo, New York.

We have the terrorists on the run, and we are keeping them on the run. One by one, the terrorists are learning the meaning of American justice.

As we fight this war, we will remember where it began—here, in our own country. This government is taking unprecedented measures to protect our people and defend our homeland. We have intensified security at the borders and ports of entry . . . posted more than 50,000 newly trained federal screeners in airports . . . begun inoculating troops and first responders against smallpox . . . and are deploying the Nation's first early warning network of sensors to detect biological attack. And this year, for the first time, we are beginning to field a defense to protect this Nation against ballistic missiles.

I thank the Congress for supporting these measures. I ask you tonight to add to our future security with a major research and production effort to guard our people against bio-terrorism, called Project Bioshield. The budget I send you will propose almost $6 billion to quickly make available effective vaccines and treatments against agents like anthrax, botulinum toxin, Ebola, and plague. We must assume that our enemies would use these diseases as weapons, and we must act before the dangers are upon us.

Since September 11th, our intelligence and law enforcement agencies have worked more closely than ever to track and disrupt the terrorists. The FBI is improving its ability to analyze intelligence, and transforming itself to meet new threats. And tonight, I am instructing the leaders of the FBI, Central Intelligence, Homeland Security, and the Department of Defense to develop a Terrorist Threat Integration Center, to merge and analyze all threat information in a single location. Our government must have the very best information possible, and we will use it to make sure the right people are in the right places to protect our citizens.

Our war against terror is a contest of will, in which perseverance is power. In the ruins of two towers, at the western wall of the Pentagon, on a field in Pennsylvania, this Nation made a pledge, and we renew that pledge tonight: Whatever the duration of this struggle, and whatever the difficulties, we will not permit the triumph of violence in the affairs of men—free people will set the course of history.

Today, the gravest danger in the war on terror . . . the gravest danger facing America and the world . . . is outlaw regimes that seek and possess nuclear, chemical, and biological weapons. These regimes could use such weapons for blackmail, terror, and mass murder. They could also give or sell those weapons to their terrorist allies, who would use them without the least hesitation.

This threat is new; America's duty is familiar. Throughout the 20th century, small groups of men seized control of great nations . . . built armies and arsenals . . . and set out to dominate the weak and intimidate the world. In each case, their ambitions of cruelty and murder had no limit. In each case, the ambitions of Hitlerism, militarism, and communism were defeated by the will of free peoples, by the strength of great alliances, and by the might of the United States of America. Now, in this century, the ideology of power and domination has appeared again, and seeks to gain the ultimate weapons of terror. Once again, this Nation and our friends are all that stand between a world at peace, and a world of chaos and constant alarm. Once again, we are called to defend the safety of our people, and the hopes of all mankind. And we accept this responsibility.

America is making a broad and determined effort to confront these dangers. We have called on the United Nations to fulfill its charter, and stand by its demand that Iraq disarm. We are strongly supporting the International Atomic Energy Agency in its mission to track and control nuclear materials around the world. We are working with other governments to secure nuclear materials in the former Soviet Union, and to strengthen global treaties banning the production and shipment of missile technologies and weapons of mass destruction.

In all of these efforts, however, America's purpose is more than to follow a process—it is to achieve a result: the end of terrible threats to the civilized world. All free nations have a stake in preventing sudden and catastrophic attack. We are asking them to join us, and many are doing so. Yet the

course of this Nation does not depend on the decisions of others. Whatever action is required, whenever action is necessary, I will defend the freedom and security of the American people.

Different threats require different strategies. In Iran, we continue to see a government that represses its people, pursues weapons of mass destruction, and supports terror. We also see Iranian citizens risking intimidation and death as they speak out for liberty, human rights, and democracy. Iranians, like all people, have a right to choose their own government, and determine their own destiny—and the United States supports their aspirations to live in freedom.

On the Korean peninsula, an oppressive regime rules a people living in fear and starvation. Throughout the 1990s, the United States relied on a negotiated framework to keep North Korea from gaining nuclear weapons. We now know that the regime was deceiving the world, and developing those weapons all along. And today the North Korean regime is using its nuclear program to incite fear and seek concessions. America and the world will not be blackmailed. America is working with countries of the region—South Korea, Japan, China, and Russia—to find a peaceful solution, and to show the North Korean government that nuclear weapons will bring only isolation, economic stagnation, and continued hardship. The North Korean regime will find respect in the world, and revival for its people, only when it turns away from its nuclear ambitions.

Our Nation and the world must learn the lessons of the Korean peninsula, and not allow an even greater threat to rise up in Iraq. A brutal dictator, with a history of reckless aggression . . . with ties to terrorism . . . with great potential wealth . . . will not be permitted to dominate a vital region and threaten the United States.

Twelve years ago, Saddam Hussein faced the prospect of being the last casualty in a war he had started and lost. To spare himself, he agreed to disarm of all weapons of mass destruction. For the next 12 years, he systematically violated that agreement. He pursued chemical, biological, and nuclear weapons even while inspectors were in his country. Nothing to date has restrained him from his pursuit of these weapons—not economic sanctions, not isolation from the civilized world, not even cruise missile strikes on his military facilities. Almost 3 months ago, the United Nations Security Council gave Saddam Hussein his final chance to disarm. He has shown instead his utter contempt for the United Nations, and for the opinion of the world.

The 108 U.N. weapons inspectors were not sent to conduct a scavenger hunt for hidden materials across a country the size of California. The job of the inspectors is to verify that Iraq's regime is disarming. It is up to Iraq to show exactly where it is hiding its banned weapons . . . lay those weapons out for the world to see . . . and destroy them as directed. Nothing like this has happened.

The United Nations concluded in 1999 that Saddam Hussein had biological weapons materials sufficient to produce over 25,000 liters of anthrax—enough doses to kill several million people. He has not accounted for that material. He has given no evidence that he has destroyed it.

The United Nations concluded that Saddam Hussein had materials sufficient to produce more than 38,000 liters of botulinum toxin—enough to subject millions of people to death by respiratory failure. He has not accounted for that material. He has given no evidence that he has destroyed it.

Our intelligence officials estimate that Saddam Hussein had the materials to produce as much as 500 tons of sarin, mustard, and VX nerve agent. In such quantities, these chemical agents also could kill untold thousands. He has not accounted for these materials. He has given no evidence that he has destroyed them.

U.S. intelligence indicates that Saddam Hussein had upwards of 30,000 munitions capable of delivering chemical agents. Inspectors recently turned up 16 of them, despite Iraq's recent declaration denying their existence. Saddam Hussein has not accounted for the remaining 29,984 of these prohibited munitions. He has given no evidence that he has destroyed them.

From three Iraqi defectors we know that Iraq, in the late 1990s, had several mobile biological weapons labs. These are designed to produce germ warfare agents, and can be moved from place to place to evade inspectors. Saddam Hussein has not disclosed these facilities. He has given no evidence that he has destroyed them.

The International Atomic Energy Agency confirmed in the 1990s that Saddam Hussein had an advanced nuclear weapons development program, had a design for a nuclear weapon, and was working on five different methods of enriching uranium for a bomb. The British government has learned that Saddam Hussein recently sought significant quantities of uranium from Africa. Our intelligence sources tell us that he has attempted to purchase high strength aluminum tubes suitable for nuclear weapons production. Saddam Hussein has not credibly explained these activities. He clearly has much to hide.

The dictator of Iraq is not disarming. To the contrary, he is deceiving. From intelligence sources, we know, for instance, that thousands of Iraqi security personnel are at work hiding documents and materials from the U.N. inspectors—sanitizing inspection sites, and monitoring the inspectors themselves. Iraqi officials accompany the inspectors in order to intimidate witnesses. Iraq is blocking U–2 surveillance flights requested by the United Nations. Iraqi intelligence officers are posing as the scientists inspectors are supposed to interview. Real scientists have been coached by Iraqi officials on what to say. And intelligence sources indicate that Saddam Hussein has ordered that scientists who cooperate with U.N. inspectors in disarming Iraq will be killed, along with their families.

Year after year, Saddam Hussein has gone to elaborate lengths, spent enormous sums, taken great risks, to build and keep weapons of mass destruction—but why? The only possible explanation, the only possible use he could have for those weapons, is to dominate, intimidate, or attack. With nuclear arms or a full arsenal of chemical and biological weapons, Saddam Hussein could resume his ambitions of conquest in the Middle East, and create deadly havoc in the region. And this Congress and the American people must recognize another threat. Evidence from intelligence sources, secret communications, and statements by people now in custody, reveal that Saddam Hussein aids and protects terrorists, including members of al-Qaida. Secretly, and without fingerprints, he could provide one of his hidden weapons to terrorists, or help them develop their own.

Before September 11, 2001, many in the world believed that Saddam Hussein could be contained. But chemical agents and lethal viruses and shadowy terrorist networks are not easily contained. Imagine those 19 hijackers with other weapons, and other plans—this time armed by Saddam Hussein. It would take just one vial, one canister, one crate slipped into this country to bring a day of horror like none we have ever known. We will do everything in our power to make sure that day never comes.

Some have said we must not act until the threat is imminent. Since when have terrorists and tyrants announced their intentions, politely putting us on notice before they strike? If this threat is permitted to fully and suddenly emerge, all actions, all words, and all recriminations would come too late. Trusting in the sanity and restraint of Saddam Hussein is not a strategy, and it is not an option.

This dictator, who is assembling the world's most dangerous weapons, has already used them on whole villages—leaving thousands of his own citizens dead, blind, or disfigured. Iraqi refugees tell us how forced confessions are obtained—by torturing children while their parents are made to watch. International human rights groups have catalogued other methods used in the torture chambers of Iraq: electric shock, burning with hot irons, dripping acid on the skin, mutilation with electric drills, cutting out tongues, and rape.

If this is not evil, then evil has no meaning. And tonight I have a message for the brave and oppressed people of Iraq: Your enemy is not surrounding your country—your enemy is ruling your country. And the day he and his

regime are removed from power will be the day of your liberation.

The world has waited 12 years for Iraq to disarm. America will not accept a serious and mounting threat to our country, our friends, and our allies. The United States will ask the U.N. Security Council to convene on February 5th to consider the facts of Iraq's ongoing defiance of the world. Secretary of State Powell will present information and intelligence about Iraq's illegal weapons programs; its attempts to hide those weapons from inspectors; and its links to terrorist groups. We will consult, but let there be no misunderstanding: If Saddam Hussein does not fully disarm, for the safety of our people, and for the peace of the world, we will lead a coalition to disarm him.

Tonight I also have a message for the men and women who will keep the peace, members of the American Armed Forces: Many of you are assembling in and near the Middle East, and some crucial hours may lie ahead. In those hours, the success of our cause will depend on you. Your training has prepared you. Your honor will guide you. You believe in America, and America believes in you.

Sending Americans into battle is the most profound decision a president can make. The technologies of war have changed. The risks and suffering of war have not. For the brave Americans who bear the risk, no victory is free from sorrow. This Nation fights reluctantly, because we know the cost, and we dread the days of mourning that always come.

We seek peace. We strive for peace. And sometimes peace must be defended. A future lived at the mercy of terrible threats is no peace at all. If war is forced upon us, we will fight in a just cause and by just means—sparing, in every way we can, the innocent. And if war is forced upon us, we will fight with the full force and might of the United States military—and we will prevail. And as we and our coalition partners are doing in Afghanistan, we will bring to the Iraqi people food, and medicines, and supplies . . . and freedom.

Many challenges, abroad and at home, have arrived in a single season. In 2 years, America has gone from a sense of invulnerability to an awareness of peril . . . from bitter division in small matters to calm unity in great causes. And we go forward with confidence, because this call of history has come to the right country.

Americans are a resolute people, who have risen to every test of our time. Adversity has revealed the character of our country, to the world, and to ourselves.

America is a strong Nation, and honorable in the use of our strength. We exercise power without conquest, and sacrifice for the liberty of strangers.

Americans are a free people, who know that freedom is the right of every person and the future of every nation. The liberty we prize is not America's gift to the world, it is God's gift to humanity.

We Americans have faith in ourselves—but not in ourselves alone. We do not claim to know all the ways of Providence, yet we can trust in them, placing our confidence in the loving God behind all of life, and all of history.

May He guide us now, and may God continue to bless the United States of America.

Thank you.

GEORGE W. BUSH.

THE WHITE HOUSE, *January 28, 2003*.

MESSAGES FROM THE HOUSE

At 11:20 a.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. 12. Concurrent resolution providing for a joint session of Congress to receive a message from the president on the state of the Union.

At 3:09 p.m., a message from the House of Representatives, delivered by Mr. Hays, 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.J. Res. 13. A joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

MEASURES READ THE FIRST TIME

The following bills were read the first time:

S. 224. A bill to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage.

S. 225. A bill to provide for emergency unemployment compensation.

S. 228. A bill to amend title 18, United States Code, to limit the misuse of social security numbers, to establish criminal penalties for such misuse, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–740. A communication from the Secretary of Transportation, transmitting, pursuant to law, the report relative to the completion of the restatement of title 46, United States Code (Shipping), as positive law; to the Committee on Commerce, Science, and Transportation.

EC–741. A communication from the Attorney Advisor, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of the Commission's Rules Concerning Maritime Communications (PR Docket No. 92–257)'' received on January 23, 2003; to the Committee on Commerce, Science, and Transportation.

EC–742. A communication from the Senior Legal Advisor, International Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''In the Matter of Policies and Rules for the Direct Broadcast Satellite Service (IB Docket No. 98–21)(FCC No. 02–110)'' received on January 23, 2003; to the Committee on Commerce, Science, and Transportation.

EC–743. A communication from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a final rule amending the NASA Grant and Cooperative Agreement Handbook to require that NASA grants and cooperative agreements follow the requirements of Executive Order 13202''; to the Committee on Commerce, Science, and Transportation.

EC–744. A communication from the Attorney Advisor, Office of the Secretary, Department of Transportation, transmitting, pursuant to law, the report of a Vacancy in the position of Assistant Secretary for Governmental Affairs, received on January 21, 2003; to the Committee on Commerce, Science, and Transportation.

EC–745. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Emergency Rule to Revise a Final Rule Implementing a Charter Vessel/Headboat Permit Moratorium Amending the Reef Fish Fishery Management Plan (Amendment 20) and Coastal Migratory Pelagics Fishery Management Plan (Amendment 14) (0648–AQ59)'' received on January 21, 2003; to the Committee on Commerce, Science, and Transportation.

EC–746. A communication from the Attorney/Advisor, Wireline Competition Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Implementation of the Pay Telephone Reclassification and Compensation Provisions of the Telecommunications Act of 1996 (CC Doc. No. 96–128)(FCC02–292)'' received on January 23, 2003; to the Committee on Commerce, Science, and Transportation.

EC–747. A communication from the Acting Principle Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Protection of Stratospheric Ozone: Listing of Substitutes for Ozone-Depleting Substances (FRL 7443–4)'' received on January 23, 2003; to the Committee on Environment and Public Works.

EC–748. A communication from the Acting Principle Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Wisconsin; Northern engraving environmental Cooperative Agreements (FRL 7411–5)'' received on January 23, 2003; to the Committee on Environment and Public Works.

EC–749. A communication from the Acting Principle Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Florida: Approval of Revisions to Florida State Implementation Plan (FRL 7443–3)'' received on January 23, 2003; to the Committee on Environment and Public Works.

EC–750. A communication from the Acting Principle Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Clarification to Interim Standards and Practices for All Appropriate Inquiry Under CERCLA and Notice of Future Rulemaking Action (FRL 7442–2)'' received on January 23, 2003; to the Committee on Environment and Public Works.

EC–751. A communication from the Acting Principle Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Determination of Nonattainment as of November 15, 1999, and Reclassification of the Metropolitan Washington, D.C. Ozone Nonattainment Area; District of Columbia, Maryland, Virginia (FRL 7441–9)'' received on January 23, 2003; to the Committee on Environment and Public Works.

EC–752. A communication from the Acting Principle Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Ohio: Final Authorization of State Hazardous Waste Program Revesion (FRL 7442–8)'' received on January 23, 2003; to the Committee on Environment and Public Works.

EC–753. A communication from the Acting Principle Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the California State Implementation Plan, Santa Barbara County Air Pollution Control District and Yolo-Solano Air Quality Control District (FRL 7427–8)'' received on January 23, 2003; to the Committee on Environment and Public Works.

EC–754. A communication from the Secretary of Transportation, transmitting, pursuant to law, the report relative to an objective appraisal of highway, bridge, and transit physical conditions, operational performance, finance, and future investment requirements, received on January 22, 2003; to the Committee on Environment and Public Works.

EC–755. A communication from the Secretary of Defense, transmitting, pursuant to law, the report relative to FY 2002 Supplemental Appropriations Act for Further Recovery From and Response To Terrorist Attacks on the United States (Public Law 107–206) concerning payments to Jordan for logistical and military support, received on January 21, 2003; to the Committee on Appropriations.

EC–756. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, the report of an Antideficiency Act violation occurring in the Mutual Mortgage Insurance Program, received on January 21, 2003; to the Committee on Appropriations.

EC–757. A communication from the Acting Principle Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''4 - (Dichloracetyl) - 1 - Oxa - 4 - Azaspiro [4–5] Decane; Pesticide Tolerance (FRL 7199–4)'' received on January 23, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–758. A communication from the Acting Principle Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Oxadiazon, Tolerance Revocations (FRL 7187–3)'' received on January 23, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–759. A communication from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Oranges and Grapefruit Grown in Lower Rio Grande Valley in Texas; Decreased Assessment Rate (Doc. No. 02–906–1)'' received on January 23, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–760. A communication from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Research and Promotion Program, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Fresh cut and Fresh Cut Greens Promotion and Information Order, Termination (Doc. No. FV–02–710)'' received on January 23, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–761. A communication from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Minimum Quality and Handling Standards for Domestic and Imported Peanuts Marketed in the United States and Termination of the Peanut Marketing Agreement and Associated Rules and Regulations other Seedless-Sulfured Raisins (Doc. No. FV02–996–1FIR)'' received on January 23, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–762. A communication from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Raisins Produced from Grapes Grown in California; Increased Assessment Rate (Doc. No. FV02–989–7)'' received on January 23, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–763. A communication from the Congressional Review Coordinator, Policy and Program Development, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Movement and Importation of Fruits and Vegetable (Doc. No. 00–059–1)'' received on January 22, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–764. A communication from the Congressional Review Coordinator, Policy and Program Development, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Cold Treatment for Fresh Fruits ; Port of Corpus Christi, TX (Doc. No. 00–068–3)'' received on January 22, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–765. A communication from the Congressional Review Coordinator, Policy and Program Development, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Mexican Fruit Fly; Regulated Areas (Doc. No. 02–129–1)'' received on January 22, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

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. CRAIG (for himself, Mr. BAUCUS, Mr. LOTT, Mr. CRAPO, Mr. SESSIONS, Ms. SNOWE, Ms. COLLINS, Mr. COCHRAN, Mrs. LINCOLN, Mr. BURNS, and Mr. MILLER):

S. 219. A bill to amend the Tariff Act of 1930 to clarify the adjustments to be made in determining export price and constructed export price; to the Committee on Finance.

By Mr. FITZGERALD:

S. 220. A bill to reinstate and extend the deadline for commencement of construction of a hydroelectric project in the State of Illinois; to the Committee on Energy and Natural Resources.

By Mr. FEINGOLD (for himself and Mr. MILLER):

S. 221. A bill to amend the Communications Act of 1934 to facilitate an increase in programming and content on radio that is locally and independently produced, to facilitate competition in radio programming, radio advertising, and concerts, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. KYL (for himself and Mr. MCCAIN):

S. 222. A bill to approve the settlement of the water rights claims of the Zuni Indian Tribe in Apache County, Arizona, and for other purposes; to the Committee on Indian Affairs.

By Mrs. FEINSTEIN (for herself, Mr. GRASSLEY, Mr. CORZINE, and Mr. GREGG):

S. 223. A bill to prevent identity theft, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. DASCHLE (for himself, Mr. KENNEDY, Mr. DODD, Mr. HARKIN, Ms. MIKULSKI, Mrs. MURRAY, Mr. EDWARDS, Mrs. CLINTON, Mr. AKAKA, Mr. BAYH, Mr. BIDEN, Mr. BYRD, Ms. CANTWELL, Mr. CARPER, Mr. CORZINE, Mr. DAYTON, Mr. DURBIN, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. KERRY, Mr. KOHL, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mr. REID, Mr. ROCKEFELLER, Mr. SARBANES, Mr. SCHUMER, Ms. STABENOW, Mr. WYDEN, Mr. LAUTENBERG, Ms. LANDRIEU, Mrs. BOXER , and Mr. PRYOR):

S. 224. A bill to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; read the first time.

By Mr. DASCHLE (for himself, Mr. KENNEDY, Mrs. CLINTON, Mr. REED, Mr. DURBIN, Mrs. BOXER, Mr. BAYH, Ms. CANTWELL, Mr. SARBANES, Mr. BAUCUS, Mr. HARKIN, Mr. CORZINE, and Ms. MIKULSKI):

S. 225. A bill to provide for emergency unemployment compensation; read the first time.

By Mr. BIDEN (for himself, Mr. GRASSLEY, Mr. LIEBERMAN, and Mrs. FEINSTEIN):

S. 226. A bill to prohibit an individual from knowingly opening, maintaining, managing, controlling, renting, leasing, making available for use, or profiting from any place for the purpose of manufacturing, distributing, or using any controlled substance, and for other purposes; to the Committee on the Judiciary.

By Mrs. FEINSTEIN (for herself and Mr. REID):

S. 227. A bill to amend the Higher Education Act of 1965 to extend loan forgiveness for certain loans to certified or licensed teachers, to provide for grants that promote teacher certification and licensing, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. FEINSTEIN (for herself, Mr. GREGG, and Mr. LEAHY):

S. 228. A bill to amend title 18, United States Code, to limit the misuse of social security numbers, to establish criminal penalties for such misuse, and for other purposes; read the first time.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. NELSON of Florida (for himself and Mr. GRAHAM of Florida):

S. Res. 26. A resolution commending the Tampa Bay Buccaneers football team for winning Super Bowl XXXVII; considered and agreed to.

ADDITIONAL COSPONSORS

S. 6

At the request of Mr. DASCHLE, the names of the Senator from Maryland (Ms. MIKULSKI) and the Senator from Maryland (Mr. SARBANES) were added as cosponsors of S. 6, a bill to enhance homeland security and for other purposes.

S. 83

At the request of Mr. DURBIN, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 83, a bill to expand aviation capacity in the Chicago area, and for other purposes.

S. 113

At the request of Mr. KYL, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 113, a bill to exclude United States persons from the definition of ''foreign power'' under the Foreign Intelligence Surveillance Act of 1978 relating to international terrorism.

S. 160

At the request of Mr. BAUCUS, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 160, a bill to amend the Internal Revenue Code of 1986 to allow the expensing of broadband Internet access expenditures, and for other purposes.

S. 160

At the request of Mr. BURNS, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 160, supra.

S. 184

At the request of Mr. DODD, the names of the Senator from New Mexico (Mr. BINGAMAN) and the Senator from Maryland (Mr. SARBANES) were added as cosponsors of S. 184, a bill to amend section 401 (b)(2) of the Higher Education Act of 1965 regarding the Federal Pell Grant maximum amount.

S. 196

At the request of Mr. ALLEN, the names of the Senator from Iowa (Mr. GRASSLEY), the Senator from Mississippi (Mr. COCHRAN), the Senator from Alabama (Mr. SESSIONS), the Senator from South Carolina (Mr. GRAHAM) and the Senator from Texas (Mrs. HUTCHISON) were added as cosponsors of S. 196, a bill to establish a digital and wireless network technology program, and for other purposes.

S. 202

At the request of Mr. DEWINE, the names of the Senator from Illinois (Mr. DURBIN), the Senator from Maine (Ms. COLLINS), the Senator from Ohio (Mr. VOINOVICH), the Senator from Alabama (Mr. SESSIONS), the Senator from Michigan (Mr. LEVIN), the Senator from Virginia (Mr. ALLEN) and the Senator from Kansas (Mr. BROWNBACK) were added as cosponsors of S. 202, a bill to amend the Internal Revenue Code of 1986 to allow as a deduction in determining adjusted gross income that deduction for expenses in connection with services as a member of a reserve component of the Armed Forces of the United States, to allow employers a credit against income tax with respect to employees who participate in the military reserve components, and to allow a comparable credit for participating reserve component self-employed individuals, and for other purposes.

S. 205

At the request of Mr. BIDEN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 205, a bill to authorize the issuance of immigrant visas to, and the admission to the United States for permanent residence of, certain scientists, engineers, and technicians who have worked in Iraqi weapons of mass destruction programs.

S. 215

At the request of Mrs. FEINSTEIN, the names of the Senator from South Dakota (Mr. DASCHLE) and the Senator from Montana (Mr. BAUCUS) were added as cosponsors of S. 215, a bill to authorize funding assistance for the States for the discharge of homeland security activities by the National Guard.

S.J. RES. 1

At the request of Mr. KYL, the names of the Senator from Colorado (Mr. ALLARD), the Senator from Indiana (Mr. BAYH), the Senator from Kentucky (Mr. BUNNING), the Senator from Louisiana (Mr. BREAUX), the Senator from Idaho (Mr. CRAIG), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Mississippi (Mr. LOTT), the Senator from Arkansas (Mrs. LINCOLN), the Senator from Arizona (Mr. MCCAIN), the Senator from Georgia (Mr. MILLER) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S.J. Res. 1, a joint resolution proposing an amendment to the Constitution of the United States to protect the rights of crime victims.

S. CON. RES. 1

At the request of Mr. SARBANES, the names of the Senator from Minnesota (Mr. DAYTON) and the Senator from Virginia (Mr. ALLEN) were added as cosponsors of S. Con. Res. 1, a concurrent resolution expressing the sense of Congress that there should continue to be parity between the adjustments in the compensation of members of the uniformed services and the adjustments in the compensation of civilian employees of the United States.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CRAIG (for himself, Mr. BAUCUS, Mr. LOTT, Mr. CRAPO, Mr. SESSIONS, Ms. SNOWE, Ms. COLLINS, Mr. COCHRAN, Mrs. LINCOLN, Mr. BURNS, and Mr. MILLER):

S. 219. A bill to amend the Tariff Act of 1930 to clarify the adjustments to be made in determining export price and constructed export price; to the Committee on Finance.

Mr. CRAIG. Mr. President, I come to the Chamber this morning, with a number of my colleagues, to discuss what is a critical issue in timber country across the United States, where men and women go to work every day in our sawmills only to find the mill has been shut down and the lights have been turned out.

As a result, that has been a problem which has grown for some time because of the Canadians, their style of production at this moment, and the huge volume of timber they are pouring into this country. It is a market condition that will continue to shut down many of our mills, some that will never turn on their lights again, some that will never again employ men and women in the small towns where most of those mills are across the country.

Today, some of my colleagues and I are introducing legislation to work cooperatively with the administration in trying to resolve this through negotiation. This legislation is being offered on behalf of myself, Senator BAUCUS, Senator CRAPO, my colleague from Idaho, who is in the Chamber, Senator SESSIONS, Senator SNOWE, Senator COLLINS, Senator COCHRAN, Senator BURNS, and Senator LINCOLN.

In introducing this legislation today, we are amending the Tariff Act of 1930 to clarify what is an appropriate deduction from the price of merchandise. We believe the deduction of the countervailing duty should be included in the calculation in determining whether or not and to what extent there have been sales dumped at less than fair market value in the United States.

Some time ago, we established a countervailing duty against Canadian products coming into this market. This is in response to that and the way it is calculated.

While the Department of Commerce has worked diligently on the softwood lumber case, the Canadian industry and Government continue to effectively avoid the countervailing duty and antidumping orders. The most recent move by the Canadian Government to avoid the countervailing duty is to declare a significant region of interior British Columbia bug kill timber. This particular green lumber—or timber in this case—is being sold at salvage prices and has flooded the amount of available timber already in the market.

The price for this timber is now as low as a dollar per thousand board feet, while the competitive market value is over $100 per thousand board feet—in other words, on the stump at the time of the sale.

I remind my colleagues a majority of this determined bug kill has not yet been affected by bugs. It is simply a decision made by the Canadian Government in this instance. Yet they are selling it at prices that are as if it had been affected by disease.

Next, British Columbia has revised their forest practice code to reduce costs to the lumber manufacturers by decreasing forestry standards and placing logging corporations in charge of

enforcement actions. That is like the U.S. Forest Service turning to the logging companies and saying the logging companies can enforce all of the environmental laws, as well as the laws under which we govern and manage our forests. We will turn that authority over to the logging companies.

What does this do to Canadian timber companies? It literally saves them millions of dollars in operating expenses.

These recent and blatant moves by the Canadians reveal their true desires to continue to flood the U.S. markets and their unwillingness to find a resolution that provides both security for U.S. and Canadian jobs.

Our proposal specifies that countervailing duties are to be treated as a cost of production, a clarification of the Trade Act that all duties should be considered a cost of production incurred on shipments to the United States. The deduction of countervailing duty would assist in determining whether or not and to what extent there have been sales dumped at less than fair market value in the United States.

Dumping is when a company sells a product into the United States for less than its cost of production. The Department of Commerce currently does not consider countervailing duties, which offset subsidies, as a cost of production when calculating the amount of dumping and requisite antidumping duties. The Department's policy of ignoring countervailing duties when calculating antidumping duties undervalues the actual amount of the dumping.

Fair value typically is the sales price of the merchandise in the country-of-origin market. The antidumping analysis compares fair value of a good from another country to the fair value of a good from the United States to determine if the good from another country was dumped at an unfair price in the U.S. market.

For example, in the U.S.-Canadian softwood lumber dispute, the Department of Commerce determined that the Canadian provinces subsidize their industry by providing lumber mills timber at prices that are 33 to 50 percent below market value. It also found that Canadian companies were selling lumber in the United States at below their subsidized cost of production, requiring an antidumping duty of 8.79 percent.

The antidumping duty currently undervalues the Canadian dumping practices by comparing a subsidized cost of production to the price of lumber rather than comparing the cost of production plus the countervailing duty to the price of lumber. It is all in the math, and in this kind of math it is quite obvious that Canadians are taking tremendous advantage of the marketplace. As I said earlier, the lights in the sawmills across America are going out.

Such a change in the Department's policy, we believe—those of us who have authored this legislation—is consistent with the practices of the European community and of Canada. It is time the Department of Commerce correct this accounting error, and it is time for the Canadian Government and their industry leaders to come to the table to negotiate a free and fair market price for both U.S. and Canadian lumber products.

I believe this Congress will not tolerate the kind of dumping activity that is going on in the market today, which appears to be at this moment not only blatant but an attempt to grab even a larger market share in this country.

For years, I have worked on this issue, and I clearly recognize the importance in the overall market of Canadian lumber in our market to meet our housing demands, but to do so and to expand that market base at a cost to U.S. jobs and U.S. producers is not fair, nor is it balanced. That is why we have introduced this legislation today.

Several other colleagues who are cosponsors in the legislation plan to come to the floor during this period of morning business to speak to this issue. I am extremely pleased to be joined by Senator BAUCUS, Senator LOTT, and Senator SNOWE. I mention those three specifically because they are on the Finance Committee. This is legislation that will be referred to the Finance Committee.

As my colleague from Idaho so clearly said, this is a simple correction in the law. It is a practice followed by other countries in Europe and Canada itself. Clearly, it would change the dynamics of how we deal with Canada, but it would also show the Canadians that we are not going to stand idly by and allow what is so blatant and so intentional in both the pricing of their stumpage and, therefore, the cost of entry into our market. Blatant dumping in the market for the purpose of gaining market share and putting some of our businesses out of business should not be tolerated.

We have all heard over the years the phrase ''mill town.'' It is so true today, still, in those areas of our country that are adjacent to private and public forests, that it is the sawmill that often is the larger employer in the community, providing excellent jobs at high pay to the men and women who live within that community. When that mill goes down and those citizens are out of work, there is no alternative, there are no other jobs, or there are limited jobs in the community. That community oftentimes is anywhere from 20 to 100 to 150 miles from the next community.

So that wage earner oftentimes is faced with a very tough choice he or she may have to make. That is not just to go search for another job but oftentimes to pick up their family and move from that small community they had chosen to live in and to raise their families. Why? Because a singular employee in this instance was either shut down or put out of business. Why? Because of predatory practices on the part of our friends to the north. And I say ''friends'' because I believe that. But certainly in this segment of their economy, they are choosing to enter the most lucrative timber market in the world—ours—with a thriving, aggressive homebuilding industry and an economy in the homebuilding industry that is very strong today, to supply that product.

I recognize the sheer demand for dimensional lumber in this market is much greater than both United States producers from private and public lands can supply, and Canadians can and have had and will have a substantial portion of our market. But now, to do so intentionally so the big boys can get bigger in Canada, putting oftentimes out of business the smaller producer here in the United States, is something we should not stand idly by and tolerate.

Mr. President, I see I am being joined in the Chamber by my colleague from Mississippi. Senator LOTT is a cosponsor of the legislation we have just introduced dealing with the Tariff Act of 1930. Mississippi has a thriving timber industry that is a major contributor to their State's economy, and especially to rural Mississippi's workforce. So I will be happy to yield to Senator LOTT for him to discuss this issue, of course, or any other issue he might wish to discuss.

Mr. BAUCUS. Mr. President, I rise today to discuss a much-needed clarification of current trade law. Misinterpretation of the current law hurts hundreds of American companies and thousands of American workers.

It is a misinterpretation that results in the understatement both of the degree of foreign unfair trade and the amount of duties necessary to offset it.

The legislation Senator CRAIG and I are proposing would clarify that, in an antidumping proceeding, countervailing duties paid by a foreign seller should be deducted from the U.S. price.

This legislation would rectify the current understatement of unfair trade and ensure that the true expenses of selling in the United States are recognized in the calculation of duties.

Now, I am here today because this issue is of particular importance to Montana's softwood lumber industry. For more than 20 years, I have stood beside our lumber industry as they have fought massive illegal subsidies by the Canadian government.

All they are asking for is a level playing field.

Unfortunately for everyone, this process has been stuck in an endless cycle of litigation. I hope we can end that, and get to a place where there is real market-based competition. But until we do, we must ensure that our fair trade laws are as strong as possible.

We have countervailing duty laws that offset unfair foreign subsidies. We also have antidumping laws that help ensure that foreign products are sold for a ''fair price'' in the United States,

a price that is comparable to the foreign price, and that reasonably reflects the cost of production.

But we can't make a fair comparison unless we factor in the cost of countervailing duties. It's that simple. We are letting unfair traders off the hook.

And we're doing so simply because of a misinterpretation of current law by the Department of Commerce. There is no sensible policy or legal rationale for this practice.

And I would note here that adopting this legislation would make our practice consistent with the practices of Canada and the European Union. For the life of me, I can't understand we wouldn't give our companies and workers trade laws that are as strong as those in the countries we compete against. That is just common sense.

I would also emphasize that Commerce itself could fix this problem if it were so inclined. Commerce could, for example, announce in an ongoing administrative review its intention to reconsider treatment of countervailing duties as a cost. The Department has often used such cases as a means to review policy.

The current policy makes no sense. It violates the statute. It fails to redress continued dumping. And it effectively discourages negotiations to end unfair trade.

Most importantly, correcting the current policy would force Canadian mills to make a clear choice, negotiate a long-term resolution or face higher duties.

In the absence of a voluntary change in policy by Commerce, I offer this legislation to clarify the statute.

This will ensure a fair comparison of prices and a more accurate measurement of the amount of dumping. It is just the right thing to do.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Mr. President, I thank Senator CRAIG for his leadership on this issue, and also Senator BAUCUS and Senator CRAPO, and a number of others whose States are being severely impacted by very unfair Canadian softwood lumber practices.

Forestry is the second largest crop in my State of Mississippi and represents $1.25 billion annually. But what we are dealing with is the dumping of this Canadian softwood into our region of the country.

''Dumping'' is when a company sells a product for less than the cost of production. But the Department of Commerce currently does not consider countervailing duties, which offset subsidies, as a cost of production when evaluating and calculating the amount of dumping and the requisite antidumping duties. The Department's policy of ignoring these countervailing duties when calculating antidumping duties undervalues the amount of the dumping of the products.

Let me just say, I have been working on this issue actually for years now. I have worked with the previous administration and have been working with this administration. Our Customs officials have tried to be helpful. And certainly the current Secretary of Commerce has been paying close attention to this issue, and I really appreciate it. But there are limits to what they can do without additional legislation that will make it clear how we will deal with these countervailing duties. So that is why this legislation has been introduced.

I think we must have had 8 or 10 Senators who met with the Secretary of Commerce and other officials of Commerce and discussed this problem and its continuing impact on this major industry in my State and in our country, and talked about the need to take some further actions to make sure we are properly evaluating the product that is being dumped in the United States.

The United States-Canada softwood lumber dispute is one that has been going on a long time. And it is clear from information we have that the Canadian provinces are subsidizing their industry by providing lumber mills timber at prices that are 33 to 50 percent below market value. Our Commerce Department has found that Canadian companies have been selling lumber in the United States but below their subsidized cost of production, requiring an antidumping duty of 8.79 percent. The fair market value calculation currently undervalues the Canadian dumping practices by comparing a subsidized cost of production to the cost of United States lumber rather than comparing the subsidized cost of production plus the countervailing duty to the cost of United States lumber.

That is what this legislation would do. It would correct this by specifying that the CVD duties are to be treated as a cost of production, a clarification of U.S. statute section 19, U.S.C. 1677, which states that all duties should be considered a cost of production incurred on shipments to the United States. Such a change of Department policy is consistent with practices in the European Union and, as a matter of fact, of Canada.

The legislation, in my opinion, will have an immediate impact because with the correction of this problem, then, the Canadian mills will face the prospect of paying considerably higher antidumping rates if the lumber market remains at the current low level. So I think this is something we need to do.

I have met with Canadian officials, including the Prime Minister, the Ambassador, and Members of their Parliament. I had the impression that while they recognized this is an economic problem in the United States and unfair, they do not believe we are going to take the necessary action to really get a result. And they have been dragging it out now for years.

I am going to meet with some Canadian Government officials even tomorrow. I am sure this issue will come up. But once they realize we are serious—I believe this administration, this Commerce Department is serious—we are not going to allow them to sell this product at below production of cost, and that we are also going to include in that figure the cost figure, the countervailing duty orders, I think maybe they will understand that we have to deal with this problem.

Even today, bug kill timber is being sold at salvage prices in the interior of British Columbia, which has increased the amount of available timber already on the market. The price for this timber is as low as $1 per 1,000 board feet, when the competitive market value is over $100 per thousand board feet. That gives you some concept of the disadvantage with which our American softwood lumber producers are dealing. Our lumber industry is in a crisis. Make no mistake about it. We have been losing mills. The product value is down. Production is down. If the current market conditions continue, many of our remaining lumber manufacturers will not survive the next 6 months. This is a critical situation, and it is one that is going to get much worse if we don't get some action quickly.

The U.S. lumber industry supports the Department's changed circumstances process. Therefore, I think this is a solution we can all work on. As a member of the Finance Committee, along with Senator BAUCUS, who also serves on the Finance Committee, we will make sure this legislation receives the consideration it deserves.

We urge our colleagues in the country that is one of our two or three best friends in the world, Canada, to work with us on this. This is an unfair situation, one that has been going on too long, one that is destroying an important part of our economy. I hope our Government will vigorously pursue the litigation that is now being considered. The WTO has already found that Canada has an actionable subsidy, meaning these duties will be imposed until provinces allow the market to determine the price of timber. Our Government should continue to pursue it.

Our Canadian friends and allies should work with us because this is a very unfair situation, one we are trying to remedy by making sure all of the costs of production, including the countervailing duties, are included in their calculations.

I congratulate Senator CRAIG for his leadership in this area, and I look forward to working with him in the future as we come forward with a proper solution to this critical issue.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I appreciate Senator LOTT coming to the Chamber this morning to speak on the role the timber industry plays in the

economy of Mississippi and how important it is. It is important to rural Mississippi, to rural Idaho, to rural America, where we struggle mightily to keep a viable productive job base.

Clearly over the last decade, the economy of this country flourished. And while all of that was going on, it was rural Idaho that felt much of the pain and shared not in that new growth economy, in part because of the very problem both Senator LOTT and I and Senator BAUCUS and others are addressing. My colleague Senator CRAPO spoke to the matter as well.

This is a relatively simple adjustment in trade law, but it could have a substantial impact on the Canadians and the current practices in which they are involved, practices we believe are not in the best interest of both governments and both countries.

To have a nearly ''cut at will'' policy, both in provincial and crown timber in Canada, is at best frustrating to some of us who believe not only is that bad policy but, from an environmental point of view, it is not an effectively balanced policy. Are the practices being adhered to that should be adhered to for the purposes of sustaining yields and ongoing production of timber? Or is it simply an effort to keep people at work, in this instance, and, more importantly now, because of the declaration of green timber unaffected by disease or bug, now being called bug kill timber, is it simply a policy to grab an increasingly larger portion of the market? When many of these medium- and small-size mills go down, oftentimes they don't come back. If they are down for a longer period of time, the workforce disperses in search of another job and, as a result of that, many of these mills that go down will stay down permanently.

That is exactly what larger producers in Canada are hoping for, as it will allow them an ever-increasing larger portion of the market here in the lower 48 States.

I hope the Finance Committee will hold hearings and move quickly on this issue. It is important for our economy and, more importantly, it is a small town, mill town issue that in many States, such as Idaho, Mississippi, Montana, and throughout the South where there are large timber reserves, becomes a critical way of sustaining the rural economy.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAPO. Mr. President, I appreciate the opportunity to join with my colleague from Idaho, Senator CRAIG, and with the other Senators he has listed who are cosponsoring this critical legislation.

Senator CRAIG has already laid out this circumstance. Some time ago, when we could not reach an agreement with Canada on this critical issue through trade negotiations, WTO and other trade sanctions were sought by American companies seeking to correct the problem that has been faced by subsidized timber flooding into the United States from Canada. As a result of that effort, the U.S. Department of Commerce found the Canadian provinces subsidize their industry by providing lumber mills timber at prices that are 33 to 50 percent below market value.

As Senator CRAIG has indicated, as a result of that, a countervailing duty was applied and the Canadian timber producers, who are trying to bring their timber into the United States, are now required to pay this countervailing duty as a cost for their subsidized timber.

The response of the Canadian Government to that has not been simply to comply and try to negotiate a new, workable softwood lumber agreement. Instead, the Canadian Government has continued to increase the available subsidies and to try to flood the United States markets with this timber. The outcome has been that from August 2000 to March 2001, the United States lumber manufacturers closed 27 mills permanently while only two Canadian mills were closed during that time. The reason, of course, was this continued support provided from the Canadian Government.

How was it provided? As has already been indicated, allegedly bug kill timber. But timber wood that has not faced the impact yet was provided for prices which were as low as $1 per 1,000 board feet when the market price for that timber would have been somewhere in the neighborhood of $100 per 1,000 board feet. This significantly subsidized timber has been brought into the United States, exacerbating the problem.

Second, as Senator CRAIG already indicated, the British Columbian government has already revised their forest practice code to reduce the cost of lumber manufacturers under their code, saving them millions of dollars annually. What we see is, in response to this anticompetitive situation of unfair trade practices that have been identified and which are now being dealt with in litigation, the Canadians have increased their subsidies and are continuing to flood timber into the United States markets.

A number of changes need to occur. But one of them needs to occur in U.S. law because as a part of the entire process, it is important to determine the amount of subsidy. The subsidy is determined by evaluating whether the price that is being charged to the Canadian producers is above or below their cost of production. One of the critical elements is determining that value.

Currently, we have found Canadian companies are selling their lumber into the United States at below their subsidized cost of production, requiring antidumping duty of 8.79 percent. The point I make is that their current subsidies are even below and make it so that they are able to provide their timber to U.S. markets below subsidized cost of production.

The legislation we are introducing today will require them to include the countervailing duty which they pay as a part of their cost of production in determining what their true subsidy is. As long as the United States does not require the Canadians to include their countervailing duties as a cost of their production, then the amount of the subsidy which we determine will be even less than it truly is. It will not be accurately reflected.

This is a simple change to clarify what is already on the books in the United States. This practice is pursued in Europe and in Canada already under their approach to these issues. It is only proper that the U.S. Government stand firmly behind this principle. Again, the principle is, when a nation is subsidizing its products and shipping them into U.S. markets to the detriment of our producers, that subsidy must be included as a cost of doing business when we calculate in our litigation with them the amount of subsidy and the resultant countervailing duties we can apply.

I don't believe there is a legitimate argument against this legislation. I realize nations across the world are trying to figure out how to continue to do the best they can for their producers to help them get their products into our markets. However, we have now very aggressive negotiations underway in bilateral trade arrangements as well as in multilateral trade arrangements such as the world trade negotiations seeking to bring down the level of subsidies across the world to a level of zero. That is our objective in our international trade negotiations. We cannot tolerate the continued defiance of these types of laws in our negotiations. That is the simple purpose behind this legislation.

The United States and the Department of Commerce and our United States trade negotiators in particular have been doing a tremendous job in helping deal with a very difficult situation resulting from the Canadian unfair trade practices in softwood lumber. They are to be commended for this. One of the things we need to provide to them as a tool in this ongoing process is a congressional and, indeed, American statutory declaration that countervailing duties must be included in the cost of production as we negotiate on these critical issues with our neighbors to the north.

I thank the Senate for this time. I thank my colleague Senator CRAIG for his leadership on this issue and the other Senators supporting this effort.

Ms. SNOWE. Mr. President, I am here today to cosponsor legislation that should help resolve the current crisis being faced by the U.S. softwood lumber industry, which continues to be devastated by the continuation of a ''wall of subsidized wood'' coming from four Canadian provinces that are effectively avoiding countervailing duty and antidumping orders of the U.S. Department of Commerce. This is causing

a crisis in current market conditions not only in Maine but across the Nation.

The purpose of the U.S. countervailing duty, or CVD, law, is to offset unfair foreign subsidies which cause injury to our U.S. producers. In the Canadian softwood lumber case, Commerce has determined that some Canadian provinces subsidize their lumber mills at prices that are 33 to 55 percent below market value. Currently, Canadian prices for salvage timber, for instance, are as low as $1 per thousand board feet at the same time the competitive market value is over $100 thousand board feet.

Our antidumping law is supposed to ensure that foreign products are not sold for less than its cost of production. Currently, the Department of Commerce does not consider countervailing duties as a cost of production, thereby undervaluing the Canadian dumping practices by comparing a subsidized cost of production to the price of lumber rather than comparing the cost of production plus the countervailing duty to the price of lumber. Ignoring countervailing duties when then calculating antidumping duties undervalues the actual amount of dumping, and is devastating to our U.S. softwood lumber industry.

The Craig/Baucus legislation that I am supporting today amends the Tariff Act of 1930 to clarify that countervailing duties should be added into the cost of production as it reflects the true cost of production by offsetting subsidies. This provision will rectify the problem of undervalued dumping duties and make U.S. trade policies consistent with those of our trading partners, such as Canada and the European Union.

Adopting this clarification should have an immediate market impact. With the correction of the current problem, Canadian mills would face the prospect of paying considerably higher antidumping rates if the lumber market remains at the current low level. This legislation should demonstrate the resolve of the U.S. government to reach a fair and permanent solution to the softwood lumber trade case by increasing the risk to Canadian companies if a negotiated settlement is not reached. The Canadian lumber industry and its governments must realize that the U.S. will continue to impose the required duty offsets until the subsidies and dumping stop.

I commend the Department of Commerce for their diligent work on the softwood lumber case with Canada and cannot urge our U.S. trade negotiators strongly enough to reach a settlement with Canada just as soon as possible before we have yet another U.S. mill close its doors for good. The subsidized and dumped lumber from Canada has been devastating to my State of Maine, where sawmills continue to close their doors for good, affecting entire rural communities where these businesses are located, and where the mills are often the major source of good paying jobs in these areas.

Moreover, if a negotiated settlement is not reached, I believe that the U.S. should vigorously pursue the litigation with the World Trade Organization, WTO, especially since the WTO has already found that Canada has an actionable subsidy, meaning duties will be imposed until provinces allow the market to determine the price of timber rather than provincial governments.

Again, this legislation being offered today by Senators from all regions of the country provides a much needed clarification of U.S. trade law, in keeping with those of Canada and the European Union, that will greatly help the U.S. softwood lumber industry out of its current economic crisis that has been caused by subsidized, underpriced imports, and I urge the support of my colleagues.

Mr. COCHRAN. Mr. President, I support the efforts of the Department of Commerce and United States Trade Representative to negotiate a fair trade agreement with Canada. We have a very important trading relationship with Canada. They are America's strongest trading partner, and I hope we can continue strengthening that relationship. However, Canada subsidizes its lumber mills, and those mills are dumping lumber in our domestic market. This has a devastating effect on the lumber industry in America, particularly in Mississippi where mills are closing each month.

Currently, the Department of Commerce has imposed a countervailing duty to offset the injury to our market. Canadian mills must pay a 29 percent duty on top of the cost of producing their lumber. To arrive at that duty rate, the Department of Commerce calculates what it costs Canadian lumber producers to process their lumber. In fact, a U.S. statute, §19 U.S.C. 1677, states that duties should be considered a cost of production incurred on shipments to the United States.

Today, Senators CRAIG, BAUCUS, BURNS, MILLER, CRAPO, LOTT, SESSIONS, SNOWE, COLLINS, LINCOLN, and I introduced a bill to clarify the law so that there is no misunderstanding of the rules under which the Department of Commerce calculates the duties imposed on illegally subsidized Canadian lumber. This recalculation would raise the price it costs Canadians to produce their lumber and would allow the Department of Commerce to raise the current 29 percent duty. The practice of subsidizing and dumping must be taken seriously.

I am hopeful that the recent trips by the U.S. Government to Canada can result in honest and fruitful negotiations leading to a fair lumber trading agreement. It is in the best interest of both of our countries that we reach an agreement. In my State, lumber is one of our most valuable agricultural products.

For years the mills in my state have endured unfair trading practices. Now that the U.S. is finally imposing duties to offset the injury to these mills, the Canadians are simply incorporating the duties into their cost of doing business. On behalf of the few remaining lumber mills in Mississippi I urge the Department of Commerce to uphold existing trade laws by counting duties as a cost.

By Mr. FITZGERALD:

S. 220. A bill to reinstate and extend the deadline for commencement of construction of a hydroelectric project in the State of Illinois; to the Committee on Energy and Natural Resources.

Mr. FITZGERALD. Mr. President, I rise today to introduce a bill to reinstate a license surrendered to the Federal Energy Regulatory Commission, FERC, that authorized the construction of a hydroelectric power plant in Carlyle, IL. In order to facilitate the construction of the hydroelectric power plant, the bill also contains a provision that extends the deadline for beginning construction of the plant.

Carlyle, IL, is a small community of 3,406 people in Southwestern Illinois, fifty miles east of St. Louis. Carlyle is situated on the Kaskaskia River at the southern tip of Carlyle Lake, which was formed in 1967 when the U.S. Army Corps of Engineers completed construction of a dam on the river. Carlyle Lake is 15 miles long and 3.5 miles wide, the largest man-made lake in Illinois.

When the Army Corps of Engineers constructed the dam, it failed to build a hydroelectric power plant to capitalize on the energy available from water flowing through the dam. A hydroelectric power facility in Carlyle would produce 4,000 kilowatts of power and provide a renewable energy source for surrounding communities. Furthermore, the environmental impact of adding a hydroelectric facility would be minimal, and such a facility, located at a site near the existing dam, would not produce harmful emissions.

In 1997, Southwestern Electric Cooperative obtained a license from the FERC to begin work on a hydroelectric project in Carlyle. In 2000, Southwestern Electric Cooperative surrendered their license because they were unable to begin the project in the required time period. The City of Carlyle is interested in constructing the hydroelectric power plant and is seeking to obtain Southwestern Electric Cooperative's license.

The bill I am introducing today is required for the construction of the facility. Legislation is necessary to authorize FERC to reinstate Southwestern Electric Cooperative's surrendered license. Because there is not enough time remaining on the license to conduct studies, produce a design for the facility, and begin construction of the project, the bill includes a provision that allows FERC to extend the applicable deadline.

The full Senate passed this bill, during the 107th Congress, on November 20, 2002 without opposition, but, the House

of Representatives was unable to act on this legislation before the 107th Congress adjourned.

This legislation is an easy and environmentally safe approach to meeting the energy needs of Southwestern Illinois. Please join me in supporting this measure to provide a clean alternative energy source for this part of the Midwest.

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. 220

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF TIME FOR FEDERAL ENERGY REGULATORY COMMISSION PROJECT.

Notwithstanding the time period specified in section 13 of the Federal Power Act (16 U.S.C. 806) that would otherwise apply to the Federal Energy Regulatory Commission project numbered 11214, the Commission may, at the request of the licensee for the project, and after reasonable notice, in accordance with the good faith, due diligence, and public interest requirements of that section and the Commission's procedures under that section—

(1) reinstate the license for the construction of the project as of the effective date of the surrender of the license; and

(2) extend the time period during which the licensee is required to commence the construction of the project for 3 consecutive 2-year periods beyond the date that is 4 years after the date of issuance of the license.

By Mr. FEINGOLD (for himself and Mr. MILLER):

S. 221. A bill to amend the Communications Act of 1934 to facilitate an increase in programming and content on radio that is locally and independently produced, to facilitate competition in radio programming, radio advertising, and concerts, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. FEINGOLD. Mr. President, I rise today to re-introduce legislation that will promote competition in the radio and concert industries.

This legislation will begin to address many of the concerns that I have heard from my constituents regarding the concentration of ownership in the radio and concert industry and its effect on consumers, artists, local businesses, and ticket prices.

Last year, I introduced this same legislation, and with the help of a wide range of organizations and other Senators, we put this issue on the front and center in Congress. I am pleased that a number of Committees are looking at this issue and considering holding hearings in the coming weeks.

With these hearings coming up, I want once again to bring this proposal to my colleagues attention. And as the Committee process works itself forward, I expect that we will discover additional issues to address that will strengthen the provisions in my legislation.

But this legislation is where Congress should begin its efforts to promote competition, diversity, and localism in radio.

I love radio. But, over the last year, I have learned that concentration of ownership in the radio and concert industry has made it difficult for individuals, artists, and organizations to find outlets to express their creativity and promote diversity.

Music and local news carried over the radio can help society to consider some of the most serious issues affecting our Nation: issues like war and peace, issues like social justice.

If the already diminishing number of gatekeepers of radio content chooses not to air controversial music because it may turn off advertisers, one of the most universal mediums to engage in dialogue will be lost. Regardless of our point of view, we must retain the ability of radio to show the diverse range of voices that form our culture.

I have heard many stories about the effects of this concentration. But perhaps the most compelling was at the annual Congressional Black Caucus event last year, when two people who have been involved in radio for decades told me about the real life importance of diversity in radio.

They spoke about the importance of the locally-owned media that helped raise public awareness of the campaign of the late Harold Washington to become the first black mayor of Chicago. They said that the main avenue for many in the central city to hear about the campaign was through locally-owned radio stations.

If an out-of-State corporation controlled the programming of these radio stations, would this political pioneer have received the same coverage?

I have also heard a great deal from religious organizations about how consolidation harms their ability to reach out in their communities. They have said that we must get to the root of the problem by curbing anti-competitive practices that make it difficult for locally-owned, independent radio stations to prosper.

I also learned about the story of Everett Parker, who during the civil rights movement of the 1960s was a pioneering defender of public interest in broadcasting.

In Dr. Parker's most famous crusade, he and the United Church of Christ went to Jackson, MS, to challenge the license renewals of stations that were blocking coverage of the civil rights movement, even though African-Americans constituted almost half of the audience.

By failing to cover the civil rights movement, the station failed all of the citizens of Jackson by limiting access to information on issues of public importance.

So, joining with the local NAACP, the group went to the Federal Communications Commission and challenged the licenses of the Jackson stations. The case went all the way to the Court of Appeals for the District of Columbia Circuit, which took away the station's license.

What makes this case so significant is that it established the right of any American to petition the Commission, instead of limiting such petitions to commercial interests.

The radio airwaves continued to be owned by the public. Radio is a public medium. It must serve the public good.

We must promote localism and diversity on our airwaves and crack down on anti-competitive practices that are a result of concentration in the radio and concert industry.

We must address negative consequences of the 1996 Telecommunications Act, which opened the floodgates for consolidation and led to anti-consumer and anti-competitive practices.

Just consider how the rise in ticket prices coincided with the passage of the Telecommunications Act. Following the passage of the Act, and the resulting consolidation of the radio and concert industry, ticket prices went through the roof!

Before the passage of the 1996 Act, ticket prices were increasing at a rate slightly higher than the Consumer Price Index. Following the Telecommunications Act of 1996, however, ticket prices have increased at a rate almost 50 percentage points higher than the Consumer Price Index. From 1996 to 2001, concert ticket prices rose by more than 61 percent, while the Consumer Price Index increased by just 13 percent.

During the debate of the 1996 Act, I joined a number of my colleagues in opposing the deregulation of radio ownership rules because of concerns about its effect on consumers, artists, independent radio stations, and local communities.

Passage of this Act was an unfortunate example of the influence of soft money in the political process. I have consistently said that this Act was bought and paid for by soft money, by unlimited contributions by corporations, unions and wealthy individuals to the political parties. Everyone was at the table, except for the consumers.

That's why I am pleased to re-introduce this legislation, the Competition in Radio and Concert Industries Act, which would reduce the levels of concentration and curb some of these anti-competitive practices.

My legislation prohibits those who own radio stations and concert promotion services or venues from leveraging their cross-ownership to hinder competition in the industry. For example, if an owner of a radio station and a promotion service hinders access to the airwaves of a rival promoter or artist, then the owner would be subject to penalties.

My legislation will also help to curb the concentration that leads to these anti-competitive practices.

It would strengthen the FCC merger review process by requiring the FCC to

scrutinize the mergers of any radio station ownership group that reaches more than 60% of the nation.

My legislation would also curb consolidation on the local level by preventing any upward revision of the limitation on multiple ownership of radio stations in local markets.

The bill would also prohibit the current shakedown system, where the big radio corporations are said to leverage their market power to require payments from artists in exchange for playing their songs. And it would also close a loophole that allows large radio ownership companies to exceed the cap by ''warehousing stations'' through a third party. In these cases, they control the station through a third party, but the stations are not counted against their local ownership cap.

Songs and ideas should not be broadcast on the radio based on how much money has changed hands. Airplay should be based on good songs and good ideas what the local audience wants to hear.

My legislation would slow the levels of concentration and address a number of concerns that I have heard from artists and others, although it does not address all the issues facing our communities.

Over the coming months, I hope that my colleagues will give this issue their attention, both on the floor and in committee.

I urge my colleagues to cosponsor this legislation so that we can work together to restore competition to the radio and concert industry by putting independent radio stations, local concert promoters, and artists on a level playing field.

People should have choices, listeners should have a diversity of options, and Americans should be able to hear new and different voices. Radio allows us to connect to our communities, to our culture, and to our democracy. It is one of the most vibrant mediums we have for the exchange of ideas, and for artistic expression. We must fight to preserve it, and together I believe we can do just that.

Radio is a public medium, and we must ensure that it serves the public good. That's a democratic vision of American radio well worth fighting for.

By Mr. KYL (for himself and Mr. MCCAIN):

S. 222. A bill to approve the settlement of the water rights claims of the Zuni Indian Tribe in Apache County, Arizona, and for other purposes; to the Committee on Indian Affairs.

Mr. KYL. Mr. President, on behalf of Senator MCCAIN and myself I am introducing legislation today that would codify the settlement of the Zuni Indian Tribe's water rights for its religious lands in northeastern Arizona. Congress first recognized the importance of these lands in 1984 when it created the Zuni Heaven Reservation, Pub. L. 98–498, as amended by Pub. Law No. 101–486, 1990. For nearly a century, the small communities upstream from this Reservation have fully-appropriated the water from Little Colorado River for use in their homes and on their fields. Yet the Zuni Tribe asserted that it would need water to restore and use its Reservation lands. The prospect of dividing the limited water of the Little Colorado River with still another user created great uncertainly. To resolve that uncertainty and to avoid expensive and protracted litigation, the Zuni Tribe, the United States on behalf of the Zuni Tribe, the State of Arizona, including the Arizona Game and Fish Commission, the Arizona State Land Department, and the Arizona State Parks Board, and the major water users in this area of Arizona negotiated for many years to produce a water settlement that is acceptable to all parties.

This bill would provide the Zuni Tribe with the resources and protections necessary to acquire water rights from willing sellers and to restore and protect the wetland environment that the Zuni Tribe previously used. In return, the Zuni Tribe would waive its claim in the Little Colorado River Adjudication. In addition, the Zuni Tribe would, among other things, grandfather existing water uses and waive claims against many future water uses in the Little Colorado River basin. In summary, with this bill, the Zuni Tribe can achieve its needs for the Zuni Heaven Reservation while avoiding a disruption to local water users and industry. Furthermore, the United States can avoid litigating water rights and damage claims and satisfy its trust responsibilities to the Tribe regarding water for the Reservation. The parties have worked many years to reach consensus and I believe this bill would produce a fair result to all.

This legislation unanimously passed the Senate in the 107th Congress. Unfortunately, the House of Representatives adjourned and was unable to take action on the bill. We hope for its swift passage in the 108th Congress.

By Mrs. FEINSTEIN (for herself, Mr. GRASSLEY, Mr. CORZINE, and Mr. GREGG):

S. 223. A bill to prevent identity theft, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mrs. FEINSTEIN. Mr. President, I rise, along with Senator GRASSLEY, Senator CORZINE, and Senator GREGG to introduce the Identity Theft Prevention Act.

This bill addresses the growing tide of identity theft cases by requiring banks, credit bureaus, and other financial institutions to take some practical steps to protect sensitive personal information.

What is identity theft? Identity theft occurs when one person uses another person's Social Security number, birth date, driver's license number, or other identifying information to obtain credit cards, car loans, phone plans or other services in the victim's name.

The criminal literally assumes the identity of the victim for illicit gain.

Identity theft has become the number one white collar crime of the new millennium, and Congress needs to make a major effort to protect Americans' personal information.

Hundreds of thousands of Americans are victimized by identity theft each year.

The personal losses as a result of these crimes are major. The average financial loss from an identity theft case is $17,000 and it takes a typical victim 18 months to restore his or her good credit.

In some cases, victims are falsely saddled with criminal records or are denied loans and other valuable financial services.

Identity theft is frighteningly easy to commit. One of my constituents, Kim Bradbury of Castro Valley, knows this too well. Kim reported that an identity thief obtained a credit card in her name through the Internet in less than 60 seconds. The false application only had her Social Security number and birth date correct.

Kim only found out she was an identity theft victim when a representative of a telemarketing company called her at home while she was feeding her one-year child. The representative told her that someone with a different address had applied for a credit card in Kim's name.

In Kim's case, it appears that her Social Security number was stolen by a fellow employee who also had stolen the identities of several dozen company employees. The thief ultimately stole over $100,000 in merchandise, including 20 cell phone accounts, via identity fraud.

All indicators suggest that the crime continues to grow at an alarming rate.

Just two months ago, Federal prosecutors announced the largest single identity theft case in U.S. history. Three individuals allegedly sold the credit and personal information of 30,000 people.

At one national credit reporting agency, consumers requested 53 percent more fraud alerts in fiscal year 2001 than fiscal year 2000.

As of December 2001, the Federal Trade Commission, FTC, Identity Theft Clearinghouse averaged more than 3,000 call-ins per week, a sevenfold increase since the clearinghouse began operation in November 1999.

The Identity Theft Prevention Act offers a series of practical steps to cut-off criminal access to sensitive consumer data.

No. 1, Credit card number truncation on receipts: first, the Identity Theft Prevention Act would require all new credit-card machines to truncate any credit card number printed on a customer receipt.

Thus, when a store gives a customer a receipt from a credit card purchase, only the last five digits of the credit card number will show.

This prevents identity thieves from stealing credit card numbers by retrieving discarded receipts.

Existing machines would have to be reprogrammed to truncate credit card numbers on receipts within four years after enactment of the legislation.

No. 2, Fraud alerts: the bill would give the Federal Trade Commission the authority to impose a fine on credit issuers who issue new credit to identity thieves despite the presence of a fraud alert on the consumer's credit file.

Too many credit card issuers are granting new cards without adequately verifying the identity of the applicant. Putting some teeth into fraud alerts will curb irresponsible granting of credit.

No. 3, Free credit reports: third, the legislation would entitle each consumer to one free credit report per year. Currently six States, Colorado, Georgia, Maryland, Massachusetts, New Jersey, and Vermont, have laws entitling consumers to one free credit report per year from the national credit bureaus.

According to identity theft victim advocates, identity theft is detected much earlier if consumers actively monitor their credit files. The cost of credit reports is a major obstacle to their use by consumers.

No. 4, Change of address: finally, the bill requires a credit card company to notify consumers when an additional credit card is requested on an existing credit account within 30 days of an address change request.

This provision addresses a common method of identity fraud where a criminal steals an individual's credit card number, and then obtains a duplicate card by informing the issuer of a change of address.

The Identity Theft Prevention Act requires financial institutions to implement needed precautions to prevent identity fraud and protect a person's good name.

Verifying a credit applicant's address, complying with ''fraud alerts'', and truncating credit numbers on receipts are all measures that will make it harder for criminals to engage in identity fraud.

It is appropriate and necessary for financial institutions to take these steps. These companies have a responsibility to prevent fraudsters from using their services to harm the good name of other citizens.

Morever, in this complex, information-driven society, consumers simply can't protect their good name on their own.

I strongly believe this legislation will provide desperately needed tools to combat identity theft, and I look forward to working with my colleagues to secure its passage.

I ask unanimous consent that the text of this legislation be printed in the RECORD.

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

S. 223

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 ''Identity Theft Prevention Act''.

SEC. 2. FINDINGS.

Congress finds that—

(1) the crime of identity theft has become one of the major law enforcement challenges of the new economy, as vast quantities of sensitive, personal information are now vulnerable to criminal interception and misuse;

(2) in November 2002, Americans were alerted to the dangers of identity theft when Federal prosecutors announced that 3 individuals had allegedly sold the credit and personal information of 30,000 people, the largest single identity theft case in United States history;

(3) hundreds of thousands of Americans are victims of identity theft each year, resulting in an annual cost to industry of more than $3,500,000,000.

(4) several indicators reveal that despite increased public awareness of the crime, the number of incidents of identity theft continues to rise;

(5) in December 2001, the Federal Trade Commission received an average of more than 3,000 identity theft calls per week, a 700 percent increase since the Identity Theft Data Clearinghouse began operation in November 1999;

(6) allegations of social security number fraud increased by 500 percent between 1998 and 2001, from 11,000 to 65,000;

(7) a national credit reporting agency reported that consumer requests for fraud alerts increased by 53 percent during fiscal year 2001;

(8) identity theft violates the privacy of American citizens and ruins their good names;

(9) victims of identity theft may suffer restricted access to credit and diminished employment opportunities, and may spend years repairing the damage to credit histories caused by identity theft;

(10) businesses and government agencies that handle sensitive personal information of consumers have a responsibility to protect this information from identity thieves; and

(11) the private sector can better protect consumers by implementing effective fraud alerts, affording greater consumer access to credit reports, truncating of credit card numbers, and establishing other prevention measures.

SEC. 3. IDENTITY THEFT PREVENTION.

(a) CHANGES OF ADDRESS.—

(1) DUTY OF ISSUERS OF CREDIT.—Section 132 of the Truth in Lending Act (15 U.S.C. 1642) is amended—

(A) by inserting ''(a) IN GENERAL.—'' before ''No credit''; and

(B) by adding at the end the following:

''(b) CONFIRMATION OF CHANGES OF ADDRESS.—If a card issuer receives a request for an additional credit card with respect to an existing credit account not later than 30 days after receiving notification of a change of address for that account, the card issuer shall—

''(1) not later than 5 days after sending the additional card to the new address, notify the cardholder of the request at both the new address and the former address; and

''(2) provide to the cardholder a means of promptly reporting incorrect changes.''.

(2) ENFORCEMENT.—

(A) FEDERAL TRADE COMMISSION.—Except as provided in subparagraph (B), compliance with section 132(b) of the Truth in Lending Act (as added by this subsection) shall be enforced by the Federal Trade Commission in the same manner and with the same power and authority as the Commission has under the Fair Debt Collection Practices Act to enforce compliance with that Act.

(B) OTHER AGENCIES IN CERTAIN CASES.—

(i) IN GENERAL.—Compliance with section 132(b) of the Truth in Lending Act shall be enforced under—

(I) section 8 of the Federal Deposit Insurance Act, in the case of a card issuer that is—

(aa) a national bank or a Federal branch or Federal agency of a foreign bank, by the Office of the Comptroller of the Currency;

(bb) a member bank of the Federal Reserve System (other than a national bank), a branch or agency of a foreign bank (other than a Federal branch, Federal agency, or insured State branch of a foreign bank), a commercial lending company owned or controlled by a foreign bank, or an organization operating under section 25 or 25A of the Federal Reserve Act, by the Board of Governors of the Federal Reserve System;

(cc) a bank insured by the Federal Deposit Insurance Corporation (other than a member of the Federal Reserve System or a national nonmember bank) or an insured State branch of a foreign bank, by the Board of Directors of the Federal Deposit Insurance Corporation; and

(dd) a savings association, the deposits of which are insured by the Federal Deposit Insurance Corporation, by the Director of the Office of Thrift Supervision; and

(II) the Federal Credit Union Act, by the Administrator of the National Credit Union Administration in the case of a card issuer that is a Federal credit union, as defined in that Act.

(C) VIOLATIONS TREATED AS VIOLATIONS OF OTHER LAWS.—

(i) IN GENERAL.—For the purpose of the exercise by any agency referred to in this paragraph of its powers under any Act referred to in this paragraph, a violation of section 132(b) of the Truth in Lending Act (as added by this subsection) shall be deemed to be a violation of a requirement imposed under that Act.

(ii) AGENCY AUTHORITY.—In addition to its powers under any provision of law specifically referred to in subparagraph (A) or (B), each of the agencies referred to in those subparagraphs may exercise, for the purpose of enforcing compliance with section 132(b) of the Truth in Lending Act, any other authority conferred on such agency by law.

(b) FRAUD ALERTS.—Section 605 of the Fair Credit Reporting Act (15 U.S.C. 1681c) is amended by adding at the end the following:

''(g) FRAUD ALERTS.—

''(1) DEFINED TERM.—In this subsection, the term 'fraud alert' means a statement in the file of a consumer that notifies all prospective users of a consumer report made with respect to that consumer that—

''(A) the consumer's identity may have been used, without the consumer's consent, to fraudulently obtain goods or services in the consumer's name; and

''(B) the consumer does not authorize the issuance or extension of credit in the name of the consumer unless the issuer of such credit—

''(i) obtains express preauthorization from the consumer at a telephone number designated by the consumer; or

''(ii) utilizes another reasonable means of communications to obtain the express preauthorization of the consumer.

''(2) INCLUSION OF FRAUD ALERT IN CONSUMER FILE.—Upon the request of a consumer and upon receiving proper identification, a consumer reporting agency shall include a fraud alert in the file of that consumer.

''(3) NOTICE SENT BY CONSUMER REPORTING AGENCIES.—A consumer reporting agency shall notify each person procuring consumer credit information with respect to a consumer of the existence of a fraud alert in the file of that consumer, regardless of whether

a full credit report, credit score, or summary report is requested.

''(4) PROCEDURES TO RECEIVE FRAUD ALERTS.—Any person who uses a consumer credit report in connection with a credit transaction shall establish reasonable procedures to receive fraud alerts transmitted by consumer reporting agencies.

''(5) VIOLATIONS.—

''(A) CONSUMER REPORTING AGENCY.—Any consumer reporting agency that fails to notify any user of a consumer credit report of the existence of a fraud alert in that report shall be in violation of this section.

''(B) USER OF A CONSUMER REPORT.—Any user of a consumer report that fails to comply with preauthorization procedures contained in a fraud alert and issues or extends credit in the name of the consumer to a person other than the consumer shall be in violation of this section.

''(6) EXCEPTIONS.—

''(A) RESELLERS.—

''(i) IN GENERAL.—The provisions of this subsection do not apply to a consumer reporting agency that acts as a reseller of information by assembling and merging information contained in the database of another consumer reporting agency or multiple consumer reporting agencies, and does not maintain a permanent database of the assembled or merged information from which new consumer reports are produced.

''(ii) LIMITATION.—A reseller of assembled or merged information shall preserve any fraud alert placed on a consumer report by another consumer reporting agency.

''(B) EXEMPT INSTITUTIONS.—The requirement under this subsection to place a fraud alert in a consumer file shall not apply to—

''(i) a check services company, which issues authorizations for the purpose of approving or processing negotiable instruments, electronic funds transfers, or similar methods of payments; or

''(ii) a demand deposit account information service company, which issues reports regarding account closures due to fraud, substantial overdrafts, ATM abuse, or similar negative information regarding a consumer, to inquiring banks or other financial institutions for use only in reviewing a consumer request for a demand deposit account at the inquiring bank or financial institution.''.

SEC. 4. TRUNCATION OF CREDIT CARD ACCOUNT NUMBERS.

(a) IN GENERAL.—Except as provided in this section, no person, firm, partnership, association, corporation, or limited liability company that accepts credit cards for the transaction of business shall print more than the last 5 digits of the credit card account number or the expiration date upon any receipt provided to the cardholder.

(b) LIMITATION.—This section—

(1) applies only to receipts that are electronically printed; and

(2) does not apply to transactions in which the sole means of recording the cardholder's credit card account number is by handwriting or by an imprint or copy of the credit card.

(c) EFFECTIVE DATE.—This section shall take effect—

(1) on the date that is 4 years after the date of enactment of this Act, with respect to any cash register or other machine or device that electronically prints receipts for credit card transactions that is in use prior to the date of enactment of this Act; and

(2) on the date that is 18 months after the date of enactment of this Act, with respect to any cash register or other machine or device that electronically prints receipts for credit card transactions that is first put into use on or after the date of enactment of this Act.

(d) EFFECT ON STATE LAW.—Nothing in this section prevents a State from imposing requirements that are the same or substantially similar to the requirements of this section at any time before the effective date of this section.

SEC. 5. FREE ANNUAL CREDIT REPORT.

Section 612(c) of the Fair Credit Reporting Act (15 U.S.C. 1681j(c)) is amended to read as follows:

''(c) FREE ANNUAL DISCLOSURE.—Upon the request of the consumer and without charge to the consumer, a consumer reporting agency shall make all the disclosures listed under section 609 once during any 12-month period.''.

By Mr. BIDEN (for himself, Mr. GRASSLEY, Mr. LIEBERMAN, and Mrs. FEINSTEIN):

S. 226. A bill to prohibit an individual from knowingly opening, maintaining, managing controlling, renting, leasing, making available for use, or profiting from any place for the purpose of manufacturing, distributing, or using any controlled substance, and for other purposes; to the Committee on the Judiciary.

Mr. BIDEN. Mr. President, I rise today, along with my good friend, the senior Senator from Iowa, Senator GRASSLEY, to introduce the Illicit Drug Anti-Proliferation Act. This legislation arises out of a hearing Senator GRASSLEY and I held in the Senate Caucus on International Narcotics Control in December 2001 on the proliferation of Ecstasy and other club drugs generally, and the role of some promoters of all-night dance parties, known as ''raves'', in distributing Ecstasy to young people. Our bill provides Federal prosecutors the tools needed to combat the manufacture, distribution or use of any controlled substance at any venue whose purpose is to engage in illegal narcotics activity. Rather than create a new law, our bill merely amends a well-established statute to make clear that anyone who knowingly and intentionally uses their property, or allows another person to use their property, for the purpose of distributing or manufacturing or using illegal drugs can be held accountable, regardless of whether the drug use is ongoing or occurs at a single event.

While my legislation is aimed at the defendant's predatory behavior, regardless of the type of drug or the particular place in which it is being used or distributed, one problem that we are facing currently involves so-called ''club drugs'' and raves. According to a report which the Partnership for a Drug Free America will release in the near future, teens who report attending a rave are seven times more likely to have tried Ecstasy than teens who report not attending a rave. I find this statistic quite troubling.

Despite the conventional wisdom that Ecstasy and other club drugs are ''no big deal,'' a view that even the New York Times Magazine espoused in a cover story, these drugs can have serious consequences, and can even be fatal. Just last month we got some encouraging news: after years of steady increase, Ecstasy use is finally beginning to decrease among teens. That said, the rate of use remains unacceptably high and we still have quite a bit of work to do to counter the widespread misconception that Ecstacy is harmless, fashionable and hip.

At the Drug Caucus hearing, witnesses testified that rogue rave organizers commonly go to great lengths to portray their events as safe so that parents will allow their kids to attend. They advertise their parties as alcohol-free events and some even hire off-duty police officers to patrol outside the venue. But the truth is that some of these raves are drug dens where use of Ecstasy and other ''club drugs'', such as the date rape drugs Rohypnol, GHB and Ketamine, is widespread.

But even as these promoters work to make parents think that their events are safe, they send a different message to kids. Their promotional flyers make clear that drugs are an integral part of the party by prominently featuring terms associated with drug use, such as the letters ''E'' or ''X''—street terms for Ecstasy, or the term ''rollin'''', which refers to an Ecstasy high. They are, in effect, promoting Ecstasy along with the rave.

By doing so, unscrupulous promoters get rich as they exploit and endanger kids. Some supplement their profits from the $10 to $50 cover charge to enter the club by selling popular Ecstasy paraphernalia such as baby pacifiers, glow sticks, or mentholated inhalers. And predatory party organizers know that Ecstasy raises the core body temperature and makes the user extremely thirsty, so they sell bottles of water for $5 or $10 apiece. Some even shut off the water faucets so club goers will be forced to buy water or pay admission to enter an air-conditioned ''cool down room.''

After the death of a 17-year-old girl at a rave party in New Orleans in 1998, the Drug Enforcement Administration conducted an assessment of rave activity in that city which showed the close relationship between these parties and club drug overdoses. In a two year period, 52 raves were held at the New Orleans State Palace Theater, during which time approximately 400 teenagers overdosed and were treated at local emergency rooms. Following ''Operation Rave Review'' which resulted in the arrest of several rave promoters and closing the city's largest rave, overdoses and emergency room visits dropped by 90 percent and Ecstasy overdoses were eliminated.

State and local governments have begun to take important steps to crack down on rave promoters who allow their events to be used as havens for illicit drug activity. In Chicago, where Mayor Daley has shown great leadership on this issue, it is a criminal offense to knowingly maintain a place, such as a rave, where controlled substances are used or distributed. Not only the promoter, but also the building owner and building manager can be

charged under Mayor Daley's law. The State of Florida has a similar statute making such activity a felony.

And in Modesto, California, police officers are offering ''rave training classes'' to parents to educate them about the dangers associated with some raves and the club drugs often associated with them.

At the Federal level, there have been four cases in which Federal prosecutors have used the so called ''crack house statute'' or other Federal charges to go after rogue rave promoters. These cases, in Little Rock, AR, Boise, ID, Panama City, FL, and New Orleans, LA, have had mixed results, culminating in two wins, a loss and a draw, suggesting that there may be a need to tailor this Federal statute more precisely to the problem at hand. As a result, last session I proposed legislation which would do just that. I am reintroducing it today and I am pleased to have Senator GRASSLEY once again as the lead cosponsor. I might note that the legislation is also included in the Democratic leadership crime bill.

After I introduced this legislation last year, a great deal of misinformation began circulating about it. I want to make the record clear. Simply stated, my bill provides technical corrections to an existing statute, one which has been on the books for 16 years and is well established.

Critics of my bill have asserted that if the legislation were to become law ''there would be no way that someone could hold a concert and not be liable'' and that the bill ''holds the owners and the promoters responsible for the actions of the patrons.'' That is simply untrue. We know that there will always be certain people who will bring drugs into musical or other events and use them without the knowledge or permission of the promoter or club owner. This is not the type of activity that my bill would address. The purpose of my legislation is not to prosecute legitimate law-abiding managers of stadiums, arenas, performing arts centers, licensed beverage facilities and other venues because of incidental drug use at their events. In fact, when crafting this legislation, I took steps to ensure that it did not capture such cases. My bill would help in the prosecution of rogue promoters who not only know that there is drug use at their event but also hold the event for the purpose of illegal drug use or distribution. That is quite a high bar.

I ask unanimous consent that a letter from the Coalition of Licensed Beverage Associations, COLBA, be printed at the end of my statement. COLBA, who initially expressed concerns that my bill would make their members liable for the actions of their patrons, has endorsed my legislation because they realized that my bill was not aimed at responsible party promoters.

I am confident that the overwhelming majority of promoters are decent, law abiding people who are going to discourage drug use, or any other illegal activity, at their venues. But there are a few promoters out there who are taking steps to profit from drug activity at their events. Some of these folks actually distribute drugs themselves or have their staff distribute drugs, get kickbacks from drug sales at their events, have thinly veiled drug messages on their promotional flyers, tell their security to ignore drug use or sales, or send patients who need medical attention because of a drug overdose to a hospital across town so that people won't link emergency room visits with their club. What they are doing is illegal under current law. My bill would not change that fact. Let me be clear. Neither current law nor my bill seeks to punish a promoter for the behavior of their patrons. As I mentioned, the underlying crack house statute has been on the books since 1986, and I am unaware of this statute ever being used to prosecute a legitimate business.

The legislation simply amends the current ''crack house statute'' in two minor ways. First, it clarifies that Congress intended for the law to apply not just to ongoing drug distribution operations, but to ''single-event'' activities, such as a party where the promoter sponsors the event with the purpose of distributing Ecstasy or other illegal drugs. After all, a drug dealer can be arrested and prosecuted for selling one bag of drugs, and the government need not show that the dealer is selling day after day, or to multiple sellers. Likewise, the bill clarifies that a ''one-time'' event where the promoter knowingly distributes Ecstasy over the course of an evening, for example, violates the statute the same as a crack house which is in operation over a period of time. Second, the bill makes the law apply to outdoor as well as indoor venues, such as where a rogue rave promoter uses a field to hold a rave for the purpose of distributing a controlled substance. Those are the only changes the bill makes to the crack house statute. It does not give the Federal Government sweeping new powers as the detractors have asserted.

Critics of the bill have also claimed that it would provide a disincentive for promoters to take steps to protect the public health of their patrons including providing water or air conditioned rooms, making sure that there is an ambulance on the premises, etc. That is not my intention. And to underscore that fact, I plan to remove the findings, which is the only place in the bill where these items are mentioned, from the bill. Certainly there are legitimate reasons for selling water, having a room where people can cool down after dancing, or having an ambulance on hand. Clearly, the presence of any of these things is not enough to signify that an event is ''for the purpose of'' drug use.

The reason that I introduced this bill was not to ban dancing, kill the ''rave scene'' or silence electronic music, all things of which I have been accused. Although this legislation grew out of testimony I heard at a number of hearings about the problems identified at raves, the criminal and civil penalties in the bill would also apply to people who promoted any type of event for the purpose of drug use or distribution. If rave promoters and sponsors operate such events as they are so often advertised as places for people to come dance in a safe, drug-free environment then they have nothing to fear from this law. In no way is this bill aimed at stifling any type of music or expression it is only trying to deter illicit drug use and protect kids.

Last year people criticized the bill's title, the ''RAVE Act'', because they thought it was unfairly targeting raves. Although I do not believe that I was unfairly targeting anybody, I have changed the title to the ''Illicit Drug Anti-Proliferation Act of 2003.''

In addition to amending the crack house statute, the legislation also addresses the low penalties for trafficking gamma hydroxybutyric acid, GHB, by directing the United States Sentencing Commission to examine the current penalties and consider increasing them to reflect the seriousness of offenses involving GHB. Currently, GHB penalties are simply too low. In order to get five years for a GHB offense, you have to have more than 13 gallons of the drug, equivalent to 100,000 doses and a street value of about $1 million. According to the DEA, big-time GHB dealers distribute approximately one gallon quantities of the drug, the penalty for which is currently only between 15 and 21 months. These cases simply aren't being prosecuted at the Federal level because the penalties are so low. The Sentencing Commission needs to take a look at this problem and consider raising the penalties for this dangerous drug.

But the answer to the problem of drug use at raves is not simply to prosecute irresponsible rave promoters and those who distribute drugs. There is also a responsibility to raise awareness among parents, teachers, students, coaches, religious leaders, etc. about the dangers of the drugs used and sold at raves. The DEA is already doing some of this through its club drug awareness campaign, where DEA agents are holding conferences with local women legislators to get information out about the dangers of these substances. The legislation provides funds to the DEA to continue this important work. Further, the bill authorizes nearly $6 million for the DEA to hire a Demand Reduction Coordinator in each state who can work with communities following the arrest of a significant local trafficker to reduce the demand for drugs through prevention and treatment programs.

It is the unfortunate truth that some raves are havens for illicit drugs. Enacting the Illicit Drug Anti-Proliferation Act will help to prosecute the promoters who seek to profit from exploiting and endangering young lives and

will take steps to educate youth, parents and other interested adults about the dangers of Ecstasy and other club drugs associated with raves.

I hope that my colleagues will join me and support this legislation.

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

COALITION OF LICENSED BEVERAGE ASSOCIATION,
Alexandria, VA, October 15, 2002.

Senator JOE BIDEN,
Chairman, Senate Judiciary Committee, Hart Senate Office Building,
Washington, DC.

DEAR MR. CHAIRMAN: The Coalition of Licensed Beverage Associations (COLBA) is a national association representing the interests of private-sector licensed beverage retailers who sell and serve alcohol beverages. COLBA represents both on-premise and off-premise alcohol beverage licensees. It is dedicated to preserving States' rights to ensure legal sales of alcohol to persons of legal-consumption age to maintaining high standards for the retail sale of alcohol.

Like you, Mr. Chairman, COLBA members have become increasingly concerned with the trafficking and use of the drug Ecstasy. As you know, much of the abuse of Ecstasy and other club drugs happens at all-night dance parties known as ''raves.'' Rave organizers often go to great lengths to portray their events as safe, alcohol-free parties in order to persuade parents to allow their children to attend. Such events tend to reflect negatively on the legitimate licensed beverage industry and its many small businesses.

COLBA supports state and local government's efforts to crack down on rave promoters who allow their events to be used as havens for illicit drug activity. COLBA also supports your effort to strengthen the current statues to provide law enforcement and prosecutors with the tools necessary to bring a halt to this activity.

Initially COLBA had concerns about your legislation effort and felt that if it were to become law any concert or special event holder would be held liable for incidental drug use. There was a misconception in the industry that the bill would hold the owners and the promoters of non-rave events responsible for the actions of the patrons.

However, it is the understanding of COLBA that the purpose of the Rave Act legislation is not to prosecute legitimate law-abiding managers of stadiums, arenas, performing arts centers, licensed beverage facilities and other venues due to incidental drug use at their events. The purpose of the Rave Act is the prosecution of rogue promoters who not only know that there is illegal drug use at their event, but also hold the event for the purpose of illegal drug use or distribution.

In light of this clarification by your gracious and dedicate staff, the Coalition now understand the intent of your legislative effort and fully supports the passage of the Rave Act. Please feel free to contact me if you need any additional information or if I can be of any further assistance.

Respectfully,

DAVID S. GERMROTH.
Washington Representative.

Mr. GRASSLEY. Mr. President, I am pleased to join my colleague Senator BIDEN today in introducing the Illicit Drug Anti-Proliferation Act. This is a continuation of an effort he and I spearheaded last year to update our laws so they can continue to be used effectively against drug dealers who are pushing drugs on our kids.

As drug dealers discover new drugs and new methods of pushing their poison, we must make sure our legal system is adequately structured to react appropriately. I believe this legislation does that.

Our proposal will modify the existing crack house statute so that its jurisdiction over temporary events, such as raves, would be more clear. And although this legislation grew out of the problems identified at raves, the criminal and civil penalties in the bill would also apply to people who promoted any type of event for the purpose of drug use or distribution. Illegal drug use in any location should not be tolerated, regardless of what cover activity is created to hide the transaction.

This said, I want to emphasize that our legislation should in no way hamper the activities of legitimate event promoters. I realize that drugs are not widely available at all raves or other events open to the public. And I know that my colleagues Senator BIDEN is just as aware as I am that drug use occurs at events without the knowledge or endorsement of the event promoters. This legislation should not affect the activities of legitimate event promoters. In no way is our bill aimed at stifling any type of music or public expression, it is only trying to deter illicit drug use and protect kids.

The sale of illicit narcotics, whether on a street corner here in Washington, D.C., or a warehouse in Des Moines, IA, must be confronted and halted wherever possible. One of the new, ''trendy'' illicit narcotics is Ecstasy—an especially popular club drug that is all too often being sold at all-night dance parties, or raves. Ecstasy is an illegal drug that has extremely dangerous side effects.

In general, Ecstasy raises the heart rate to dangerous levels, and in some cases the heart will stop. It also causes severe dehydration, a condition that is exacerbated by the high levels of physical exertion that happens at raves. Users must constantly drink water in an attempt to cool off—a fact that some unscrupulous event promoters take advantage of by charging exorbitant fees for bottles of water, after cutting off water to drinking fountains and rest room sinks.

Too often, Ecstasy users collapse and die because their bodies overheat. And even those who survive the short-term effects of Ecstasy use can look forward to long-term problems such as depression, paranoia, and confusion, as scientists have learned that Ecstasy causes irreversible changes to the brain.

Many young people perceive Ecstasy as harmless and it is wrongly termed a recreational or ''kid-friendly'' drug. This illegal substance does real damage to real lives. Although targeted at teenagers and young adults, its use has spread to the middle-aged population and rural areas, including my own State of Iowa. Ninety percent of all drug treatment and law enforcement experts say that Ecstasy is readily accessible in this country. We cannot continue to allow easy access to this drug or ignore the consequences of its use.

That is why I believe it is important that we update the laws that have been effectively used to shut down crack houses so they can go after temporary events used as a cover to sell drugs. It is important to remember that this legislation builds upon an existing statute, with existing case law, and therefore existing standards of how it is to be implemented. The existing statute has been used to go after landlords who ''knowingly and intentionally'' let their property be used for illegal narcotics activities. It has not, nor should it be used, to take action against every landlord of every property where drug activity takes place.

Similarly, the expansion of authorities created by this legislation is designed to target promoters who ''knowingly and intentionally'' allow drug use at their events. This is a high standard that should protect event promoters from casual application of this statute. Clearly, taking steps to reduce or eliminate drug use at an event, such as the posting of signs or through zero-tolerance instructions to security personnel, are not actions that would be taken by someone who would intentionally allow drug use to occur at an event.

I believe an event promoter does have some responsibility for what goes on at an event that they create. Particularly if they knowingly create an event for the purpose of buying, using, keeping, or selling drugs. While not common, there have been court cases which have been able to reach this high standard of proof. Using 21 U.S.C. 856, more popularly known as the ''crack house'' statute, law enforcement has arrested drug dealers who hosted raves and other dance events as a cover to push their product. Four cases have been brought to Federal court, with mixed results—mostly because the applicability of current law is unclear.

This legislation is an important step, but a careful one. Our future rests with the young people of this great nation and America is at risk. Ecstasy has shown itself to be a formidable threat and we must confront it on all fronts, not only through law enforcement but education and treatment as well. I hope my colleagues will join us in supporting this legislation, and help us work towards its quick passage.

By Mrs. FEINSTEIN (for herself and Mr. REID):

S. 227. A bill to amend the Higher Education Act of 1965 to extend loan forgiveness for certain loans to certified or licensed teachers, to provide for grants that promote teacher certification and licensing, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mrs. FEINSTEIN. Mr. President, I rise today to introduce this bill with Senator HARRY REID to increase the maximum loan cancellation amount available to credentialed teachers from $5,000 to $10,000.

Educational research is clear: the single most important contributor to raising student achievement is having well-trained, high-caliber teachers in the classroom. And yet, far too many of our Nations' students are being taught by teachers who are not fully credentialed.

This is especially true in low-income communities, where 22 percent of the teachers do not have credentials, more than 10 times the rate in wealthy communities.

Because good teachers can make such a positive difference in the classroom, the ''No Child Left Behind Act,'' signed by President Bush last year, requires States to ensure that all teachers in our public schools are ''highly qualified'' by the 2005–2006 school year. This benchmark, which I believe was long overdue, is one that I applaud and was pleased to support last Congress.

And while we have taken a bold first step by committing that our children will receive quality education from a licensed teacher, our work is far from over.

We must now strengthen our commitment by helping States look for new ways to reach prospective teachers and build quality into their teacher preparation and development programs.

Nationwide, it is estimated that approximately 2 million new teachers will need to be hired by 2009.

This statistic, combined with the reality that roughly 200,000 veteran teachers will need to get their teaching certificate by the 2005 school year or lose their ability to teach, makes it clear that States have an ambitious requirement to fulfill in a short amount of time.

But many States and school districts argue that they lack the resources necessary to fulfill these mandates on their own.

The gravity of this problem is vividly depicted in California, where at least 300,000 new teachers will need to be hired and credentialed by 2008 to replace retirees and to accommodate the projected population growth at a time when the State is experiencing a drastic budget shortfall. All of this must happen during a time when the State is experiencing drastic budget shortfalls. The California State Board of Education projects that all of these changes will cost $6 billion.

The $6 billion price tag does not include the costs associated with credentialing 32,000 emergency credentialed teachers, which is 11 percent of California's entire workforce, by the 2005 school year. This task alone would cost California $365 million.

And none of these cost-estimates take into account the cost of credentialing teachers in other States with high percentages of the teaching work force not fully credentialed.

While I strongly believe that States need to be held accountable for ensuring that all teachers are fully credentialed. But I also recognize that in order for States to meet this Federal mandate on time, many may need guidance and support from the Federal Government.

This is not just a matter of holding those in the local school district or the local schoolhouse accountable; it is also a question of holding those in positions of public trust from the schoolhouse up to the statehouse, and to the U.S. Capitol, too, accountable for making sure that the job gets done.

I believe that this bill takes a good first step in doing just that by creating a balance between State and Federal accountability and addressing two obstacles confronting school districts as they prepare for the 2005 academic year: lack of incentives to lure teachers into teacher credentialing programs early and lack of resources available to teaching institutions to improve and build upon their credentialing curriculum.

I believe that the Federal Government should recognize the value of having a qualified teacher in a low income classroom by enhancing the loan cancellation benefits of credentialed teachers.

Current law allows teachers to receive up to $5,000 of their student loans to be forgiven in exchange for 5 years of teaching in a low-income school. Unfortunately, few teachers have taken advantage of this program because of the low loan cancellation amount available to them in comparison to the length of service required for eligibility.

To encourage recent graduates of teacher licensure programs to enter and remain in the teaching field, this bill doubles the maximum loan cancellation amount to $10,000 for credentialed teachers teaching for five years in a low income school.

And while uncredentialed teachers would continue to be eligible for loan forgiveness available to all teachers under the current law, the enhanced benefits for uncredentialed teachers will expire on December 31, 2005, just in time for the mandated deadline set for all teachers to be fully licensed.

The second element of my bill authorizes grants to institutions of higher education to create and expand credentialing programs. Funds would be made available to colleges and universities to develop and implement teacher preparation programs including curriculum development that focuses on credentialing teachers.

I strongly believe that teachers desiring to become credentialed should have every resource available to them to do so. These components are meant to complement State programs already available to credentialed teachers, which aim to improve teacher quality and tenure.

To California's credit, since the 1999–2000 school year, 5,000 emergency credentialed teachers have been successfully placed in State-backed teacher preparation programs. And the State is working to create and improve teacher preparation programs that include relevant course work, classroom training, and mentoring by a veteran teacher, with a goal of full credentialing.

But this is not happening in every school district nationwide and it must, States and local school districts should work together to prioritize available funds to set up programs to ensure that every teacher within their district is adequately trained.

States must continue to look for innovative ways to keep qualified teachers in the classroom, especially in low performing school districts, and funnel available Federal funds to local initiatives to get emergency certified teachers into credentialing programs.

We as a Nation must continue to make providing quality education to our children a top priority. Passing legislation is just the first step. With the expected population growth and the need to replace teachers approaching retirement, States must act swiftly and aggressively to ensure that neither children nor teachers are left behind.

I urge my colleagues to join me in cosponsoring this important piece of legislation that would give States and teachers the necessary resources to ensure that every teacher is a ''highly qualified'' teacher. Our Nation's students deserve nothing less.

By Mrs. FEINSTEIN (for herself, Mr. GREGG, and Mr. LEAHY):

S. 228. A bill to amend title 18, United States Code, to limit the misuse of social security numbers, to establish criminal penalties for such misuse, and for other purposes; read the first time.

Mrs. FEINSTEIN. Mr. President. I rise to reintroduce, along with Senator JUDD GREGG, the Social Security Number Misuse Prevention Act. This is critical legislation, especially in light of the increasing number of cases of identity theft.

In fact, the Federal Trade Commission, FTC, this week announced that identity theft is the Nation's top consumer fraud complaint for the third consecutive year.

Last year, this legislation was approved by the Senate Judiciary Committee, and the Finance Committee was set to vote on it as well, but it got entangled in an unrelated, amendment.

It is my hope that Congress will approve this legislation this year, so that we can begin to protect one of the most fundamental rights of all Americans.

I believe all Americans should have the right to: control how their personal identifying information is used. Keep their Social Security number out of the public domain. Limit disclosure by public agencies of personal information; and I also believe that Americans have the right to expect that businesses and government agencies will

protect your personal information held within their databases.

Lately, however, these rights have been seriously compromised by thieves who are stealing American's identity's in record numbers.

Just in the last year, identity theft cases have doubled nationwide. American consumers filed approximately 163,000 identity theft complaints with the FTC in 2002. Fully 43 percent of all the complaints the FTC receives are about identity theft.

My own State, California, has more victims than any other State. The FTC recorded 30,738 identity theft cases last year from California consumers alone.

Senator GREGG and I are reintroducing our Social Security number protection bill because Social Security numbers are the keys thieves use to unlock and take over a person's identity.

Identity thieves use Social Security numbers to: fraudulently obtain credit cards, access existing financial accounts, commit bank fraud, falsely obtain employment and government benefits; and create additional false identification documents, such as drivers' licenses.

Sally Twentyman, for instance, had her identity stolen when a thief rifled through her mail and stole credit card renewal forms.

The thief used her name and Social Security number to make $13,000 in cash advances and to open two additional credit card accounts in her name.

Not surprisingly, reports of Social Security number misuse have risen lockstep with the growth in identity theft.

Allegations of Social Security number fraud have increased by 600 percent over the past several years from 11,000 in 1998 to 73,000 in 2003.

Social Security Number Prevention Act:

The goal of this legislation is straightforward, to get Social Security numbers out of the public domain so that identity thieves can't access the number.

First, this bill prohibits anyone from selling or displaying an individual's Social Security number to the general public without the individual's consent, but does permit legitimate business-to-business and business-to-government uses of the number.

This practice occurs today. A stranger or stalker can buy your Social Security number off the Internet for a few dollars.

In one troubling case, Christopher Jones, a twenty-five-year old employee at the University of North Carolina-Pembroke, stole approximately 3,000 Social Security numbers through his job handing out towels and other equipment at the university gym.

In order to get equipment from Mr. Jones, students had to give him their Social Security numbers. Jones mined these numbers over several months and advertised the Social Security numbers for sale on eBay with an opening bid of $1.00 per number for a block of 1,000 numbers.

One advertisement, for example, read ''100 (one hundred social Security # Numbers Obtain False Credit Cards Idenity Theft I Don't Care Bid Starts at a Dollar a Piece USPS Money Orders only all Different.''

Second, this legislation gives consumers the right to refuse to give out their Social Security numbers to companies that don't really need it.

Companies, however, can still require Social Security numbers for purposes under the Fair Credit Reporting Act, for background checks, if required by law, or if the number is necessary to verify identity or prevent fraud.

Third, this legislation curbs the public display of Social Security numbers on government documents. Specifically, the bill removes Social Security numbers from government checks and driver's licenses.

In addition, the bill prohibits governments entities from displaying Social Security numbers on public records that are posted on the Internet or in electronic media after the effective date of the act.

I don't believe a complete stranger should not be able to get access to my Social Security number from my birth certificate or marriage license, especially just by logging onto the Internet!

Finally, this legislation creates new penalties targeting the misuse of Social Security numbers. Specifically, the bill gives the Social Security Administration the authority to issue civil penalties of up to $5,000 for people who misuse Social Security numbers.

The bill also creates a maximum five year prison sentence for anyone who obtains another person's Social Security number for purpose of locating or identifying that individual with the intent to physically harm that person.

This legislation is fundamental to protecting the identities of American citizens.

I look forward to working with Senator GREGG to secure its passage this year, and I ask unanimous consent that the text of this legislation be printed in the RECORD.

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

S. 228

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 ''Social Security Number Misuse Prevention Act''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Prohibition of the display, sale, or purchase of social security numbers.
Sec. 4. Application of prohibition of the display, sale, or purchase of social security numbers to public records.
Sec. 5. Rulemaking authority of the Attorney General.
Sec. 6. Treatment of social security numbers on government documents.
Sec. 7. Limits on personal disclosure of a social security number for consumer transactions.
Sec. 8. Extension of civil monetary penalties for misuse of a social security number.
Sec. 9. Criminal penalties for the misuse of a social security number.
Sec. 10. Civil actions and civil penalties.
Sec. 11. Federal injunctive authority.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The inappropriate display, sale, or purchase of social security numbers has contributed to a growing range of illegal activities, including fraud, identity theft, and, in some cases, stalking and other violent crimes.

(2) While financial institutions, health care providers, and other entities have often used social security numbers to confirm the identity of an individual, the general display to the public, sale, or purchase of these numbers has been used to commit crimes, and also can result in serious invasions of individual privacy.

(3) The Federal Government requires virtually every individual in the United States to obtain and maintain a social security number in order to pay taxes, to qualify for social security benefits, or to seek employment. An unintended consequence of these requirements is that social security numbers have become one of the tools that can be used to facilitate crime, fraud, and invasions of the privacy of the individuals to whom the numbers are assigned. Because the Federal Government created and maintains this system, and because the Federal Government does not permit individuals to exempt themselves from those requirements, it is appropriate for the Federal Government to take steps to stem the abuse of social security numbers.

(4) The display, sale, or purchase of social security numbers in no way facilitates uninhibited, robust, and wide-open public debate, and restrictions on such display, sale, or purchase would not affect public debate.

(5) No one should seek to profit from the display, sale, or purchase of social security numbers in circumstances that create a substantial risk of physical, emotional, or financial harm to the individuals to whom those numbers are assigned.

(6) Consequently, this Act provides each individual that has been assigned a social security number some degree of protection from the display, sale, and purchase of that number in any circumstance that might facilitate unlawful conduct.

SEC. 3. PROHIBITION OF THE DISPLAY, SALE, OR PURCHASE OF SOCIAL SECURITY NUMBERS.

(a) PROHIBITION.—

(1) IN GENERAL.—Chapter 47 of title 18, United States Code, is amended by inserting after section 1028 the following:

''§ 1028A. Prohibition of the display, sale, or purchase of social security numbers

''(a) DEFINITIONS.—In this section:

''(1) DISPLAY.—The term 'display' means to intentionally communicate or otherwise make available (on the Internet or in any other manner) to the general public an individual's social security number.

''(2) PERSON.—The term 'person' means any individual, partnership, corporation, trust, estate, cooperative, association, or any other entity.

''(3) PURCHASE.—The term 'purchase' means providing directly or indirectly, anything of value in exchange for a social security number.

''(4) SALE.—The term 'sale' means obtaining, directly or indirectly, anything of value in exchange for a social security number.

''(5) STATE.—The term 'State' means any State of the United States, the District of Columbia, Puerto Rico, the Northern Mariana Islands, the United States Virgin Islands, Guam, American Samoa, and any territory or possession of the United States.

''(b) LIMITATION ON DISPLAY.—Except as provided in section 1028B, no person may display any individual's social security number to the general public without the affirmatively expressed consent of the individual.

''(c) LIMITATION ON SALE OR PURCHASE.—Except as otherwise provided in this section, no person may sell or purchase any individual's social security number without the affirmatively expressed consent of the individual.

''(d) PREREQUISITES FOR CONSENT.—In order for consent to exist under subsection (b) or (c), the person displaying or seeking to display, selling or attempting to sell, or purchasing or attempting to purchase, an individual's social security number shall—

''(1) inform the individual of the general purpose for which the number will be used, the types of persons to whom the number may be available, and the scope of transactions permitted by the consent; and

''(2) obtain the affirmatively expressed consent (electronically or in writing) of the individual.

''(e) EXCEPTIONS.—Nothing in this section shall be construed to prohibit or limit the display, sale, or purchase of a social security number—

''(1) required, authorized, or excepted under any Federal law;

''(2) for a public health purpose, including the protection of the health or safety of an individual in an emergency situation;

''(3) for a national security purpose;

''(4) for a law enforcement purpose, including the investigation of fraud and the enforcement of a child support obligation;

''(5) if the display, sale, or purchase of the number is for a use occurring as a result of an interaction between businesses, governments, or business and government (regardless of which entity initiates the interaction), including, but not limited to—

''(A) the prevention of fraud (including fraud in protecting an employee's right to employment benefits);

''(B) the facilitation of credit checks or the facilitation of background checks of employees, prospective employees, or volunteers;

''(C) the retrieval of other information from other businesses, commercial enterprises, government entities, or private nonprofit organizations; or

''(D) when the transmission of the number is incidental to, and in the course of, the sale, lease, franchising, or merger of all, or a portion of, a business;

''(6) if the transfer of such a number is part of a data matching program involving a Federal, State, or local agency; or

''(7) if such number is required to be submitted as part of the process for applying for any type of Federal, State, or local government benefit or program;

except that, nothing in this subsection shall be construed as permitting a professional or commercial user to display or sell a social security number to the general public.

''(f) LIMITATION.—Nothing in this section shall prohibit or limit the display, sale, or purchase of social security numbers as permitted under title V of the Gramm-Leach-Bliley Act, or for the purpose of affiliate sharing as permitted under the Fair Credit Reporting Act, except that no entity regulated under such Acts may make social security numbers available to the general public, as may be determined by the appropriate regulators under such Acts. For purposes of this subsection, the general public shall not include affiliates or unaffiliated third-party business entities as may be defined by the appropriate regulators.''.

(2) CONFORMING AMENDMENT.—The chapter analysis for chapter 47 of title 18, United States Code, is amended by inserting after the item relating to section 1028 the following:

''1028A. Prohibition of the display, sale, or purchase of social security numbers.''.

(b) STUDY; REPORT.—

(1) IN GENERAL.—The Attorney General shall conduct a study and prepare a report on all of the uses of social security numbers permitted, required, authorized, or excepted under any Federal law. The report shall include a detailed description of the uses allowed as of the date of enactment of this Act and shall evaluate whether such uses should be continued or discontinued by appropriate legislative action.

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Attorney General shall report to Congress findings under this subsection. The report shall include such recommendations for legislation based on criteria the Attorney General determines to be appropriate.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date that is 30 days after the date on which the final regulations promulgated under section 5 are published in the Federal Register.

SEC. 4. APPLICATION OF PROHIBITION OF THE DISPLAY, SALE, OR PURCHASE OF SOCIAL SECURITY NUMBERS TO PUBLIC RECORDS.

(a) PUBLIC RECORDS EXCEPTION.—

(1) IN GENERAL.—Chapter 47 of title 18, United States Code (as amended by section 3(a)(1)), is amended by inserting after section 1028A the following:

''§ 1028B. Display, sale, or purchase of public records containing social security numbers

''(a) DEFINITION.—In this section, the term 'public record' means any governmental record that is made available to the general public.

''(b) IN GENERAL.—Except as provided in subsections (c), (d), and (e), section 1028A shall not apply to a public record.

''(c) PUBLIC RECORDS ON THE INTERNET OR IN AN ELECTRONIC MEDIUM.—

''(1) IN GENERAL.—Section 1028A shall apply to any public record first posted onto the Internet or provided in an electronic medium by, or on behalf of a government entity after the date of enactment of this section, except as limited by the Attorney General in accordance with paragraph (2).

''(2) EXCEPTION FOR GOVERNMENT ENTITIES ALREADY PLACING PUBLIC RECORDS ON THE INTERNET OR IN ELECTRONIC FORM.—Not later than 60 days after the date of enactment of this section, the Attorney General shall issue regulations regarding the applicability of section 1028A to any record of a category of public records first posted onto the Internet or provided in an electronic medium by, or on behalf of a government entity prior to the date of enactment of this section. The regulations will determine which individual records within categories of records of these government entities, if any, may continue to be posted on the Internet or in electronic form after the effective date of this section. In promulgating these regulations, the Attorney General may include in the regulations a set of procedures for implementing the regulations and shall consider the following:

''(A) The cost and availability of technology available to a governmental entity to redact social security numbers from public records first provided in electronic form after the effective date of this section.

''(B) The cost or burden to the general public, businesses, commercial enterprises, nonprofit organizations, and to Federal, State, and local governments of complying with section 1028A with respect to such records.

''(C) The benefit to the general public, businesses, commercial enterprises, nonprofit organizations, and to Federal, State, and local governments if the Attorney General were to determine that section 1028A should apply to such records.

Nothing in the regulation shall permit a public entity to post a category of public records on the Internet or in electronic form after the effective date of this section if such category had not been placed on the Internet or in electronic form prior to such effective date.

''(d) HARVESTED SOCIAL SECURITY NUMBERS.—Section 1028A shall apply to any public record of a government entity which contains social security numbers extracted from other public records for the purpose of displaying or selling such numbers to the general public.

''(e) ATTORNEY GENERAL RULEMAKING ON PAPER RECORDS.—

''(1) IN GENERAL.—Not later than 60 days after the date of enactment of this section, the Attorney General shall determine the feasibility and advisability of applying section 1028A to the records listed in paragraph (2) when they appear on paper or on another nonelectronic medium. If the Attorney General deems it appropriate, the Attorney General may issue regulations applying section 1028A to such records.

''(2) LIST OF PAPER AND OTHER NONELECTRONIC RECORDS.—The records listed in this paragraph are as follows:

''(A) Professional or occupational licenses.

''(B) Marriage licenses.

''(C) Birth certificates.

''(D) Death certificates.

''(E) Other short public documents that display a social security number in a routine and consistent manner on the face of the document.

''(3) CRITERIA FOR ATTORNEY GENERAL REVIEW.—In determining whether section 1028A should apply to the records listed in paragraph (2), the Attorney General shall consider the following:

''(A) The cost or burden to the general public, businesses, commercial enterprises, nonprofit organizations, and to Federal, State, and local governments of complying with section 1028A.

''(B) The benefit to the general public, businesses, commercial enterprises, nonprofit organizations, and to Federal, State, and local governments if the Attorney General were to determine that section 1028A should apply to such records.''.

(2) CONFORMING AMENDMENT.—The chapter analysis for chapter 47 of title 18, United States Code (as amended by section 3(a)(2)), is amended by inserting after the item relating to section 1028A the following:

''1028B. Display, sale, or purchase of public records containing social security numbers.''.

(b) STUDY AND REPORT ON SOCIAL SECURITY NUMBERS IN PUBLIC RECORDS.—

(1) STUDY.—The Comptroller General of the United States shall conduct a study and prepare a report on social security numbers in public records. In developing the report, the Comptroller General shall consult with the Administrative Office of the United States Courts, State and local governments that store, maintain, or disseminate public records, and other stakeholders, including members of the private sector who routinely

use public records that contain social security numbers.

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on the study conducted under paragraph (1). The report shall include a detailed description of the activities and results of the study and recommendations for such legislative action as the Comptroller General considers appropriate. The report, at a minimum, shall include—

(A) a review of the uses of social security numbers in non-federal public records;

(B) a review of the manner in which public records are stored (with separate reviews for both paper records and electronic records);

(C) a review of the advantages or utility of public records that contain social security numbers, including the utility for law enforcement, and for the promotion of homeland security;

(D) a review of the disadvantages or drawbacks of public records that contain social security numbers, including criminal activity, compromised personal privacy, or threats to homeland security;

(E) the costs and benefits for State and local governments of removing social security numbers from public records, including a review of current technologies and procedures for removing social security numbers from public records; and

(F) an assessment of the benefits and costs to businesses, their customers, and the general public of prohibiting the display of social security numbers on public records (with separate assessments for both paper records and electronic records).

(c) EFFECTIVE DATE.—The prohibition with respect to electronic versions of new classes of public records under section 1028B(b) of title 18, United States Code (as added by subsection (a)(1)) shall not take effect until the date that is 60 days after the date of enactment of this Act.

SEC. 5. RULEMAKING AUTHORITY OF THE ATTORNEY GENERAL.

(a) IN GENERAL.—Except as provided in subsection (b), the Attorney General may prescribe such rules and regulations as the Attorney General deems necessary to carry out the provisions of section 1028A(e)(5) of title 18, United States Code (as added by section 3(a)(1)).

(b) DISPLAY, SALE, OR PURCHASE RULEMAKING WITH RESPECT TO INTERACTIONS BETWEEN BUSINESSES, GOVERNMENTS, OR BUSINESS AND GOVERNMENT.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Attorney General, in consultation with the Commissioner of Social Security, the Chairman of the Federal Trade Commission, and such other heads of Federal agencies as the Attorney General determines appropriate, shall conduct such rulemaking procedures in accordance with subchapter II of chapter 5 of title 5, United States Code, as are necessary to promulgate regulations to implement and clarify the uses occurring as a result of an interaction between businesses, governments, or business and government (regardless of which entity initiates the interaction) permitted under section 1028A(e)(5) of title 18, United States Code (as added by section 3(a)(1)).

(2) FACTORS TO BE CONSIDERED.—In promulgating the regulations required under paragraph (1), the Attorney General shall, at a minimum, consider the following:

(A) The benefit to a particular business, to customers of the business, and to the general public of the display, sale, or purchase of an individual's social security number.

(B) The costs that businesses, customers of businesses, and the general public may incur as a result of prohibitions on the display, sale, or purchase of social security numbers.

(C) The risk that a particular business practice will promote the use of a social security number to commit fraud, deception, or crime.

(D) The presence of adequate safeguards and procedures to prevent—

(i) misuse of social security numbers by employees within a business; and

(ii) misappropriation of social security numbers by the general public, while permitting internal business uses of such numbers.

(E) The presence of procedures to prevent identity thieves, stalkers, and other individuals with ill intent from posing as legitimate businesses to obtain social security numbers.

SEC. 6. TREATMENT OF SOCIAL SECURITY NUMBERS ON GOVERNMENT DOCUMENTS.

(a) PROHIBITION OF USE OF SOCIAL SECURITY ACCOUNT NUMBERS ON CHECKS ISSUED FOR PAYMENT BY GOVERNMENTAL AGENCIES.—

(1) IN GENERAL.—Section 205(c)(2)(C) of the Social Security Act (42 U.S.C. 405(c)(2)(C)) is amended by adding at the end the following:

''(x) No Federal, State, or local agency may display the social security account number of any individual, or any derivative of such number, on any check issued for any payment by the Federal, State, or local agency.''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply with respect to violations of section 205(c)(2)(C)(x) of the Social Security Act (42 U.S.C. 405(c)(2)(C)(x)), as added by paragraph (1), occurring after the date that is 3 years after the date of enactment of this Act.

(b) PROHIBITION OF APPEARANCE OF SOCIAL SECURITY ACCOUNT NUMBERS ON DRIVER'S LICENSES OR MOTOR VEHICLE REGISTRATION.—

(1) IN GENERAL.—Section 205(c)(2)(C)(vi) of the Social Security Act (42 U.S.C. 405(c)(2)(C)(vi)) is amended—

(A) by inserting ''(I)'' after ''(vi)''; and

(B) by adding at the end the following:

''(II)(aa) An agency of a State (or political subdivision thereof), in the administration of any driver's license or motor vehicle registration law within its jurisdiction, may not display the social security account numbers issued by the Commissioner of Social Security, or any derivative of such numbers, on the face of any driver's license or motor vehicle registration or any other document issued by such State (or political subdivision thereof) to an individual for purposes of identification of such individual.

''(bb) Nothing in this subclause shall be construed as precluding an agency of a State (or political subdivision thereof), in the administration of any driver's license or motor vehicle registration law within its jurisdiction, from using a social security account number for an internal use or to link with the database of an agency of another State that is responsible for the administration of any driver's license or motor vehicle registration law.''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply with respect to licenses, registrations, and other documents issued or reissued after the date that is 1 year after the date of enactment of this Act.

(c) PROHIBITION OF INMATE ACCESS TO SOCIAL SECURITY ACCOUNT NUMBERS.—

(1) IN GENERAL.—Section 205(c)(2)(C) of the Social Security Act (42 U.S.C. 405(c)(2)(C)) (as amended by subsection (b)) is amended by adding at the end the following:

''(xi) No Federal, State, or local agency may employ, or enter into a contract for the use or employment of, prisoners in any capacity that would allow such prisoners access to the social security account numbers of other individuals. For purposes of this clause, the term 'prisoner' means an individual confined in a jail, prison, or other penal institution or correctional facility pursuant to such individual's conviction of a criminal offense.''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply with respect to employment of prisoners, or entry into contract with prisoners, after the date that is 1 year after the date of enactment of this Act.

SEC. 7. LIMITS ON PERSONAL DISCLOSURE OF A SOCIAL SECURITY NUMBER FOR CONSUMER TRANSACTIONS.

(a) IN GENERAL.—Part A of title XI of the Social Security Act (42 U.S.C. 1301 et seq.) is amended by adding at the end the following:

''SEC. 1150A. LIMITS ON PERSONAL DISCLOSURE OF A SOCIAL SECURITY NUMBER FOR CONSUMER TRANSACTIONS.

''(a) IN GENERAL.—A commercial entity may not require an individual to provide the individual's social security number when purchasing a commercial good or service or deny an individual the good or service for refusing to provide that number except—

''(1) for any purpose relating to—

''(A) obtaining a consumer report for any purpose permitted under the Fair Credit Reporting Act;

''(B) a background check of the individual conducted by a landlord, lessor, employer, voluntary service agency, or other entity as determined by the Attorney General;

''(C) law enforcement; or

''(D) a Federal, State, or local law requirement; or

''(2) if the social security number is necessary to verify the identity of the consumer to effect, administer, or enforce the specific transaction requested or authorized by the consumer, or to prevent fraud.

''(b) APPLICATION OF CIVIL MONEY PENALTIES.—A violation of this section shall be deemed to be a violation of section 1129(a)(3)(F).

''(c) APPLICATION OF CRIMINAL PENALTIES.—A violation of this section shall be deemed to be a violation of section 208(a)(8).

''(d) LIMITATION ON CLASS ACTIONS.—No class action alleging a violation of this section shall be maintained under this section by an individual or any private party in Federal or State court.

''(e) STATE ATTORNEY GENERAL ENFORCEMENT.—

''(1) IN GENERAL.—

''(A) CIVIL ACTIONS.—In any case in which the attorney general of a State has reason to believe that an interest of the residents of that State has been or is threatened or adversely affected by the engagement of any person in a practice that is prohibited under this section, the State, as parens patriae, may bring a civil action on behalf of the residents of the State in a district court of the United States of appropriate jurisdiction to—

''(i) enjoin that practice;

''(ii) enforce compliance with such section;

''(iii) obtain damages, restitution, or other compensation on behalf of residents of the State; or

''(iv) obtain such other relief as the court may consider appropriate.

''(B) NOTICE.—

''(i) IN GENERAL.—Before filing an action under subparagraph (A), the attorney general of the State involved shall provide to the Attorney General—

''(I) written notice of the action; and

''(II) a copy of the complaint for the action.

''(ii) EXEMPTION.—

''(I) IN GENERAL.—Clause (i) shall not apply with respect to the filing of an action by an attorney general of a State under this subsection, if the State attorney general determines that it is not feasible to provide the

notice described in such subparagraph before the filing of the action.

''(II) NOTIFICATION.—With respect to an action described in subclause (I), the attorney general of a State shall provide notice and a copy of the complaint to the Attorney General at the same time as the State attorney general files the action.

''(2) INTERVENTION.—

''(A) IN GENERAL.—On receiving notice under paragraph (1)(B), the Attorney General shall have the right to intervene in the action that is the subject of the notice.

''(B) EFFECT OF INTERVENTION.—If the Attorney General intervenes in the action under paragraph (1), the Attorney General shall have the right to be heard with respect to any matter that arises in that action.

''(3) CONSTRUCTION.—For purposes of bringing any civil action under paragraph (1), nothing in this section shall be construed to prevent an attorney general of a State from exercising the powers conferred on such attorney general by the laws of that State to—

''(A) conduct investigations;

''(B) administer oaths or affirmations; or

''(C) compel the attendance of witnesses or the production of documentary and other evidence.

''(4) ACTIONS BY THE ATTORNEY GENERAL OF THE UNITED STATES.—In any case in which an action is instituted by or on behalf of the Attorney General for violation of a practice that is prohibited under this section, no State may, during the pendency of that action, institute an action under paragraph (1) against any defendant named in the complaint in that action for violation of that practice.

''(5) VENUE; SERVICE OF PROCESS.—

''(A) VENUE.—Any action brought under paragraph (1) may be brought in the district court of the United States that meets applicable requirements relating to venue under section 1391 of title 28, United States Code.

''(B) SERVICE OF PROCESS.—In an action brought under paragraph (1), process may be served in any district in which the defendant—

''(i) is an inhabitant; or

''(ii) may be found.

''(f) SUNSET.—This section shall not apply on or after the date that is 6 years after the effective date of this section.''.

(b) EVALUATION AND REPORT.—Not later than the date that is 6 years and 6 months after the date of enactment of this Act, the Attorney General, in consultation with the chairman of the Federal Trade Commission, shall issue a report evaluating the effectiveness and efficiency of section 1150A of the Social Security Act (as added by subsection (a)) and shall make recommendations to Congress as to any legislative action determined to be necessary or advisable with respect to such section, including a recommendation regarding whether to reauthorize such section.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to requests to provide a social security number occurring after the date that is 1 year after the date of enactment of this Act.

SEC. 8. EXTENSION OF CIVIL MONETARY PENALTIES FOR MISUSE OF A SOCIAL SECURITY NUMBER.

(a) TREATMENT OF WITHHOLDING OF MATERIAL FACTS.—

(1) CIVIL PENALTIES.—The first sentence of section 1129(a)(1) of the Social Security Act (42 U.S.C. 1320a–8(a)(1)) is amended—

(A) by striking ''who'' and inserting ''who—'';

(B) by striking ''makes'' and all that follows through ''shall be subject to'' and inserting the following:

''(A) makes, or causes to be made, a statement or representation of a material fact, for use in determining any initial or continuing right to or the amount of monthly insurance benefits under title II or benefits or payments under title VIII or XVI, that the person knows or should know is false or misleading;

''(B) makes such a statement or representation for such use with knowing disregard for the truth; or

''(C) omits from a statement or representation for such use, or otherwise withholds disclosure of, a fact which the individual knows or should know is material to the determination of any initial or continuing right to or the amount of monthly insurance benefits under title II or benefits or payments under title VIII or XVI and the individual knows, or should know, that the statement or representation with such omission is false or misleading or that the withholding of such disclosure is misleading,

shall be subject to'';

(C) by inserting ''or each receipt of such benefits while withholding disclosure of such fact'' after ''each such statement or representation'';

(D) by inserting ''or because of such withholding of disclosure of a material fact'' after ''because of such statement or representation''; and

(E) by inserting ''or such a withholding of disclosure'' after ''such a statement or representation''.

(2) ADMINISTRATIVE PROCEDURE FOR IMPOSING PENALTIES.—The first sentence of section 1129A(a) of the Social Security Act (42 U.S.C. 1320a–8a(a)) is amended—

(A) by striking ''who'' and inserting ''who—''; and

(B) by striking ''makes'' and all that follows through ''shall be subject to'' and inserting the following:

''(1) makes, or causes to be made, a statement or representation of a material fact, for use in determining any initial or continuing right to or the amount of monthly insurance benefits under title II or benefits or payments under title VIII or XVI, that the person knows or should know is false or misleading;

''(2) makes such a statement or representation for such use with knowing disregard for the truth; or

''(3) omits from a statement or representation for such use, or otherwise withholds disclosure of, a fact which the individual knows or should know is material to the determination of any initial or continuing right to or the amount of monthly insurance benefits under title II or benefits or payments under title VIII or XVI and the individual knows, or should know, that the statement or representation with such omission is false or misleading or that the withholding of such disclosure is misleading,

shall be subject to''.

(b) APPLICATION OF CIVIL MONEY PENALTIES TO ELEMENTS OF CRIMINAL VIOLATIONS.—Section 1129(a) of the Social Security Act (42 U.S.C. 1320a–8(a)), as amended by subsection (a)(1), is amended—

(1) by redesignating paragraph (2) as paragraph (4);

(2) by redesignating the last sentence of paragraph (1) as paragraph (2) and inserting such paragraph after paragraph (1); and

(3) by inserting after paragraph (2) (as so redesignated) the following:

''(3) Any person (including an organization, agency, or other entity) who—

''(A) uses a social security account number that such person knows or should know has been assigned by the Commissioner of Social Security (in an exercise of authority under section 205(c)(2) to establish and maintain records) on the basis of false information furnished to the Commissioner by any person;

''(B) falsely represents a number to be the social security account number assigned by the Commissioner of Social Security to any individual, when such person knows or should know that such number is not the social security account number assigned by the Commissioner to such individual;

''(C) knowingly alters a social security card issued by the Commissioner of Social Security, or possesses such a card with intent to alter it;

''(D) knowingly displays, sells, or purchases a card that is, or purports to be, a card issued by the Commissioner of Social Security, or possesses such a card with intent to display, purchase, or sell it;

''(E) counterfeits a social security card, or possesses a counterfeit social security card with intent to display, sell, or purchase it;

''(F) discloses, uses, compels the disclosure of, or knowingly displays, sells, or purchases the social security account number of any person in violation of the laws of the United States;

''(G) with intent to deceive the Commissioner of Social Security as to such person's true identity (or the true identity of any other person) furnishes or causes to be furnished false information to the Commissioner with respect to any information required by the Commissioner in connection with the establishment and maintenance of the records provided for in section 205(c)(2);

''(H) offers, for a fee, to acquire for any individual, or to assist in acquiring for any individual, an additional social security account number or a number which purports to be a social security account number; or

''(I) being an officer or employee of a Federal, State, or local agency in possession of any individual's social security account number, willfully acts or fails to act so as to cause a violation by such agency of clause (vi)(II) or (x) of section 205(c)(2)(C),

shall be subject to, in addition to any other penalties that may be prescribed by law, a civil money penalty of not more than $5,000 for each violation. Such person shall also be subject to an assessment, in lieu of damages sustained by the United States resulting from such violation, of not more than twice the amount of any benefits or payments paid as a result of such violation.''.

(c) CLARIFICATION OF TREATMENT OF RECOVERED AMOUNTS.—Section 1129(e)(2)(B) of the Social Security Act (42 U.S.C. 1320a–8(e)(2)(B)) is amended by striking ''In the case of amounts recovered arising out of a determination relating to title VIII or XVI,'' and inserting ''In the case of any other amounts recovered under this section,''.

(d) CONFORMING AMENDMENTS.—

(1) Section 1129(b)(3)(A) of the Social Security Act (42 U.S.C. 1320a–8(b)(3)(A)) is amended by striking ''charging fraud or false statements''.

(2) Section 1129(c)(1) of the Social Security Act (42 U.S.C. 1320a–8(c)(1)) is amended by striking ''and representations'' and inserting '', representations, or actions''.

(3) Section 1129(e)(1)(A) of the Social Security Act (42 U.S.C. 1320a–8(e)(1)(A)) is amended by striking ''statement or representation referred to in subsection (a) was made'' and inserting ''violation occurred''.

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply with respect to violations of sections 1129 and 1129A of the Social Security Act (42 U.S.C. 1320–8 and 1320a–8a), as amended by this section, committed after the date of enactment of this Act.

(2) VIOLATIONS BY GOVERNMENT AGENTS IN POSSESSION OF SOCIAL SECURITY NUMBERS.—Section 1129(a)(3)(I) of the Social Security Act (42 U.S.C. 1320a–8(a)(3)(I)), as added by

subsection (b), shall apply with respect to violations of that section occurring on or after the effective date described in section 3(c).

SEC. 9. CRIMINAL PENALTIES FOR THE MISUSE OF A SOCIAL SECURITY NUMBER.

(a) PROHIBITION OF WRONGFUL USE AS PERSONAL IDENTIFICATION NUMBER.—No person may obtain any individual's social security number for purposes of locating or identifying an individual with the intent to physically injure, harm, or use the identity of the individual for any illegal purpose.

(b) CRIMINAL SANCTIONS.—Section 208(a) of the Social Security Act (42 U.S.C. 408(a)) is amended—

(1) in paragraph (8), by inserting ''or'' after the semicolon; and

(2) by inserting after paragraph (8) the following:

''(9) except as provided in subsections (e) and (f) of section 1028A of title 18, United States Code, knowingly and willfully displays, sells, or purchases (as those terms are defined in section 1028A(a) of title 18, United States Code) any individual's social security account number without having met the prerequisites for consent under section 1028A(d) of title 18, United States Code; or

''(10) obtains any individual's social security number for the purpose of locating or identifying the individual with the intent to injure or to harm that individual, or to use the identity of that individual for an illegal purpose;''.

SEC. 10. CIVIL ACTIONS AND CIVIL PENALTIES.

(a) CIVIL ACTION IN STATE COURTS.—

(1) IN GENERAL.—Any individual aggrieved by an act of any person in violation of this Act or any amendments made by this Act may, if otherwise permitted by the laws or rules of the court of a State, bring in an appropriate court of that State—

(A) an action to enjoin such violation;

(B) an action to recover for actual monetary loss from such a violation, or to receive up to $500 in damages for each such violation, whichever is greater; or

(C) both such actions.

It shall be an affirmative defense in any action brought under this paragraph that the defendant has established and implemented, with due care, reasonable practices and procedures to effectively prevent violations of the regulations prescribed under this Act. If the court finds that the defendant willfully or knowingly violated the regulations prescribed under this subsection, the court may, in its discretion, increase the amount of the award to an amount equal to not more than 3 times the amount available under subparagraph (B).

(2) STATUTE OF LIMITATIONS.—An action may be commenced under this subsection not later than the earlier of—

(A) 5 years after the date on which the alleged violation occurred; or

(B) 3 years after the date on which the alleged violation was or should have been reasonably discovered by the aggrieved individual.

(3) NONEXCLUSIVE REMEDY.—The remedy provided under this subsection shall be in addition to any other remedies available to the individual.

(b) CIVIL PENALTIES.—

(1) IN GENERAL.—Any person who the Attorney General determines has violated any section of this Act or of any amendments made by this Act shall be subject, in addition to any other penalties that may be prescribed by law—

(A) to a civil penalty of not more than $5,000 for each such violation; and

(B) to a civil penalty of not more than $50,000, if the violations have occurred with such frequency as to constitute a general business practice.

(2) DETERMINATION OF VIOLATIONS.—Any willful violation committed contemporaneously with respect to the social security numbers of 2 or more individuals by means of mail, telecommunication, or otherwise, shall be treated as a separate violation with respect to each such individual.

(3) ENFORCEMENT PROCEDURES.—The provisions of section 1128A of the Social Security Act (42 U.S.C. 1320a–7a), other than subsections (a), (b), (f), (h), (i), (j), (m), and (n) and the first sentence of subsection (c) of such section, and the provisions of subsections (d) and (e) of section 205 of such Act (42 U.S.C. 405) shall apply to a civil penalty action under this subsection in the same manner as such provisions apply to a penalty or proceeding under section 1128A(a) of such Act (42 U.S.C. 1320a–7a(a)), except that, for purposes of this paragraph, any reference in section 1128A of such Act (42 U.S.C. 1320a–7a) to the Secretary shall be deemed to be a reference to the Attorney General.

SEC. 11. FEDERAL INJUNCTIVE AUTHORITY.

In addition to any other enforcement authority conferred under this Act or the amendments made by this Act, the Federal Government shall have injunctive authority with respect to any violation by a public entity of any provision of this Act or of any amendments made by this Act.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 26—COMMENDING THE TAMPA BAY BUCCANEERS FOOTBALL TEAM FOR WINNING SUPER BOWL XXXVII

Mr. NELSON of Florida (for himself and Mr. GRAHAM of Florida) submitted the following resolution; which was considered and agred to:

S. RES. 26

Whereas on January 26, 2003, the Tampa Bay Buccaneers defeated the Oakland Raiders 48–21 in San Diego, capturing their first Super Bowl title;

Whereas Buccaneers head coach Jon Gruden became the youngest coach in National Football League history to win the Super Bowl, and led Tampa Bay to the title in his first year with the team;

Whereas Buccaneers safety Dexter Jackson was named the Most Valuable Player of Super Bowl XXXVII, becoming the first player in Super Bowl history to intercept two passes in the first half of the game;

Whereas the Buccaneers defensive unit finished the 2002–2003 season as the NFL's number one ranked defense and recorded a Super Bowl-record, five interceptions against the NFL's Most Valuable Player, Oakland quarterback Rich Gannon, and the NFL's number one ranked offense;

Whereas Buccaneers linebacker Derrick Brooks, the NFL's Defensive Player of the Year, sealed the Super Bowl victory with a 44-yard interception return for a touchdown with 1:18 to play;

Whereas the Buccaneers offensive unit was led by Brad Johnson's 215 yards passing, Michael Pittman's season-high 124 yards rushing, Joe Jurevicius' team-high 78 receiving yards and Keenan McCardell's two touchdowns;

Whereas the Tampa Bay Buccaneers completed the 2002 National Football League regular season with a 12–4 record, capturing the NFC South Division Title;

Whereas the Buccaneers defeated the San Francisco 49ers, 31–6, and the Philadelphia Eagles, 27–10, to win the NFC Championship;

Whereas Buccaneer players Mike Alstott, Derrick Brooks, Brad Johnson, John Lynch, Simeon Rice and Warren Sapp have been selected to play in the 2003 NFL Pro Bowl;

Whereas each player, coach, trainer, manager, and administrator dedicated this season and their efforts to ensure the Tampa Bay Buccaneers reached the pinnacle of the sports world—a Super Bowl Championship; and

Whereas Buccaneer fans and the Tampa Bay community are to be commended for their long-standing support, perseverance and pride in the team: Now, therefore, be it

Resolved, that the Senate—

(1) commends the loyalty, perservance and pride of the Tampa Bay Buccaneers' fans;

(2) congratulates the World Champion Tampa Bay Buccaneers for their historic win in Super Bowl XXXVII; and

(3) recognizes the achievements of the players, coaches and support staff who were instrumental in helping the Tampa Bay Buccaneers win Super Bowl XXXVII.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to Tampa Bay Buccaneers owner Malcolm Glazer and head coach Jon Gruden for appropriate display and transmit copies of this resolution to each player and coach of the Super Bowl XXXVII Championship team.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Wednesday, January 29, 2003, at 10:00 a.m. in Room 485 of the Russell Senate Office Building to conduct a business meeting to organize for the 108th Congress by electing the Chairman and Vice Chairman of the Committee and to adopt the rules of the Committee and any other organizational business the committee needs to attend to.

Those wishing additional information may contact the Indian Affairs Committee at 224–2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, January 28, 2003, at 2:30 p.m., in SR–253, to consider the State of the United States Olympic Committee.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Tuesday, January 28, 2003, at 10:00 a.m., to hear testimony on the Nomination of John W. Snow to be Secretary of the United States Treasury.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the

Senate on Tuesday, January 28, 2003 at 2:30 p.m. to hold a Business Meeting.

Agenda

The Committee will consider and vote on the following agenda items—Committee Organizational Matters: (1) Committee Rules for the 108th Congress and (2) Subcommittee Jurisdiction and Membership for the 108th Congress.

PRIVILEGE OF THE FLOOR

Mrs. BOXER. Mr. President, I ask unanimous consent that Dan Hammer, a member of my California staff, be granted the privilege of the floor during my morning business speech.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMENDING TAMPA BAY BUCCANEERS FOR WINNING SUPER BOWL XXXVII

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 26, submitted earlier today by Senators NELSON of Florida and GRAHAM of Florida.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 26) commending the Tampa Bay Buccaneers football team for winning Super Bowl XXXVII.

Mr. DASCHLE. Mr. President, I have consulted with the California Senators, and they do not object.

The PRESIDING OFFICER. The Senate will proceed.

Mr. SANTORUM. 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, with no intervening action or debate, and any statements be printed in the RECORD at the appropriate place as if read.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 26) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 26

Whereas on January 26, 2003, the Tampa Bay Buccaneers defeated the Oakland Raiders 48–21 in San Diego, capturing their first Super Bowl title;

Whereas Buccaneers head coach Jon Gruden became the youngest coach in National Football League history to win the Super Bowl, and led Tampa Bay to the title in his first year with the team;

Whereas Buccaneers safety Dexter Jackson was named the Most Valuable Player of Super Bowl XXXVII, becoming the first player in Super Bowl history to intercept two passes in the first half of the game;

Whereas the Buccaneers defensive unit finished the 2002–2003 season as the NFL's number one ranked defense and recorded a Super Bowl-record, five interceptions against the NFL's Most Valuable Player, Oakland quarterback Rich Gannon, and the NFL's number one ranked offense;

Whereas Buccaneers linebacker Derrick Brooks, the NFL's Defensive Player of the Year, sealed the Super Bowl victory with a 44-yard interception return for a touchdown with 1:18 to play;

Whereas the Buccaneers offensive unit was led by Brad Johnson's 215 yards passing, Michael Pittman's season-high 124 yards rushing, Joe Jurevicius' team-high 78 receiving yards and Keenan McCardell's two touchdowns;

Whereas the Tampa Bay Buccaneers completed the 2002 National Football League regular season with a 12–4 record, capturing the NFC South Division Title;

Whereas the Buccaneers defeated the San Francisco 49ers, 31–6, and the Philadelphia Eagles, 27–10, to win the NFC Championship;

Whereas Buccaneer players Mike Alstott, Derrick Brooks, Brad Johnson, John Lynch, Simeon Rice and Warren Sapp have been selected to play in the 2003 NFL Pro Bowl;

Whereas each player, coach, trainer, manager, and administrator dedicated this season and their efforts to ensure the Tampa Bay Buccaneers reached the pinnacle of the sports world—a Super Bowl Championship; and

Whereas Buccaneer fans and the Tampa Bay community are to be commended for their long-standing support, perseverance and pride in the team: Now, therefore, be it

Resolved, that the Senate—

(1) commends the loyalty, perservance and pride of the Tampa Bay Buccaneers' fans;

(2) congratulates the World Champion Tampa Bay Buccaneers for their historic win in Super Bowl XXXVII; and

(3) recognizes the achievements of the players, coaches and support staff who were instrumental in helping the Tampa Bay Buccaneers win Super Bowl XXXVII.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to Tampa Bay Buccaneers owner Malcolm Glazer and head coach Jon Gruden for appropriate display and transmit copies of this resolution to each player and coach of the Super Bowl XXXVII Championship team.

ORDERS FOR WEDNESDAY, JANUARY 29, 2003

Mr. SANTORUM. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 8:30 p.m. this evening, to allow for the President's State of the Union address; further, I ask consent that immediately following the joint session, the Senate automatically stand in adjournment until 12 noon, Wednesday, January 29. I further ask consent that on Wednesday, 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 there be a period of morning business until 4 p.m. with the time equally divided between the two leaders or their designees, with Senators limited to 10 minutes each, and the first hour under the control of the Democratic leader or his designee, and the second hour under the control of the Republican leader or his designee.

PROGRAM

Mr. SANTORUM. For the information of all Senators, when the Senate convenes tomorrow, there is a period of morning business until 4 p.m. The Senate may consider any legislative or executive item that becomes available. In addition, the Senate will need to address a short-term continuing resolution this week, as well. Members, therefore, should expect the possibility of rollcall votes during tomorrow's session.

RECESS

Mr. SANTORUM. If there is no further business to come before the Senate, I ask unanimous consent the Senate stand in recess under the previous order.

Mr. REID. Mr. President, reserving the right to object, if I can have the attention of my friend, tomorrow, under the Democrats' first hour, I ask unanimous consent that Senator DASCHLE be recognized for the first half hour and the Senator from Nevada, Senator REID, be recognized for the second half hour.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

Mr. SANTORUM. If there is no further business, I ask unanimous consent the Senate stand in recess under the previous order.

There being no objection, the Senate, at 5:21 p.m., recessed until 8:30 p.m. and reassembled when called to order by the Presiding Officer (Mr. TALENT).

The PRESIDING OFFICER. The Chair recognizes the majority leader.

MEASURE READ THE FIRST TIME—S. 228

Mr. FRIST. Mr. President, I understand that S. 228 is at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill.

The legislative clerk read as follows:

A bill (S. 228) to amend title 18 United States Code, to limit the misuse of social security numbers, to establish criminal penalties for such misuse, and for other purposes.

Mr. FRIST. I now ask for its second reading, and I object to my own request.

The PRESIDING OFFICER. The bill will remain at the desk.

ORDER OF BUSINESS

Mr. FRIST. For the information of Senators, we will shortly proceed to the Hall of the House of Representatives for the President's State of the Union Address. Following the address, the Senate will adjourn over until 12 noon tomorrow. Votes are possible tomorrow as the Senate may consider any legislative or executive items that are available.

I yield the floor.

JOINT SESSION OF THE TWO HOUSES—ADDRESS BY THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 1)

THE PRESIDING OFFICER. The Senate will come to order.

The Senate will now proceed to the Hall of the House of Representatives to hear the address by the President of the United States.

Therefore, the Senate, preceded by the Secretary of the Senate, Emily Reynolds; the Deputy Sergeant at Arms, Ann Harkins; and the Vice President of the United States, RICHARD B. CHENEY, proceeded to the Hall of the House of Representatives to hear the address by the President of the United States, George W. Bush.

(The address delivered by the President of the United States to the Joint session of the two Houses of Congress appears in the proceedings of the House of Representatives in today's RECORD.)

ADJOURNMENT TO WEDNESDAY, JANUARY 29, 2003

At the conclusion of the joint session of the two Houses, and in accordance with the order previously entered into, at 10:11 p.m., the Senate adjourned until Wednesday, January 29, 2003 at 12 noon.

NOMINATIONS

Executive nominations received by the Senate January 28, 2003:

SECURITIES AND EXCHANGE COMMISSION

WILLIAM H. DONALDSON, OF NEW YORK, TO BE A MEMBER OF THE SECURITIES AND EXCHANGE COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING JUNE 5, 2007, VICE HARVEY PITT, RESIGNED.

CORPORATION FOR PUBLIC BROADCASTING

CLAUDIA PUIG, OF FLORIDA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR PUBLIC BROADCASTING FOR A TERM EXPIRING JANUARY 31, 2008, VICE WINTER D. HORTON, JR., TERM EXPIRED.

EXECUTIVE OFFICE OF THE PRESIDENT

CLAY JOHNSON III, OF TEXAS, TO BE DEPUTY DIRECTOR FOR MANAGEMENT, OFFICE OF MANAGEMENT AND BUDGET, VICE MARK W. EVERSON.

DEPARTMENT OF JUSTICE

LEONARDO M. RAPADAS, OF GUAM, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF GUAM AND CONCURRENTLY UNITED STATES ATTORNEY FOR THE DISTRICT OF THE NORTHERN MARIANA ISLANDS FOR THE TERM OF FOUR YEARS, VICE K. WILLIAM O'CONNOR, RESIGNED.

FOREIGN SERVICE

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE DEPARTMENT OF AGRICULTURE FOR PROMOTION WITHIN THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF CAREER-MINISTER:

LYLE J. SEBRANEK, OF VIRGINIA

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER-COUNSELOR:

ALLAN P. MUSTARD, OF WASHINGTON

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

ASIF J. CHAUDHRY, OF WASHINGTON
PETER S. FERNANDEZ, OF THE DISTRICT OF COLUMBIA
BESA L. KOTATI, OF VIRGINIA
PHILIP A. SHULL, OF VIRGINIA
MARGARET K. TING, OF FLORIDA

IN THE COAST GUARD

THE FOLLOWING NAMED CADETS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD UNDER TITLE 14, U.S.C., SECTION 211:

To be ensign

CHRISTINE K ALEXANDER, 0000
ANTONE S ALONGI, 0000
TODD M ANGEL, 0000
MATTHEW S AUSTIN, 0000
BERNARD C AUTH, 0000
SAMUEL H BABBITT, 0000
BRIAN D BACHTEL, 0000
BROOKE A BAGGE, 0000
NICHOLAS J BAGWELL, 0000
MICHAEL W BAIRD, 0000
SEAN M BARNHILL, 0000
ROGER B BARR, 0000
IAN T BARTONICEK, 0000
SOUMANGUE C BASSE, 0000
PATRICIA M BENNETT, 0000
ROBERT A BIXLER II, 0000
RONALD D BLEDSOE JR., 0000
BRIAN T BOLAND, 0000
BENJAMIN L BOVEE, 0000
JOSHUA D BRAND, 0000
ADAM C BRENNELL, 0000
MARY D BROOKS, 0000
ERIC J BROOKS, 0000
THERESA L BROOKS, 0000
IAN G BROSNAN, 0000
KATHERINE L BROWN, 0000
BRADLEY A BRUNAUGH, 0000
ADAM W BRYANT, 0000
KENNETH J BURGESS, 0000
ERIC S BURLEY, 0000
WILLIAM R CAHILL, 0000
MATTHEW E CALDWELL, 0000
AMANDA M CAPRARI, 0000
ESTEBAN J CARO, 0000
SARAH E CARTER, 0000
AARON J CASAVANT, 0000
ACE CASTLE V, 0000
NATHANIEL E CHAMPLIN, 0000
JEFFREY J CHONKO, 0000
GREGORY A CLAYTON, 0000
JAMES R COOLEY, 0000
RACHEL C COST, 0000
GEORGE H COTTRELL, 0000
JEREMY A COURTADE, 0000
MICHAEL T COURTNEY, 0000
JONATHAN W COX, 0000
BYRON A CREECH, 0000
MATTHEW A CUNNINGHAM, 0000
ALLISON M DAMERON, 0000
CANDICE J DAMERON, 0000
MICHAEL R DARRAH, 0000
JILLIAN M DAUPHINAIS, 0000
KYLE T DEEMS, 0000
ARTHUR M DEHNZ, 0000
JASON C DOHERTY, 0000
JULIA A DOWNS, 0000
MATTHEW A DOWTHIT, 0000
THOMAS A DUFFY, 0000
CHRISTOPHER P DUFRESNE, 0000
BRANDON C FISHER, 0000
JUSTIN D FLEET, 0000
LAUREN J FORD, 0000
MICHAEL FRIEND, 0000
VICTORIA C FUTCH, 0000
KEVIN E GARCIA, 0000
JOHN C GARLAND, 0000
ISAAC N GIBBONS, 0000
JAMES A GIBSON JR., 0000
MICHAEL R GILLHAM, 0000
GERROD C GLAUNER, 0000
TRAVIS E GRACEWSKI, 0000
IAN A HALL, 0000
ANDREW P HALVORSON, 0000
ANDERS J HAMMERSBORG, 0000
REYNA E HERNANDEZ, 0000
MARK H HEUSSNER, 0000
JENNIFER R HIGGINS, 0000
KATHRYN A HIGH, 0000
JAMES E HILTZ, 0000
AARON J HOLLER, 0000
KEVIN M HOLLER, 0000
DANIEL J HUELSMAN, 0000
IAN T HURST, 0000
TAGGART C IRWIN, 0000
CATHARINE L JOHANN, 0000
NATHANIEL K JOHNSON, 0000
LESLIE M KAGAMI, 0000
KEVIN T KAROW, 0000
MARGARET D KENNEDY, 0000
JAMES R KENSHALO, 0000
COREY M KERNS, 0000
KARA L KILL, 0000
MOLLY M KILLEN, 0000
CHRISTINE M KIMAK, 0000
ERIC M KLAUER, 0000
ALLISON B KLENK, 0000
MICHAEL A KOPS, 0000
SCOTT R KORLJAN, 0000
SCOTT C KRAMER, 0000
STACI A KRUEGER, 0000
RICHARD E KUZAK, 0000
CARRIE L LAM, 0000
RYAN B LAMB, 0000
PATRICIA M LARKIN, 0000
JERALL W LAWRENCE, 0000
JUSTIN M LIAN, 0000
ADRIEN L LIBBY, 0000
BRANDON M LINK, 0000
CARLA L LONGANECKER, 0000
DAVID M LOYA, 0000
BENJAMIN R MARECKI, 0000
LISA M MASTERSON, 0000
SCOTT J MCCANN, 0000
ALISON L MCCLAIN, 0000
CLAY D MCKINNEY, 0000
STEPHEN M MCKNIGHT, 0000
MEAGHAN H MERCER, 0000
BRADLEY W MIDDLETON, 0000
DAVID A MIDDLETON, 0000
JESSE M MILLARD, 0000
JULIE E MILLER, 0000
KARA M MOKY, 0000
AMY L MOUSAW, 0000
TESSA M MUELLER, 0000
GARY C MURPHY, 0000
STEVEN M MYERS, 0000
BRYAN A NARANJO, 0000
SAMUEL R NASSAR, 0000
BRANDON J NATTEAL, 0000
JOSHUA B NELSON, 0000
MICHAEL D NEWELL, 0000
BENJAMIN E NORCROSS, 0000
CARA M NORMAN, 0000
JOHN D NORTHROP, 0000
CHARLES S NOVAK, 0000
MICHAEL J O'BRIEN, 0000
NICHOLAS W PARKER, 0000
KASHYAP D PATEL, 0000
LUKE R PETERSEN, 0000
MARK A PIBER, 0000
WALTER S PIERCE, 0000
SEAN P PLANKEY, 0000
JASON T PLUMLEY, 0000
NICHOLAS R PORTA, 0000
CLAYTON S PREBLE, 0000
DANA L PROGAR, 0000
JARVIS D REEVES, 0000
EMILY P REUTER, 0000
JONATHAN P RICE, 0000
THOMAS C RODZEWICZ, 0000
LORALEIGH A ROLLER, 0000
KJELL C ROMMERDAHL, 0000
ELIZABETH M ROSCOE, 0000
ABBY R ROSE, 0000
BRIANA ROWAN, 0000
SARA E RUNYAN, 0000
DANA E RUPPRECHT, 0000
MEGHAN A RYAN, 0000
MATTHEW A SCHIBLER, 0000
DARBY A SCHLAHT, 0000
BRIAN C SCHMIDT, 0000
WILLIAM A SCHULZ, 0000
BRANDAN M SCULLY, 0000
SARA M SENSER, 0000
LUKE M SLIVINSKI, 0000
PABLO V SMITH, 0000
WILLIAM M SNYDER, 0000
CHRISTIAN E SOTO, 0000
BENJAMIN J SPECTOR, 0000
KEVIN J SULLIVAN, 0000
KEITH O THOMAS, 0000
CHAD R THOMPSON, 0000
STEVEN S TILLERY, 0000
JAROD S TOCZKO, 0000
COLLEEN K TOLLE, 0000
KELLY J TONGOL, 0000
BENJAMIN H TRASK, 0000
JOHN P VAN DUZEE, 0000
KRISTEN M VANHAVERBEKE, 0000
BRETT R WALTER, 0000
MATTHEW J WALTER, 0000
BRIAN I WARNER, 0000
THOMAS P WARREN, 0000
RYAN A WATERS, 0000
NEIL A WHITE, 0000
ROBERT S WHITESIDE, 0000
ERIC J WILSON, 0000
CHARLES K WILSON, 0000
DAVID C WOHLERS, 0000
JESSICA M YOO, 0000
EVIE L YOUNG, 0000
ADAM M ZIEGLER, 0000

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT AS PERMANENT COMMISSIONED REGULAR OFFICERS IN THE UNITED STATES COAST GUARD IN THE GRADE INDICATED UNDER SECTION 211, TITLE 14, U.S. CODE:

To be lieutenant commander

DIANE J. HAUSER, 0000

To be lieutenant

LISA H. DEGROOT, 0000

IN THE AIR FORCE

THE FOLLOWING OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. THOMAS J. QUELLY, 0000

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK (*)) UNDER TITLE 10, U.S.C., SECTIONS 624, 531 AND 1552:

To be major

RICHARD M. * NORRIS, 0000

WITHDRAWAL

Executive message transmitted by the President to the Senate on January 28, 2003, withdrawing from further Senate consideration the following nomination:

CLAUDIA PUIG, OF FLORIDA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR PUBLIC BROADCASTING FOR THE REMAINDER OF THE TERM EXPIRING JANUARY 31, 2006, VICE KENNETH Y. TOMLINSON, WHICH WAS SENT TO THE SENATE ON JANUARY 9, 2003.

EXTENSIONS OF REMARKS

TRIBUTE TO NORTH SAN MATEO COUNTY BOYS AND GIRLS CLUB ON THE OCCASION OF ITS 50TH ANNIVERSARY

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 2003

Mr. LANTOS. Mr. Speaker, it is with great pleasure that I rise today and urge my colleagues in the United States House of Representatives to join me in congratulating the Boys and Girls Club of North San Mateo County on the occasion of their 50th Anniversary.

This extraordinary organization traces its roots back to April 16, 1953, when the State of California granted the South San Francisco Boys Club non-profit status. Nine years after being recognized by the state, the Boys Club of America elected the South San Francisco Boys Club to full membership. During the following decades, the South San Francisco club continued to expand, and in the early 1970's began granting memberships to young girls. A merger with the Pacifica Boys and Girls Club augmented the continued growth of the club, and the collective organization changed its name in 1991 to the Boys and Girls Club of North San Mateo County.

While its name may have changed, the club continues to inspire and assists all young people, especially those from disadvantaged circumstances, to realize their full potential as productive, responsible and caring citizens. Providing a safe place to learn and grow, the Boys and Girls Club of North San Mateo County remains focused on its founding mission through five core areas of development. These areas, leadership skills, education, career development, health and life skills and the arts are key elements to providing a secure foundation from which the kids of today can develop into the leaders of tomorrow.

Mr. Speaker, as you are aware, the Boys and Girls Club serves more than 3.3 million boys and girls at 3,103 locations across the nation and around the world. The illustrious roster of alumni include Bill Cosby, Alex Rodriguez, Brad Pitt, Michael Jordan, President Clinton, Jackie Joyner-Kersee, Martin Sheen, Derek Jeter, Neil Diamond, and Denzel Washington. Since its inception in 1931 the Boys and Girls Club of America has made a difference in the lives of countless American children. However, it is with great pride that I am proud to say of all the locations the Club of Northern San Mateo County is the best around, and I ask my colleagues to join me in congratulating the Club on its 50th Anniversary.

GARY BRADLEY—ONE MILLION ACCIDENT FREE MILES

HON. CHARLES H. TAYLOR

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 2003

Mr. TAYLOR of North Carolina. Mr. Speaker, today I rise to honor the hard work and professionalism of Mr. Gary Bradley, a constituent of mine from Asheville, North Carolina.

Mr. Bradley, who drives a tractor-trailer truck for the Roadways Express terminal in Asheville, North Carolina, was recently recognized for an outstanding achievement; driving one million accident free miles. Mr. Bradley is the head of the Roadways Express terminal's Injury Prevention Information program, which focuses on teaching defensive driving skills, which can prevent often fatal accidents. Gary's recent milestone proves that he certainly practices what he preaches.

Bradley has earned the plaudits of several of his colleagues. Asheville terminal manager Joel Pressley said ''It's very rare when one of our drivers hit that mark. And the fact that he is an inner-city driver and why he drove a million miles is why we think it is so significant. I would consider him one of our best drivers.''

Mr. Speaker, on behalf of the 11th Congressional District of North Carolina, I want to thank Gary Bradley for his commitment to safety. He makes our highways safer and getting to our final destination a lot easier.

DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA AND THE UNITED STATES

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 2003

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to introduce and discuss a Concurrent Resolution concerning North Korea. It calls on North Korea and the United States, in a demonstration of good faith, to return to an interim level of compliance with the Agreed Framework.

Once both nations have agreed that this is an acceptable starting point, diplomatic negotiations can begin, and we can work together to develop a more comprehensive and mutually acceptable agreement or treaty.

Last year, when North Korea admitted that it has been operating a covert nuclear weapons program, I immediately introduced a Resolution condemning those actions and calling on North Korea and the United States to honor their commitments in the Agreed Framework.

The existence of a North Korean nuclear weapons program constitutes a real and imminent threat to the populations of South Korea, and Japan, and certainly to the U.S. forces stationed in those countries.

I was certain then, as I am now, that our wisest course of action was to meet our obligations under the Agreed Framework and continue monthly heavy fuel oil shipments to North Korea. I was also certain that if we did not honor our commitments, tensions between our two nations would rise at an alarming rate.

Regrettably, my Resolution was neither considered nor adopted in the 107th Congress. And indeed, the situation with North Korea has gone from bad to worse.

I have watched incredulously as this Administration has stumbled again and again, making a bad situation worse, because it has failed to develop even the rudimentary beginnings of a policy to deal with North Korea.

Enough is enough. Between our poorly defined declaration of war against terrorism and our imminent war with Iraq, we have all the conflict we can handle.

The crisis in North Korea is a serious one, and I don't for a moment believe that resuming an interim level of compliance with the Agreed Framework will be the end of it.

However, I do believe that we must do something to resolve this impasse and we must also do something to garner support for those nations most effected by North Korea's nuclear weapons capabilities—South Korea, Japan, and China.

If, in a show of good faith, we resume our obligations, we will be much more likely to have the support of those nations if sanctions are necessary in the future.

The responsibility for complying with treaty obligations rests with the two nations that signed the Agreed Framework—the United States and North Korea.

The responsibility for certifying that North Korea is in compliance with its portion of the Agreed Framework rests with the IAEA.

The responsibility for determining appropriate sanctions if North Korea fails to comply with its portions of the Agreed Framework rests with the United Nations.

It's that simple.

I urge my colleagues to support this resolution. I believe it will establish our nation as a leader in seeking diplomatic solutions to complicated problems and will be the first step in a developing a policy with North Korea that is achievable, attainable, and supportable by other nations as well.

TRIBUTE TO THE BALDWINSVILLE HIGH SCHOOL GIRLS' SOCCER TEAM

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 2003

Mr. WALSH. Mr. Speaker, I rise today to recognize the victorious Baldwinsville High School Girls' Soccer team for winning the 2002 State Class A state soccer championship. This stellar team was the first Section III, Class A team to ever win a state soccer title.

This great triumph is a direct result of years of hard work, discipline, dedication, and devotion to the sport. The players, coaching staff, and parents brought the game of soccer to new levels, and the entire team should be congratulated for a season that will no doubt go down both in school and district history.

I would like to recognize Coach Lisa Deil for guiding this team to victory, and for being recently named state coach of the year.

On behalf of the people of the entire 25th District of New York, I would like to congratulate the following champions for reaching such an exciting goal: Kate Ferrara, Jessilyn Fritz, Brenna Sexton, Lindsey Belle, Madison Gates, Ashley Gray, McKenzie Gray, Megan Jenkins, Vanessa Kenyon, Shaylyn Lawrence, Tessa Schraven, Carly Schurman, Mallory Wilder, Jessica Bill, Emily Mahar, Kim Ross, Dana Sheftic, Julianne Hasbrouck, Stacey Schurman, Danielle Wilder, Head Coach Lisa Deil, and Assistant Coash Jake Czyz.

HONORING DR. PETE MEHAS

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 2003

Mr. RADANOVICH. Mr. Speaker, I rise today to honor Dr. Pete Mehas, Superintendent of Fresno County Schools. He will be honored by the United Cerebral Palsy of Central California on January 25, 2003. During his tenure as Superintendent, Dr. Mehas has initiated and enhanced school programs throughout Fresno County for persons with disabilities.

A Fresno native, Dr. Mehas attended Fresno City College, and went on to receive his bachelor's degree from Fresno State in 1962, his master's degree from UCLA in 1967, and his Doctorate in Education from the University of Southern California in 1979.

He began his professional career as an instructor at Roosevelt High School, then taught at Edison High School, and then signed on with the Clovis Unified School District and worked his way up to Associate Superintendent. Dr. Mehas served as a legislative advocate for schools, which eventually led to a series of statewide educational and legislative appointments by then Governor of California, George Deukmejian. In 1987, he was appointed by the Governor to the State Board of Education. Among his many accomplishments, Dr. Mehas has participated in a series of Presidential summits on education and the future of American youth. In 1991, Dr. Mehas was appointed by President George bush to a seventeen member advisory commission to implement the President's Executive Order on Latino education.

Dr. Mehas holds a lifetime California Standard Secondary Teaching Credential and a General Elementary Credential, as well as, a lifetime School Service Credential in General Administration.

Mr. Speaker, I rise today to honor Dr. Peter Mehas for his many years of service to the community. I urge my colleagues to join me in wishing Dr. Mehas many years of continued success.

IN SUPPORT OF THE LIFE INSURANCE EMPLOYEE NOTIFICATION ACT

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 2003

Mr. GREEN of Texas. Mr. Speaker, I rise today to reintroduce the Life Insurance Employee Notification Act of the LIEN Act for short. As a strong supporter of the American worker, I am here on the floor reintroducing legislation to stop American companies from profiting in the deaths of their employees. Last year, over 50 of my colleagues joined me as cosponsors on this important consumer protection legislation. Excellent investigative reporting by the Houston Chronicle brought this unsavory insurance practice to my attention. Businesses operating in Texas are purchasing secret life insurance policies on their employees without their knowledge or consent. These policies are known as Corporate-owned Life Insurance or COLI.

Unfortunately, they also have another name ''dead peasant policies.'' They are called dead peasant policies because these Corporate-owned Life Insurance policies are usually purchased for the rank-and-file employees and not the CEO, CFO, or the Board of Directors. Executive Insurance or ''Key Man Insurance'' is the norm in corporate America and I have no problem with that because it is disclosed to investors and the individual. Dead peasant policies, on the other hand, are not disclosed to the low-level employee because he or she is not eligible to collect the death benefit. This failure to notify the ownership of the death benefit is the crux of the problem.

American companies are purchasing secret life insurance on the chance that one of their employees dies and they can collect the six figure death benefit. These companies have created a death derivative. In a large company with thousands of employees, economic modeling can be done to predict how many policies will be collected on in a given year. This blood money can be used for whatever the company wants, but most importantly it is rarely used to compensate the families of the dead employee. While I find the use of life insurance in this manner offensive, I understand it is not illegal and is in fact condoned in many states; Texas is not one of them.

The LIEN Act is a sunshine bill that forces companies to disclose to the employee that a dead peasant policy has been purchased in their name. In addition, it requires the company to provide the name of the insurer, the benefit amount, and under whose name the policy is in.

I do not want to ban this practice, but simply provide workers with more information about what the employer is doing on their behalf. As we saw with Enron, corporations often do not provide pertinent financial information to their employees. I am frankly disgusted with this whole practice and am amazed that this all began as a simple tax dodge worth billions of dollars. In the mid 1990s, the Internal Revenue Service (IRS) disallowed the classification of these policies as a legitimate business expense for the purpose of reducing their federal tax obligation.

I urge my colleagues to again cosponsor this important legislation protecting all hard working Americans from dead peasant insurance.

ONE YEAR ANNIVERSARY OF NO CHILD LEFT BEHIND ACT

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 2003

Mr. CUMMINGS. Mr. Speaker, Dr. Martin Luther King, Jr. once said that all of us have a responsibility to prepare our children for the future. I believe that education is the key to preparing our children for the future.

A year ago today, President Bush signed into law the No Child Left Behind Act (Act). This federal law requires annual testing and raises accountability standards for students and teachers. However, many states and school districts have complained that the funding has been inadequate and they lack guidance from the federal government to implement monumental reforms in the new education legislation. Furthermore, states are under a severe time crunch to make changes because the Department of Education did not issue final regulations on accountability and school improvement until late November 2002. In fact, accountability plans are due at the end of this month.

Earlier this month, the Center on Education Policy (Center) issued a report entitled, From the Capital to the Classroom, that reiterates a concern among educators—the Act's goals could be undercut by a lack of state and federal money as states face a budget shortfall. The federal government needs to provide more money to meet the requirements of the Act.

In my state of Maryland, like many other states in the country, improvements and progress have been made, but more planning is needed to implement the new federal law. It is unfair for the federal government to require new standards but then not provide the funds to carry out these standards. Mandates without resources provide an empty opportunity for our children.

I now urge Congress and the President to follow through on the promise made to students across America a year ago. More money must be given for states to fully implement the Act or this new law will be just another unfunded mandate for the states. The Bush Administration must give states more flexibility in implementing the Act to ensure that no child is truly left behind. Our children deserve no less. Our children deserve the education to prepare them for the future.

PERSONAL EXPLANATION

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 2003

Mr. BECERRA. Mr. Speaker, on Monday, January 27, 2003, I was unable to cast my floor vote on rollcall numbers 13 and 14. The votes I missed include rollcall vote 13 on Suspending the Rules and Agreeing to H. Res. 26, as Amended, Honoring the Contributions of Catholic Schools; rollcall vote 14 on Suspending the Rules and Agreeing to H. Res.

25, Supporting Awareness of Need for Youth Mentors. Had I been present for the votes, I would have voted ''aye'' on rollcall votes 13 and 14.

REDUCE TAXES ON SENIOR CITIZENS

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 2003

Mr. PAUL. Mr. Speaker, today I am pleased to introduce two pieces of legislation to reduce taxes on senior citizens. The first bill, the Social Security Beneficiary Tax Reduction Act, repeals the 1993 tax increase on Social Security benefits. Repealing this increase on Social Security benefits is a good first step toward reducing the burden imposed by the federal government on senior citizens. However, imposing any tax on Social Security benefits is unfair and illogical. This is why I am also introducing the Senior Citizens' Tax Elimination Act, which repeals all taxes on Social Security benefits.

Since Social Security benefits are financed with tax dollars, taxing these benefits is yet another example of double taxation. Furthermore, ''taxing'' benefits paid by the government is merely an accounting trick, a shell game which allows members of Congress to reduce benefits by subterfuge. This allows Congress to continue using the Social Security trust fund as a means of financing other government programs, and masks the true size of the federal deficit.

Instead of imposing ridiculous taxes on senior citizens, Congress should ensure the integrity of the Social Security trust fund by ending the practice of using trust fund moneys for other programs. In order to accomplish this goal I introduced the Social Security Preservation Act (H.R. 219), which ensures that all money in the Social Security trust fund is spent solely on Social Security. At a time when Congress' inability to control spending is once again threatening the Social Security trust fund, the need for this legislation has never been greater. When the government taxes Americans to fund Social Security, it promises the American people that the money will be there for them when they retire. Congress has a moral obligation to keep that promise.

In conclusion, Mr. Speaker, I urge my colleagues to help free senior citizens from oppressive taxation by supporting my Senior Citizens' Tax Elimination Act and my Social Security Beneficiary Tax Reduction Act. I also urge my colleagues to ensure that moneys from the Social Security trust fund are used solely for Social Security benefits and not wasted on frivolous government programs.

JOEL KAMINER—MARINE, BUSINESSMAN, COMMUNITY VOLUNTEER

HON. CHARLES H. TAYLOR

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 2003

Mr. TAYLOR of North Carolina. Mr. Speaker, today I rise to recognize the life and achievements of one Western North Carolina's finest people, Mr. Joel Kaminer.

Born in New York City on February 22, 1937, the son of the late Abraham and Betty Kaminer, Joel David Kaminer graduated from New York University in 1958 with a degree in Business. He worked as a salesman in New York City for several years and then entered the United States Marine Corps. He received his honorable discharge in 1964, having served as a member of the elite Presidential Honor Guard. A member of the Marine Corps traveling football squad, Joel played games in Okinawa and Tokyo in front of large crowds of servicemen.

After leaving the Marine Corps, he briefly lived in Dallas, Texas and then moved to Miami, Florida where he entered the securities and investment industry. He lived in Miami for the next twenty-five years. Joel became an active member of his community in Miami, serving on the executive board of the Leukemia Society of South Florida and coaching youth league football.

An avid golfer, Joel and his wife Margaret moved to live permanently in Cashiers, North Carolina in 1991 where he was an active supporter of the community, supporting community improvement plans and local charities. He became a member of Cedar Creek Racquet Club and the Country Club of Sapphire Valley. His move to the mountains rekindled an old interest in politics, which began when he was involved in the 1972 presidential campaign of George McGovern. He became actively involved in the Republican Party of Western North Carolina. He loved talking about politics and the future of America. He also enjoyed attending live sporting events and spending quiet moments at home with his family.

His wife, Margaret Hart Kempner and son, Michael Kaminer reside in Fort Lauderdale, Florida. His daughter and son-in-law Tracy and Bill Kruckenberger live in Cashiers, North Carolina. He leaves three nieces, two nephews, two grand-nieces, and five grand-nephews, all of Florida.

Joel David Kaminer of Cashiers, North Carolina died Sunday, April 21, 2002. He is sorely missed by his family, his friends and his community.

A RESOLUTION TO CONDEMN THE CURRENT POLITICAL UNREST AND POLITICAL LEADERSHIP IN VENEZUELA AND CALLING ON THE GOVERNMENT TO HOLD NEW NATIONAL ELECTIONS IN ACCORDANCE WITH THE VENEZUELAN CONSTITUTION

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 2003

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to introduce a resolution condemning the current political unrest in Venezuela. I wish to express my strong concern about the direction of the government and its alienation of a large part of the citizenry.

Mr. Speaker, I rise to call also for new national elections in that country. Venezuela is an important member of the community of nations in this hemisphere. Venezuela is the world's fifth largest commercial supplier of oil and the only Latin American member of the OPEC. Venezuela is the fourth largest supplier of oil to the United States.

The continued strike by workers in the petroleum industry in Venezuela has contributed to the rise in the price of crude oil on the world market, thereby affecting a major source of energy for the United States.

If the current political unrest and economic instability in Venezuela is not corrected, it could have further negative impact on the price of oil on the world markets.

This country, and indeed this region, which seemed to hold so much promise as a nation on the cusp of a new era, and was at long last emerging from a long dark period as a ''military controlled ghetto,'' seems to be slipping once again into an era of ''strong man'' rule, and a state that embraces socialist dogma.

America must be more than an island of hope and beacon of opportunity in a region where there is low expectations, and so much unfulfilled potential. We must continue to show leadership in the region.

The Administration must follow through with vigorous support of the Summit of the Americas agenda and get on about the business of assisting all the countries in the region to develop their economies and strengthen their political institutions.

The House of Representatives must support our neighbors in this hemisphere and support them in the continuing struggle to become full democracies with strong economies.

I urge my colleagues to support this resolution and call on the leadership to act swiftly in bringing this to the floor for consideration.

TRIBUTE TO PENFIELD BOY'S SOCCER TEAM

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 2003

Mr. WALSH. Mr. Speaker, I rise today to congratulate the Penfield boy's Soccer team for ending their 19–2–2 season as New York State Section V Class A Champions.

Last year the team won the school's first state championship, but had to share the title when the game ended in a tie. This year, the patriots rose to the top again, and won their first official title, the first Class A state title in 15 years.

This team truly deserves to end the season with such a rewarding finish. Years of hard work and dedication resulted in a season that will go down in school history, and will be remembered always. The players, coaching staff, and parents should be proud of this exciting accomplishment.

On behalf of the people of the 25th District of New York I would like to congratulate the following players, coaches, and bench personnel for this achievement: Mike Annechino, Steve DeMaria, Brian Annechino, Mike Evans, Jason Maher, Feliks Kogan, Felix Liverman, Tom Doran, John Koestner, Adam Agresti, Guilherme Fonseca, Greg Herbert, Brian Usinger, Matt Malone, Dave Carr, Jamarr Miller, Eric Schomske, Tom Gordon, C.J. Pruner, Adam Benson, Dan Bergan, Ari Silbermann, Jaden Rocco, Mike Lentine, Matt Bader, Ryan Kota, Jon Farber, Matt Kavanaugh, Ryan Michaels, Kyle Zinter, Ed Silco, Varsity Coach

Jon Butterworth, Assistant Coach Dave Heise, Program Coach Tim Graves, Assistant Alissa Vanmulem, JV Coach John Cotsonas, Frosh Coach Al Pisano, and Trainer Jen Stantz.

HONORING PATTY MANDRELL

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 2003

Mr. RADANOVICH. Mr. Speaker, I rise today to honor Patty Mandrell, the outgoing President of the Chowchilla District Chamber of Commerce. The Chowchilla District Chamber of Commerce honored her at an Installation and Awards Banquet on January 18, 2003 in Chowchilla, California.

Born in Madera, California, Patty grew up in Dos Palos before becoming a resident of Chowchilla. Patty is very enthusiastic about writing, reading, and people, which makes her a key component in the community. Her interest in journalism led her to a part-time position at the Chowchilla News newspaper, where she later become Editor and is currently the Managing Editor.

Patty has been highly active in her community. She has served on the Central California Women's Facility/Valley State Prison for Women Citizen's Advisory and Drug Advisory Committees. Patty also sat as a Charter Board member for the Police Activities League. The honors that she has received vary from the Golden Apple Award in 1999, the Outstanding Citizen Award from the Fresno and Madera Counties Police Chiefs Association in 2000, and the Rotary Distinguished Public Service Award in 2002.

Patty and her husband of 34 years, Lyndon Mandrell, have two daughters Tricia and Stacy. To quote Patty, ''God is my best friend; my Mom has always been my role model and I've never been ashamed of being my Daddy's girl.''

Mr. Speaker, I rise to honor Patty Mandrell as the outgoing President of the Chowchilla District Chamber of Commerce and a true support of the Chowchilla community. I urge my colleagues to join me in wishing Patty Mandrell many years of continued success.

INTRODUCTION OF THE NEIGHBORHOOD RAIL ACCOUNTABILITY ACT

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 2003

Mr. GREEN of Texas. Mr. Speaker, today I am introducing a simple piece of legislation making 3 new changes to the way that the Surface Transportation Board (STB) reviews rail construction projects, particularly when in residential areas.

I am introducing this legislation following the frustration I have experienced dealing with the STB on a matter of great importance to thousands of my constituents' quality of life—the potential San Jacinto rail line in Southeast Harris County, Texas. The level of concern in the community, on many issues, and the outpouring of public opposition produced during the STB's formal process has been tremendous.

Residents are concerned with increasing traffic delays and accidents in an area already experiencing too many problems with train traffic. Citizens are concerned about the safety of their children going to school, the potential for dangerous spills and accidents, localized noise and air pollution, and several other concerns. Amazingly, in their Draft Environmental Impact Statement, the STB concluded that the project will have a negligible impact on the surrounding community. I have spoken with hundreds of people about this project, and I can say that the STB is flat our wrong.

I do not believe that they ignore the public interest at the STB on purpose, but I believe that the agency and its decision-making process are biased against the concerns of residents who are facing rail construction in their neighborhoods. I am introducing this legislation to change the decision-making process so that it is more balanced in three ways.

First, if there is a high level of public opposition, the legislation requires that the concerns of residents and local officials be taken into greater consideration than in the past, especially when the rail construction proposal is in a residential area.

Secondly, the legislation requires that, before a final determination, the STB determine whether a proposal would have a disproportionate impact on either minority areas or economically disadvantaged areas. If so, the STB would be required to report to the public what alternatives to the disproportionate impact proposal were considered and why they were not chosen.

Finally, the legislation would require the STB to investigate the providing of false, potentially material information about the project. During the investigation, the entire decision process is put on hold, and if the STB found that the false information was intentionally provided the application is automatically denied.

I am not introducing a rifle shot bill directed at a project in my area, but instead this legislation is broad based and applicable across the country. I have learned from my experience that the STB's balance needs to be shifted back towards the affected community.

DEDICATION CEREMONY OF THURGOOD MARSHALL COMMEMORATIVE STAMP

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 2003

Mr. CUMMINGS. Mr. Speaker, January 7 marks the first day of the 108th Congress. I am pleased and honored to be a Member of Congress and the Chair of the Congressional Black Caucus. I am also pleased and honored that earlier today the Thurgood Marshall Commemorative Stamp was dedicated.

The dedication and issuance of this stamp in honor of Justice Thurgood Marshall, serves to recognize this great man for his civil rights achievements as a lawyer and for reaching the pinnacle of the U.S. Justice system as the first African-American Supreme Court Justice. President Lyndon B. Johnson nominated Justice Marshall to the Supreme Court where he served 23 years on the Supreme Court, retiring on June 27, 1991, at the age of 82.

Through his knowledge, advocacy and devotion to the cause of civil rights, Justice Marshall made a significant contribution to the battle fought in the United States courts to eradicate the legacy of slavery. I believe, however, that he should be revered most for his courage and independent judicial temperament—for breathing life into the text of the Constitution. He worked tirelessly to guarantee all Americans equality and liberty in their individual choices, especially on issues involving voting rights, housing and education. It is an honor to recognize a man whose career is a monument to the judiciary system and who has inspired so many to continue his quiet crusade.

Marshall was born and raised in the Congressional District I represent—Baltimore, Maryland—and actually lived in a home which is about eight blocks from where I now reside. We both attended Howard University and, more significantly, he was once turned away from the law school I attended and graudated—The University of Maryland School of Law. As such, I am especially proud to honor Thurgood Marshall, as I share a common path with this historic figure.

I believe Justice Marshall has had a significant impact on the events of the 20th Century. His efforts on behalf of African-Americans built a structure of individual rights that has become the cornerstone of protections for all Americans.

Prior to joining the Supreme Court, in 1954 Justice Marshall argued the case of Brown v. Board of Education of Topeka, Kansas before the Supreme Court, where racial segregation in public schools was declared unconstitutional. In fact he won 29 of the 32 cases he argued before the Supreme Court, including, cases in which the Court declared unconstitutional: a Southern state's exclusion of African-American voters from primary elections (Smith v. Allwright, 1944); state judicial enforcement of racial ''restrictive covenants'' in housing (Shelley v. Kraemer, 1948); and ''separate but equal'' facilities for African-American professionals and graduate students in state universities (Sweatt v. Painter and McLaurin v. Oklahoma State Regents, both 1950).

After his death, an article in the Washington Afro-American stated, ''[w]e make movies about Malcolm X, we get a holiday to honor Dr. Martin Luther King, but every day we live the legacy of Justice Thurgood Marshall.''

Justice Marshall opened doors for all Americans and had a significant impact on the events of the 20th Century. Marshall was instrumental in supporting the rights of minorities and immigrants; limiting government intrusion in cases involving illegal search and seizure, double jeopardy, and the right to privacy; and in creating new protections under the law for women, children, prisoners, and the homeless.

His legacy has inspired Americans to name educational institutions, federal buildings, legal societies, libraries, and numerous academic achievement awards in his honor. And now a commemorative stamp in his honor. I know I join many in the Congress to say I am honored and privileged to be a part of history—the dedication of the Justice Thurgood Marshall Commemorative stamp.

PERSONAL EXPLANATION

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 2003

Mr. BECERRA. Mr. Speaker, on Wednesday, January 8, 2003, I was unavoidably detained, and therefore unable to cast my floor vote on rollcall No. 10, a procedural vote to Table the Appeal of the Ruling of the Chair.

Had I been present for the vote, I would have voted ''nay'' on rollcall vote 10.

LIBERTY AMENDMENT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 2003

Mr. PAUL. Mr. Speaker, I am pleased to introduce the Liberty Amendment, which repeals the 16th Amendment, thus paving the way for real change in the way government collects and spends the people's hard-earned money. The Liberty Amendment also explicitly forbids the federal government from performing any action not explicitly authorized by the United States Constitution.

The 16th Amendment gives the federal government a direct claim on the lives of American citizens by enabling Congress to levy a direct income tax on individuals. Until the passage of the 16th amendment, the Supreme Court had consistently held that Congress had no power to impose an income tax.

Income taxes are responsible for the transformation of the federal government from one of limited powers into a vast leviathan whose tentacles reach into almost every aspect of American life. Thanks to the income tax, today the federal government routinely invades our privacy, and penalizes our every endeavor.

The Founding Fathers realized that ''the power to tax is the power to destroy,'' which is why they did not give the federal government the power to impose an income tax. Needless to say, the Founders would be horrified to know that Americans today give more than a third of their income to the federal government.

Income taxes not only diminish liberty, they retard economic growth by discouraging work and production. Our current tax system also forces Americans to waste valuable time and money on complacence with an ever-more complex tax code. The increased interest in flat-tax and national sales tax proposals, as well as the increasing number of small businesses that questioning the Internal Revenue Service's (IRS) ''withholding'' system provides further proof that America is tired of the labyrinthine tax code. Americans are also increasingly fed up with an IRS that continues to ride roughshod over their civil liberties, despite recent ''pro-taxpayer'' reforms.

Mr. Speaker, America survived and prospered for 140 years without an income tax, and with a federal government that generally adhered to strictly constitutional functions, operating with modest excise revenues. The income tax opened the door to the era (and errors) of Big Government. I hope my colleagues will help close that door by cosponsoring the Liberty Amendment.

NORTH CAROLINA REPRESENTATIVE LARRY JUSTUS

HON. CHARLES H. TAYLOR

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 2003

Mr. TAYLOR of North Carolina. Mr. Speaker, I rise to honor the public service of North Carolina State Representative Larry Justus.

After graduating from Dana High School, Larry T. Justus entered the University of North Carolina at Chapel Hill where he pursued and received a degree in Radio and Television Writing and Production.

Larry Justus married Carolyn who is a native of Transylvania County, North Carolina. They have four sons: Scott, Ron, Christ and Seth. He is remembered as a loving father and kind husband.

Larry served his country bravely and retired from the United States Air Force as a Lt. Colonel after serving in the Korean and Vietnam Wars. He served as a Squadron Commander, Executive officer, disaster preparedness officer, information and public relations officer and a protocol officer.

Larry continued his role in our armed forces by being involved in the American Legion, the Veterans of Foreign Wars and the Western North Carolina Retiree Officers Association.

Larry was committed to the principles of the Republican Party and worked diligently on behalf of the party. He served as a National Delegate to the 1980 Republican National Convention, a former member of the State Republican Central Committee, a member of the State Republican Executive Committee and was named ''Outstanding North Carolina Republican'' in 1974. He also served as the Henderson County Republican Chairman.

Larry will best be remembered for his unfailing service to North Carolina. Justus served Henderson County in the North Carolina House of Representatives from 1985 until his death in October of 2002 at the age of 70. He was known as an open, friendly, and accessible legislator and was the model for integrity in public service.

Mr. Speaker, I am sure that my colleagues will join me in praising the life and work of Representative Larry Justus.

INTRODUCING THE TEACHER VICTIMS' FAMILY ASSISTANCE ACT OF 2002

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 2003

Mr. HASTINGS of Florida. Mr. Speaker, a study conducted by the National School Safety Center on School Associated Violent Deaths notes that between 1992 and 2001, 33 teachers, school administrators, school employees, or volunteers, were fatal victims of school violence. This means that during that nine-year period, a teacher, school administrator or some other school employee in America was killed while performing the duties of his or her job every fourteen weeks.

A similar study done by the U.S. Department of Justice last year stated that teachers, school administrators and other school employees accounted for nearly 10 percent of all fatalities from school violence on campuses nationwide. Even more disturbing is that the majority of faculty fatalities occurred when a school employee attempted to stop a fight or some type of disagreement between students or other faculty members. In trying to stop school violence, these school employees became victims of school violence themselves.

On May 26, 2000, my district was struck with horror when a thirteen year old student walked into Lake Worth Middle School and shot and killed his teacher, Mr. Barry Grunow. While this tragic event once again raised the important issues of school safety, gun control, and the minimum age at which a child can be tried as an adult, to the Grunow family, the tragic death of Barry Grunow has meant much more.

In addition to the painful loss of a father and husband, Barry Grunow's death had a long-term affect on the entire Grunow family. Barry's death meant that, within six months, the entire Grunow family would find themselves without health care coverage; Barry's death meant that the Grunow family would incur added and unexpected expenses; and, ultimately, Barry's death means one less income that can be used to support Pam Grunow and her two children in the years to come.

In Spring 2001, the Florida State Legislature passed and the Governor signed the Barry Grunow Act, a measure that provided death benefits to the spouses and children of victims of school violence. Today, I come to the floor of the House of Representatives to say that it is time for Congress to follow Florida's lead and pass a similar measure.

I rise today to reintroduce the Teacher Victims' Assistance Act of 2002. The 108th Congress is the second consecutive Congress that I have introduced this legislation. Similar to Florida's Barry Grunow Act, the Teacher Victims' Assistance Act places teachers, school administrators, school employees and school volunteers in the same high-risk category in which we currently place many of country's most important role models.

My bill provides the spouses and children of educators who are killed as a result of school violence with the following death benefits: a one-time death benefit of $75,000, $1,500 to be used to assist with any funeral expenses, $900 per month in living assistance to the victims' surviving spouse, $225 per month in living assistance to each dependent of the victim until the age of 17, $7,500 per year, for up to five years, for each dependent to be used to pay for college or other forms of higher education before the age of 25, opportunity to enroll in the Medicare health benefits program, and exempts the family members from having to pay any accumulated income tax by the victim as a result of school employment.

Mr. Speaker, never before has Congress made the historic statement that we need to compensate the families of educators who are victims of school violence. Many of us understand that violence in our schools is virtually impossible to eliminate completely. However, it is possible for Congress to ensure every educator in the country that if another school shooting such as those which occurred at Lake Worth High School, the future of educators' families shall never be in jeopardy.

The Teacher Victims' Family Assistance Act of 2003 makes such a commitment, and I urge my colleagues to pass it immediately.

TRIBUTE TO THE ONONDAGA SENIOR HIGH SCHOOL BOY'S FOOTBALL TEAM

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 2003

Mr. WALSH. Mr. Speaker, I rise today to congratulate the Onondaga Senior High School Boy's football team for winning the New York State Class C championship title and in the process continuing a 26 game winning streak. The Tigers roared in the Carrier Dome, and once again brought home a State title.

This team, with a solid coaching staff and a strong network of fans, strove for perfection, and as a result, won their second consecutive championship title. The OCS Tigers were Class D championships last year, and came out Class C victors this year. They are the only team in 10 years to win consecutive titles in different classes.

This team should be truly proud of such a well-deserved victory. The strength and dedication they have displayed over the course of their football careers and throughout this electrifying season has made their school and entire community extremely proud.

On behalf of the entire 25th District of New York, I would like to congratulate the following champions: Hodges Sneed, Andrew Abbott, Ryan Hotaling, Justin Graham, Richard Bova, Adam Legg, Don Cummings, Matt Popov, Carl Runge, John Manley, Chad Amidon, Ryan Clifford, Dakota McCann, Mike Hart, Kyle Martin, Robbie Cormier, Dan Germain, Zach Carrington, Zach MacCollister, Brian Beacham, Todd Amidon, Marty Brunner, Jacob Cummings, Cory Dill, Richard Beak, Todd Gardner, James Sanford, Matthew Majewski, Thomas Brownell, Caleb Golembiewski, Dan Willis, Scott Campbell, Pat Neuman, Kurt Wasilewski, Aaron Johnson, Steven Tiss, Felipe Diaz, Brad Glaister, Adam Goodman, and Jesse Schneider; Coaches Bill Spicer, Paul Taylor, Jeff Pierce, Victor Zampetti, and Rick Bailey; Volunteer Coaches Dave Pierce and Steve Louis; Managers Jim Barry, Nick Gilbert and Luke Joyce.

CONGRATULATING BILL JONES

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 2003

Mr. RADANOVICH. Mr. Speaker, I rise today to congratulate Bill Jones for 20 years of outstanding leadership and service to the State of California. A tribute was held in his honor on January 12, 2003, in Fresno, CA. Proceeds from the tribute will fund the Bill Jones Leadership Development Program in the College of Agricultural Sciences and Technology at California State University, Fresno.

In 1971, Bill Jones graduated from California State University, Fresno with a degree in agriculture business. Bill, who grew up on a farm on Mendota, CA, began his elected career by serving in the State Assembly for 12 years. While there, he coauthored the ''Three Strikes and You're Out'' anticrime law. He was elected Secretary of State in 1994 and reelected in 1998. As the State's chief elections officer, Mr. Jones set a goal of 100-percent voter participation with zero tolerance for fraud. His voter outreach programs targeted California's minorities and young people. Bill Jones is a nationally recognized leader of agriculture, trade, and water issues as well.

The Bill Jones Leadership Development Program will provide an educational opportunity for individuals to develop their leadership skills. The program will focus on undergraduate students while providing them service opportunities. Upon completion of this course, students will be able to identify key elements of their personal leadership style, have a working knowledge of relational leadership theory, and understand the role leadership plays in organizations and communities. This program honors Bill Jones, who himself played an important leadership role while at California State University, Fresno.

Bill and his wife, Maurine, have two daughters Wendy and Andrea. Mr. Jones is a native California rancher who continues to work his family-owned farm in Fresno, and is the first resident from the Central San Joaquin Valley to serve in a statewide office.

Mr. Speaker, I rise today to congratulate and thank Bill Jones for his dedication to and hard work on behalf of the people of California. I urge my colleagues to join me in wishing Mr. Jones many years of continued success.

DAN WADDELL—COMMUNITY LEADER

HON. CHARLES H. TAYLOR

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 2003

Mr. TAYLOR of North Carolina. Mr. Speaker, I rise to honor a gentleman who was devoted to his community and to civic service, Dan Waddell of Hendersonville, North Carolina.

Dan Waddell was born in Commerce, Georgia, on June 3, 1921. He was the son of John Daniel Waddell Sr. and Lillian Marie Vollrath. They moved their family to Hendersonville, North Carolina in 1930.

Dan attended Hendersonville city schools, graduating from Hendersonville High School in 1938. He attended Brevard Junior College and became a member of the football team. John transferred to East Carolina University and in 1941 quarterbacked the team, leading it to an undefeated season. When Dan died, on October 19, 2001, he was headed to the team's Special 60th Reunion Ceremony for the 1941 team.

Following graduation from East Carolina University, he entered the U.S. Army, becoming a B–17 pilot in the Army Air Corps. He flew 31 missions and was shot down over Belgium. For his service to America and in defense of freedom in World War II, he received the Distinguished Flying Cross and the Purple Heart.

After the war, he returned to Hendersonville and started a grading business, which he operated for more than 40 years. In 1960, he became president of Rasben Oil Company and he founded the Triangle Stop Food Stores in 1974. Also, he was the former president of Southern Burglar Alarm Company, which he purchased in 1977. He became president of the North Carolina Petroleum Marketers Association in 1981 and in 1989 received the Will Parker award, the most prestigious award in the petroleum industry in North Carolina.

Active in community affairs in Hendersonville, Dan became a member of the First United Methodist Church, where he attended the Roy Johnson Bible Class. Dan also served his church as chairman of the board of trustees and finance committee member. He was also a member of the board of directors of Pardee Hospital. Dan held many other offices including the following: Exalted Ruler of the Elks Club, president and board member of the Hendersonville Country Club, chairman of the Tree Board, member of the Hendersonville County Environmental Advisory Committee, member and board member of the Greater Hendersonville Chamber of Commerce, member of the Merchants Association, president of the Partners for Economic Progress, member of the Kiwanis Club, and cofounder and member of the Hendersonville High School Alumni Association. Dan ran for City Council in 1999, and fought diligently and fairly for many customers and as an advocate for local business interests.

Dan was married to the former Claire Reaben of Hendersonville, who passed away in 1995. The former Jan Rouse of Hendersonville, North Carolina became John's second wife. His son, Hall and his wife Sonja live in Hendersonville, North Carolina. John's daughter, Sharon Johnson and her husband, Steve live in Hendersonville, North Carolina. John has four grandchildren, Christa Waddell, Beau Waddell, and Emily Johnson, all of Hendersonville, North Carolina, and Erin Johnson of Atlanta, Georgia. Dr. William J. Waddell, his brother, lives in Prospect, Kentucky. His sister Cynthia Armstrong of Waxhaw along with three stepsons, Chuck, Turner, and Randy Rouse and their families live in Hendersonville, North Carolina. In addition to his several nieces, nephews, and cousins.

Dan Waddell served his family, his community and his Nation. Dan Waddell—truly a member of the ''Greatest Generation.''

INTRODUCING THE CONGRESS 2006 COMMISSION ACT

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 2003

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to introduce the Congress 2006 Commission Act. My bill establishes a congressional commission to examine the current size of the U.S. House of Representatives and recommend to this body, if applicable, a size increase. Additionally, the Commission is directed to examine and consider alternatives to the current method by which Representatives are elected. Methods such as cumulative voting and proportional representation would, without doubt, result in a more diverse House of Representatives, as well as greater participation in the legislative process by Americans of all shapes, colors, and backgrounds.

Under the Constitution, the size of the House of Representatives can be as small as 50 Representatives and as large as one Representative per 30,000 people, or the equivalent to 9,380 Members, based on the 2000

Census. In fact, every decade from 1790 to 1910, following the release of the census, the House of Representatives passed apportionment acts, increasing the size of the House to reflect population increases as well as the introduction of new States to the Union. The current House size of 435 was established in 1911. Congress passed a law in 1929, setting the size limit at 435. The House's size was temporarily increased to 436 in 1959, and 437 in 1960, when Alaska and Hawaii were admitted to the Union, respectively. But in 1961, the size of the House was reapportioned back to 435.

In the past 90 years, U.S. population has more than tripled, but the size of the House of Representatives has remained the same. In the past 90 years, four States have joined the Union, but the size of the House of Representatives has remained the same. In the past 90 years, the United States has become the second most underrepresented democracy in the entire world, but the size of the House of Representatives has remained the same. In fact in the past 90 years, Congress has addressed permanently increasing the size of the House of Representatives only once.

When I was first elected in 1992, I represented roughly 589,000 South Floridians. Today, each of us now represents nearly 663,000 or 12.5 percent more people than 10 years ago. In 1982, each Member of the House represented about 534,000 and in 1972, the number was a mere 482,000 or 38 percent fewer people than today. This means that we represent well over 100,000 more people today than did our predecessors—and some Members still serving today—20 years ago. Frankly, at some point Members in this body are going to have to accept reality and begin asking, ''As Representatives, are we as effective today as the Representatives of the 1970s when they had fewer people to represent?''

Mr. Speaker, the 108th Congress is the third Congress that I have introduced this legislation, and in light of the 2000 biennial census, it is clear that, to better serve our constituents, we should represent fewer. Indeed, the effect that an increase in the size of the House of Representatives will have on the American political system is obvious. Increasing the size of the House will result in a reduced amount of campaign spending, smaller congressional districts, more personal interaction between Members of Congress and their constituents, and most importantly, better representation for the American people.

I ask my colleagues for their support and cosponsorship of this bill, and I urge the leadership to bring it to the floor for an immediate vote.

IN MEMORY OF WILLIAM EDWARD DAY

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 2003

Mr. SKELTON. Mr. Speaker, it is with deep sadness that I inform the House of the death of Mr. William Edward ''Ed'' Day of Lebanon, MO.

Mr. Day was born in Windyville, MO, on October 30, 1926, son of Henry G. and Gertie M. Sweaney Day. He graduated from Windyville High School in 1944 and went on to answer his call to duty. Ed served his country in World War II with the U.S. Army and was stationed in Japan shortly after the end of the war. He came home and attended Draughn Business College in Springfield, MO. Not long after this, he was united in marriage to Barbara Jean McCain on May 29, 1948. They were blessed with four wonderful children, two daughters and two sons.

Mr. Day began his career in the oil business with Ozark Petroleum Company, which later became Skelly Oil. Skelly Oil took he and his family to Springfield, Joplin, and Kansas City. Mr. Day and a longtime friend of his, Will Bradley, decided to quit the oil business in 1969 and start their own business. Their new business was called B & D Truck Port and Restaurant in Lebanon, MO, and had been serving customers for the last 33 years.

Along with his successful business, Mr. Day was very active in his local church, First Christian Church. He served as chairman of the board, Elder Emertitus and he and his wife were members of the Pairs and Spares Sunday School Class. He was also closely involved in the Lebanon community. Ed was a Lebanon ambassador, a member of the Lebanon Chamber of Commerce, served on the board of directors of the Lebanon Country Club and the Lebanon Park Board. He was a past president and co-chairman of the Government Affairs Committee of the National Association of Truck Stop Operators in Washington, DC, with his friend Mr. Bradley, for many years.

Mr. Speaker, Ed Day was a valuable leader in his church and community. He was a genuine human being who would give you the shirt off of his back. I know the Members of the House will join me in extending heartfelt condolences to his family: his wife, Barbara; his two daughters, Barbara and Mary Catherine; his two sons, Mike and Patrick; and all of his grandchildren.

IN REMEMBRANCE OF CONGRESSMAN FRANK CREMEANS

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 2003

Mr. PORTMAN. Mr. Speaker, I rise today to remember Congressman Frank Cremeans, former Representative of Ohio's 6th Congressional District, a District neighboring mine. Frank, a friend to many of us in the Chamber, passed away at his home on January 2, 2003.

Frank was born in Cheshire, Gallia County, Ohio on April 5, 1945. He graduated from Kyger Creek Local in Gallipolis; received his Bachelor of Arts from the University of Rio Grande; and Master of Arts from Ohio University. He was an entrepreneur, a teacher, a school administrator, and a public servant.

Frank ran for Congress in 1994 and was elected to the 104th Congress, where he served the citizens of the 6th Congressional District with principle and vigor. He sought to restore the bonds of trust between the people and their elected Representatives by signing the Contract with America. Frank was a fiscal conservative, and cared deeply about constituent service.

Mr. Speaker, throughout the strenuous campaign and term in Congress, Frank Cremeans had the strong support of his loving wife, Carol, and children, John, Cari, and Leigh Ane. Family was always of great importance to him. Frank leaves a legacy of achievement in the arenas of business, education, and government. Through his successes, he touched many lives. We remember him today and offer our sincere condolences to his family.

TRIBUTE TO RICHARD (DICK) NUGENT UPON HIS RETIREMENT AS REFUGE MANAGER FOR THE JOHN HEINZ NATIONAL WILDLIFE REFUGE AT TINICUM, PA

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 2003

Mr. WELDON of Pennsylvania. Mr. Speaker, it is a privilege to take this opportunity to pay tribute to Richard (Dick) Nugent, upon his retirement as Refuge Manager for the John Heinz National Wildlife Refuge at Tinicum, Pennsylvania. Dick has served the United States Government for more than 35 years, including the last 25 years at Tinicum. I was pleased to work with Dick Nugent to make the dreams of this unique National Wildlife Refuge a reality, promoting conservation and a cleaner, healthier environment for both wildlife and the citizens of the greater Philadelphia region.

The history of Tinicum Marsh, the largest remaining freshwater tidal wetland in Pennsylvania, goes back to the first settlements in the region in 1634. Swedes, Dutch, and English diked and drained parts of the marsh for grazing. At that time, the tidal marshes measured over 5,700 acres. The rapid urbanization since World War I reduced tidal marshes to approximately 200 acres. The remnant of this once vast tidal marsh is protected by the Refuge. Throughout his government career, Dick Nugent has been an environmental champion and a respected public servant. His selfless contributions are most deserving of our recognition and I am honored to bring forth his particular accomplishments at the Tinicum Refuge before this body and our nation today. The following list represents just some of what Dick has done:

Involved with the Refuge's master planning process and land acquisition efforts during the 1970s and 1980s.

Assisted in the planning, designing, and construction of the Refuge's maintenance complex and Cusano Environmental Education Center.

Instrumental in the increasing of the Refuge staff from 4 personnel to 14 full-time positions, several internships, a Refuge Friends' Group consisting of over 200 members, and a large cadre of volunteers.

Worked with the Environmental Protection Agency and other service staffers for the past two decades in assessing the contamination status of the Folcroft landfill, prior to it becoming a component of the lower Darby Creek Area Superfund Site.

Involved with the cleanup and natural resource damage assessment of Sunoco's 192,000-gallon oil spill on the Eastern portion of the Refuge that occurred on February 5, 2000.

Involved in the management and monitoring of various wildlife-related diseases and threats including: Lyme disease, West Nile Virus, rabies, tularemia, and botulism.

Responded to many Refuge-based fires and law enforcement incidents.

Served as the Fish and Wildlife Service's Field Response Coordinator for oil spills in the Delaware River/Bay Tri-State area.

Responded to dozens of spills to assess the impact to natural resources and to retrieve impacted waterfowl for rehabilitation at the Tri-State Bird Rescue and Research Center in Newark, Delaware.

During his long tenure in public service, Dick Nugent has demonstrated unfailing dedication, a high degree of loyalty, and a large measure of hard work. Dick will carry his strong spirit of public service, his respect for the natural world, and his concept of our duty to the environment into his retirement.

On the occasion of his retirement from government service, I commend Dick Nugent for his outstanding service. He is among Pennsylvania's finest, and I wish him well in the years ahead. Thank you Dick, you'll be missed.

THE 60TH ANNIVERSARY OF THE SAN DIEGO STATE UNIVERSITY INSTITUTE ON WORLD AFFAIRS

HON. SUSAN A. DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 2003

Mrs. DAVIS of California. Mr. Speaker, I rise today to salute the San Diego State University Institute of World Affairs on occasion of their 60th anniversary and in recognition of their continuing exemplary work. Rather than speak at great length about this fine organization, I'd like to submit for the RECORD the text of a resolution that I had the honor of presenting.

Whereas the San Diego State Institute on World Affairs is celebrating its 60th Anniversary; and

Whereas the Institute has gained the respect of the international community through its educational achievements and has greatly impacted its campus and community through its outstanding presentation and analysis of important world issues; and

Whereas the Institute has promoted international involvement and has been an active and prominent advocate of international awareness by bringing to California numerous highly respected ambassadors, Nobel Laureates, United Nations delegates, military and government officials, academics, journalists, scientists, business executives, and other noted experts on international issues; and

Whereas international issues have become increasingly important, and the knowledge of world affairs is vital to the success and security of our nation and of the international community; and

Whereas the successful efforts of the San Diego State University Institute on World Affairs have significantly and positively increased the growth of education, awareness, and information about international issues and world affairs; now therefore be it

Resolved, That Congresswoman Susan A. Davis of the 49th District of California congratulates the San Diego University Institute on World Affairs for sixty years of successfully educating the students, faculty, campus and community of San Diego State University about international issues, world affairs, and their importance to our nation and for its diplomatic achievements as it continues to present highly respected individuals to the university.

TRIBUTE TO GENERAL MONTGOMERY C. MEIGS

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 2003

Mr. SKELTON. Mr. Speaker, it has come to my attention that a long and exceptionally distinguished career has come to an end. General Montgomery C. Meigs' 36 years of service to the Nation has been marked by meritorious service in increasingly demanding command and staff positions, culminating as Commanding General, United States Army Europe and Seventh Army, Germany and Commmander, Stabilization Force, Bosnia—Herzegovina. Throughout, General Meigs demonstrated strong and inspiring leadership, unsurpassed executive ability, and an untiring dedication to the spirit and mission of the United States Army.

General Meigs was commissioned from the United States Military Academy in 1967. He is a graduate of the University of Wisconsin, holding a Masters Degree and a Ph.D. in History. He is also a graduate of the Armor Officer Basic and Advanced Courses School, the United States Army Command and General Staff College, and the National War College.

General Meigs has served in command and staff positions over the last thirty-six years. He is a combat veteran of Vietnam, serving from July 1969 to June 1970 where he served as Commander, A Troop, 3d Squadron, 5th Calvary, 1st Infantry Brigade, 5th Infantry Division and Squadron Maintenance Officer, Headquarters Troop, 3d Squadron, 5th Cavalry, 1st Infantry Brigade, 5th Infantry Division. He is also a combat veteran of Operations Desert Shield/Desert Storm from September 1990 to May 1991 where he served as Commander, 2d Brigade, 1st Armored Division.

His service includes staff assignments as Assistant Professor, History Department, United States Military Academy, West Point, New York; Chief, Strategic Applications Branch, Office of the Director for Strategic Plans and Policy, J–5, The Joint Staff, Washington, DC; Deputy Chief of Staff for Operations, United States Army Europe and Seventh Army, Germany; along with many other distinguished positions.

General Meigs' awards and decorations include the Defense Distinguished Service Medal, Distinguished Service Medal (with Oak Leaf Cluster), Defense Superior Service Medal, Legion of Merit (with Oak Leaf Cluster), Bronze Star Medal with "V" device, Bronze Star Medal (with Oak Leaf Cluster), Purple Heart, Meritorious Service Medal, Air Medals, Army Commendation Medal (with 2 Oak Leaf Clusters), Ranger Tab, and Joint Chiefs of Staff Identification Badge.

Throughout his career, General Montgomery C. Meigs has made significant contributions at every level assigned. In his final assignment, he brought to bear the accumulated experience and dedication of a career spent serving the nation and our soldiers. He has provided continuity for the Profession of Arms—integrity, loyalty, dedication, mentorship, vision, and the willingness to take and stand behind the risks associated with implementing change in the Army. General Meigs' distinguished performance of duty will have far-reaching impacts on the future of the Army. I am certain that my colleagues will join me in wishing General Meigs and his wife, Mary Ann, all the best.

WOMEN'S HEART WEEK

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 2003

Mr. HOLT. Mr. Speaker, I rise today in recognition of Women's Heart Week, February 1 through 7.

We have heard for years about the devastating impact that heart disease has on men's health. It is a lesser-known fact, however, that heart disease is the leading cause of death among women 35 and older, and while the mortality rate for men with cardiovascular disease has dropped, the rate for women is rising. In fact, in every year since 1984, heart disease has killed more women than men.

Unfortunately, far too many people are unaware of these grim statistics. So much focus has been placed on heart disease in men, it has received little attention in women. Too little emphasis has been placed on conducting research into cardiovascular disease specifically in women—despite the fact that there are physiological differences between men's and women's hearts. Many of the diagnostic tools used to detect cardiovascular disease were developed for men and are thus less effective in women. For example, one study showed that treadmill stress tests, used so frequently to diagnose heart disease, product up to 35 percent misleading results in women. Furthermore, women get poorer treatment for cardiovascular problems—they are twice as likely to die after a heart attack, twice as likely to have a second heart attack within two weeks of the first, and more than twice as likely to die after coronary bypass surgery.

It is important not only that medical researchers focus more on gender disparities in heart health and treatment delivery, but also that more women become aware of the preventative steps they can take to prevent heart disease. Smoking cessation is crucial—27 percent of American women smoke, and smoking is the most controllable risk for heart disease. Equally disconcerting, 70 percent of American women do not exercise regularly, another major risk factor for cardiovascular illnesses.

That is why I am so proud to see that the Women's Heart Foundation is bringing attention to these issues with Women's Heart Week. On February 1, WHF, along with Robert Wood Johnson University Hospital in New Brunswick, NJ, will offer a free public program including blood pressure and cholesterol screenings, cooking demonstrations, and discussion panels. Throughout the rest of the week, further events will teach heart-healthy shopping and medication safety.

Mr. Speaker, I would like to ask that all of my colleagues here in the House encourage their constituents to participate in Women's Heart Week. Together, we can help raise

awareness of the silent killer that continues to take so many of our wives, sisters, mothers, and daughters.

DAVID B. HARRITY

HON. CHARLES F. BASS

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 2003

Mr. BASS. Mr. Speaker, in 1965, David B. Harrity began his career with the Department of Housing and Urban Development (HUD) in Philadelphia, providing assistance to HUD's customers throughout Pennsylvania and southern New Jersey. In 1971, he became the first Low Rent Housing Specialist in New England, working in the Boston Regional Office with all six of the states' Housing Authorities. When HUD created the Executive Identification and Development Program in 1974, David was one of twenty-one individuals selected from a nationwide competition of more than 700 to participate in the Leadership Training. Following completion and receipt of a certificate from the Urban Executive Program of the Sloan Management School at the Massachusetts Institute of Technology, David was appointed Special Assistant to the Regional Administrator in 1975.

In 1978, David continued to serve the Department as the Director of Housing Development and Management of the Hartford, Connecticut, HUD Field Office. In this capacity, he led a team of staff professionals who worked closely with HUD customers, providing mortgage insurance, housing subsidies, and management oversight of housing. Responding to local need in 1988, David joined the Connecticut Department of Housing, where he administered HUD's Section 8 Existing Certificate and the Small Cities Community Development Block Grant Programs.

In October of 1992, HUD Secretary Jack Kemp appointed David as Manager of the Manchester office, where David brought his customer-oriented ''can-do'' attitude to assist customers and clients in New Hampshire, Maine, and Vermont. Despite the numerous reorganizations of the Department, his approach has always been to support and work with local officials to maximize HUD's program benefits for the 234 cities and towns in New Hampshire. Although the representative of a federal agency, David instilled in staff a willingness to accommodate local officials and administer HUD's programs in a manner best meeting local needs. An affirmation of his leadership skills is the recent Quality Management Review. Conducted by peers from HUD offices nationwide, the Review resulted in one of the highest overall ratings of any HUD office.

David's philosophy of giving to the community is reflected in his other activities. He is President of the Board of Directors of ''The CareGivers, Inc.,'' a nonprofit organization whose mission if ''helping the frail, elderly and disabled to maintain their independence and dignity.'' In addition, David is the past President of the NH Federal Executive Association as well as an ''Ambassador'' of the Greater Manchester Chamber of Commerce. Furthermore, he is a Class of 2000 graduate of ''Leadership Manchester'' a program administered by the Chamber to increase understanding, coordination, and cooperation amongst community leaders. Finally, David serves as a ''Granite State Ambassador,'' greeting visitors at the NH Information Kiosks in both the airport and Downtown Manchester, and as a Board of Director of the Manchester Rotary Club.

ANTONE SOUZA: MAN OF THE YEAR

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 2003

Mr. FRANK of Massachusetts. Mr. Speaker, people who continue to believe that there is a conflict between historic preservation and economic development have obviously never been to New Bedford, Massachusetts. A few days ago I had both the honor and the pleasure of participating in the sixth annual public reading of Moby Dick, one of the great works in American literature, the opening pages of which are set in New Bedford. Our reading takes place at the Whaling Museum, which is one of the important features of the national Park which we established as a tribute to America's whaling history. Integrating respect for the cultural and aesthetic heritage of the 19th century with the economic demands of the 21st is a difficult job, but done right, is an extremely rewarding one for the people not just of New Bedford but of the entire region, and indeed of the state. No one has been more effective in working at this task than Antone Souza, which explains why the New Bedford Standard Times made him its Man of the Year for 2002.

I have myself benefited enormously from Tony Souza's tutelage in trying to help these efforts, and I invite all of my colleagues who do not understand how preservation of a city's heritage is not only not an obstacle to economic development but, properly understood, a strong engine for it, to visit us in New Bedford.

And an important part of any such visit should be time spent with Tony Souza, whose experience and expertise in this area so potentially valuable for so many parts of America is always available, because of his passion for what he does, and his generosity in sharing his experience.

Mr. Speaker, I want to join in congratulating Tony Souza on being made Man of the Year, and even more important, in thanking him for the enormous contributions he has made to New Bedford, and to our national heritage. And in accord with our rules about being clear as to any conflicts of interest that might potentially arise, I am proud to note that he is the husband of my Deputy District Director, Elsie Souza. Together they form an extraordinarily effective partnership in so many ways.

Mr. Speaker, so that Members can fully understand the important public policy implications of the thoughtful approach to preservation which we take in New Bedford, I ask that the New Bedford Standard Times article on Antone Souza be printed here.

SOUZA SYNONYMOUS WITH REVITALIZATION

(By Jack Spillane)

If Tony Souza's ideas were like footprints, those footprints could be seen throughout the city of New Bedford, and even into the surrounding towns.

From the restoration of the Zelterion Theatre to the renovation of the Grinnell Mansion on County Street, Mr. Souza has, for more than a quarter century, fought the battle to preserve the architectural gems of New Bedford's past.

The executive director of the Waterfront Historic Area League since 1996, Mr. Souza is the latest in a long line of city preservationists who have, over time, reinvented a downtown that was once considered the worst section of the city.

For his body of work, Mr. Souza is The Standard-Times New Bedford Man of the Year for 2002. Nominations came from the community and the newspaper staff, with a newsroom committee making the final selection,.

It has been a rewarding labor for Mr. Souza.

''The first time I went in (the Zeiterion) after it was restored and I saw all the kids enjoying the live theater that none of us had the opportunity to view when we were growing up, I literally cried,'' he said.

Mr. Souza sees himself as far more than a preservationist; he says he's also an educator for the city's working-class children, regularly going into the schools to talk about architectural history.

Mr. Souza also sees historic preservation as a spark plug for the community's business growth.

He gives the example of the Star Store's restoration and conversion into a UMass-Dartmouth campus spurring shop and restaurant growth downtown.

''Historic preservation is economic development,'' he said.

The past year has been a particularly successful one for Mr. Souza and WHALE.

The nonprofit group, after struggling for many years, raised some $600,000 and has stabilized the structure of the Corson Building, a key textile-era commercial structure in the middle of the National Park.

The most ambitious project in the past year was a private-public partnership with developer Hall-Keen LLC to save five abandoned downtown office buildings.

Urban planners believe one of the keys to reviving downtown is to restore residential housing. When professional residents live downtown, they says, the shops and restaurants follow.

WHALE won three prestigious awards this year, one of them from the National Trust for Historic Preservation for the best managed preservation organization in America.

''WHALE has always looked at projects that no one else can handle and assumes those projects for itself,'' said former Mayor John K. Bullard.

''This takes guts, intelligence and lots of support. That effort would not be happening, without Tony Souza's leadership.

TRIBUTE TO CAPTAIN MAUREEN A. ALLEN

HON. TERRY EVERETT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 2003

Mr. EVERETT. Mr. Speaker, it is with great pride that I rise to pay tribute today to a very special American and citizen of my congressional district in Alabama. Captain Maureen A. Allen of the United States Air Force Reserve.

Captain Allen is an Air Reserve Technician Evaluator Flight Nurse assigned to the 908th Aeromedical Evacuation Squadron located at Maxwell Air Force Base in Montgomery, Alabama.

When President Bush called our nation to join the battle against terrorism in response to the terrible attacks of September 11, 2001, Captain Allen responded. As part of her 908th Aeromedical Evacuation Squadron, she volunteered for a 120-day overseas deployment in support of Operation Enduring Freedom.

As the senior medical member of her three-person crew, Captain Allen served in the position of Medical Crew Director, transporting combat and non-combat casualties resulting from operations conducted in the Afghanistan battle theater. She performed her duty of diagnosing and supervising the treating of military patients with the highest level of professionalism and skill, often in challenging environments both in the air and on the ground.

Captain Allen's patients included U.S. combat troops, Special Operations Forces, coalition and friendly forces, as well as civilian casualties and enemy prisoners of war. To be sure, it was not easy work as she and her crew lived in tented facilities and were often called upon to relocate in response to hostile threat or medical necessity.

Captain Allen, whose uncommon service to her nation has resulted in her receiving both the Air Force and Army Commendation medals, the Air Reserve Forces Meritorious Service Medal, the National Defense Service Medal, the Air Force Longevity Service Award Ribbon, the Armed Forces Reserve Medal, and the Air Force Training Ribbon, has not escaped the notice of our President.

President Bush requested that Captain Allen sit with the First Lady during tonight's State of the Union Address here in this Chamber. Personally, I believe the President made a fine choice in honoring Captain Allen for her patriotism. I joined the rest of Alabama in expressing pride in her service beyond the call of duty to America.

CIBOLA NATIONAL WILDLIFE REFUGE CORRECTION ACT

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 2003

Mr. HUNTER. Mr. Speaker, today I am introducing legislation on behalf of my friend, Mr. Frank Dokter, to right a past error by the Department of Interior in designating the Cibola National Wildlife Refuge. In the last Congress, similar legislation that would have adjusted the Refuge boundaries to allow a family business to continue, was passed by the House, but unfortunately did not see similar outcome in the Senate.

Mr. Dokter and his family operate Walter's Camp, a Bureau of Land Management (BLM) concession on land near the lower Colorado River in Imperial County, California, near and within the Cibola Refuge. The facility provides visitors with a family-friendly outdoors experience, which includes camping, hiking, canoeing, fishing, birdwatching and rock-hounding. In an increasingly crowded Southern California, Mr. Dokter and his family have provided a welcome diversion from city life to many of the region's outdoors enthusiasts.

Walter's Camp was first authorized in 1962, and in August 1964, Public Land Order 3442 withdrew 16,627 acres along the Colorado River to create the Refuge. The withdrawal erroneously included the 140.32 acre Walter's Camp, but neither the BLM nor the Fish and Wildlife Service immediately recognized the mistake. The BLM continued to renew the original permit, allowing the recreational concession use to continue unbroken until the present time. However, given the discovery of the past mistake, the BLM does not have the authority to continue issuing the concession contracts to Walter's Camp.

The Fish and Wildlife Service and the BLM agree that the land has ''insignificant, if any, existing . . . or potential . . . wildlife habitat value,'' as stated in a Department of Interior memo. Therefore, I have introduced this legislation to correct this mistake and allow the BLM to continue to issue contracts to Walter's Camp.

Again, Mr. Speaker, I offer my sincere recommendation that this land be taken out of the Cibola National Wildlife Refuge, and that Mr. Dokter's family be allowed to continue their valuable and productive service to our region.

VIOLENCE AGAINST WOMEN CIVIL RIGHTS RESTORATION ACT OF 2003

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 2003

Mr. CONYERS. Mr. Speaker, I am proud and honored today to be joined by Ms. BALDWIN, Mrs. MALONEY and 80 other co-sponsors to introduce the ''Violence Against Women Civil Rights Restoration Act of 2003.'' The Violence Against Women Act of 1994 (''VAWA'') was historic legislation that contained a broad array of laws and programs to address domestic violence and sexual assault in our country.

In addition to funding numerous programs such as law enforcement and prosecution grants to combat violence against women, a National Domestic Violence Hotline, and battered women's shelters and services, VAWA created both civil and criminal causes of action to target domestic violence and sexual assault.

In 2000, the Supreme Court struck down a provision of VAWA, which allowed victims of gender-motivated violence to sue their attackers in Federal court. Importantly, that case, United States v. Morrison, 529 U.S. 598 (2000) did not affect the validity of the rest of VAWA, which is clearly constitutional. But, Morrison is just the latest in a series of cases in which the Supreme Court has, in my view, improperly narrowed Congress' authority to legislate under the Commerce Clause.

The Court's 5–4 majority disregarded the mountain of evidence that Congress had amassed through four years of hearings, documenting the effects of violence against women on interstate commerce. The Court's majority substituted its own judgment for that of Congress—and this from supposedly ''conservative'' Justices who purport to defer to Congressional findings.

In response to the Morrison decision, I am introducing the ''Violence Against Women Civil Rights Restoration Act of 2003.'' This legislation will restore the ability of victims of gender-motivated violence to seek justice in Federal court, where there is a connection to interstate commerce.

For example, a rape victim could bring a civil suit against her attacker in Federal court where the attacker crosses a state line; if he uses a facility or instrumentality of interstate commerce—such as the roads, the telephone, or the Internet; or if he uses a gun, weapon, or drug that has traveled in interstate commerce. In addition, she could bring a case where the intent of the offense is to interfere with her participation in commercial or economic activity.

The bill also authorizes the Attorney General to prevent discrimination in the investigation and prosecution of gender-based crimes. This bill will ensure that all victims have fair and equal access to the courts.

I want to thank the domestic violence and sexual assault communities for their support of this legislation, especially NOW Legal Defense and Education fund, who defended Christy Brzonkala before the Supreme Court, and who has been instrumental in drafting this bill.

I look forward to working with the Majority, the Senate, and the White House to help pass this bill into law and restore the civil remedy for victims of gender-based violence.

A SPECIAL TRIBUTE TO CAROLINE GRETICK, 2003 RECIPIENT OF THE ATHENA AWARD

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 2003

Mr. GILLMOR. Mr. Speaker, it is with great pride that I rise today to pay special tribute to an outstanding woman from the Fifth Congressional District in Ohio. Caroline Gretick, of Bryan, Ohio, is a Consumer Advocate at the Four County Alcohol, Drug Addiction, and Mental Health Services Board (ADAMHs). She is being awarded the Bryan Chamber of Commerce and Stan Pepple Motors ATHENA Award. This is the twelfth presentation of the award presented annually by local Chambers of Commerce throughout the United States as well as several other countries. The award is given to individuals who exemplify excellence in their business or profession, who serve the community in a meaningful way and who assist women in developing their leadership potential.

Mr. Speaker, Caroline was the Co-Founder of the Bryan Montessori Pre-School, 1967–69. She was the Co-Director and a Teacher for the Williams County Head Start Program, 1966–71.

From 1981–91 she served at the Bryan Community Hospital. There she conducted interviews and developed statistical information for Certificates of Need for CAT-scan procedures. During her time there, Bryan Community was the smallest hospital to receive such approval. In addition to this duty, Ms. Gretick vetted applicants seeking hospital privileges. She was also the First Administrative Assistant at the Bryan Area Health Education Center.

Since 1993 Caroline has been a Consumer Advocate at the Four-County ADAMHs. There she has formalized existing depression support groups. She has also established and developed an extensive lending/research library at the ADAMHs Board offices. The library includes materials relating to brain disorders, to

include depression, bi-polar disorder, anxiety disorders and schizophrenia.

Ms. Gretick has attended and reported on annual conferences of the Depression, Bi-Polar Support Alliance (DBSA) and the National Alliance for the Mentally Ill (NAMI). She has served as a liaison with national and state mental health organizations such as NAMI and DBSA and also the Ohio Depression Awareness, Recognition and Treatment (DART) organization. She has been instrumental in providing regular educational programming on depression at the Correction Center of Northwest Ohio (CCNO) and the Juvenile Detention and Rehabilitation Center.

Mr. Speaker, I ask my colleagues to join me in paying special tribute to Caroline Gretick. Our communities are served well by having such honorable and giving citizens, like Caroline, who care about their well being and stability. We wish Caroline and her family all the best as we proudly pay tribute to her accomplishments.

LEGISLATION TO PROVIDE FUNDS FOR THE REPAIR OF HOMES DAMAGED BY HURRICANES

HON. FRANK W. BALLANCE, JR.

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 2003

Mr. BALLANCE. Mr. Speaker, today I am joined by my colleagues Representatives WALTER JONES, MIKE MCINTYRE, and BOB ETHERIDGE, in introducing legislation to provide elderly residents of North Carolina affected by floods with resources to repair their homes. Despite the fact that several years have passed, the effects of the catastrophic flooding from a succession of hurricanes in the late 1990s continue to be felt in North Carolina even today.

Thousands of North Carolinians suffered major damage to their homes and have yet to make the necessary repairs. As is often the case in situations like this, it is those who are already vulnerable who are affected most. In this case, the elderly have suffered disproportionately. Because many of the elderly are on fixed incomes, their ability to pay for home repairs is often limited.

The late 1990s were an incredibly challenging time for Eastern North Carolina. For several years in a row, hurricanes struck our communities with torrential winds and tremendous rains. Hurricane Floyd alone was responsible for 51 storm-related deaths in North Carolina, the destruction of over 7,000 homes, and made 17,000 additional homes uninhabitable. Overall damage to the state of North Carolina was estimated at over $6 billion dollars, making it the most costly natural disaster in the history of North Carolina. The hurricane flooded a combined area of 18,000 square miles, an area roughly twice the size of Vermont.

This legislation gives to the North Carolina Commissioner of Agriculture the authority to provide funds to low-income seniors in Eastern North Carolina for the purpose of home repair. The need is considerable. In fact, rural development officials in Raleigh tell me that they have over $1 million in pending applications from the elderly seeking to repair their homes but zero resources with which to address this matter. This legislation gives to the state of North Carolina the ability to respond to this need.

Though Hurricane Floyd may be just a memory to many, the residents of Eastern North Carolina continue to confront the challenge of rebuilding our communities on a daily basis. This legislation is a modest but important step that will enable our senior citizens to remain in their homes and to make the improvements necessary to render them habitable once again.

I am happy to say that this bipartisan legislation is founded on the shared recognition of both Republicans and Democrats that much work remains to be done to recover from the flooding that devastated our communities and I thank my colleagues for joining me in this effort. Our junior Senator, Mr. EDWARDS, is also a part of this effort and was recently successful in including language that is identical to this bill in an appropriations bill that is expected to be completed within several weeks. The bipartisan support for this bill is proof that the Edwards language should remain in the bill that the President will eventually sign.

TRIBUTE TO ANN S. MILLER AND TED MALIARIS

HON. JOHN E. SWEENEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 2003

Mr. SWEENEY. Mr. Speaker, I would like to take this opportunity to recognize Ted Maliaris and his mother, Ann S. Miller, for their patriotic effort in promoting their ''A Tribute to America Tour.''

Following the events of September 11, mother and son team Ann Miller and Ted Maliaris wrote and produced the song ''A Tribute to America—A 21st Century Anthem'' in hopes of lifting the spirits of the American public and members of our armed forces. these lyrics stand as a monument to the pride of the American people:

Our tears may fall and our hearts may be shattered, but deep down in our souls we are
Strong, we are proud, we are bold.
We have freedom in our land, we will fight for our rights, we will stand up for the brotherhood of man.

America America America
America you're Grand

We have the strength, we have the power, no terrorist could ever withstand.
We will not hide, we will not cower, we will stand up for the rights of our land.

We're America, America
Strong, Proud, Brave, Bold
We're America, America
Strong, Proud, Brave, Bold
America red, white and blue
America, this song we sing for you

In times of need, compassion fills our hearts, in times of dismay we are strong. We're a land of freedom, a land of peace, and no one can take this away.

We're America, America, America
America you're Grand

No one can destroy us through thick or thin we're a nation that was built to survive
No terrorist plight can destroy our sight or the strength of this motherland.

We're America, America, America
America you're Grand

God extended his hand and has given us faith, for we will stand tall and proud.
We're a land of freedom, a land of peace, a land like no other land.

We're America, America
Strong, Proud, Brave, Bold
We're America, America
Strong, Proud, Brave, Bold
America, America you're Grand America,
America you're Grand

Mr. Speaker, I respectfully urge the House to join me in paying tribute to these two fine Americans: Ann S. Miller and Ted Maliaris.

TRIBUTE TO CULVER-STOCKTON COLLEGE

HON. KENNY C. HULSHOF

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 2003

Mr. HULSHOF. Mr. Speaker, I rise today to honor the 150th anniversary of Culver-Stockton College, which is located in Canton, Missouri.

Culver-Stockton College was founded as Christian University by early leaders of the Christian Church (Disciples of Christ). Canton, Missouri was chosen as the school's location based on the close proximity to the Mississippi River and the enthusiasm for higher education shared by the Lewis County Disciples. The State of Missouri issued the college's charter on January 28, 1853. In 1917, Christian University was renamed Culver-Stockton College to honor benefactors Mary Culver and Robert Stockton.

Culver-Stockton's visionary founders were clearly ahead of their time. The school was the first college chartered west of the Mississippi River to educate both men and women. As both Christian University and Culver-Stockton College, the school has compiled a proud record of accomplishment and has made a meaningful contribution to the community throughout its history.

The forward-thinking ideas that are the foundation for Culver-Stockton College still influence the school today. Culver-Stockton is a 4-year residential, coeducational college that asks its students to realize their full potential. The college's alumni are living proof of the professional, personal and social service development that is cultivated on Culver-Stockton's campus. The college's administration, faculty and staff are committed to educational excellence, character development, and the integration of liberal arts.

In recent years, Culver-Stockton has achieved distinctions that include being named one of America's Best Christian Colleges, inclusion in the Templeton Foundation's ''Colleges that Encourage Character Development'' and membership in the Lilly Fellows Program in Humanities and the Arts.

With its Sesquicentennial Gala Week, Culver-Stockton College launches a year-long celebration of its 150-year history. This provides the opportunity to not only reflect on the school's past contributions, but to appreciate the important role the college continues to play in educating our future leaders. I congratulate both Culver-Stockton's administration and student body on achieving this milestone in education history.

PERSONAL EXPLANATION

HON. JIM RYUN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 2003

Mr. RYUN of Kansas. Mr. Speaker, regrettably, yesterday my flight was delayed and I was unable to return to the House in time to vote on H. Res. 25, and H. Res. 26. 1 ask unanimous consent that the RECORD reflect that had I been present for the votes, I would have voted ''yea'' on rollcall No. 13, H. Res, 26, and ''yea'' on rollcall No. 14, H. Res. 25.

HONORING THE CONTRIBUTIONS OF CATHOLIC SCHOOLS

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 2003

Mr. EMANUEL. Mr. Speaker, I rise in strong support of H. Res. 26, a resolution honoring the contributions of Catholic schools. I am pleased to have voted for this bipartisan resolution when it was passed unanimously by the House of Representatives last night.

The tremendous success of Catholic schools is evident around the country and particularly in the Fifth Congressional District of Illinois where outstanding scholastic progress has been achieved in schools like St. Ferdinand Catholic Elementary, St. Patrick High School, and Notre Dame High School for Girls. These schools provide strong academic curriculums and engender significant parental involvement. They not only teach students the importance of academic achievement, but also provide a balanced perspective on life that promotes responsibility, justice and social service.

Catholic schools also promote ethnic and racial diversity. Increasing numbers of children in Catholic schools in my district come from our minority communities. We must also recognize that students in Catholic schools are achieving exceptionally high graduation rates with increasing numbers advancing to higher education and giving back to the community through volunteer service.

It is also important to recognize that the Catholic school experience fosters more than just scholastic excellence. It provides spiritual guidance to students by encouraging fundamental ideals and an appreciation for family values, community service, and faith in their own lives. This, in turn, shapes Catholic school students into leaders of tomorrow.

Mr. Speaker, I support this important resolution and encourage Catholic schools in my district and across the United States to continue contributing to the development of strong moral, intellectual and social values in America's young people.

EXPLANATION

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 2003

Mr. KENNEDY of Rhode Island. Mr. Speaker, on January 27, 2003, I was in my Congressional District in Rhode Island and consequently I missed two votes.

Had I been here I would of voted: ''yes'' on H. Res. 25 and ''yes'' on H. Res. 26.

PRE-BUTTAL TO PRESIDENT BUSH'S STATE OF THE UNION ADDRESS

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 2003

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I would like to submit for inclusion into the RECORD a copy of a letter sent to President Bush on Monday, January 27, 2003. In the letter, I express my views as a ''pre-buttal'' to President Bush's State of the Union Address on Tuesday, January 28, 2003.

JANUARY 27, 2003.

Hon. GEORGE W. BUSH,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: For the past few weeks, I have been away from my Washington office recovering from a surgical procedure. This time away has allowed me to live as a normal American outside of Capitol Hill. I have been an ear and a shoulder for my constituents and many normal/working, people who are concerned and worried about the economy, civil rights, education, war and other legitimate fears. These conversations have compelled me to share the thoughts and sentiments of numerous citizens who have telephoned, faxed and e-mailed me about the dismal state of our Union.

Mr. President, have you not noticed that there are others, actually the majority, in this country that do not subscribe to your very Republican morals, issues, and policies? On Tuesday when you speak to the nation, please tell us the real state of our Union and what you plan to do about it! The current situation under your leadership can be better labeled as a state of DISUNION . . . especially as it refers to your party's policies and positions on war, civil rights and the overall domestic agenda.

In these times of domestic disarray and homeland alarm, you are acting as a playground bully picking fights on a global scale when there are more pressings issues in your own front yard. There is little doubt that world issues are very serious and unsettling today. But, the United States of America can not serve as world police, especially now when we are faced with a continuing battle for basic civil rights, the education of our children and the safety of our families right here at home. President Bush, you are taking a hard position and standing your ground on the wrong issues . . . and you're standing nearly alone. Major United Nations member countries have expressed their displeasure with your insistence upon a personal vendetta against Saddam Hussein. It is estimated that a new Bush war with Iraq will cost this country $6 billion to $9 billion per month! Wouldn't that money be better spent securing prescription drug coverage for our seniors, keeping hospitals open and operational or funding programs like No Child Left Behind and the Vote America Act that have cleared the legislative process but stand stagnant due to frozen resources.

Wouldn't this country's most important resource, our young people, be better utilized as productive, college-educated members of society rather than soldiers in a war that nobody wants? Your insensitive, detached administration recently demonstrated its misguided position on civil rights in higher education for minorities and women. President Bush, your own educational career was aided by preferential treatment. The only difference between the University of Michigan's admissions policy and your educational career is that the Bush special treatment was based on affirmative influence rather than affirmative action. The Michigan policy is not far removed for other points systems that award advantages to the children of board members, graduates of the institution and major donors to the university. Your hypocritical stance on the Michigan guidelines totally ignored the fact that policies of this sort are more than necessary and only start to alleviate the social and economic shortfalls of the citizens they are designed to assist. Millions of people are concerned that with the recent attack on affirmative action will come an overall evaporation of all civil rights for minorities and women. Mr. President, would you please tell the American people how you plan to promote the attainment of diverse student bodies at institutions of higher education? We must equal the educational opportunities for less fortunate citizens so that those without the affirmative influence of a U.S. President and a grandfather who sits on the board of trustees at Yale can earn a quality/marketable education as well.

Armed with such an education and life training, less affluent citizens will go on to have better paying jobs that will allow them to spend more on the necessities and spoils of life. What better way to stimulate the economy than to put more money in the hands of the largest section of the population of this country . . . the middle class American? Your new proposed tax plan would do nothing for the working American. Tax cuts will only put money in the pockets of those who already have it. Didn't you learn anything from your 2001 tax cuts which reversed the positive progression of the economy that was cultivated by the last administration and managed to bankrupt the country in record time? The Federal budget under your management has gone from a $236 billion surplus to a $159 billion deficit in merely 2 years . . . a $395 billion swing of our economic prosperity. Have you learned nothing from the $10 billion shortfall facing the state of Texas caused by your tax cuts as its governor? If we always do the same things we've always done, we will always get the same results we've always gotten! Mr. President, please tell us, the American people what you plan to do to regain the confirmed economic success of the Clinton administration that promoted the lowest unemployment numbers in decades, garnered higher wages and home purchases for the middle class, and saw industry and the stock markets flourish. Please address the fact that millions of Americans have lost their jobs, with their children being forced to leave college to come home to foreclosed homes and bankrupt parents.

What ''is'' the true state of the Union? Mr. President, knowing your heart and compassion as I know it, would you please address the very real issues I've put forth for and with the American people. We all would like to hear a plan that will benefit the masses and put us back on the path to financial stability, civil and social equality, and PEACE at home and abroad.

Sincerely,

EDDIE BERNICE JOHNSON,
Member of Congress.

AN EXCELLENT ARTICLE OUTLINING THE GREATER SIGNIFICANCE OF A SOLUTION TO THE CYPRUS QUESTION

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 2003

Mr. ANDREWS. Mr. Speaker, I rise before you today to bring to the attention of my colleagues an article that appeared in the National Review Online on January 14, 2003. This article, written by Nikolas K. Gvosdev, artfully details the greater significance of a solution to the division of Cyprus. I ask that my colleagues please review this article, and keep it in mind as we continue our efforts in the 108th Congress.

[From the National Review Online, Jan. 14, 2003]

CYPRUS, IRAQ, AND THE WAR ON TERRORISM

(By Nikolas K. Gvosdev)

At first glance, Cyprus would appear to have little connection to either the forthcoming clash with Iraq or the ongoing war against international terrorism. Yet, the fate of this divided Mediterranean isle is closely linked with both. British Defense Minister Geoff Hoon, visiting Turkey in an effort to enlist Ankara's full participation in any potential military action against Iraq, said on January 8th that it was critical to demonstrate to Baghdad that the international community was ''not simply going to pass resolutions and not see them enforced'' and that ''we restore Iraq to the international community as a peaceful neighbor of Turkey, that we work together to ensure a peaceful outcome to the present difficulties.'' Both outcomes are far more likely if a U.N.-drafted peace plan for Cyprus is accepted as the basis for a final agreement that would end a longstanding source of instability and tension in the Eastern Mediterranean.

Much attention has been rightfully focused on the February 28th deadline for a settlement. If an agreement cannot be reached, only the portion of the island controlled by the internationally recognized Republic of Cyprus will be admitted, leaving the unrecognized ''Turkish Republic of North Cyprus'' outside of the common European home, and further impeding the eventual accession of the Turkish mainland into the EU.

But there are more immediate consequences. Carl Bildt, former U.N. Special Envoy for the Balkans, observed that a settlement for Cyprus ''concerns not only a divided island in the eastern Mediterranean, or the relationship between two important countries straddling the divide between Europe and the Middle East. It is of key importance in the quest for peace and stability in the entire post-Ottoman area that stretches from Bihac in Bosnia in the north-west to Basra at the Persian Gulf in the south-east.''

The peace plan put forward by Kofi Annan envisions a bi-zonal, bi-communal federation for the island. Admittedly, it is not a perfect solution, for it tries to balance between the competing and clashing claims to self-determination of Cyprus's Greek majority and Turkish minority. What it attempts to do is to provide a workable mechanism for two communities to live and co-exist in shared geographic space within the framework of the internationally recognized Cypriot state and under the rubric of a common Cypriot nationality that does not require ethnic homogenization. At the same time, it hopes to prevent the opening of a Pandora's box that could plague the entire Eastern Mediterranean: revising state boundaries; a plague that many fervently hoped the 1975 Helsinki Final Act had banished from Europe once and for all.

Iraq faces many of the same issues that bedevil Cyprus. Its current solution has been to subordinate all regional and ethnic groups to the personal, dictatorial tyranny of Saddam Hussein. When his regime falls, however, something must take its place. Simply dividing Iraq into three ''cantons'' (a Shiite province in the south, a Sunni center, and a Kurdish statelet in the north) is a recipe for disaster. Not only does such a ''solution'' fail to consider that populations are not neatly segmented (Baghdad, after all, has a largely Shiite population) and ignore other ethnic minorities dispersed throughout the country, it would preclude any central ''Iraqi'' identity from developing. This, in turn, would increase the risk of regional strife that would draw in neighboring states. (I commend readers to Dan Byman's excellent essay on this subject.)

On the other hand, a functioning Cypriot bi-zonal, bi-communal federation could serve as a model for reconstructing postwar Iraq in a fashion that respects local autonomy yet permits freedom of movement and investment across Iraq, allows for the creation of a durable Iraqi ''identity'' and maintains a viable Iraqi state within its current boundaries.

Another reason for making a settlement on Cyprus an urgent priority is that it can produce momentum toward solving other lingering conflicts in the Balkans and the Caucasus that have produced ''brown zones'' (whether unrecognized statelets like Abkhazia or ill-defined international protectorates like Kosovo) where definitive state authority is lacking. Such ''holes'' in the international system help to facilitate the activities of terrorists, organized crime factions and drug smugglers. If a workable bicommunal, bi-zonal federation can be created for Cyprus, it could then serve as a model upon which solutions for ethno-separatist conflicts such as Nagorno-Karabakh or TransDniestria could be crafted. It might also help to redefine and strengthen currently weak states such as Bosnia, which endures largely because of the ongoing infusion of outside capital and troops to sustain the Dayton Accords. Crafting more viable states throughout the arc of Eurasia serves long-term American interests as well. After all, the best means for weakening international terrorist networks are effective governments that can police their borders and exercise supervision over their territories.

Cyprus is not simply a ''European'' problem. It requires continued American effort as well. It is not a ''distraction'' from the larger problems that beset the United States. Rather, Cyprus may provide a way to deal with larger headaches in the years ahead.

IN HONOR OF THE OPENING OF AN EXHIBIT HONORING MARY BAKER EDDY AT PACE UNIVERSITY

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 2003

Mr. NADLER. Mr. Speaker, I rise today to commemorate the opening of an exhibit honoring Mary Baker Eddy at Pace University in downtown New York City. Today, Pace University will host a reception honoring ''This is Woman's Hour . . .,'' a nationally acclaimed exhibit that has traveled around the country educating Americans about the extraordinary life of Mary Baker Eddy, one of the 19th century's greatest women pioneers.

I am pleased to welcome this exhibit to my Congressional district. Mary Baker Eddy may not be as widely known as Susan B. Anthony and Elizabeth Cady Stanton, but she was well known to them. As an author, religious leader, and health reformer, Mary Baker Eddy was one of the first American women to live the life envisioned by the leaders who gathered at Seneca Falls in 1848 for the First Woman's Rights Convention. Commenting on Eddy's success as a spiritual leader, Susan B. Anthony said, ''for nineteen hundred years . . . man has been much occupied establishing faiths and formulating creeds for woman to follow . . . . When woman does write her creed, it will be one of right actions, not of theological theories.'' Eddy's major work, published in 1875, was honored over a hundred years later by the Women's National Book Association as ''one of 75 books by women whose words have changed the world.'' In 1908, at the age of 87, Eddy founded The Christian Science Monitor, which is known today around the world for its commitment to excellence and journalistic integrity.

Mary Baker Eddy has been honored by the National Women's Hall of Fame and the National Foundation for Women Legislators, and the exhibit now open at Pace University has received the praise of leaders in every city and state it has visited. It is now my pleasure to welcome this exhibit to Manhattan. It is fitting that this exhibit opens just a few blocks away from where the World Trade Center once stood; as we come together to envision the kind of future we hope to create, in our city, our country, and around the world, it is wise to remember Mary Baker Eddy's words: ''The right of woman to fill the highest measure of enlightened understanding and the highest places in government is inalienable . . . This is woman's hour.''

RECOGNIZING THE ACCOMPLISHMENTS OF EVE W. PAUL

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 2003

Mrs. LOWEY. Mr. Speaker, I rise today to recognize Eve W. Paul, vice president and general counsel of Planned Parenthood Federation of America. Ms. Paul is retiring after 25 years of distinguished service to that indispensable and life-enhancing organization.

In her long career as an attorney, Ms. Paul has devoted herself to women's rights. She was on the board of the Stamford (Connecticut) League of Women Voters, and she was director and general counsel of the Connecticut Women's Bank.

Before coming to Planned Parenthood Federation, Ms. Paul served as a staff attorney with the Legal Aid Society, in its Family Court Branch, a post that reflected her life-long commitment to the welfare of women and children.

While serving Planned Parenthood, Ms. Paul headed the Legal Analysis Project. In that capacity she prepared a study of U.S. laws on family planning. She also has written extensively on reproductive health care issues,

including abortion, contraception, and minors' rights.

Throughout her career Ms. Paul has been an advocate for reproductive freedom, and has worked on a number of landmark cases that secured for women the fundamental human and civil right to make their own childbearing choices.

I am honored to congratulate Eve W. Paul on her retirement. Her work in the service of human rights has left the world a better place. We wish her well.

HONORING THE INDO-AMERICAN COMMUNITY FEDERATION AND ITS FOUNDING PRESIDENT, JEEVAN ZUTSHI

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 2003

Mr. STARK. Mr. Speaker, I rise today to honor the Indo-American Federation and its Founding President, Jeevan, Zutshi on the occasion of the Federation's second annual Unity Dinner. Until 1995, Mr. Zutshi served as senior Vice President of the Federation of Indo-American Associations (F.I.A) focused on assisting new immigrants and educating youth.

The Indo-American Community Federation, founded in 1994, is an organization committed to promoting Indian socio-cultural heritage and the assimilation of Indo-Americans in mainstream America through participation and involvement.

In the aftermath of the September 11th terrorism attack, Mr. Zutshi convened Unity Dinner 2002 to bring the community together. Elected officials and community leaders were among the over 400 individuals representing California's diversity who attended Unity Dinner 2002. This year's Unity Dinner will be held on January 24, 2003 and will build on the success of the Federation's efforts to maintain positive intercultural ties.

Jeevan Zutshi fully exemplifies the goals of the Indo-American Federation. He has been an energetic voice for community acceptance of different cultures since he emigrated to the U.S. from Kashmir, India in 1972. In addition to the Indo-American Kashmir Forum, Mr. Zutshi is a founding member of the Indian American Friendship Council, the Federation of Indo-American Association of Northern California, and the Kashmiri Overseas Association.

I commend the Indo-American Community Federation and its founder Jeevan Zutshi for their important contributions to our community.

100TH ANNIVERSARY OF KOREAN IMMIGRATION TO THE UNITED STATES

HON. MIKE FERGUSON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 2003

Mr. FERGUSON. Mr. Speaker, I rise today to recognize the 100th anniversary of Korean immigration to the United States and the many contributions that Korean Americans have made to our great country.

The history of Korean Americans is rich in hard work, perseverance and the overwhelming desire to succeed. When the first Korean immigrants left their homeland in 1903, for a new world and an unknown future, they were unsure of what to expect. Numbering only 56 men, 21 women and 25 children, their journey brought with them the same hopes and dreams of all people seeking the promise of a better life in America.

For the past 100 years, thousands of Koreans have followed the lead of those first pioneers. Over the past century, Korean Americans have made numerous contributions to American society, American culture and our economy.

Today, Korean Americans are a thriving part of the American fabric and are poised to begin a new century of success in the United States. I believe their dedication to this country deserves the highest honor and praise.

I congratulate all Korean Americans on the 100th anniversary of Korean immigration to the United States. I offer my blessings for a safe and prosperous future.

TRIBUTE TO JONATHAN BYRD

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 2003

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to a native South Carolinian and extraordinary young athlete, Mr. Jonathan Byrd. With his monumental victory at the Buick Challenge last year, Mr. Byrd became the first person to win on the PGA TOUR in his rookie year since Jose Coceres. Jonathan began the season ranked 404th by the Official World Golf Ranking and, by season's end, climbed to an amazing 72nd. Those achievements earned him the well-deserved title of PGA Rookie of the Year.

Jonathan's path to athletic excellence began when he was still a toddler in his hometown of Elgin, S.C. His father, Jim Byrd and good friend and occasional golfing buddy of mine introduced Jonathan to the game of golf at the young age of three. Jonathan first began developing his skills using a 5-iron that was cut down until the grip nearly reached the hosel. He played his first nine holes when in the second grade finishing at 62, and he has only improved since.

Mr. Byrd continued to hone his talent throughout adolescence and into early adulthood. He later won the Northeast Amateur and the Carolinas Amateur, was an All-American selection for three out of his four college years at Clemson University. He was a member of the 1999 Walker Cup Team.

I have followed Jonathan's career and have had the pleasure of golfing with him in South Carolina. I can personally attest to his extraordinary talent and strength of character. His success is a reflection of the overwhelming support he has received from his family, his community, and supporters. Their investment and faith in him have been justly rewarded.

Mr. Speaker, I ask you and my colleagues to join me in applauding Mr. Byrd for his outstanding athletic achievements. His integrity and dedication to physical excellence, and mental toughness are inspiration to all. Mr. Byrd's talent will serve him, his friends and family for many years to come. I extend my most heartfelt congratulations to Jonathan Byrd for his accomplishments, and wish him good luck and Godspeed in all his future endeavors.

MEDICAL MONITORING FOR RESCUE WORKERS

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 2003

Mr. ISRAEL. Mr. Speaker, today I rise to urge the President to spend the funds that this Congress authorized for medical monitoring of firefighters, police officers and others who so bravely responded to Ground Zero on September 11th, 2001.

I worked closely with my colleague, Mr. CROWLEY of New York and the other members of our state's delegation to designate $90 million to screen and evaluate emergency responders for hazardous exposure in the wake of the attacks.

Sadly, the Administration has only spent a fraction of the full amount—enough to fund only 9,000 of 40,000 medical screening examinations. Based on an initial sample of 250 WTC workers, one-half of WTC workers are experiencing ongoing pulmonary problems, ENT symptoms and mental health issues.

I am disappointed that the administration is not spending the additional funds to cover the entire population of heroes who were there when we needed them.

This is a glaring example of the most outrageous priorities. The administration supported spending $187 billion in a farm bill to subsidize America's farmers not to grow crops, but won't spend $90 million to subsidize the health care of America's firefighters.

Mr. Speaker, when farmers need our help, we're there for them with subsidies. When big oil wants a hand-out, we're there for them with lavish tax-breaks. But when a New York City firefighter who was on the job on September 11th needs to be screened for a breathing problem, we tell him we can't afford to help.

I was with President Bush in the immediate aftermath of the attack at Ground Zero. I admired his leadership on that day, when he stood with our firefighters in the rubble. Now, we need his leadership in standing with our firefighters in his budget.

RECOGNITION OF VISTA, CALIFORNIA'S 40TH BIRTHDAY

HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 2003

Mr. ISSA. Mr. Speaker, I rise today to celebrate the occasion of the city of Vista, California's 40th Birthday. I am a long-time resident and also have the distinct honor of representing the citizens of Vista in Congress.

Forty years ago Vista was a small agricultural community located in northern San Diego County. The residents felt that the community was being neglected due to its isolation from downtown San Diego. In order for the community to grow and expand, the residents of Vista

knew that they would have to unite and incorporate as a city. On January 28, 1963, the citizens of Vista voted to incorporate. The Vistans made the right decision and since its incorporation, Vista has experienced an enormous amount of growth and change. Today, Vista is a community of nearly 90,000 residents.

The people of Vista have always had a strong sense of tradition, family-values, and a value for diversity. For these reasons I chose Vista as the place to raise my family and the ideal place to grow my business. Vista is a community that has successfully linked culture, education, and commerce. Vista hosts a variety of community events year-round and enjoys an award winning public school system. Vista's business-friendly reputation and centralized location between Southern California's trade centers makes it attractive to businesses.

Mr. Speaker, on the occasion of the city of Vista's 40th year of incorporation, I would like to personally thank all the citizens and community leaders that have molded Vista into the community it is today. I wish the citizens of Vista good fortune and continued success in the future.

THE VACCINE INJURY COMPENSATION PROGRAM

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 2003

Mr. NEY. Mr. Speaker, in 1986, Congress established the Vaccine Injury Compensation Program, a no-fault compensation system that provided for quick and fair recovery for those who experience injuries related to a vaccination. It assured that victims would not have to go through long and expensive litigation with uncertain recovery.

Unfortunately, plaintiffs' attorneys recently began to seek ways around the administrative compensation program created by the act. They are trying to somehow distinguish injuries related to ingredients in vaccines from the vaccines themselves. The courts have uniformly rejected these attempts to circumvent the statue. It is the claimants, however, that suffer. Rather than receive the expedient compensation to which they are entitled under the vaccine program, they are drawn through a lengthy court proceeding—ultimately just to find themselves required by the court to file a claim under the no-fault system. Claimants do not lose any rights in this system because as a bipartisan coalition of the Congress set it up, claimants who are not satisfied with the compensation award through the program can then opt to proceed to traditional litigation.

The vaccine ingredient provisions in the Homeland Security Act sought to clarify current law and ensure that claims for all vaccine related injuries go through the vaccine program. Unfortunately, that purpose has been misconstrued in the media due to the manner in which the provisions came to be in the Homeland Security Act. I support the repeal of the vaccine injury provisions to allow for further discussion and explanation of these measures. These measures did not change existing law and their repeal should not be seen as an attempt to change existing law.

TRIBUTE TO TOM CONNELL

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 2003

Mr. MILLER of Florida. Mr. Speaker, I rise today to honor one of Florida's most cherished and dedicated civil servants, Tom Connell. Tom will be leaving our office at the end of the month to begin his much-deserved retirement and I would like to express my sincere gratitude for all he has given and wish him well in his future endeavors. For the past 5 years Tom has worked as the Veterans' and Military Affairs caseworker for Florida's First Congressional District. He is the ultimate professional, the greatest of friends, and one of the most valuable members of our organization.

Over 100,000 veterans and 18,000 active duty military personnel reside in the district I represent, giving Mr. Connell the heaviest case-load of all our caseworkers. He continuously brings unique and valuable insight into the primary issues faced in the office, drawing from over 30 years of active duty in the U.S. Navy. Entering the service in 1965, he sailed beneath the open seas as a submariner, serving as Chief of the Boat on three different submarines. For the last 5½ years of his duty, Mr. Connell was appointed Fleet Master Chief of CNET, all the while learning and developing the tools he would need to truly become the district's expert on veteran's affairs and military issues.

Kindly referred to as ''Father Tom'' around the office, he has infinite patience when dealing with the more challenging casework. Regardless, he listens and genuinely tries to resolve their issues as best he can. The phone on his desk never seems to stop ringing and walk-ins have become a part of his daily routine. A gifted public speaker, Mr. Connell has been an outstanding representative at various veterans rallies and numerous events.

Mr. Connell joined the office with considerable experience as a caseworker and was instrumental in getting the office up and running in very short order. A talented and strong leader, Mr. Connell continuously takes the time to train and advise other members of the staff in an effort to make our office the best it can be in representing the people of Northwest Florida.

Mr. Speaker, at the end of the month I will lose a great member of my team. Not a day goes by where Tom's tremendous sense of humor does not make us laugh and we will miss his unique capability of never letting us forget that we work for the greatest government in the world. Respected and admired by us all, I wish Tom nothing but the best as he embarks on his well-earned retirement with his beautiful wife Billie. He will be truly missed. Tom Connell, you are and always will be a reason for our success.

RECOGNITION OF RANCHO BUENA VISTA HIGH SCHOOL BAND AND PAGEANTRY

HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 2003

Mr. ISSA. Mr. Speaker, I rise today to recognize the Rancho Buena Vista High School band and pageantry, an award winning group that was selected from a pool of hundreds of high school bands throughout the United States and abroad to participate in the 114th Tournament of Roses Parade in Pasadena, California.

Rancho Buena Vista High School located in Vista, California, has developed an instrumental music program that is one of the best in Southern California. The marching band, The Rhythm of the Ranch, and pageantry received top awards in the 2001 competitive season by winning the distinction of Grand Champion at the Etiwanda Field Tournament, Lester Oaks Field Tournament and the Savanna High School Field Tournament. The Rancho Buena Vista Drum Line also won the top award and was named Grand Champion in the spring 2001 Drums Across California Competition.

The Rancho Buena Vista High School band and pageantry was one of only 24 bands chosen to participate in this world famous parade. The Tournament of Roses Parade is seen each New Year's Day by approximately one million spectators, a domestic television audience of 80 million viewers, and an international audience of over 350 million people. The Rhythm of the Ranch band members raised the money to participate in the Rose Bowl Parade through extensive fundraising efforts. One of the marching band and pageantry's proudest accomplishments was being featured in an educational video produced by Warner Brothers Publications that was released and premiered at the school in January 2002. The video, Here Comes the Marching Band, was shown in conjunction with a fundraising dinner and the money raised was used to fund the parade trip and cover the costs of new uniforms and equipment.

Mr. Speaker, on the occasion of the Rancho Buena Vista High School band and pageantry's participation in the Tournament of Roses Parade, I would like to congratulate them for their demonstration of excellence in music and performance. I wish them continued success in the future.

Daily Digest

HIGHLIGHTS

The House and Senate met in Joint Session to Receive the State of the Union Address from President George W. Bush.

The House passed H.J. Res. 13, making further continuing appropriations for the fiscal year 2003.

Senate

Chamber Action

Routine Proceedings, pages S1499–S1688

Measures Introduced: Ten bills and one resolution were introduced, as follows: S. 219–228, and S. Res. 26. **Page S1668**

Measures Passed:

State of the Union Address: Senate agreed to H. Con. Res. 12, providing for a joint session of Congress to receive a message from the President on the State of the Union. **Page S1657**

Commending Tampa Bay Buccaneers Football Team: Senate agreed to S. Res. 26, commending the Tampa Bay Buccaneers football team for winning Super Bowl XXXVII. **Page S1686**

Appropriations Amendments Modified—Agreement: A unanimous-consent agreement was reached providing that it be in order, notwithstanding passage of H.J. Res. 2, Omnibus Appropriations Resolution (passed by the Senate on Thursday, January 23, 2003), that in the engrossment of the joint resolution, that Senate amendments numbered 139, 166, 172, and 186, be further modified. **Pages S1509–12**

Escort Committee—Agreement: A unanimous-consent agreement was reached providing that the Presiding Officer of the Senate be authorized to appoint a committee on the part of the Senate to join with a like committee on the part of the House of Representatives to escort the President of the United States into the House Chamber for the joint session to be held tonight, Tuesday, January 28, 2003, at 9 p.m. **Page S1657**

Messages From the President: Senate received the following message from the President of the United States:

Transmitting, the Report on the State of the Union; ordered to lie on the table. (PM–1) **Pages S1663–67**

Nominations Received: Senate received the following nominations:

William H. Donaldson, of New York, to be a Member of the Securities and Exchange Commission for the remainder of the term expiring June 5, 2007.

Claudia Puig, of Florida, to be a Member of the Board of Directors of the Corporation for Public Broadcasting for a term expiring January 31, 2008.

Clay Johnson III, of Texas, to be Deputy Director for Management, Office of Management and Budget.

Leonardo M. Rapadas, of Guam, to be United States Attorney for the District of Guam and concurrently United States Attorney for the District of the Northern Mariana Islands for the term of four years.

1 Air Force nomination in the rank of general.

Routine lists in the Air Force, Coast Guard, Foreign Service. **Pages S1687–88**

Nominations Withdrawn: Senate received notification of withdrawal of the following nomination:

Claudia Puig, of Florida, to be a Member of the Board of Directors of the Corporation for Public Broadcasting for the remainder of the term expiring January 31, 2006, which was sent to the Senate on January 9, 2003. **Page S1688**

Messages From the House: **Page S1667**

Measures Read First Time: **Page S1667**

Executive Communications: **Pages S1667–68**

Additional Cosponsors: **Page S1669**

Statements on Introduced Bills/Resolutions: **Pages S1669–85**

Additional Statements: **Pages S1662–63**

Text of H.J. Res. 2, as Previously Passed: Pages S1512–S1642

Notices of Hearings/Meetings: Page S1685

Authority for Committees to Meet: Pages S1685–86

Privilege of the Floor: Page S1686

Adjournment: Senate met at 10:30 a.m., and adjourned at 10:09 p.m., until 12 noon, on Wednesday, January 29, 2003. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S1686.)

Committee Meetings

(Committees not listed did not meet)

U.S. OLYMPIC COMMITTEE

Committee on Commerce, Science, and Transportation: Committee held hearings to examine recent allegations of ethical violations at the United States Olympic Committee, after receiving testimony from Kenneth M. Duberstein, and Thurgood Marshall, Jr., both of the Ethics Oversight Committee, Washington, D.C., Rachel M. Godino, Athlete's Advisory Council, Needhan, Massachusetts, Patrick J. Rodgers, Lloyd D. Ward, and Marty Mankamyer, all of Colorado Springs, Colorado, all of the United States Olympic Committee.

Hearings recessed subject to call.

NOMINATION

Committee on Finance: Committee concluded hearings to examine the nomination of John W. Snow, of Virginia, to be Secretary of the Treasury, after the nominee, who was introduced by Senators Warner and Allen, testified and answered questions in his own behalf.

ORGANIZATIONAL MEETING

Committee on Foreign Relations: Committee met and adopted its rules of procedure for the 108th Congress and approved the subcommittees' jurisdictional issues.

House of Representatives

Chamber Action

Measures Introduced: 41 public bills, H.R. 394–434; 1 private bill, H.R. 435; and 15 resolutions, H.J Res. 15; H. Con. Res. 16–21, and H. Res. 33–40, were introduced. Pages H216–19

Additional Cosponsors: Page H219

Speaker Pro Tempore: Read a letter from the Speaker wherein he appointed Representative Terry to act as Speaker pro tempore for today. Page H173

Recess: The House recessed at 11:05 a.m. and reconvened at 12 noon. Page H177

Committee Election—Majority Members: The House agreed to H. Res. 33, electing the following named majority members to standing committees of the House of Representatives:

Committee on Agriculture: Representatives Combest, Boehner; Pombo; Smith of Michigan; Everett; Lucas of Oklahoma; Moran of Kansas; Jenkins; Gutknecht; Ose; Hayes; Pickering; Johnson of Illinois; Osborne; Pence; Rehberg; Graves; Putnam; Janklow; Burns; Bonner; Rogers of Alabama; King of Iowa; Chocola; Musgrave, and Nunes.

Committee on Appropriations: Representatives Regula; Lewis of California; Rogers of Kentucky; Wolf; Kolbe; Walsh; Taylor of North Carolina; Hobson; Istook; Bonilla; Knollenberg; Kingston; Frelinghuysen; Wicker; Nethercutt; Cunningham; Tiahrt; Wamp; Latham; Northup; Aderholt; Emerson; Granger; Peterson of Pennsylvania; Goode; Doolittle; LaHood; Sweeney; Vitter; Sherwood; Weldon of Florida; Simpson; Culberson; Kirk and Crenshaw.

Committee on Armed Services: Representatives Weldon of Pennsylvania; Hefley; Saxton; McHugh; Everett; Bartlett; McKeon; Thornberry; Hostettler; Jones of North Carolina; Ryun of Kansas; Gibbons; Hayes; Wilson of New Mexico; Calvert; Simmons; Jo Ann Davis of Virginia; Schrock; Akin; Forbes; Miller of Florida; Wilson of South Carolina; LoBiondo; Cole; Bradley of New Hampshire; Bishop of Utah; Turner of Ohio; Kline; Miller of Michigan; Gingrey; Rogers of Alabama and Franks of Arizona.

Committee on the Budget: Representatives Gutknecht; Thornberry; Ryun of Kansas; Toomey; Hastings of Washington; Schrock; Brown of South Carolina; Putnam; Tancredo; Bonner; Franks of Arizona; Garrett; Barrett of South Carolina; McCotter; Mario Diaz-Balart of Florida and Hensarling.

Committee on Education and the Workforce: Representatives Petri; Ballenger; Hoekstra; McKeon; Castle; Sam Johnson of Texas; Greenwood; Souder;

Norwood; Upton; Ehlers; DeMint; Isakson; Biggert; Platts; Tiberi; Keller; Osborne; Wilson of South Carolina; Cole; Porter; Kline; Carter; Musgrave and Blackburn.

Committee on Energy and Commerce: Representatives Bilirakis; Barton of Texas; Upton; Stearns; Gillmor; Greenwood; Cox; Deal of Georgia; Burr; Whitfield; Norwood; Cubin; Shimkus; Wilson of New Mexico; Shadegg; Pickering; Fossella; Blunt; Buyer; Radanovich; Bass; Pitts; Bono; Walden of Oregon; Terry; Fletcher; Ferguson; Rogers of Michigan; Issa and Otter.

Committee on Financial Services: Representatives Leach; Bereuter; Baker; Bachus; Castle; King of New York; Royce; Lucas of Oklahoma; Ney, Kelly; Paul; Gillmor; Ryun of Kansas; LaTourette; Manzullo; Jones of North Carolina; Ose; Biggert; Green of Wisconsin; Toomey; Shays; Shadegg; Fossella; Gary Miller of California; Hart; Capito; Tiberi; Kennedy of Minnesota; Feeney; Hensarling; Garrett; Murphy; Ginny Brown-Waite of Florida; Barrett of South Carolina; Harris and Renzi.

Committee on Government Reform: Representatives Burton; Shays; Ros-Lehtinen; McHugh; Mica; Souder; LaTourette; Ose; Lewis of Kentucky; Jo Ann Davis of Virginia; Platts; Cannon; Putnam; Schrock; Duncan; Sullivan; Deal of Georgia; Miller of Michigan; Murphy; Turner of Ohio; Carter; Janklow; and Blackburn.

Committee on International Relations: Representatives Leach; Bereuter; Smith of New Jersey; Burton of Indiana; Gallegly; Ros-Lehtinen; Ballenger; Rohrabacher; Royce; King of New York; Chabot; Houghton; McHugh; Tancredo; Paul; Smith of Michigan; Pitts; Flake; Jo Ann Davis of Virginia; Green of Wisconsin; Weller; Pence; McCotter; Janklow and Harris.

Committee on the Judiciary: Representatives Hyde; Coble; Smith of Texas; Gallegly; Goodlatte; Chabot; Jenkins; Cannon; Bachus; Hostettler; Green of Wisconsin; Keller; Hart; Flake; Pence; Forbes; King of Iowa; Carter; Feeney and Blackburn.

Committee on Resources: Representatives Young of Alaska; Tauzin; Saxton; Gallegly; Duncan; Hefley; Gilchrest; Calvert; McInnis; Cubin; Radanovich; Jones of North Carolina; Cannon; Peterson of Pennsylvania; Gibbons; Souder; Walden of Oregon; Tancredo; Hayworth; Osborne; Flake; Rehberg; Renzi; Cole; Pearce; Bishop of Utah and Nunes.

Committee on Science: Representatives Smith of Texas; Shays; Weldon of Pennsylvania; Rohrabacher; Barton of Texas; Calvert; Smith of Michigan; Bartlett of Maryland; Ehlers; Gutknecht; Nethercutt; Lucas of Oklahoma; Biggert; Akin; Johnson of Illinois; Hart; Sullivan; Forbes; Gingrey; Bishop of Utah; Burgess and Bonner.

Committee on Small Business: Representatives Combest; Bartlett of Maryland; Kelly; Chabot; Toomey; DeMint; Graves; Schrock; Akin; Capito; Shuster; Musgrave; Franks of Arizona; Gerlach; Bradley of New Hampshire and Beauprez.

Committee on Transportation and Infrastructure: Representatives Petri; Boehlert; Coble; Duncan; Gilchrest; Mica; Hoekstra; Quinn; Ehlers; Bachus; LaTourette; Kelly; Baker; Ney; LoBiondo; Moran of Kansas; Gary Miller of California; DeMint; Bereuter; Isakson; Hayes; Simmons; Capito; Brown of South Carolina; Johnson of Illinois; Rehberg; Platts; Graves; Kennedy of Minnesota; Shuster; Boozman; Sullivan; Chocola; Beauprez; Burgess; Burns; Pearce; Gerlach; Mario Diaz-Balart of Florida and Porter.

Committee on Veterans' Affairs: Representatives Bilirakis; Everett; Buyer; Quinn; Stearns; Moran of Kansas; Gibbons; Baker; Simmons; Brown of South Carolina; Miller of Florida; Boozman; Bradley of New Hampshire; Beauprez; Ginny Brown-Waite of Florida and Renzi.

Committee on Ways and Means: Representatives Crane; Shaw; Johnson of Connecticut; Houghton; Herger; McCrery; Camp; Ramstad; Nussle; Sam Johnson of Texas; Dunn; Collins; Portman; English; Hayworth; Weller; Hulshof; McInnis; Lewis of Kentucky; Foley; Brady of Texas; Ryan of Wisconsin and Cantor. **Pages H177–78**

Committee Election—Majority Members: The House agreed to H. Res. 33, electing the following named majority members to the Committee on House Administration: Representatives Ehlers, Mica, Linder, Doolittle, and Reynolds. **Page H190**

Committee Election Minority Members: The House agreed to H. Res. 35, electing the following named minority members, delegates, and resident commissioners to standing committees of the House of Representatives:

Committee on Agriculture: Representatives Peterson of Minnesota, Dooley of California, Holden, Thompson of Mississippi, McIntyre, Etheridge, Boswell, Lucas of Kentucky, Hill, Baca, Larsen of Washington, Ross, and Acevedo-Vilá.

Committee on Appropriations: Representatives Murtha, Dicks, Sabo, Hoyer, Mollohan, Kaptur, Visclosky, Lowey, Serrano, DeLauro, Moran of Virginia, Olver, Pastor, Price of North Carolina, Edwards, Cramer, Kennedy of Rhode Island, Clyburn, Hinchey, Roybal-Allard, Farr, Jackson of Illinois, Kilpatrick, Boyd, Fattah, Rothman, Bishop of Georgia, and Berry.

Committee on Armed Services: Representatives Spratt, Ortiz, Evans, Taylor of Mississippi, Abercrombie, Meehan, Reyes, Snyder, Turner of Texas, Smith of Washington, Loretta Sanchez, McIntyre, Rodriguez, Tauscher, Brady of Pennsylvania, Andrews, Hill, Larson of Connecticut, Davis of California, and Langevin.

Committee on the Budget: Representatives Moran of Virginia, Hooley of Oregon, Baldwin, Moore, Lewis of Georgia, Neal of Massachusetts, DeLauro, Edwards, Scott of Virginia, Ford, Capps, Thompson of California, Baird, Cooper, Meek of Florida, Emanuel, and Davis of Alabama.

Committee on Education and the Workforce: Representatives Kildee, Owens, Payne, Andrews, Woolsey, Hinojosa, McCarthy of New York, Tierney, Kind, Loretta Sanchez, Kucinich, Wu, Holt, Davis of California, and McCollum.

Committee on Energy and Commerce: Representatives Waxman, Markey, Hall, Boucher, Towns, Pallone, Brown of Ohio, Gordon, Deutsch, Rush, Eshoo, Stupak, Engel, Wynn, Green of Texas, McCarthy of Missouri, Strickland, DeGette, Capps, Doyle, John, Allen, Davis of Florida, Schakowsky, and Solis.

Committee on Financial Services: Representatives Kanjorski, Waters, Maloney, Gutierrez, Velázquez, Watt, Ackerman, Hooley of Oregon, Carson of Indiana, Sherman, Meeks of New York, Lee, Inslee, Moore, Gonzalez, Capuano, Ford, Hinojosa, Lucas of Kentucky, Crowley, Clay, Israel, Ross, McCarthy of New York, Baca, Matheson, Lynch, Davis of Tennessee, Emanuel, Miller of North Carolina, and Scott of Georgia.

Committee on Government Reform: Representatives Lantos, Owens, Towns, Kanjorski, Maloney, Norton, Cummings, Kucinich, Davis of Illinois, Tierney, Turner of Texas, Clay, Watson, and Lynch.

Committee on International Relations: Representatives Berman, Ackerman, Faleomavaega, Payne, Menendez, Brown of Ohio, Sherman, Wexler, Engel, Delahunt, Meeks of New York, Lee, Crowley, Hoeffel, Blumenauer, Berkley, Napolitano, Schiff, and Watson.

Committee on the Judiciary: Representatives Berman, Boucher, Nadler, Scott of Virginia, Watt, Lofgren, Jackson-Lee of Texas, Waters, Meehan, Delahunt, Wexler, Baldwin, Weiner, Schiff, and Linda T. Sánchez.

Committee on Resources: Representatives George Miller of California, Markey, Kildee, DeFazio, Faleomavaega, Abercrombie, Ortiz, Pallone, Dooley of California, Smith of Washington, Christensen, Kind, Inslee, Napolitano, Udall of New Mexico, Udall of Colorado, Acevedo-Vilá, and Carson of Oklahoma.

Committee on Science: Representatives Gordon, Costello, Eddie Bernice Johnson of Texas, Woolsey, Lofgren, Jackson-Lee of Texas, Etheridge, Lampson, Larson of Connecticut, Udall of Colorado, Wu, Baird, Israel, and Honda.

Committee on Small Business: Representatives Millender-McDonald, Davis of Illinois, Pascrell, Christensen, Brady of Pennsylvania, Udall of New Mexico, Gonzalez, and Langevin.

Committee on Transportation and Infrastructure: Representatives Rahall, Lipinski, DeFazio, Costello, Norton, Nadler, Menendez, Corrine Brown of Florida, Filner, Eddie Bernice Johnson of Texas, Taylor of Mississippi, Millender-McDonald, Cummings, Blumenauer, Tauscher, Pascrell, Boswell, Holden, Lampson, Baird, Berkley, Carson of Oklahoma, Matheson, Honda, Larsen of Washington, Capuano, Weiner, Carson of Indiana, Hoeffel, Thompson of California, Bishop of New York, Michaud, and Davis of Tennessee.

Committee on Veterans' Affairs: Representatives Filner, Gutierrez, Corrine Brown of Florida, Snyder, and Rodriguez.

Committee on Ways and Means: Representatives Stark, Matsui, Levin, Cardin, McDermott, Kleczka, Lewis of Georgia, Neal of Massachusetts, McNulty, Jefferson, Tanner, Becerra, Doggett, Pomeroy, Sandlin, and Jones of Ohio. **Pages H210–11**

Committee Election—Minority Member: The House agreed to H. Res. 36, electing Representative Sanders to the Committees on Financial Services and Government Reform. **Page H211**

Making Further Continuing Appropriations: The House passed H.J. Res. 13, making further continuing appropriations for the fiscal year 2003, by voice vote. **Pages H180–90**

Rejected the Obey motion that sought to recommit the joint resolution to the Committee on Appropriations with instructions to report it back to the House promptly with an amendment that provides additional funding for state and local first responders homeland security grants and health screening and long-term medical monitoring of emergency response and recovery personnel exposed to toxic substances at the World Trade Center site by a recorded vote of 201 ayes to 222 noes, Roll No. 16. **Pages H189–90**

Agreed to table the Obey motion to appeal the ruling of the chair by a yea-and-nay vote of 222 yeas to 196 nays, Roll No. 15. Earlier, the Chair sustained a point of order against a motion offered by

Representative Obey to recommit the joint resolution to the Committee on Appropriations with instructions to report it back to the House forthwith with an amendment that provided an additional $3.5 billion for state and local first responders homeland security grants and an additional $90 million for health screening and long-term medical monitoring of emergency response and recovery personnel exposed to toxic substances at the World Trade Center site. Representative Putnam raised the point of order stating that the proposed motion violated section 302(c) of the Congressional Budget Act of 1974.

Page H188

Earlier agreed to H. Res. 29, the rule providing for consideration of the joint resolution by voice vote. **Pages H179–80**

Recess: The House recessed at 4:21 p.m. and reconvened at 8:44 p.m. for the purpose of receiving the President of the United States in a Joint Session.

Page H211

President Bush's State of the Union Address: President George W. Bush delivered his State of the Union address to a joint session of Congress, pursuant to the provisions of H. Con. Res. 12. He was escorted into the House Chamber by a committee comprised of Representatives DeLay, Pryce, Cox, Kingston, Pelosi, Hoyer, Menendez, Clyburn and Senators Frist, McConnell, Santorum, Kyl, Allen, Warner, Daschle, Reid of Nevada, Mikulski, and Breaux. The President's message was referred to the Committee of the Whole House on the State of the Union and ordered printed as a House Document (H. Doc. 108–1). **Pages H211–15**

Quorum Calls—Votes: One yea-and-nay vote and one recorded vote developed during the proceedings of the House today and appear on pages H188 and H189–90. There were no quorum calls.

Adjournment: The House met at 10:30 a.m. and adjourned at 10:11 p.m.

Committee Meetings

No Committee meetings were held.

COMMITTEE MEETINGS FOR WEDNESDAY, JANUARY 29, 2003

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, and Education, to hold hearings to examine the implementation of smallpox vaccination plan, 9:30 a.m., SD–192.

Committee on the Budget: to hold hearings to examine the state of the economy, 10 a.m., SD-608.

Committee on Commerce, Science, and Transportation: Subcommittee on Science, Technology, and Space, to hold hearings to examine the science and ethics of human cloning, and other issues in the field of bioethics, 2:30 p.m., SR–253.

Committee on Environment and Public Works: organizational business meeting to consider pending committee business, 9:30 a.m., SD–406.

Committee on Indian Affairs: organizational business meeting to elect the Chairman and Vice Chairman of the Committee and to adopt the committee's rules of procedure for the 108th Congress, and any other pending committee business, 10 a.m., SR–485.

Committee on the Judiciary: to hold hearings to examine judicial nominations, 9:30 a.m., SD-226.

Committee on Veterans' Affairs: to hold hearings to examine the nominations of Bruce E. Kasold, of Virginia, to be a Judge of the United States Court of Appeals for Veterans Claims, and John W. Nicholson, of Virginia, to be Under Secretary of Veterans Affairs for Memorial Affairs, 2:30 p.m., SR–418.

Select Committee on Intelligence: closed business meeting to consider pending intelligence matters, 2:30 p.m., SH–219.

House

Committee on the Budget, to hold an organizational meeting; followed by a hearing on the Congressional Budget Office: The Budget and Economic Outlook Fiscal Years 2004–2013, 10 a.m., 210 Cannon.

Committee on Energy and Commerce, to hold an organizational meeting; followed by consideration of the following: the Automatic Defibrillation in Adam's Memory Act; the Organ Donation Improvement Act; the Mosquito Abatement for Safety and Healthy Act; the Birth Defects and Developmental Disabilities Prevention Act; the American Spirit Fraud Prevention Act; a measure to authorize the Federal Trade Commission to collect fees to fund the Do-Not-call registry; the Sports Agent Responsibility and Trust Act; a measure to extend certain hydroelectric licenses in the State of Alaska; and a measure to extend a certain hydro-electric license in the State of Illinois, 1 p.m., 2123 Rayburn.

Committee on Veterans' Affairs, to hold an organizational meeting, 1 p.m., followed by a hearing on the Department of Veterans Affairs health care system, 1:30 p.m., 334 Cannon.

Committee on Ways and Means, to hold an organizational meeting, 11 a.m., 1100 Longworth.

Subcommittee on Health, to hold an organizational meeting, 4 p.m., 1129 Longworth.

Subcommittee on Oversight, to hold on organizational meeting, 2 p.m., 1129 Longworth.

Subcommittee on Trade, to hold an organizational meeting, 2:30 p.m., 1129 Rayburn.

Next Meeting of the SENATE

12 noon, Wednesday, January 29

Senate Chamber

Program for Wednesday: Senate will be in a period of morning business until 4 p.m. Senate may consider any cleared legislative and executive business, including a short-term continuing appropriation measure.

Next Meeting of the HOUSE OF REPRESENTATIVES

12 noon, Wednesday, January 29

House Chamber

Program for Wednesday: Consideration of 1 Suspension:

H. Res. 31, congratulating the Tampa Bay Buccaneers for winning Super Bowl XXXVII.

Consideration of a motion to go to conference on H.J. Res. 2, making further continuing appropriations for the fiscal year 2003.

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