



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 108th CONGRESS, FIRST SESSION

Vol. 149

WASHINGTON, MONDAY, MARCH 31, 2003

No. 51

House of Representatives

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. ADERHOLT).

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
March 31, 2003.

I hereby appoint the Honorable ROBERT B. ADERHOLT 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 gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

COCKFIGHTING

Mr. BLUMENAUER. Mr. Speaker, I rise today on an issue that I have addressed in this Chamber on a number of occasions, cockfighting. But today I am here not to reiterate the case against this despicable and barbaric practice but to draw attention to a gross misuse of tax dollars of hardworking Americans whose funds are being quietly handed off by the Department of Agriculture to illegal cockfighters.

In October, the Federal Government learned of an outbreak in southern

California of Exotic Newcastle Disease which does not appear to threaten people but which is deadly to birds. Though not yet identified for certain, it appears that illegal cockfighters are responsible. Fighting roosters from Mexico, where there has been an outbreak of Exotic Newcastle, have moved illegally into California. The imprint of the disease in Mexico is nearly identical to the imprint of the disease now spreading throughout the American Southwest.

Since the outbreak occurred 6 months ago in the United States, the disease has spread rapidly. First discovered in Los Angeles County, it has spread throughout southern California and into Arizona and Nevada. There are now eight affected counties in California, and experts predict that more counties will soon be hit as the disease marches north. All movements of live birds have been halted in the quarantine area and all poultry shows have been canceled throughout the entire State. In an effort to contain the disease, the U.S. Department of Agriculture and State agriculture departments have ordered many bird flocks depopulated if any bird in a flock has been diagnosed with the infection. State and Federal authorities have killed more than 3.2 million birds, including pet birds, poultry and egg-laying hens from commercial flocks, fighting roosters and other birds. Thus far, Federal authorities have spent \$65 million and cost estimates may climb to \$250 to \$500 million before the disease runs its course. The last time there was a major outbreak of Exotic Newcastle Disease in California, it cost taxpayers and agriculture an immense impact.

During the course of the containment exercise, agricultural officials have been staggered by the scope of the illegal cockfighting operations they have stumbled upon. There are some observers who say that there are 50,000 game-

cock operations in southern California alone. USDA officials, according to news sources, have said that fully one-third of the flocks that they have depopulated are gamecock operations. Under California law, it is illegal to possess birds for fighting purposes. But the USDA is providing millions in compensation to illegal cockfighters whose birds have been ordered killed. According to the Bakersfield Californian and other newspapers, some individuals are being paid up to \$1,800 per fighting rooster.

Mr. Speaker, this is a scandal, a gross and irresponsible use of tax dollars. Our Federal Government is paying top-dollar black-market prices for live contraband. If there was an outbreak of plant disease, would we be compensating marijuana growers for the destruction of their crops? Let me repeat, under State law it is illegal to possess birds for fighting. Under the provisions of an amendment I sponsored last year with the gentleman from Colorado (Mr. TANCREDI), it will soon be illegal under Federal law to move any fighting birds to or from any State or territory in the United States. In short, there is no legitimate reason for individuals to possess birds for fighting purposes. But they are being remunerated. These people are organized criminals and we should not be squandering the tax dollars of hardworking Americans by making compensation payments to them. These people should not be paid off. They should be prosecuted under State and Federal law.

It is indeed ironic that the Federal Government is paying cockfighters more than it is paying pet owners, poultry growers, and other individuals who legitimately possess birds in southern California. At a time when we are making so many difficult choices with Federal expenditures, when we have a war to pay for, when we have a soaring deficit, when we are not funding critical environmental programs in

□ 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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agriculture, the farmland protection bill, wetland reserves program, wildlife habitat incentives program, the conservation security program, the environmental quality investment program, these critical programs to protect the environment and American agriculture, we do not have money to fund them adequately, but we are paying out millions to illegal cockfighters. This should not happen, and I want this body to join me for an accounting by the Department of Agriculture of what is happening on the ground in California, Arizona, Nevada, and throughout the Southwest.

Mr. Speaker, soon several colleagues and I will be introducing legislation to strengthen penalties for violations of Federal anti-animal fighting law. These are the same provisions that were passed by both the House and the Senate last year in the ag bill but were inexplicably stripped away in the conference committee. Now is the time to restore the penalties already approved by both Chambers. I hope that the Secretary of Agriculture will actively support this change in law. Adequate enforcement of Federal anti-animal fighting provisions is not only needed to stop the cruelty associated with animal fighting, but it is needed to prevent future outbreaks of Exotic Newcastle Disease. I hope that even those who are unmoved by the cruelty of animal fighting will recognize the threat that this industry poses to mainstream agriculture and to the American taxpayer.

SMALLPOX VACCINE BILL OPPOSED BY FIRST RESPONDERS

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

Mr. BROWN of Ohio. Mr. Speaker, today we will vote on H.R. 1463, legislation to establish a smallpox vaccination compensation program. Today's vote should not be partisan. This bill is supposed to respond to concerns raised by nurses, firefighters, police officers, EMTs and other first responders; but nurses, firefighters, and other first responders oppose this bill. The bill is supposed to increase the number of first responders who voluntarily receive a smallpox vaccine.

The bioterrorism experts who helped put together the smallpox vaccine program say H.R. 1463 simply will not work. It will not improve participation rates. So the choice that both Republicans and Democratic Members of Congress face is whether to dismiss the concerns of first responders, ignore the advice of bioterrorism experts and vote for this bill anyway because the Republican leadership wants us to. In other words, do as we are told, don't do what is right.

There have been no hearings on this legislation and no opportunities for Members on either side to offer amend-

ments intended to improve the legislation. This bill was introduced on Friday and it is on the floor today. Only a handful of Members had a say on this bill. No one else. No firefighters, no police officers, no teachers, no EMTs, no nurses. We are being told to take it or leave it.

The fundamental question is, have Members of Congress become so far removed from the people we represent that we would pass a bill opposed by the very men and women it is supposed to protect? Do we in Congress think we know better than bioterrorism experts when it comes to bioterrorism preparedness?

Protecting first responders and their families in the event of a vaccine injury and increasing vaccine participation rates are important objectives. They are time-sensitive objectives. The national smallpox vaccination program is already underway and participation is lagging far, far behind the goal set by the administration. Twenty-five thousand people have been vaccinated, less than 5 percent of the March 1 benchmark. The experts tell us the bill will not jump-start the smallpox vaccine program, so it will not enhance our bioterrorism preparedness.

Congress should not be wasting valuable time enacting the wrong bill, particularly when our Nation's ability to respond to bioterrorism is at stake. Nor should Members of either side of the aisle support legislation that is unapologetically dismissive of the very people it is intended to protect: the nurses, the firefighters, the police officers, people who voluntarily place themselves at personal risk. Public health experts and first responders tell us this bill falls short in fundamental ways.

Funding for the program is not guaranteed. A linchpin in any compensation program is guaranteed funding. Without it, the program itself is suspect. The incidence, to be sure, of smallpox vaccine injury is rare. However, in the event a serious injury occurs, volunteers may be out of work for an extended period of time or, in some tragic cases, permanently. We are asking first responders to volunteer for the smallpox vaccine on our behalf as citizens. We have a compelling obligation to protect these volunteers and their families in the rare event of a vaccine injury. It is indefensible to shortchange those police officers, nurses and firefighter volunteers, those who have volunteered for the smallpox vaccine.

The compensation is neither flexible nor adequate. H.R. 1463 invokes a one-size-fits-all cap that would provide, at maximum, a few years' worth of wages, even for a permanent disabling injury. For the compensation program to work, covered injuries must be defined. To meet the goals of efficiency, timeliness, fairness, and program integrity, the compensation program must be backed by an injury table. This bill is not.

Finally, responsible administration of any vaccine program requires education, prescreening, as we found out tragically in four cases, and surveillance. H.R. 1463 ignores these costs, jeopardizing the future of the program and, more importantly, jeopardizing the future health of many of these volunteers, these nurses, these firefighters, these EMTs, these police officers.

Bioterrorism preparedness is either a priority or it is not. H.R. 1463 is a token response, and barely that. Our nurses, our firefighters, our police officers, our EMTs and our other first responders deserve better. That is why they oppose this bill. They want Congress to sit down with all the first responders at the table, all of us, discuss this bill and write legislation that will make the smallpox vaccine program work.

SMALLPOX VACCINE COMPENSATION

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the gentlewoman from California (Mrs. CAPPS) is recognized during morning hour debates for 5 minutes.

Mrs. CAPPS. Mr. Speaker, what an honor it is for me to follow after my esteemed colleague from Ohio, the ranking member of the subcommittee that I am also a member on, where we would have very much appreciated being able to debate and discuss this legislation before we find it today on the suspension calendar.

Later today, we will take up the legislation and will be addressing the matter of smallpox vaccine compensation. It goes without saying that during the past week, with tragic incidents of death as a result, some serious concerns have been raised about the safety of this vaccine. These incidents speak even more forcefully for the need to do more research, find more information, and provide more screening about the smallpox vaccine. But if the administration insists that America's nurses, firefighters, and other first responders must be vaccinated against this disease to provide a protection, a bioterrorism protection shield, then now more than ever it is critical that we provide the peace of mind that these first responders need. Our first responders must know that in the event of an adverse or even fatal reaction, their needs and the needs of their families will be taken care of.

The overall goal of the administration is to make sure we are prepared for a possible outbreak of smallpox as part of a terrorist attack.

□ 1245

But this initiative is failing. These medical and public safety professionals know very well the risks of this disease and the vaccine, and few have been

willing to step up and take it. Understandably, they want to know that they and their loved ones will be taken care of in case something goes wrong. It is not a lot to ask, but they do not at this moment have that assurance, and these recent tragic cases show that their concerns are not unfounded.

The bottom line remains that we must pass a fair compensation plan in order to make the smallpox vaccine program more attractive and palliative to those who are asked to be first responders and to take this protection. That is the goal of all of us in the House today.

The Institute of Medicine has reported that the absence of such a plan is a major barrier to an effective vaccine program; but the bill that is on the floor today is not going to give nurses, firefighters, and other first responders the assurances that they need to be vaccinated. It imposes unfair caps on lost wage reimbursements. It does not guarantee that the promises in the bill will be funded. And it will not work.

First responders in our communities have spoken clearly. In fact, a few hours ago we stood together on Capitol Hill as they told us what plan will work. The House of Representatives needs to listen to these people. The nurses are my colleagues. I served with them on the front lines for over 2 decades in my community in Santa Barbara, California. They tell me that the House should reject this bill. We should pass this legislation that the gentleman from California (Mr. WAXMAN) and I have crafted with our colleagues and with our first responders' input, again, the goal being that the President wants our first responders to be prepared in the event of a smallpox attack, and we want to help them. But this bill and the efforts to block alternative proposals are simply making our nurses, our firefighters, and our other first responders feel even more uncomfortable about stepping up and volunteering to take this vaccine.

The bill before us today provides a \$262,000 lifetime cap at \$50,000 per year. This could perhaps in some instances last only 5 years. Consider this: as someone who perhaps is the bread earner for their family, perhaps the sole support for their children, who weighs this compensation package against the risks, albeit small, but if they are, they could be devastating, and to know that is the bottom line that is going to be offered under this legislation and with that no guarantee that the funding will be there year after year as more and more first responders are asked to take this extra step.

As a contrast, our alternative provides nurses and first responders with the confidence they need because it guarantees that the funding will be there for them. If it is a small number who are at risk, as the administration and as the Centers for Disease Control say, then we should be generous with these people. The alternative that we

had hoped to propose provides a compensation of up to \$75,000 per year, but with no lifetime cap, and this is the legislation that we ask that we be allowed to debate and vote on on the floor.

We ask that our colleagues reject the bill before us today and let us debate this measure in fairness to our first responders.

RECESS

The SPEAKER pro tempore (Mr. ADERHOLT). Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 48 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PETRI) at 2 p.m.

PRAYER

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

Lord, let our trust be in Your mercy and not in ourselves. Fix our hope in Your love, not in our own strength or ability or human resources.

If we do not trust You, everything can lead to destruction, confusion and chaos. We will have only ourselves to blame. There will be nowhere to bury our failure or shame.

If we trust in You everything will become for us strength, inspiration, and be filled with meaning.

Everything will lead to another discovery of You in our midst and Your kingdom of peace and freedom at last.

Lord, do not let us deceive ourselves. Place our trust in You, now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. 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 pro tempore. Will the gentleman from South Carolina (Mr. WILSON) come forward and lead the House in the Pledge of Allegiance.

Mr. WILSON of South Carolina 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.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced

that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill and a concurrent resolution of the House of the following titles:

H.R. 1307. An act to amend the Internal Revenue Code of 1986 to provide a special rule for members of the uniformed services in determining the exclusion of gain from the sale of a principal residence and to restore the tax exempt status of death gratuity payments to members of the uniformed services, and for other purposes.

H. Con. Res. 95. Concurrent resolution establishing the congressional budget for the United States Government for fiscal year 2004 and setting forth appropriate budgetary levels for fiscal years 2003 and 2005 through 2013.

The message also announced that the Senate insists upon its amendment to the concurrent resolution (H. Con. Res. 95) "A concurrent resolution establishing the congressional budget for the United States Government for fiscal year 2004 and setting forth appropriate budgetary levels for fiscal years 2003 and 2005 through 2013," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. NICKLES, Mr. DOMENICI, Mr. GRASSLEY, Mr. GREGG, Mr. CONRAD, Mr. HOLLINGS, and Mr. SARBANES to be the conferees on the part of the Senate.

The message also announced that the Senate has passed a bill and a concurrent resolution of the following titles in which the concurrence of the House is requested:

S. 330. An act to further the protection and recognition of veterans' memorials, and for other purposes.

S. Con. Res. 30. Concurrent resolution expressing the sense of Congress to commend and express the gratitude of the United States to the nations participating with the United States in the Coalition to Disarm Iraq.

HONORING CHARLES T. COLE, JR.

(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, no one has been more civically active in the Midlands of South Carolina than Charlie Cole, who was recently honored as the 2003 Ambassador of the Year by the Greater Columbia Chamber of Commerce.

Charlie Cole, who is the Regional President of Wachovia Bank, is passionate about business and community development. Charlie serves as chairman, on the board, or as a member of over a dozen community organizations.

Not content to just have his name on these committees, Charlie has taken an active leadership role, as he helped raise half a million dollars for the Juvenile Diabetes Research Foundation over the past year.

Charlie is a retired lieutenant colonel in the United States Army Reserves, and a dedicated elder at Eastminster Presbyterian Church. His acts of generosity and kindness have

endeared him to his neighbors, and Charlie Cole stands as a wonderful role model of community involvement.

In conclusion, God bless our troops.

RECOGNIZING CHILDHHELP USA AND NATIONAL DAY OF HOPE

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

Mrs. BLACKBURN. Mr. Speaker, each day in the United States more than three children die from abuse at the hands of a family member. Most are under the age of 6. However, there is hope. Childhelp USA is an organization that is working hard to assist victims of neglect and abuse.

Childhelp USA has many centers across the country, one of which is in Tennessee. And in November, Childhelp USA Tennessee assembled the country's first Mobile Children's Advocacy Center. For the first time it allows professional Childhelp staff to reach out to abused children in the rural parts of our State. The 40-foot mobile center is outfitted with medical exam and play therapy rooms as well as professional staff.

In conjunction with National Child Abuse Prevention Month, Childhelp has initiated the National Day of Hope to be held on Wednesday, April 2. On this day Childhelp requests that each person take 3 minutes to pause and remember that three children die each day from abuse.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6 p.m. today.

SMALLPOX EMERGENCY PERSONNEL PROTECTION ACT OF 2003

Mr. TAUZIN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1463) to provide benefits for certain individuals with injuries resulting from administration of a smallpox vaccine, and for other purposes.

The Clerk read as follows:

H.R. 1463

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 "Smallpox Emergency Personnel Protection Act of 2003".

SEC. 2. SMALLPOX EMERGENCY PERSONNEL PROTECTION.

Title II of the Public Health Service Act (42 U.S.C. 202 et seq.) is amended by adding at the end the following part:

"PART C—SMALLPOX EMERGENCY PERSONNEL PROTECTION

"SEC. 261. DEFINITIONS.

"For purposes of this part:

"(1) VACCINE.—The term 'vaccine' or 'smallpox vaccine' means vaccinia (smallpox) vaccines, including the Dryvax vaccine.

"(2) COVERED INDIVIDUAL.—The term 'covered individual' means an individual—

"(A) who is a health care worker, law enforcement officer, firefighter, security personnel, emergency medical personnel, other public safety personnel, or support personnel for such occupational specialties;

"(B) who is or will be functioning in a role identified in a State, local, or Department of Health and Human Services smallpox emergency response plan approved by the Secretary; and

"(C) to whom a vaccine is administered pursuant to such approved plan—

"(i) during the effective period of the Declaration (including the portion of such period before the enactment of this part); and

"(ii) not later than the latest of—

"(I) 180 days after the effective date of the initial interim final regulations implementing this part;

"(II) 120 days after becoming an individual in an occupation described in subparagraph (A); or

"(III) 120 days after becoming an individual identified as a member of a smallpox emergency response plan described in subparagraph (B).

"(3) COVERED INJURY.—The term 'covered injury' means an injury, disability, illness, condition, or death (other than a minor injury such as minor scarring or minor local reaction) determined, pursuant to the procedures established under section 262, to have been sustained by an individual as the direct result of—

"(A) administration to the individual of a vaccine during the effective period of the Declaration; or

"(B) accidental vaccinia inoculation of the individual in circumstances in which—

"(i) the vaccinia is contracted during the effective period of the Declaration or within 30 days after the end of such period;

"(ii) smallpox vaccine has not been administered to the individual; and

"(iii) the individual has resided with, or has been in contact with, an individual who is (or who was accidentally inoculated by) a covered individual.

"(4) DECLARATION.—The term 'Declaration' means the Declaration Regarding Administration of Smallpox Countermeasures issued by the Secretary on January 24, 2003, and published in the Federal Register on January 28, 2003.

"(5) EFFECTIVE PERIOD OF THE DECLARATION.—The term 'effective period of the Declaration' means the effective period specified in the Declaration, unless extended by the Secretary.

"(6) ELIGIBLE INDIVIDUAL.—The term 'eligible individual' means an individual who is (as determined in accordance with section 262)—

"(A) a covered individual who sustains a covered injury in the manner described in paragraph (3)(A); or

"(B) an individual who sustains a covered injury in the manner described in paragraph (3)(B).

"(7) SMALLPOX EMERGENCY RESPONSE PLAN.—The term 'smallpox emergency response plan' or 'plan' means a response plan detailing actions to be taken in preparation for a possible smallpox-related emergency during the period prior to the identification of an active case of smallpox either within or outside the United States.

"SEC. 262. DETERMINATION OF ELIGIBILITY AND BENEFITS.

"(a) IN GENERAL.—The Secretary shall establish procedures for determining, as applicable with respect to an individual—

"(1) whether the individual is an eligible individual;

"(2) whether an eligible individual has sustained a covered injury or injuries for which medical benefits or compensation may be available under sections 264 and 265, and the amount of such benefits or compensation;

"(3) whether the covered injury or injuries of an eligible individual constitute a compensable disability, or caused the individual's death, for purposes of benefits under section 266.

"(b) COVERED INDIVIDUALS.—The Secretary may accept a certification, by a Federal, State, or local government entity or private health care entity participating in the administration of covered countermeasures under the Declaration, that an individual is a covered individual.

"(c) CRITERIA FOR REIMBURSEMENT.—

"(1) INJURIES SPECIFIED IN INJURY TABLE.—In any case where an injury or other adverse effect specified in the injury table established under section 263 as a known effect of a vaccine manifests in an individual within the time period specified in such table, such injury or other effect shall be presumed to have resulted from administration of such vaccine.

"(2) OTHER DETERMINATIONS.—In making determinations other than those described in paragraph (1) as to the causation or severity of an injury, the Secretary shall employ a preponderance of the evidence standard and take into consideration all relevant medical and scientific evidence presented for consideration, and may obtain and consider the views of qualified medical experts.

"(d) DEADLINE FOR FILING REQUEST.—The Secretary shall not consider any request for a benefit under this part with respect to an individual, unless—

"(1) in the case of a request based on the administration of the vaccine to the individual, the individual provides notice to the Secretary of an adverse effect of the vaccination not later than one year after the date of administration of the vaccine; or

"(2) in the case of a request based on accidental vaccinia inoculation, the individual provides notice to the Secretary of an adverse effect of such vaccination not later than two years after the date of the first symptom or manifestation of onset of the adverse effect.

"(e) REVIEW OF DETERMINATION.—

"(1) SECRETARY'S REVIEW AUTHORITY.—The Secretary may review a determination under this section at any time on the Secretary's own motion or on application, and may affirm, vacate, or modify such determination in any manner the Secretary deems appropriate.

"(2) JUDICIAL AND ADMINISTRATIVE REVIEW.—No court of the United States, or of any State, District, territory or possession thereof, shall have subject matter jurisdiction to review, whether by mandamus or otherwise, any action by the Secretary under this section. No officer or employee of the United States shall review any action by the Secretary under this section (unless the President specifically directs otherwise).

"SEC. 263. SMALLPOX VACCINE INJURY TABLE.

"(a) SMALLPOX VACCINE INJURY TABLE.—

"(1) ESTABLISHMENT REQUIRED.—The Secretary shall establish by interim final regulation a table identifying adverse effects (including injuries, disabilities, illnesses, conditions, and deaths) that shall be presumed to

result from the administration of (or exposure to) a smallpox vaccine, and the time period in which the first symptom or manifestation of onset of each such adverse effect must manifest in order for such presumption to apply.

“(2) AMENDMENTS.—The Secretary may amend by regulation the table established under paragraph (1). Amendments shall apply retroactively to claims pending at the time of promulgation of final amending regulations and to claims filed subsequently. If the effect of such amendment is to permit an individual who was not, before such amendment, eligible for compensation under this part, such individual may file a request for compensation or file an amended request for such compensation not later than one year after the effective date of such amendment in the case of an individual to whom the vaccine was administered and two years in the case of a request for compensation based on accidental vaccinia inoculation.

“SEC. 264. MEDICAL BENEFITS.

“(a) IN GENERAL.—Subject to the succeeding provisions of this section, the Secretary shall make payment or reimbursement for medical items and services as reasonable and necessary to treat a covered injury of an eligible individual. The Secretary may consider the Federal Employees Compensation Act (5 U.S.C. 8103) and its implementing regulations in determining the amount of such payment and the circumstances under which such payments are reasonable and appropriate.

“(b) BENEFITS SECONDARY TO OTHER COVERAGE.—Payment or reimbursement for services or benefits under subsection (a) shall be secondary to any obligation of the United States or any third party (including any State or local governmental entity, private insurance carrier, or employer) under any other provision of law or contractual agreement, to pay for or provide such services or benefits. The Secretary shall have the discretion to establish mechanisms and procedures for providing the secondary benefits under this section.

“SEC. 265. COMPENSATION FOR LOST EMPLOYMENT INCOME.

“(a) IN GENERAL.—Subject to the succeeding provisions of this section, the Secretary shall provide compensation to an eligible individual for loss of employment income incurred as a result of a covered injury, at the rate specified in subsection (b).

“(b) AMOUNT OF COMPENSATION.—

“(1) IN GENERAL.—Compensation under this section shall be at the rate of 66 2/3 percent of monthly employment income, except that such percentage shall be 75 percent in the case of an individual who has one or more dependents. The Secretary may consider the Federal Employees Compensation Act (5 U.S.C. 8114 and 8115) and its implementing regulations in determining the amount of such payment and the circumstances under which such payments are reasonable and appropriate.

“(2) TREATMENT OF SELF-EMPLOYMENT INCOME.—For purposes of this section, the term ‘employment income’ includes income from self-employment.

“(c) LIMITATIONS.—

“(1) BENEFITS SECONDARY TO OTHER COVERAGE.—Any compensation under subsection (a) shall be secondary to the obligation of the United States or any third party (including any State or local governmental entity, private insurance carrier, or employer), under any other law or contractual agreement, to pay compensation for loss of employment income and shall not be made to the extent that compensation for loss of employment income has been made under such other obligations in an amount that equals

or exceeds the rate specified in subsection (b)(1).

“(2) NO BENEFITS FOR DEATH OR PERMANENT AND TOTAL DISABILITY.—No payment shall be made under this section in compensation for loss of employment income subsequent to the receipt by an eligible individual (or his survivor or survivors) of benefits under section 266 for death or permanent and total disability.

“(3) LIMIT ON TOTAL BENEFITS.—Total benefits paid to an individual under this section shall not exceed \$50,000 for any year, and the lifetime total of such benefits for the individual may not exceed an amount equal to the amount authorized to be paid under section 266.

“(4) WAITING PERIOD.—An eligible individual shall not be provided compensation under this section for the first 5 work days of disability.

“SEC. 266. PAYMENT FOR DEATH AND PERMANENT, TOTAL DISABILITY.

“(a) BENEFIT FOR PERMANENT AND TOTAL DISABILITY.—The Secretary shall pay to an eligible individual who is determined to have a covered injury or injuries meeting the definition of disability in section 216(i) of the Social Security Act (42 U.S.C. 416(i)) an amount determined under subsection (c), in the same manner as disability benefits are paid pursuant to the PSOB program in section 1201(b) of the OCCSSA with respect to an eligible public safety officer (except that payment shall be made to the parent or legal guardian, in the case of an eligible individual who is a minor or is subject to legal guardianship).

“(b) DEATH BENEFIT.—The Secretary shall pay, in the case of an eligible individual whose death is determined to have resulted from a covered injury or injuries, a death benefit in the amount determined under subsection (c) to the survivor or survivors in the same manner as death benefits are paid pursuant to PSOB program in section 1201 of the OCCSSA with respect to an eligible deceased (except that in the case of an eligible individual who is a minor with no living parent, the legal guardian shall be considered the survivor in the place of the parent).

“(c) BENEFIT AMOUNT.—

“(1) IN GENERAL.—The amount of the disability or death benefit under subsection (a) or (b) in a fiscal year shall equal the amount of the comparable benefit calculated under the PSOB in such fiscal year, without regard to any reduction attributable to a limitation on appropriations, but subject to paragraph (2).

“(2) REDUCTION FOR PAYMENTS FOR LOST EMPLOYMENT INCOME.—The amount of the benefit as determined under paragraph (1) shall be reduced by the total amount of any benefits paid under section 265 with respect to lost employment income.

“(d) BENEFIT IN ADDITION TO MEDICAL BENEFITS.—A benefit under this section shall be in addition to any amounts received by an eligible individual under section 264.

“(e) LIMITATIONS.—

“(1) DISABILITY BENEFITS.—Except as provided in paragraph (3), no benefit is payable under subsection (a) with respect to the disability of an eligible individual if—

“(A) a disability benefit is paid or payable with respect to such individual under the PSOB; or

“(B) a death benefit is paid or payable with respect to such individual under subsection (b) or the PSOB.

“(2) DEATH BENEFITS.—No benefit is payable under subsection (b) with respect to the death of an eligible individual if—

“(A) a disability benefit is paid with respect to such individual under subsection (a) or the PSOB; or

“(B) a death benefit is paid or payable with respect to such individual under the PSOB.

“(3) EXCEPTION IN THE CASE OF A LIMITATION ON APPROPRIATIONS FOR DISABILITY BENEFITS UNDER PSOB.—In the event that disability benefits available to an eligible individual under the PSOB program are reduced because of a limitation on appropriations, and such reduction would affect the amount that would be payable under paragraph (1) or (2) without regard to this paragraph, benefits shall be available under subsection (a) or (b) to the extent necessary to ensure that such individual (or his survivor or survivors) receives a total amount equal to the amount described in subsection (c).

“(f) REFERENCES.—References in this section—

“(1) to the Public Safety Officers' Benefits Program or PSOB are references to the program under part L, subpart 1 of title I of the OCCSSA; and

“(2) to the OCCSSA are to the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796 et seq.).

“SEC. 267. ADMINISTRATION.

“(a) ADMINISTRATION BY AGREEMENT WITH OTHER AGENCY OR AGENCIES.—The Secretary may administer any or all of the provisions of this part through Memorandum of Agreement with the head of any appropriate Federal agency.

“(b) REGULATIONS.—The head of the agency administering this part or provisions thereof (including any agency head administering such Act or provisions through a Memorandum of Agreement under subsection (a)) may promulgate such implementing regulations as may be found necessary and appropriate. Initial implementing regulations may be interim final regulations.

“SEC. 268. PARTICIPANT EDUCATION REGARDING SMALLPOX EMERGENCY RESPONSE PLANS.

“In reviewing State, local, or Department of Health and Human Services smallpox emergency response plans described in section 261, the Secretary shall ensure that such plans are consistent with guidelines of the Centers for Disease Control and Prevention with respect to the education of individual participants (including information as to the voluntary nature of the program and the availability of potential benefits under this part), and the adequate screening of individuals for vaccine contraindications.

“SEC. 269. AUTHORIZATION OF APPROPRIATIONS.

“For the purpose of carrying out this part, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2003 through 2007, to remain available until expended, including administrative costs and costs of provision and payment of benefits. The Secretary's payment of any benefit under section 264, 265, or 266 shall be subject to the availability of appropriations under this section.

“SEC. 270. RELATIONSHIP TO OTHER LAWS.

“Except as explicitly provided herein, nothing in this part shall be construed to override or limit any rights an individual may have to seek compensation, benefits, or redress under any other provision of Federal or State law.”.

SEC. 3. AMENDMENTS TO PROVISION REGARDING TORT LIABILITY FOR ADMINISTRATION OF SMALLPOX COUNTERMEASURES.

(a) AMENDMENT TO ACCIDENTAL VACCINIA INOCULATION PROVISION.—Section 224(p)(2)(C)(ii)(II) of such Act (42 U.S.C. 233(p)(2)(C)(ii)(II)) is amended by striking “resides or has resided with” and inserting “has resided with, or has had contact with.”.

(b) DEEMING ACTS AND OMISSIONS TO BE WITHIN SCOPE OF EMPLOYMENT.—Section 224(p)(2) of such Act (42 U.S.C. 233(p)(2)) is amended by adding at the end the following new subparagraph:

“(D) ACTS AND OMISSIONS DEEMED TO BE WITHIN SCOPE OF EMPLOYMENT.—

“(i) IN GENERAL.—In the case of a claim arising out of alleged transmission of vaccinia from an individual described in clause (ii), acts or omissions by such individual shall be deemed to have been taken within the scope of such individual’s office or employment for purposes of—

“(I) subsection (a); and

“(II) section 1346(b) and chapter 171 of title 28, United States Code.

“(ii) INDIVIDUALS TO WHOM DEEMING APPLIES.—An individual is described by this clause if—

“(I) vaccinia vaccine was administered to such individual as provided by subparagraph (B); and

“(II) such individual was within a category of individuals covered by a declaration under subparagraph (A)(i).”.

(C) EXHAUSTION; EXCLUSIVITY; OFFSET.—Section 224(p)(3) of such Act (42 U.S.C. 233(p)(3)) is amended to read as follows:

“(3) EXHAUSTION; EXCLUSIVITY; OFFSET.—

“(A) EXHAUSTION.—

“(i) IN GENERAL.—A person may not bring a claim under this subsection unless such person has received a determination about remedies available under section 262.

“(ii) TOLLING OF STATUTE OF LIMITATIONS.—The time limit for filing a claim under this subsection, or for filing an action based on such claim, shall be tolled during the pendency of a determination by the Secretary under section 262.

“(iii) CONSTRUCTION.—This subsection shall not be construed as superseding or otherwise affecting the application of a requirement, under chapter 171 of title 28, United States Code, to exhaust administrative remedies.

“(B) EXCLUSIVITY.—The remedy provided by subsection (a) shall be exclusive of any other civil action or proceeding for any claim or suit this subsection encompasses, except for a proceeding under part C of this title.

“(C) OFFSET.—The value of all compensation and benefits provided under part C of this title for an incident or series of incidents shall be offset against the amount of an award, compromise, or settlement of money damages in a claim or suit under this subsection based on the same incident or series of incidents.”.

(d) REQUIREMENT TO COOPERATE WITH UNITED STATES.—Section 224(p)(5) of such Act (42 U.S.C. 233(p)(5)) is amended in the caption by striking “DEFENDANT” and inserting “COVERED PERSON”.

(e) AMENDMENT TO DEFINITION OF COVERED COUNTERMEASURE.—Section 224(p)(7)(A)(i)(II) of such Act (42 U.S.C. 233(p)(7)(A)(i)(II)) is amended to read as follows:

“(II) used to control or treat the adverse effects of vaccinia inoculation or of administration of another covered countermeasure; and”.

(f) AMENDMENT TO DEFINITION OF COVERED PERSON.—Section 224(p)(7)(B) of such Act (42 U.S.C. 233(p)(7)(B)) is amended—

(1) by striking “includes any person” and inserting “means a person”;

(2) in clause (ii)—

(A) by striking “auspices” and inserting “auspices—”;

(B) by redesignating “such countermeasure” and all that follows as clause (i) and indenting accordingly; and

(C) by adding at the end the following:

“(II) a determination was made as to whether, under what circumstances, an individual should receive a covered countermeasure;

“(III) the immediate site of administration on the body of a covered countermeasure was monitored, managed, or cared for; or

“(IV) an evaluation was made of whether the administration of a countermeasure was effective;”;

(3) in clause (iii) by striking “or”;

(4) by striking clause (iv) and inserting the following:

“(iv) a State, a political subdivision of a State, or an agency or official of a State or of such a political subdivision, if such State, subdivision, agency, or official has established requirements, provided policy guidance, supplied technical or scientific advice or assistance, or otherwise supervised or administered a program with respect to administration of such countermeasures;

“(v) in the case of a claim arising out of alleged transmission of vaccinia from an individual—

“(I) the individual who allegedly transmitted the vaccinia, if vaccinia vaccine was administered to such individual as provided by paragraph (2)(B) and such individual was within a category of individuals covered by a declaration under paragraph (2)(A)(i); or

“(II) an entity that employs an individual described by clause (I) or where such individual has privileges or is otherwise authorized to provide health care;

“(vi) an official, agent, or employee of a person described in clause (i), (ii), (iii), or (iv);

“(vii) a contractor of, or a volunteer working for, a person described in clause (i), (ii), or (iv), if the contractor or volunteer performs a function for which a person described in clause (i), (ii), or (iv) is a covered person; or

“(viii) an individual who has privileges or is otherwise authorized to provide health care under the auspices of an entity described in clause (ii) or (v)(II).”.

(g) AMENDMENT TO DEFINITION OF QUALIFIED PERSON.—Section 224(p)(7)(C) of such Act (42 U.S.C. 233(p)(7)(C)) is amended—

(1) by designating “is authorized to” and all that follows as clause (i) and indenting accordingly;

(2) by striking “individual who” and inserting “individual who—”; and

(3) by striking the period and inserting “; or

“(ii) is otherwise authorized by the Secretary to administer such countermeasure.”.

(h) DEFINITION OF “ARISING OUT OF ADMINISTRATION OF A COVERED COUNTERMEASURE”.—Section 224(p)(7) of such Act (42 U.S.C. 233(p)(7)) is amended by adding at the end the following new subparagraph:

“(D) ARISING OUT OF ADMINISTRATION OF A COVERED COUNTERMEASURE.—The term ‘arising out of administration of a covered countermeasure’, when used with respect to a claim or liability, includes a claim or liability arising out of—

“(i) determining whether, or under what conditions, an individual should receive a covered countermeasure;

“(ii) obtaining informed consent of an individual to the administration of a covered countermeasure;

“(iii) monitoring, management, or care of an immediate site of administration on the body of a covered countermeasure, or evaluation of whether the administration of the countermeasure has been effective; or

“(iv) transmission of vaccinia virus by an individual to whom vaccinia vaccine was administered as provided by paragraph (2)(B).”.

(i) TECHNICAL CORRECTION.—Section 224(p)(2)(A)(ii) of such Act (42 U.S.C. 233(p)(2)(A)(ii)) is amended by striking “paragraph (8)(A)” and inserting “paragraph (7)(A)”.

(j) EFFECTIVE DATE.—This section shall take effect as of November 25, 2002.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from

Louisiana (Mr. TAUZIN) and the gentlewoman from California (Mrs. CAPPS) each will control 20 minutes.

The Chair recognizes the gentleman from Louisiana (Mr. TAUZIN).

GENERAL LEAVE

Mr. TAUZIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill, H.R. 1463.

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

There was no objection.

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

Mr. Speaker, I rise today to urge all Members to support H.R. 1463, the Smallpox Emergency Personnel Protection Act of 2003, a critical bill introduced by the vice chairman of the Committee on Energy and Commerce, the gentleman from North Carolina (Mr. BURR).

In January of this year, our HHS Secretary Tommy Thompson called on health personnel and emergency responders from across the Nation to join smallpox emergency response teams in order to ensure that our country was better prepared to deal with any outbreak of this deadly disease caused by terrorists or rogue regimes such as Iraq. These patriots have been asked to volunteer to get the smallpox vaccine now so that they can administer the vaccine to the public should the need arise. Since then, roughly 25,000 American volunteers have indeed volunteered for this vaccine.

These health personnel and emergency responders are indeed to be saluted for their service to the country. However, we do not need tens of thousands of Americans to respond, we need hundreds of thousands, if not millions; and we need these many, many Americans, health personnel, and emergency first responders to heed the Secretary’s call.

The legislation before us today, which was requested by the administration, provides incentive for such individuals to roll up their sleeves and get a shot. The bill does a number of important things:

First, it provides for a total disability and death benefit equal to the amount payable under the Public Safety Officers Benefit, the PSOB, the existing Federal program that currently pays \$262,000 in a lump sum, indexed for inflation, to public safety officers who are killed or totally disabled in the line of duty.

Given the sacrifice that we are asking from these smallpox volunteers, a small number of whom may indeed suffer severe adverse reactions which could include death, it makes sense to provide these similar benefits.

But this bill goes further than the PSOB. It also provides coverage for all reasonable and necessary medical expenses that are incurred by individuals who are vaccinated and suffer adverse

effects, to the extent that such expenses are not picked up by their own individual primary health insurance. The bill provides also lost employment income if an individual misses more than 5 days of work due to adverse effects of the vaccine. Under this benefit, the individual could receive up to 75 percent of his monthly salary and up to \$50,000 a year in supplemental wages capped at the maximum amount of the PSO death benefit.

It is important to emphasize that the death and total disability benefits are additive to any other death or disability benefit the individual is already entitled to under Social Security, under State and local government, under employers, or under private insurance plans. And the lost wage income under this program, while secondary to other similar benefits the person may have, supplements those benefits to the extent the Federal program is more generous. For example, many States and employers have much lower annual and lifetime caps on workers' compensation benefits, which means the higher Federal figures in our bill would supplement those other benefits.

And finally, the legislation provides most sensible and noncontroversial technical amendments to last year's Homeland Security Bill to provide better liability protections to the hospitals, doctors, nurses, and public health officials at the State and local levels who we are asking to participate in this most important program.

I must say I am disappointed, however, that despite the good faith efforts on both sides of the aisle, and they have been good faith efforts, we are not able to reach a bipartisan agreement on the package. I strongly disagree that there should be any doubt as to the commitment of the administration or the commitment of the Congress to pay these benefits to injured volunteers as these bills become due.

I also disagree with the notion that the \$262,000 caps for disability and lost wages do not in fact provide a sufficient compensation package. If these caps are good enough for our public police officers and our firefighters who die in the line of duty, then I submit to you that indeed they are good enough for this program as well.

A few people have in fact died after taking the vaccine, although we do not know they died as a result of vaccine. But either way, we should not delay in establishing a compensation program that would help with these people, simply because we cannot agree right now on whether a \$262,000 figure is sufficient or not. We still need to provide, we need to move forward with this incentive to make sure people are adequately vaccinated to meet this threat.

Now, let us get the help to the people who need it now. If we find out down the road that the program is inadequate or certain respects need to be changed, we can always fix it later. This is an emergency. This will make

sure that we have the people available, ready to vaccinate all of America if, God forbid, the worst should happen and we suffer a smallpox attack.

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

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

Mr. Speaker, this is an important issue, important to the health and safety of our Nation.

Recent tragedies in the health care community have underscored the need for us to address it and pass a robust compensation package for victims. The President has called for America's nurses, firefighters, and other first responders to be vaccinated against smallpox. Ensuring our frontline health care responders are resistant to smallpox would enhance our ability to respond to an attack resulting from this kind of an outbreak. But this initiative is failing, and to make the program work we need to guarantee our first responders that they and their families will be compensated if they are harmed or killed by the vaccine.

If the administration insists that these people be vaccinated against the disease, then now more than ever it is critical that we provide the peace of mind that these frontline people deserve and need. They do not want handouts. They just want to know that if something happens to them, they and their families will be taken care of. It is not too much to ask. But I can tell you that the bill before us, as it is currently drafted, will not provide that level of assurance.

Before I came to Congress I worked as a public health nurse for many years. These are my colleagues that we are speaking of. And I know what it is like to be on the front line. If you will not take my word for it, listen to the American Nurses Association. They represent the interests of 2.7 million nurses across this country, and they have heard from their members. They oppose this bill because it is insufficient to make the program work.

First, the bill before us does not guarantee that this compensation program will be funded, and without a guarantee of funding, nurses and other first responders who serve their country and become harmed by the vaccine will have no assurance that the bill's promises will be kept.

□ 1415

Second, this bill puts unfair caps on the wage compensation an injured nurse or other first responder can receive. These caps would unfairly penalize those families who lose their main source of income.

We should reject this bill; and instead, we should pass legislation such as the gentleman from California (Mr. WAXMAN) and I have crafted with our colleagues and with input with direct guidance from these first responders. Our legislation would ensure that medical benefits and the compensation in this bill are funded for years to come.

It would recognize and compensate the longer-term loss of wages that could result from such an adverse effect, and it would allow families who lose their main source of income because of the vaccine that they be fully compensated for their loss.

This bill would tell nurses that if they take this risk and serve their country that their families will not be left without resources or hope. Ultimately, the risk of adverse effects is low. Perhaps 200 people out of the 10 million that we want to vaccinate could be affected, but it is so important that we provide the assurance that if a person is one of those 200 people they will be compensated adequately.

Congress now has before it the opportunity to instill, first, confidence in our first responders and truly prepare us for the possible nightmare of a smallpox outbreak. The administration has been disappointed thus far in the turnout for the vaccine. If the wrong kind of legislation is passed, the turnout runs the risk of remaining small, thus, not meeting the goal of the administration.

If this bill before us is not effective, this is our opportunity to fix it. Let us take the time to get it right so that we can create this shield against a bioterrorist attack in the form of smallpox.

I urge my colleagues to support their first responders, to protect America from the threat of smallpox. Defeat this bill. Let us take the time to get this right.

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

Mr. TAUZIN. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from Ohio (Mr. BOEHNER), the distinguished chairman of the Committee on Education and the Workforce.

Mr. BOEHNER. Mr. Speaker, I want to thank my colleague for yielding me the time.

Mr. Speaker, I rise today in support of this important legislation to establish a compensation program for our Nation's emergency personnel in the event they suffer complications from smallpox vaccinations. As our United States troops fight the battle for freedom in Iraq, I am pleased that Congress can contribute this important piece of legislation which has been crafted to aid in our war effort and to enhance the safety of our Nation.

The face of war is changing. While past efforts may have focused solely on the armed aggression, the new face of war includes new threats in the form of biological or chemical warfare. Our Nation's armed services are not the only ones on the front lines of this conflict, because the threat of terrorism is here in the United States. Our emergency personnel, health care workers, and first responders are also on those front lines.

Health care workers, law enforcement officers, firefighters and others across the country are currently being vaccinated for smallpox. With this vaccine, as my colleagues have heard,

come some risk of some workers having serious reactions to the vaccine. It is also possible, though unlikely, that some may suffer life-threatening complications and even death, and fittingly, this measure will provide security to these workers who put their own health at risk in order to help the American public.

This legislation provides an important backstop to ensure that workers and their families will be protected if they suffer complications from the smallpox vaccine. Workers injured in the line of duty will be compensated first by their employers and second by the United States Government. For those who may not have access to workers compensation and other employer-sponsored health care, the Federal Government will provide appropriate compensation. Even those workers who have access to employer-sponsored benefits may receive additional compensation from the smallpox fund; and as such, the bill sets a Federal floor and ensures that each worker will be adequately compensated.

Under the bill, workers who might suffer a totally disabling injury or death as a result of the vaccine will receive cash benefits consistent with the amounts of benefits paid under the Public Safety Officers Benefits Program. For workers who suffer a less serious injury, the bill provides compensation for medical expenses and the loss of employment at a rate of 66½ percent of monthly pay, and workers who have dependents will be compensated at a rate of 75 percent monthly pay; and if a worker is eligible for less compensation than the federally established level, the fund will compensate the individual at the higher Federal level.

As chairman of the Committee on Education and the Workforce, I am pleased to assist in helping my colleagues at the Committee on Energy and Commerce draft this legislation, which I believe will ensure the safety of health care workers and first responders. I am also particularly pleased because my committee has primary jurisdiction over the employer-sponsored health care and workers compensation disability programs, which would include the Federal Employee Compensation Act, which will be the primary payers of the compensation. This measure will not only help our emergency personnel and first responders but enhance the safety of our Nation as well.

I want to urge my colleagues to support this bill.

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

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

Mrs. CAPPS. Mr. Speaker, I insert for the RECORD letters from the following groups which I have before me. These letters are written by the American Public Health Association; the

International Union of Police Associations; the American Nurses Association; the International Association of Firefighters; the American Federation of Teachers; the American Federation of State, County and Municipal Employees; the Service Employers National Union; and the Infectious Disease Society of America.

AMERICAN NURSES ASSOCIATION,
March 28, 2003.

DEAR REPRESENTATIVE: On behalf of the American Nurses Association (ANA), I urge you to oppose the Smallpox Emergency Personnel Protection Act (H.R. 1463). This bill does not provide adequate education, prescreening, surveillance, and compensation—therefore it will not result in an increase in the number of nurses volunteering for vaccinations. As this bill will be considered under the suspension of the rules, you will be denied the opportunity to vote in favor of the Capps/Waxman substitute that ANA supports.

The ANA is the only full-service association representing the nation's RNs through our 54 state and territorial constituent member organizations. Our members are well represented in the Administration's plan to vaccinate 10.5 million health care workers and first responders.

ANA supports efforts to ensure that our nation is prepared for a possible terrorist attack. ANA has, since November 2002, been trying to work with the Administration to formulate a strong smallpox vaccination program that will encourage nurses to volunteer to be immunized. Since the Administration's plan was first announced, ANA has repeatedly raised questions about the health and safety of nurses who are vaccinated, as well as their patients and families. ANA's concerns have been echoed by many in the public health community and reinforced by an expert panel from the Institute of Medicine. Unfortunately, the Smallpox Emergency Personnel Protection Act (H.R. 1463), fails to address these questions.

The smallpox vaccine is a live virus. It has the worst record of negative side effects of any vaccine in the world. It is imperative, as a matter of public health, that those being vaccinated understand the risks of the vaccine to themselves and their loved ones, and be prescreened for conditions that require them to refuse the vaccine. The smallpox inoculation site can shed the live virus for up to three weeks. In the 1960s, more than 20% of the adverse vaccination events occurred in secondary contacts. Therefore, the vaccination program poses a risk not only to nurses, but also to their patients and families.

Members of the armed services have received personalized education, and free and confidential prescreening prior to the administration of the vaccine. This process properly screened out one-third of the potential recipients. The Smallpox Emergency Personnel Protection Act fails to require a similar program. In addition, H.R. 1463 fails to require sufficient funding needed to ensure that state and local public health officials can actually implement the crucial education, prescreening, and surveillance programs. The recent death of a Maryland nurse, a Florida nurse aide, and a National Guardsman only underscore the need for this robust education, prescreening, and surveillance effort. Nurses and other first responders will continue to feel uncomfortable about the vaccine until they receive the reliable information needed to make an informed decision.

Furthermore, H.R. 1463 contains an insufficient, unfunded compensation program. The Administration is basically asking healthy

nurses to place themselves (as well as their patients and families) at risk for the common good. The vaccination has no tangible benefits for nurses; it is sought in the name of homeland security. ANA does not believe that nurses should be made to bear this public risk without the guarantee of a real compensation program. H.R. 1463 contains an unacceptable lifetime cap on wage replacement and fails to ensure that funds will be available for the compensation fund.

ANA urges you to vote against H.R. 1463. Your no vote does not mean that you oppose a smallpox compensation program. In fact, the solid disapproval of this bill will demonstrate needed support for a real smallpox vaccination program, such as the Capps/Waxman substitute. Please feel free to call Erin McKeon (202) 651-7095 or Christopher Donnellan (202) 651-7088 on my staff with any questions regarding this letter.

Sincerely,

ROSE GONZALEZ, MPS, RN,
Director, Government Affairs.

INFECTIOUS DISEASES SOCIETY
OF AMERICA,
March 28, 2003.

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

DEAR SPEAKER HASTERT: I am writing on behalf of the Infectious Diseases Society of America (IDSA) and the 7,000 infectious diseases physicians and scientists we represent to thank you and other House leaders on both sides of the aisle for pursuing a plan to compensate individuals who may be injured during the implementation of the National Smallpox Immunization Plan (NSIP).

Over the past year, IDSA and its members—including those who were on the front-line of smallpox eradication efforts—have provided essential information to the federal and state governments as they have prepared responses to a potential smallpox event. ID physicians will be integrally involved should a bioterrorism event occur; an ID specialist discovered the first anthrax case that occurred in Florida. Presently, many of our members are working with state and local public health officials to oversee NSIP's implementation.

IDSA's leaders believe strongly, as you do, that the creation of a compensation plan is essential to NSIP's success. As the House moves forward next week to consider legislation to establish such a program, we would like to take this final opportunity to stress to you the expert opinion of our leaders on this subject. IDSA closely reviewed the Administration's proposal, which Congressman Richard Burr introduced this week, H.R. 1463, as well as H.R. 865, sponsored by Congressman Henry Waxman. Certain aspects of the Administration's proposal appear promising. However, IDSA is concerned that the Administration's proposal does not include all of the elements necessary to ensure NSIP's success. Below, we have highlighted the elements that our leaders believe are critical and ask that House leaders include them in whatever legislation the House passes.

One element that IDSA believes to be of primary significance to the success of NSIP is universal eligibility. That is, all individuals injured as a consequence of NSIP's implementation should be compensated for their injuries. Eligibility should not be promised upon whether injured individuals volunteered to participate in the program or were injured as a result of a secondary transmission. Moreover, such eligibility should extend to individuals who present symptoms that are obviously associated with contact vaccinia, regardless of whether they can establish a link back to a specific vaccinee. Finally, an individual's eligibility should not

be limited by an arbitrarily established time limit (e.g., 180 days after interim final rule is published or 120 days after becoming a covered person), but should extend throughout the period of time that NSIP is being implemented as well as for a reasonable period of time after the last vaccination takes place.

The second essential element IDSA's leaders support is fair and adequate compensation for all individuals who are injured as a consequence of NSIP's implementation. It is just and right that individuals be made whole for the injuries they suffer as the result of a program being carried out under the auspices of national security. Under H.R. 1463, compensation for medical expenses, disability, lost wages and death is modeled after the Public Safety Officers Benefit program (PSOB). The PSOB program is designed to work in conjunction with other benefit programs, such as workers' compensation and health insurance and is designed primarily to deal with death and total, permanent disability. In the case of smallpox, there are no guarantees that a person injured by the smallpox vaccine will be covered by workers' compensation or will be adequately insured. As a result, those injured as a result of NSIP may receive far less compensation than those PSOB currently covers. Therefore, IDSA strongly urges House leaders to supplement the PSOB model found in H.R. 1463 to include the following criteria relating to medical expenses, disability, lost wages and/or death:

Guaranteed immediate medical care for all injured;

A significantly more generous compensation package for death than what is found in the H.R. 1463;

Permanent disability benefit of unreimbursed actual wages and unreimbursed medical costs not subject to any limitations;

Payment of non-economic damages up to \$250,000;

Compensation for temporary disability, including unreimbursed medical costs and unreimbursed actual wages starting at day one.

Finally, IDSA believes it to be essential that this program be authorized through mandatory funding mechanisms and not be paid for through discretionary funding sources.

IDSA leaders are available to work with you and other Congressional leaders to achieve quick passage and enactment of a smallpox compensation plan that makes whole all individuals injured during the implementation of President Bush's NSIP. Thank you again for the leadership you have shown in moving this important legislation forward. Should you have any questions, please feel free to contact Robert J. Guidos, JD, IDSA's director of public policy at 703-299-0200.

Sincerely,

W. MICHAEL SCHELD,
President.

INTERNATIONAL ASSOCIATION
OF FIRE FIGHTERS,
Washington, DC. March 28, 2003.

HOUSE OF REPRESENTATIVES,
Washington, DC.

DEAR REPRESENTATIVE: On behalf of the nation's more 260,000 professional fire fighters and emergency medical personnel, I reluctantly must urge you to vote against H.R. 1463, the Smallpox Emergency Personnel Protection Act, under suspension of the rules.

While we strongly endorse the need for a comprehensive smallpox vaccination program, H.R. 1463 contains a number of significant deficiencies. Considering this legislation under suspension of the rules will prohibit amendments from being offered to address these concerns.

As currently drafted, H.R. 1463 fails to adequately provide for education and screening of the workers who are being asked to receive this vaccine. As the recent death of two nurses demonstrates, the vaccine should not be administered to certain people. While H.R. 1463 addresses compensation for people who die from the vaccine, it does not contain adequate safeguards to prevent those deaths from happening in the first place.

In addition, we have concerns about the compensation package contained in H.R. 1463. The legislation appears to have been crafted to serve as a supplement to workers compensation, but it is far from clear that workers compensation would cover injuries stemming from the vaccine. Because the smallpox vaccination program is a voluntary program, state workers comp systems may deny benefits.

For these and other reasons, we believe the House should consider improvements to H.R. 1463. We therefore urge you to vote against H.R. 1463 under suspension, so that the House may have the opportunity to debate and consider amendments to the proposal.

Sincerely,

BARRY KASINITZ,
Director, Governmental Affairs.

Mr. Speaker, I yield as much time as he may consume to the gentleman from California (Mr. WAXMAN), the ranking member of the Committee on Government Reform, with a long history of concern and investigation into the vaccine policy of this Nation.

Mr. WAXMAN. Mr. Speaker, I thank my colleague very much for yielding me time to speak on this issue, and I do so with a great deal of regret because on the House floor today we should be backing a bill on a bipartisan basis without any dissent because, whether one is a Democrat or a Republican, all of us want to encourage people in the health care and first responder community to get the vaccination for smallpox so they can be of service to all of us should, God forbid, there be a smallpox attack.

I am forced now to rise in opposition to this bill, and I want to point out that the bill is on the suspension of the rules, which is ordinarily reserved for noncontroversial matters. As a matter of fact, this bill is very controversial. It should have been debated and considered under the rules of the House. That would have given Members an opportunity to put forward alternatives so that the Members of the House of Representatives could listen to a debate and make choices on policies.

Instead, what we have is a suspension calendar being used to close off any opportunity for amendments, to prevent alternatives from being put forward so our colleagues who have been duly elected in 435 districts in this country, could have the right to choose what they thought was the best policy. This suspension of the rules procedure is nothing more than a gag to prevent Members, Democrats and Republicans, from being able to make choices, which is what they were elected to do.

The reason I oppose this bill is substantive. This bill will not adequately compensate nurses, firefighters, police officers, and other first responders who are injured by the smallpox vaccine, a

vaccine that they take voluntarily in order to make sure that the country is prepared for a bioterrorist attack.

We have tried to work with the Republicans to craft legislation that all of these groups can support. However, the Republicans were unwilling to agree to a meaningful compensation program and have put forward H.R. 1463, a bill that is opposed by every one of these groups.

The issue of how to compensate people for smallpox vaccine injuries is only hard if someone decides to make it hard, and that seems to be what the House Republican leadership and the Bush administration have done. The science is not hard. For every million people who are immunized against smallpox, one of two will die and 10 to 20 will become severely ill or disabled.

The policy is not hard. If people get injured in the line of public duty, the public should compensate them, and the administration has asked nurses and firefighters and other first responders to take smallpox shots, not for their own good, but to protect all Americans in case of a bioterrorist attack.

The substance is not hard. A compensation program should be clear about what it covers. It should provide decent benefits if someone is disabled or killed, and it should have guaranteed funding.

The law is not hard. We have a successful program of no-fault compensation for children who are injured by vaccines. We have programs for Federal workers and even Federal volunteers who are disabled or killed. We even have a program for compensation of people hurt or killed on September 11, 2001.

The budgeting is not hard. If every nurse or firefighter got the average award from the September 11 fund, which they will not, we would only be committing \$18 to \$33 million per million vaccinations. At most, that is 400ths of 1 percent of what the administration has requested for the war.

The process is not hard. If there is honest disagreement about legislation, which there is, then the House should be allowed to debate amendments and make choices. This should be an easy one, but the House leadership and the administration are making it very hard.

H.R. 1463 includes a lifetime cap on wage assistance for injured first responders and their families. This means that the families of nurses or other first responders may have to fend for themselves without a bread winner after just a few years of compensation. The lump-sum payment offered by H.R. 1463 is clearly inadequate for death or permanent disability for a nurse who has a family to support.

A second problem is that H.R. 1463 requires that funding for the compensation program be subject to the uncertainties of the appropriations process. A guaranteed funding stream is a linchpin of a successful and meaningful

compensation program. Without it, Congress is making a promise that it may not keep.

A third problem with this legislation is that it limits eligibility for compensation for those people who are vaccinated within a short time period after the implementation of the program. This provision is not only vigorously opposed by all of the groups being asked to take the vaccine but also by the State and local officials running the vaccination program.

I genuinely do not understand why the House leadership and the administration have decided to draw this line. The smallpox immunization program is not working. Everyone agrees that one of the reasons that there is not a compensation program in place to reassure nurses and firefighters and other first responders, that if they are injured by the vaccine, they and their families will be provided for, and the representatives of those organizations agree that the Republican bill is not enough to reassure their members.

Those same representatives agree that the proposals made by the gentlewoman from California (Mrs. CAPPS) and some of the others of us who were working with her will succeed. It is very disappointing that the legislative process has been cut short and that the gentlewoman from California (Mrs. CAPPS) has been denied the chance, even the chance, to offer her amendment.

Why are the leadership and the administration making this so hard? I do not have an answer to that question, but I do know what we need to do next. Let us defeat this bill, negotiate a reasonable one, and then move on to the genuinely tough problems facing our country.

I would like to respond to the comparisons of H.R. 1463 with the Public Safety Officers Benefit program. This was alluded to by the gentleman from Louisiana (Mr. TAUZIN). This is a false comparison. The Public Safety Officers Benefit program is meant to supplement what police officers and others receive when injured in the line of duty. There are many other State and local programs that also provide compensation.

In contrast, H.R. 1463 is the sole source of compensation for many health care workers and their contacts who may be injured.

□ 1430

And let me emphasize that point. It is not just the first responders who may be injured, but the family members who may be injured as well, by the vaccine taken by the nurse or firefighter or police officer, because they can be subject to injury by exposure to the person who has been immunized.

A true comparison would compare H.R. 1463 with other compensation programs. By a true comparison, H.R. 1463 is clearly not adequate. This bill provides far less than benefits provided to Americans injured by childhood vac-

cines in the National Vaccine Injury Compensation Program. H.R. 1463 provides far less than what Federal employees receive, civilian or military, if injured under the Federal Employee Compensation Act. And H.R. 1463 also provides far less than what Members of Congress can get if injured or disabled.

If it is good enough for Members of this body, we should not hesitate to provide it to those Americans on the front lines of any bioterrorist attack who are protecting all Americans. We are subject to compensation without caps. We ought to do the same for those who are standing up for all Americans should there be a terrorist attack of smallpox.

People have told us they need to have a program that will counsel them and educate them, because some people should not be immunized at all. But there is no such provision for that kind of screening mechanism, an educational effort in the Republican bill, even though it would save money because people would not be immunized if they knew they might be at a high risk. And people have told us that if they are going to be asked to be at risk, we ought to stand behind them. The Republican bill does not stand behind these first responders.

This should be negotiated on a bipartisan basis, or at least let the House work its will. I urge our colleagues to vote against this H.R. 1463, defeat it on the suspension calendar and insist that we go back and work on legislation that will accomplish the purpose that all of us have in mind in providing legislation for such a Smallpox Emergency Personnel Protection Act.

Mr. Speaker, I wish to provide for the RECORD two letters, one from the Service Employees International Union and one from the American Federation of State, County, and Municipal Employees, which I think further elaborates on this issue.

AMERICAN FEDERATION OF STATE,
COUNTY AND MUNICIPAL EMPLOY-
EES, AFL-CIO,

Washington, DC, March 28, 2003.

DEAR REPRESENTATIVE: On behalf of the 1.3 million members of the American Federation of State, County and Municipal Employees (AFSCME), including over 360,000 health care workers and first responders, we are writing to urge you to oppose H.R. 1463, introduced by Representative Richard Burr and scheduled on the suspension calendar for Monday, March 31.

H.R. 1463 would establish a deeply flawed smallpox compensation program for health care workers and first responders injured by the smallpox vaccination. However, this legislation fails to safeguard the health and safety of workers asked to volunteer for the smallpox vaccination program. Moreover, the bill fails to address the concerns of workers who fear that a serious injury or death from the smallpox vaccine would lead to economic catastrophe for themselves and their families.

While the Administration had hoped to vaccinate up to 10.5 million workers, only about 21,000 workers have been vaccinated thus far. Clearly, there has been a great reluctance among health care workers and first responders to risk the loss of health and

income without an adequate safety net for themselves and their families. While the legislation is premised on the assumption that workers will be eligible for workers' compensation in the event of an injury, the reality is that, in most states, workers cannot depend on this. In fact, there are only 14 states where it appears at all certain that claims for benefits will be honored by the state workers' compensation system.

Therefore, workers in most states who are permanently and totally disabled will be eligible only for this bill's maximum lump sum payment of \$262,100. This represents about five years' wages for the average nurse—not enough to sustain an individual or family over a lifetime. For a worker who suffers partial or temporary disability, the benefit is also capped at \$262,100 over a lifetime. Health care workers and first responders who suffer injuries that limit their ability to earn a living must be compensated at a level that reflects their reduced earnings capability for the duration of their injury. If the aim of the legislation is to encourage workers to be vaccinated, H.R. 1463 will not do the job. Workers will continue to be reluctant to be vaccinated in the absence of assurances that they will not face economic ruin should they become injured.

While the bill provides medical benefits for the treatment of injuries or illnesses, it does not provide medical benefits for rehabilitation, palliative care or long term care that may be needed. This is a significant gap in health coverage for workers asked to risk their health.

Another significant flaw in the bill is that funding for compensation and medical benefits are not mandatory. Workers who have lost their health and livelihood should not have to wage a fight for compensation each year during the appropriations process.

The legislation fails to ensure that the smallpox program will be carried out safely, in stark contrast to the program in place for military personnel. The bill does not require that health departments make medical tests, such as pregnancy tests, available to workers in order to screen out those who ought not to be vaccinated. The legislation also fails to include requirements for monitoring those who are vaccinated to catch adverse reactions before they develop into life threatening complications, similar to the military plan. There is also no funding for state and local public health departments to carry out this expensive program safely.

The legislation also fails to include a table of injuries that ensure that workers will be awarded compensation quickly. After years of experience with the smallpox vaccine, there are injuries, that occur within specific time periods, that are known to be caused by the vaccine. This schedule of injuries must be included to ensure that compensation will be quick and certain. Otherwise, workers cannot be certain before receiving the vaccine that the most likely serious injuries will qualify for compensation.

We also object to the bill's requirement that workers receive the vaccination within 180 days of the date regulations are issued. Any worker that is vaccinated under the Secretary's declaration must be eligible for federal compensation. It is punitive to deny compensation to a worker who opts to participate at a later date.

H.R. 1463 is deeply flawed. We strongly urge you to oppose this bill.

Sincerely,

CHARLES M. LOVELESS,
Director of Legislation.

March 28, 2003.

DEAR REPRESENTATIVE: On behalf of the 1.5 million members of the Service Employees International Union (SEIU), including over

750,000 health care workers and first responders, I am urging you to vote against H.R. 1463 because it fails to provide adequate protection to frontline workers who are volunteering for the smallpox vaccination program. The bill, introduced by Representative Richard Burr, is expected to come before the House for a vote as early as Monday, March 31, and will be offered under suspension without providing an opportunity to vote for a stronger bill.

Since the Administration first announced the civilian voluntary smallpox vaccination program, SEIU has worked to protect health care workers, first responders, their patients and the public through aggressive education, medical screening, and surveillance, and to ensure they would have access to a good compensation program. Now that three people have died and others have experienced cardiac-related problems in the days after their inoculations this only reinforces the critical need for a comprehensive program—which this legislation does not provide.

We understand the urgency of the program, especially in this time of war. But at the same time, frontline workers who respond to the call to protect other citizens in a time of national crisis deserve the same protections being provided to our military. To address the serious gaps in this plan, it is incumbent upon Congress to develop bipartisan legislation that encompasses the following issues:

Aggressive medical screening, monitoring and treatment—The legislation must provide for a program to screen out workers with any and all contraindications. Additionally, medical surveillance is essential to assess the program's effectiveness and ensure that any adverse reactions are treated before they become life threatening, as evidenced by the recent reports of heart related problems.

Adequate compensation—Already, there has been a great reluctance among health care workers to risk injury and loss of income without an adequate safety net for themselves and their families. Any compensation package must be retroactive and cover anyone who suffers a serious reaction as a result of the vaccine, as well as those injured through close contact with a vaccine recipient.

Ful accountability—Thorough investigation of, and full disclosure of adverse events under both the military and civilian plan must be reported immediately, and organizations representing potential vaccine recipients deserve notification along with the news media.

Guaranteed funding—There must be mandatory funding for the compensation program to ensure money is available to compensate those who have been injured or died as a result of the vaccine. As was recently recommended by the Institute of Medicine, there must be a clear commitment that adequate funding shall be provided to the states to implement education, screening, and medical surveillance through the emergency supplemental for Homeland Security needs.

It is absolutely critical that this nation's vaccination plan does not pose increased risks to the American people. We believe the program should be suspended until there is good legislation that ensures these safeguards are in place. Please vote against H.R. 1463, the Smallpox Emergency Personnel Protection Act, and take immediate action to support stronger legislation that will truly protect health care workers, patients, and the public.

Sincerely,

ANDREW L. STERN,
International President.

Mr. TAUZIN. Mr. Speaker, I yield myself 2 minutes to briefly set the record straight.

There has been extraordinary negotiations with the minority on this bill, over 2 weeks of it. The administration brought this bill to us as an emergency. It called upon us immediately to give authority to provide these benefits to people who would volunteer to vaccinate American citizens in the event of an attack of smallpox in this country, which could come at any time, as we know, particularly as hostilities are engaged in the Middle East and Iraq.

It brought it to us as an emergency and we took over 2 weeks to negotiate. And we negotiated over a dozen changes, I am told. The most important change we made was to bring up that disability cap from \$50,000 a year, that out-of-work cap, to the same level we provide for policemen and firemen in this country. And, Mr. Speaker, I would say to the gentleman from California (Mr. WAXMAN) that this is a supplemental program, just as that program is. It is on top of. It is full secondary coverage of medical benefits with no deductibles. That is a lot better than most plans. It is primary lump sum disability and death benefit that, under the Federal Public Safety Officers and Employees is equal to \$262,000. It is secondary coverage for temporary and partial disability from \$50,000 a year, again we raised it from the administration provision, all the way up to the \$262,000 level. It is on top of disability benefits under Social Security; on top of the benefits available in the State Employee or Private Disability Benefits, and we still preserve the right to sue in Federal torts claim court.

Doggone right we are behind those volunteers. Doggone right this is an emergency. But we took 2 weeks, and I took it with a great deal of pain on my conscience because I thought every night, when we were negotiating this thing with our colleagues over here, I thought every night, what happens if tomorrow we get hit and we have not passed this bill yet and we do not have enough volunteers out there to vaccinate all of America. What happens if every day I take negotiating with the other side is a day we put our country at risk. And I suffered every night with that thought for 2 weeks. We have negotiated this bill to a point that it ought to get passed today.

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

Mr. BURGESS. Mr. Speaker, I thank the gentleman for yielding me this time, and today I rise in support of H.R. 1463, the Smallpox Emergency Personnel Act of 2003.

I will just add, in light of the comments made by the chairman, that I come to this body as a physician and I likely, myself, will take this vaccination to become a first responder.

Mr. Speaker, H.R. 1463 is a meaningful first step toward ensuring the broadest acceptance of the President's call for voluntary vaccinations by public safety personnel. In my home State of Texas, to date, only 1,700 first re-

sponders have been vaccinated for smallpox. Of this number, Texas health officials report that there have been no adverse reactions to date.

A number of factors can be attributed to the slow roll-out of this vaccination campaign, but one of the major factors involved is first responders are hesitant to take a vaccine with potential side effects. We must be very clear about the current vaccination campaign. Different people react to different medications differently. A great majority of those who will receive this smallpox vaccination will have no reaction at all. A handful, however, could face complications. Some of these may be as minor as a rash. A small percentage of that number could face more serious health complications, such as postvaccinial encephalitis or endocarditis.

H.R. 1463 will ensure that a broad safety net is available for those very few individuals that may suffer from an adverse reaction to the smallpox vaccine. Under this bill, first responders are provided with death and disability benefits comparable to the benefits police officers and firefighters already have access to under the Public Safety Officers Benefit Program. First responders who have an adverse reaction could also qualify for lost employment income benefits, coverage for medical expenses, and certain liability protections. H.R. 1463 will give first responders peace of mind to do something that will protect all Americans.

First responders are on the front lines of our war against terrorism and play a vital role in the instance of a terrorist attack. Our enemies have shown us that they will go to any length to kill innocent men, women and children. If they ever obtain a weapon as horrifying and as devastating as smallpox, let there be no mistake, there will be no hesitancy that they would use it. However, if they were able to employ such a weapon, American first responders will have a greater ability to protect all of us if they have already been inoculated from this debilitating and life-threatening disease.

Americans are counting on our health care professionals to be vaccinated against smallpox. By vaccinating these important first responders, we will be able to contain a potential outbreak and save thousands of lives. Americans are looking to the House of Representatives for leadership on this issue. For that reason, I urge my colleagues to protect first responders and give them the peace of mind to protect all of us.

Mrs. CAPPS. Mr. Speaker, could I inquire what time remains?

The SPEAKER pro tempore (Mr. PETRI). The gentlewoman from California (Mrs. CAPPS) has 14½ minutes remaining and the gentleman from Louisiana (Mr. TAUZIN) has 6½ minutes remaining.

Mrs. CAPPS. Mr. Speaker, I yield myself such time as I may consume to

say, with all due respect to my chairman, for whom I have a great deal of respect, that I commend him for his sense of urgency about the timing of this. The first responders, my colleagues who are nurses, have told us that they want confidence before they are going to roll up their sleeves and take this vaccine, and that this bill does not give them the confidence and that is why we stand in opposition to this bill.

Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. WAXMAN) for a response.

Mr. WAXMAN. Mr. Speaker, I thank the gentlewoman for yielding this time to me.

The administration has asked people to take this immunization in the health care area and first responders have not been doing it. One of the reasons, according to the Institute of Medicine, is because they do not feel that they are going to be backed up by the government when they take the risk of some adverse event.

Now, I want to point out to my good friend, the gentleman from Louisiana, the chairman of the committee, that he should not personalize this whole matter and have it on his conscience that we cannot pass this bill today. Of course, this could have come under the rules and we could have had opportunity for amendments to consider. But I want to point out that we asked for smallpox compensation as part of the bioterrorism bill in 2001, we asked for smallpox compensation as part of the homeland security bill in 2002, we formally requested an administration proposal in December 2002, and we proposed our own bill in February of this year. Only in March, 2 weeks ago, did the majority respond. And now, of course, it is take it or leave it. Take it or leave it. That is what we are being told.

This is a bad policy and a bad process by which to protect the public health. We had negotiations by staff. It might have helped for Members to sit down and talk this through. And if Members and staff cannot agree, then we have committees and subcommittees to consider the details of legislation. And if it is too urgent for committees and subcommittees to act after all this time, at least let the House consider a bill and consider various alternatives.

I think we are now engaged in a very bad process, and I think that we are being asked to take very bad policy that is going to be self-defeating. Because if many of the nurses do not want it, and the firefighters do not want it, and the police members do not want it, and other first responders do not feel it is adequate and they are not going to be compensated, then we are not accomplishing the goal that we should for all of us.

The SPEAKER pro tempore. The Chair wishes to inform the House that he misspoke in response to the inquiry of the gentlewoman from California (Mrs. CAPPS). There was 4½ minutes re-

maining, not 14½ minutes. I apologize to the gentlewoman.

Mrs. CAPPS. Could I beg of the Chair to consider then, because I was generous in yielding to my colleague, that we be given more time, because we have several people who still wish to speak?

Mr. WAXMAN. Mr. Speaker, I ask unanimous consent, and I hope the gentleman on the other side will appreciate this since we were misinformed on the time, that we be given an additional 5 minutes on each side.

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

Mr. TAUZIN. Mr. Speaker, reserving the right to object, why do we not take such time as the gentleman consumed. I think the gentlewoman yielded the gentleman 2 minutes. And what time did the gentleman just use, Mr. Speaker?

The SPEAKER pro tempore. Two minutes.

Mr. TAUZIN. Mr. Speaker, I would suggest, instead, that we add an additional 2 minutes to each side, in fairness.

So, Mr. Speaker, I ask unanimous consent that each side be granted 2 additional minutes to make up for the inaccurate call of the Chair.

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

Mr. TAUZIN. I would be happy to yield to the gentleman from California.

Mr. WAXMAN. That may well work, but again we have another example of trying to say no more than a certain amount. And it may be adequate, but let us be generous to our colleagues and let us be generous to the first responders.

Mr. TAUZIN. Mr. Speaker, reclaiming my time, I will be happy to just object and not have any extension, if the gentleman wants to argue about a couple of minutes.

The SPEAKER pro tempore. Objection is heard.

Mr. TAUZIN. Otherwise, I ask unanimous consent that each side be accorded 2 additional minutes to make up for the error of the Chair.

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

There was no objection.

The SPEAKER pro tempore. Each side will have an additional 2 minutes.

Mrs. CAPPS. Mr. Speaker, could I now inquire how much time is remaining?

The SPEAKER pro tempore. The gentlewoman from California (Mrs. CAPPS) has 4 minutes remaining, and the gentleman from Louisiana (Mr. TAUZIN) has 8½ minutes.

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

Mr. TAUZIN. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. COX), chairman of the Select Committee on Homeland Security.

□ 1445

Mr. COX. Mr. Speaker, we are here in extraordinary circumstances, rushing

this legislation to the floor as we must, because we are facing an emergency. We have got to provide compensation to those workers who may be injured or killed by the smallpox vaccine. The Committee on Energy and Commerce, of which I am proud to be a member, has done very, very important work to bring this bill to the floor in these emergency circumstances. The Committee on Homeland Security, of which I am also the chairman, has an abiding interest in making sure that our first responders are capable of dealing with crises such as this. If smallpox is used against American citizens as a weapon, we have got to be prepared and we have to be sure that the first responders do not themselves become weapons, because even though they are not manifesting the symptoms they are spreading the disease.

Smallpox spreads so fast that it is estimated it will kill at least 30 percent of its unvaccinated victims. Immunity is suspected to have waned among people who were vaccinated before smallpox was thought to have been eradicated in the 1970s. Like many of the Members of this Chamber, I am such a person who has had such a vaccination. Yet I am probably not protected.

Once contracted, smallpox incubates for 10 to 12 days, causing fever and nausea. As the symptoms abate, the victim becomes infectious but does not develop the tell-tale rash for another 2 to 4 days. That is why it is so important that these first responders be protected.

As we speak, there is no cure for smallpox. The vaccine we have works well before exposure, but evidence of post-exposure efficacy is only anecdotal. That anecdotal evidence points to the vaccine only working if the victim is inoculated within 4 days of contact with smallpox.

Our strategy to counter a smallpox attack depends on our first responders having already been vaccinated. It is going to be hard enough for public health officials to react within the necessary window of time. Administering the vaccine after the detection of a smallpox outbreak to a mobile American public with little or no immunity will cause immense problems. Doing so when first responders are not already themselves protected against smallpox could prove impossible. So far, only 20,000 nonmilitary personnel have been vaccinated. That is not nearly enough.

Taking the vaccine means taking a risk. Therefore, we must reassure our health care workers and our first responders that we understand this risk and we will stand by them. That is why I support the gentleman from North Carolina's vaccination compensation legislation, that is why I support putting this legislation on the floor in this emergency circumstance as we have, and that is why I support the leadership of the gentleman from Louisiana in bringing this to a quick and hopefully positive vote.

Mrs. CAPPS. Mr. Speaker, I am happy to yield 1½ minutes to the gentleman from Ohio (Mr. STRICKLAND), a member of the Subcommittee on Health.

Mr. STRICKLAND. Mr. Speaker, I am truly puzzled at the leadership on the other side. We are told that the administration sent this bill over here as an emergency. Yet I think they know that this bill is likely to be defeated because of the way it is being dealt with. If it is an emergency, ought we not to work together so that we can pass a bill? What is happening here today will result in the delay of this bill being passed.

The chairman of our committee says, of course, we are for the volunteers and I believe he is sincere. But if we are for the volunteers, why do we not listen to the volunteers? In the first 2 months of the administration's smallpox vaccine program, only about 25,000 of a planned 450,000 health workers have received the vaccine. Last week, three people died from heart attacks after receiving the vaccine, two health workers and a 55-year-old National Guard member. All three people had risk factors for heart disease, although it is not currently known whether the vaccine caused the heart attacks.

As a result of these challenges, a compensation program is needed, but these health care workers, these first responders are worried that the bill before us will not adequately provide for education and screening of the workers who are being asked to take the vaccine. If we screen the people who are at risk, we may save their lives and we can save money.

I am disappointed. I think we all know this bill is likely to go down to defeat, and unnecessarily so. Let us work together in this House. If not on this bill, what bill can we ever work together on?

Mr. Speaker, I include for the RECORD three letters, one from the International Union of Police Associations, one from the American Public Health Association and the other from the American Federation of Teachers in opposition to the administration's plan.

INTERNATIONAL UNION OF POLICE
ASSOCIATIONS AFL-CIO,
Alexandria, VA, March 27, 2003.

Hon. TED KENNEDY,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR KENNEDY: On behalf of the International Union of Police Associations, AFL-CIO, representing law enforcement professionals from more than 500 agencies across the country and in Puerto Rico, I am writing to voice our concern regarding the Smallpox Compensation Program currently being debated in the House.

We urge you to work to ensure that this legislation will provide the security demanded and deserved by our first responders who elect to take the smallpox vaccine in order to better serve a nation at war. We hope this would include crucial screening and education for both the emergency personnel and their immediate families.

A mandatory funding provision is also needed to ensure that the varying states'

workers' compensation laws will not withhold compensation based on the fact that the vaccination is voluntary.

We also believe that these should be no five-day waiting period for compensation benefits. Furthermore, we hope to see some protection for those who elect not to take it.

We are asking more and more of those health care and public safety workers on the front lines of our nation's homeland security efforts. Providing them with ample security should they become disabled in their duties is critical, necessary, and is clearly and simply the right thing to do. I applaud your efforts to correct the deficiencies in this proposed legislation and will be privileged to assist you and your staff in these efforts.

Respectfully,

DENNIS SLOCUMB,
International Executive Vice President.

AMERICAN PUBLIC HEALTH ASSOCIATION,
Washington, DC, March 30, 2003.

DEAR REPRESENTATIVE: On behalf of the American Public Health Association (APHA), representing more than 50,000 members from over 50 public health occupations, I urge you to oppose the H.R. 1463 in its current form and work to strengthen this legislation before it is brought to the house floor for a vote.

APHA strongly supports legislation to address current impediments to the national smallpox preparedness effort, including lack of compensation for those who become injured, ill, disabled or die; protections from liability for volunteer vaccinators and health systems; and adequate federal resources to enable public health systems to implement a smallpox vaccination program safely and effectively.

We are concerned that the current proposal before the House of Representatives fails to include a number of essential elements of a workable compensation program that will adequately protect volunteers and help to assure a successful program.

We respectfully suggest that the proposed legislation be strengthened in the following ways:

1. The compensation program should be financed by a mandatory funding source. It is important that volunteers who are injured, ill, disabled or die are assured that the protection they expect from a compensation program will be realized. We learned a clear lesson from the Radiation Exposure Compensation Act (RECA) Trust Fund when earlier this decade appropriations to the fund were not sufficient to pay claims and hundreds ill from Cold War-era exposure to radiation were left with IOUs. We have also learned in recent weeks that we have more to learn about the effects of the smallpox vaccine. Reports of heart inflammation and failure in possibly connection with the vaccine warn us that we must not have all the information at present to make an appropriate judgment about the amount of appropriation it will take to ensure that compensation can be guaranteed. Those first responders who volunteer to be vaccinated deserve to be assured that adequate compensation will be available for them.

2. Payment for illness, injury, disability, or death should include compensation for all lost wages, taking into account an individual's projected future earnings. Volunteers and their families should be confident that should they become unable to work due to disability they will not have to lose their income for future years, jeopardizing the income security for themselves and their families. In the rare case of death, family members, including children, should not be left uncompensated because of a loved one's sacrifice to protect others. Death and disability benefits should not be reduced by wages re-

placed before death or disability occurs. Compensation should be 100%, begin without delay, and should not be subject to a cap.

3. Volunteers should be compensated for adverse events regardless of the date on which they received the vaccine. Imposing an artificial time period in which one must volunteer is contrary to the goal of the vaccination program. Success should not be measured on the numbers vaccinated a specific period of time but rather, on whether at any given time we have a sufficient cadre of vaccinated first responders across the country. Speed should not be our measure—safety should. As we have seen from the start of the program, any number of barriers may result in extending the time in which we expect vaccinations to occur, including unexpected new possible complications from the vaccine. Establishing a set time frame for vaccination eliminates adjustments needed for unanticipated events.

4. Adequate Funds are needed to ensure that state and local health systems are prepared. Any proposal should recognize the need for additional funds to state and local health departments and health systems to implement the smallpox program. Current funds for bioterrorism preparedness efforts have been largely spent and obligated. States and localities and health systems are preparing for a broad array of potential threats in a time of great budgetary strain and increased demand for services. The recent outbreak of Severe Acute Respiratory Syndrome (SARS) is but one example of how public health is required to serve a dual role, protecting Americans from the latest emerging infectious diseases, the leading causes of death such as chronic diseases, and preparing for intentional acts of biological terrorism or war.

Resources are needed to ensure that the important smallpox preparedness program can proceed without shifting resources from other bioterrorism preparedness requirements and which maintaining our important programs to protect Americans from everyday health threats.

Again, we commend you for recognizing the importance of this legislation, we urge you to do it thoughtfully, and we remain ready to implement the smallpox preparedness program safely, efficiently and effectively.

Sincerely,
GEORGES BENJAMIN, MD, FACP,
Executive Director.

AMERICAN FEDERATION OF
TEACHERS, AFL-CIO,
Washington, DC, March 28, 2003.

House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE: On behalf of the more than 1 million members of the American Federation of Teachers, including more than 65,000 healthcare professionals, I urge you to vote against considering H.R. 1413, the Smallpox Emergency Personnel Protection Act, under suspension of the rules. This procedure will prevent the House from consideration of the Capps-Waxman substitute, which is vastly superior to the Administration's proposal, H.R. 1413. Capps-Waxman provides increased education and screening, as well as a realistic compensation package for those who suffer a serious adverse reaction.

As you know, most workers have refused to participate in the smallpox inoculation program. Most believe there has not been sufficient information about the need for immediate vaccination. Further, there are serious doubts about the efficacy of existing education and screening programs, as well as the lack of a federal compensation program for healthcare volunteers and innocent victims who may suffer adverse reactions.

Since last fall, healthcare unions and other organizations have been working to develop a bipartisan program that would address these issues. Our proposal is based on the existing Department of Defense smallpox program, as is the Capps-Waxman substitute. The Administration's proposal that is being rushed to the House floor does not provide the same protections that are offered in the Capps-Waxman substitute.

EDUCATION AND SCREENING

The need to increase the education and screening of volunteers is clear. This requires additional funding. The Department of Defense's comprehensive education and screening program, for example, screened out 30 percent of those who were to be inoculated. The recent death of two nurses and the serious adverse reactions of others demonstrate the limitations of the existing program, which continues unchanged under H.R. 1413. Screening out those who are counter-indicated is essential to prevent adverse reactions and to protect healthcare workers who volunteer. The Capps-Waxman substitute addresses this critical need by providing additional funding for our public health agencies that are responsible for this program to assure complete education and screening. The Administration proposal does not.

COMPENSATION

Since the smallpox program is a voluntary federal program, injured individuals should be compensated by the federal government for the cost of both medical treatment and lost wages. The Administration's proposal seems to assume that there is adequate wage compensation through the workers' compensation system. Unfortunately, we have found only 14 states that can assure workers that they will be covered under workers' compensation. The remainder of the states are not sure that this program is "work related" since it is voluntary. Further, innocent third parties who suffer adverse reactions are not covered by workers' compensation. Also, many workers or innocent third parties are not covered by health insurance or may be subject to health insurance exclusions; therefore, full federal health insurance coverage for medical treatment is essential. While the Administration bill does cover health insurance, its restrictive definitions on disability and caps on financial benefits do not assure necessary wage replacement. The Capps-Waxman substitute includes necessary federally financed healthcare and provides the victims lost wages for the duration of the disability caused by an adverse reaction.

The bottom line is that a reasonable compensation program for adverse smallpox reactions should provide federal compensation for full medical coverage and adequate wage replacement. There should be no exclusions from this coverage, such as the five-day waiting period in the Administration program. This five-day exclusion is a major concern of many of our members. Further, restrictions in the Administration's proposals, such as capping benefit payments and using the 180-day rule forcing workers to choose to get the vaccination or forgo compensation, are unacceptable. The Capps-Waxman substitute satisfactorily addresses these issues.

Finally, this new program must be mandatorily funded and include a table of injuries in the statute to ensure workers get compensation, a provision in Capps-Waxman and not the Administration legislation.

Unfortunately, under the suspension of the rules procedure, the House will be precluded from addressing these issues. Our nurses, other health care workers, and first responders are dedicated professionals and will not shirk their duties to help the public. However, they deserve the best screening, edu-

cation, and compensation program for volunteering to receive this potentially dangerous vaccine. They deserve a vote on the Capps-Waxman substitute.

On behalf of the American Federation of Teachers, I urge you to oppose consideration of H.R. 1413 under suspension of the rules and demand a vote on the Capps-Waxman substitute.

Sincerely,

CHARLOTTE FRAAS,
Director, Department of Legislation.

Mrs. CAPPS. Mr. Speaker, I yield 1½ minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Speaker, who opposes this bill? The nurses, the police, the fire, the Public Health Association of the United States. They all oppose it. These are the health care heroes in our country. The reason that legislation is so important is that these people are going to be asked to put their lives on the line. They are the first responders. How busy are we that we can give them 20 minutes of debate, each side having 20 minutes to debate their fate? How hard would it be for us to have worked all day Friday to allow amendments to have been made that represents what the teachers, what the nurses, what the doctors, what the police and what the fire want for protections? How hard would it have been for us to have worked all day today if there is an emergency? Do we not as Members of Congress owe to these heroes working on a Friday and a Monday so we can debate what their needs are?

Then why is it important? It is important because the adverse reactions from the smallpox vaccine are a real concern. This bill coerces volunteers to be vaccinated within 180 days after the regulations are issued or they lose their rights to lost wages and to disability payments and even to death payments. They lose them. A pregnant nurse has only 180 days to be vaccinated after her baby is born.

This is wrong. Vote "no" on this bill. Let us have a full debate on the House floor with amendments.

Mrs. CAPPS. Mr. Speaker, I yield myself the balance of my time.

I stand here with my colleagues in opposition to this bill, drafted by the leadership with a kind of arrogance that presumes to know what is best for our first responders than they themselves know. With their testimony, with their letters, with their anguish, they implore us to give them the confidence that they need if they are going to be asked to take a risk to become a part of the shield to protect this Nation against terrorist attack.

We need to defeat this legislation for them so that they can have confidence in this House that we can do what is right, not just for them but for our Nation in this time of peril. And so I will close by using some of the language of my colleague, the ranking member of the Committee on Energy and Commerce, the gentleman from Michigan (Mr. DINGELL) who says in his written statement, "Right after we defeat this

bill, I hope that we can set about the task of creating bipartisan legislation that all Members of the House can support. The very people this bill purports to help, nurses, EMTs, police officers, firefighters, find this hastily crafted legislation lacking. Why? Because it fails to address their very significant concerns."

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

Let me address the two principal objections to this bill. The first is that some of the first responders would like more coverage. They would like more coverage than we currently provide for police officers and firefighters who take the chances to go out and fight fires and sacrifice their lives, to go out and fight the criminal elements on the street and take the bullets and sometimes die and sometimes end up disabled and have a lifetime of lost wages. They would like to have more benefits than those individuals. But this is not a management-labor union discussion. This is an emergency. When the other side asked for time, for 2 weeks to work with us in a bipartisan fashion to up the benefits comparable to what police and firemen have, we did that. It is now in the bill.

The other objection they raise is that, well, this is not due process. We have taken this bill to the floor under suspension. We are not taking it through all the committees of jurisdiction. How many committees claim jurisdiction on this bill, Mr. Speaker? Let us start with the Committee on Education and the Workforce. We heard from the chairman who instead worked with us cooperatively to get this bill to the floor. Judiciary could have a claim on this bill. Judiciary worked with us cooperatively to get this bill to the floor. Appropriations could certainly have a claim on this bill, but they have worked with us to get this bill to the floor.

Why have all the committees worked with us to get this bill to the floor without all the markups and all the committees that might have jurisdiction on it? Because they know the emergency. They understand how important it is to get this bill done and signed by the President immediately. We have all been briefed. We have all been briefed about the danger of smallpox terrorism. We have all been briefed about how easy it would be for a country like Iraq, which we know probably has smallpox virus, to slip it into this country, to expose someone and then begin exposing our general population. They know that in 2 weeks, everyone once exposed becomes a carrier and exposes more people and that second- and third- and fourth-generation exposure occurs and we lose 30 percent of the population of America potentially. They know the danger. They know the emergency. Every committee has cooperated with us.

For 2 weeks we negotiated with the other side, a fair negotiation to get this bill in a way that you could accept

it. We made a dozen changes, raised the amount of the benefits, changed the percentages to 75 percent for those with dependents. We built a program as good as any program for anyone in the Federal service, and we built it as good as the policemen and firemen.

But that is not enough. Enough is never enough. But we do not have time to quibble about what is enough here. Do not come to this floor saying that no one supports this bill in the health care community. Let me read to my colleagues the supporters: The American Hospital Association, people who will be on the front line taking care of all these people infected with smallpox if we are not careful; the American Medical Association, the doctors who have to deliver the care; the American College of Emergency Physicians who are going to meet every sick person coming in with smallpox to an emergency room; the Alliance of Specialty Medicines, representing 160,000 physicians, among many others who support this bill.

This is an emergency. The administration, the Homeland Security Office, have told us we need to give this benefit to those people who will volunteer to take this vaccine to protect themselves and then to protect us. No one is coerced to do this. This bill does not mandate a single person take the vaccine. It simply gives the same rich mix of benefits to those who will volunteer to take this vaccine and protect the rest of us, to be ready to go into action to prevent the second- and third- and fourth-generation exposures that could wipe out so many in this country. It simply says to them, if you volunteer, we give you this coverage. If you volunteer, if you want to be one of those who serve this country in this special way, you get the benefits of this bill.

This bill needs to get passed now. It is an emergency. That is why it is on suspension. We ought to have the courage to pass it. If it does not pass today, it is only because somebody on the other side thinks enough is never enough and you want to quibble about numbers when the country is at stake.

Mr. Speaker, this bill ought to get passed. It needs to get passed now.

Mr. HOLT. Mr. Speaker, on September 11, 2001, as thousands fled over lower Manhattan during the terrorist strikes, many ran towards the burning buildings.

These brave men and women were first responders—the police, firefighters, and emergency medical personnel who risk their lives every day to protect their fellow citizens.

It would seem like the least we could do for them would be to not only applaud their efforts, but also provide them with support they need so they can do their jobs even better.

Unfortunately, this Congress has found it appropriate not to support, but to shortchange these everyday heroes.

A month and a half ago, we finally managed to pass the FY03 spending bill. Many of us here in this body sought to add vital funding for first responders, but we were denied. Our first responders were denied.

Today, apparently, this body is poised to again deny our first responders—in this case,

the men and women who will first respond to the unthinkable: a smallpox attack.

The need for the president's smallpox vaccination program is questionable, but now that the program exists, there is no doubt that we need to address compensation for those who volunteer for and are injured by the vaccine. In terms of negative side effects, this vaccine—essentially the same as the original developed in 1796—is perhaps the most dangerous one we currently have. In this most initial wave of vaccinations, we have already seen several serious injuries and even a few deaths possibly attributable to the vaccine.

That is why adequate compensation for vaccine injury is so crucial. Our first responders want to know that if they take the brave step of volunteering for the vaccination and get sick or die, they and their family will be taken care of.

The absence of a good compensation program has doubtless contributed to the snail's pace that the president's vaccination program has taken. Only 25,000 of the 500,000 in the "initial wave" of healthcare workers have actually been vaccinated.

The bill before us will not assure these workers that they will be adequately compensated. The lifetime cap of \$262,100 is small change for someone who is permanently disabled.

This bill also only covers workers vaccinated during a specific short time period after implementation. What kind of an incentive is this for new healthcare providers to get vaccinated in the future?

As the American Nurses Association has written, "the bill does not provide adequate education, prescreening, surveillance, and compensation."

Mr. Speaker, I have been working in this Congress to show my strong support for our first responders. Today I will continue to show this support by voting "no."

Ms. JACKSON-LEE of Texas. Mr. Speaker, I cannot support H.R. 1463, the Smallpox Vaccination Compensation Act. Our nation's first responders and health care workers take risks every day in order to serve the public good. Our firefighters face the risk to their lives every time they are called to duty. Health care workers come into contact with deadly germs on a regular basis. Even now, with the threat of bioterrorist attacks upon them, they are not flinching. They are there at work, serving the public good and putting themselves in harm's way.

And now that it seems that on top of the physical risks they are taking, the Republican leadership has decided that they and their families should also shoulder the financial risk of the fight against terrorism. We are asking that they serve as a kind of barrier, protecting the American public against the horrors of smallpox. If the virus were somehow leaked into the U.S., of course we would expect our first responders to be there at the sight of the emergency, and infected individuals would end up at our hospitals. We are trying to encourage those who work on the front lines to come in and get vaccinated, so that they do not get infected and pass the virus on to their families and the public.

But the vaccination program has been an utter failure so far, because the smallpox vaccination itself also carries with it moderate danger. As scientists have been telling us, the vaccination can make some people sick, or can even lead to death in rare circumstances. Whereas the death rate can be reduced or eliminated by good education and screening of people who might be at risk for complications, some of those who are vaccinated will become ill. They may have to be quarantined; they will miss work, perhaps for a long time. In today's economy—with medical costs what they are—this could be devastating, especially for someone with a family to support. Too many of our first responders and health workers have decided they cannot take that risk, and are asking that the Federal Government that is in charge of protecting the homeland—assume that risk for them. That seems fair enough.

The author of the bill before us today recognized the problem, and gave the bill the right name, but just didn't do a good job of matching resources with the needs out there. The problem with that is that if we don't give adequate assurances to people that they will be covered for any unfortunate episodes—they will not get vaccinated. Then in 6 months, or a year, we will find ourselves in this same situation—totally vulnerable to a smallpox attack. We cannot afford to take that risk. We must get it right the first time.

We are hearing from group after group of experts and people effected by this, saying, "Do not support this bill. It is not enough." The American Nurses Association, the Association of Firefighters, the American Federation of State, County and Municipal Employees—and the list goes on. These are not the money-grubbing types; they are humble civil servants who deserve our support. They are saying that this compensation package may not be enough to entice them to join the voluntary smallpox vaccination program. If they do not sign up, they will be vulnerable, and so will the American people.

The Democratic Capps-Waxman substitute would have gotten the job done. The Republican bill does not ensure adequate funding is available to compensate health care workers and other first responders injured by the smallpox vaccine. The Capps-Waxman substitute provides for mandatory funding for this program.

The Republican bill would pay only 66.6% of an injured worker's lost wages with a lifetime cap of \$50,000. The Capps-Waxman amendment would pay 66.6% of lost wages up to \$75,000 per year for as long as the worker is disabled. Workers with dependents would receive 75% of lost wages up to \$75,000 per year for as long as the worker was disabled.

The Republican bill would not compensate health care workers and other first responders for lost wages for the first five days they are injured. The

Capps-Waxman substitute would ensure that health care workers and other first responders who are out of work for longer than five days would have their unreimbursed lost wages compensated from the first day they missed work.

The Republican bill provides that a health care worker or other first responder who is killed by the smallpox vaccine receives only a flat death benefit. The Capps-Waxman substitute would pay a death benefit as well as any lost wages for workers who have dependents when they die.

Finally, the Capps-Waxman substitute has a specific authorization for funding for States to educate and screen potential vaccinees. The Republican bill does not. This is a critical component. There have been several deaths recently that occurred within a week or so after vaccinations. We must at the very least provide adequate education to people we want to get vaccinated to see if they are at risk for vaccine-related disease. They deserve that.

I will vote against H.R. 1463, and urge my colleagues to do the same.

Mr. LEVIN. Mr. Speaker, since September 11, we have begun to prepare for a number of events that once seemed unthinkable. One of them is an epidemic of smallpox, a deadly disease that we thought we had erased from the earth. The best way for us to protect ourselves against that is to vaccinate our first responders—the nurses, policemen, and firefighters that we would depend on to recognize a smallpox outbreak and quickly act to protect all of us against a disease that spreads rapidly and kills a third of its victims.

But in the three and a half months since President Bush announced plans to vaccinate 500,000 first responders, fewer than 25,000 have volunteered. In Michigan, where we had a goal of vaccinating 5,000 people, fewer than five hundred people have been vaccinated.

The smallpox vaccine has the worst record of negative side effects, including death, of any vaccine in our history. Experts estimate that one in a million people vaccinated will die, and many more will become ill, some seriously. Sadly, three people who volunteered to be vaccinated have already died.

These are sobering statistics, but it is not the personal danger that is keeping first responders from volunteering. Every day, our police, firefighters, and health care workers risk injury and death to help others. But giving them the smallpox vaccine without proper education, pre-screening, and surveillance doesn't just endanger them—it endangers all of us. When smallpox vaccination was still widespread, nearly 20 percent of infections from the vaccine came from secondary contact. And asking first responders to be vaccinated without a safety net if they become ill, are disabled, or die endangers their families and those who depend on them for support.

The Republican leadership says we don't have time to have a discussion with nurses, policemen, firefighters, and other first responders about what kind of program they need to feel safe because preparing for bioterrorism is an emergency. But if we don't have that discussion, we will have done nothing to address the emergency.

Receiving the smallpox vaccine is voluntary for first responders. First responders don't think the current program is safe, so they are declining the vaccine. That's why our current program isn't working and why after months of saying a vaccine injury compensation system wasn't necessary, House Republicans are willing to bring up a bill. But if the bill we pass doesn't make first responders feel safe, they still won't volunteer to be vaccinated, and we'll be right back where we started, except we'll have wasted a lot of time on a program we already know will be ineffective.

Wouldn't it make more sense to get it right the first time? By voting against this bill, which the International Union of Firefighters, the American Nurses Association, and the International Union of Police Associations say does not address the concerns that have prevented them from being vaccinated, I hope to give the House an opportunity to sit down with first responders and craft a workable solution. It is precisely because this is an emergency that we don't have time to pass unworkable legislation, wait for it to fail, and start again.

I regret that we did not have the opportunity to vote on a real solution tonight. I hope we can move immediately to pass a real solution, without wasting any more time on political gamesmanship.

Mr. CARDIN. Mr. Speaker, I rise in opposition to H.R. 1463. The House should be considering a bill today that responds to two basic questions: how do we encourage first responders—nurses, emergency room doctors, police, and firefighters—to volunteer for smallpox vaccinations; and second, how do we compensate them for any injury, disability or fatality they suffer in the event of an adverse reaction. Instead, the bill we are voting on—with no opportunity to amend or offer a substitute—accomplishes neither.

Last week, a 57-year-old nurse from my own state of Maryland died within 5 days of receiving the smallpox vaccine. The CDC is still investigating the nexus between the vaccine and her death. But to date, 12 health care workers who received the vaccine have experienced severe heart problems within day of inoculation, and 3 have died. These deaths and complications are sending waves of panic through the health care community.

On January 24, the President and HHS Secretary Thompson called for 450,000 first responders to be inoculated against smallpox. Today, as we come to the floor to consider this bill, the Administration has reached only 5 percent of its goal. The response has been dismal not because these workers lack dedication to public health and safety, but because they have justifiable doubts that this vaccine is safe and that if they are injured or die, they and their survivors will be compensated fairly.

Initial risk assessments by HHS did not come close to estimating the percentage of workers who would be at risk of illness or death from the smallpox vaccine. Many individuals are well on their way to heart disease, even though they have no symptoms and feel fine. Many Americans who have high blood pressure and diabetes are completely unaware of their condition.

Both high blood pressure and diabetes increase the risk for heart disease. Unfortunately, these serious problems usually don't cause symptoms until they've already done their damage. They silently harm many organs, including the heart and kidneys. Often

people are not diagnosed with these problems until it is too late to prevent damage. By the time symptoms are present, the condition may be critical.

Scientific studies have indicated that for every 100,000 who are immunized against smallpox, 2 or 3 will die. But the U.S. has only immunized 29,000 persons so far, and three deaths have already occurred. Why the discrepancy? HHS's initial risk assessments were based on immunization of much younger subjects, who are at far lower risk of heart disease. But the three workers who died were all in their fifties, and the average age of nurses in our workforce is 45. Those who would be immunized under the president's plan are at much higher peril of adverse reactions.

The CDC had already announced a temporary medical deferral for persons diagnosed with heart disease, and late last week it expanded that category to include individuals with three of more "major risk factors" for heart disease, including smoking, diabetes, high blood pressure and high cholesterol. Small wonder that the participation rate among our health care workers is so low. It is likely to remain low until workers gain confidence that government has a better understanding of risk factors.

Our nation's first responders should be protected against smallpox. But a vaccination program can only succeed to the extent that government succeeds in assuring workers that potential side effects will be minimized, and that they will be treated fairly and compensated adequately in the event of illness, disability, or death.

The underlying bill fails these tests. It limits payments for lost income to any annual maximum of \$50,000. There is no wage replacement for those who suffer permanently disability or death. Why would nurses, who earn an average salary of \$40,000, risk their families' future for so little?

The Burr bill won't begin replacing lost wages until 5 days have passed. A national program ought to provide first dollar compensation, not last-resort coverage. The Burr bill also imposes a deadline of 180 days for workers to qualify for compensation. Those vaccinated after that time would not qualify. How can we know how long it take our States and localities to vaccinate a sufficient number of volunteers?

In addition, the bill provides no funding for education, screening, or surveillance. The National Association of County and City Health Officials has estimated that to provide pre-vaccination education and screening, and surveillance for adverse reactions would cost between \$154 and \$284 per person. If the Administration plans to vaccinate 500,000 workers in Phase I and another 10 million in Phase II, we are taking about a \$2 billion unfunded mandate to our localities.

Mr. Speaker, our towns' and cities' budgets are already strained as they conduct other bioterrorism preparedness activities. Our localities do not have sufficient funds to prepare for chemical, biological and radiological terrorism, and more than half of our local governments have reported that smallpox and other bioterrorism planning has negatively affected other local public health services. They are delaying programs, turning down community requests, and reducing the frequency of client visits.

Mr. Speaker, we have asked America's first responders to put their lives on the line to protect the rest of us. The compensation we offer

must be adequate; it must be immediate; it must be guaranteed. I believe the House is united in its appreciation of an support for our first responders. Legislation to compensate them for their illness, disability or death should reflect that level of support. I am disappointed that the bill before us does not do that. I urge the House to reject this bill and I call upon the leadership to return with legislation that will provide a meaningful compensation program for those on the front line against bioterrorism.

Ms. SCHAKOWSKY. Mr. Speaker, the Smallpox Emergency Personnel Protection Act (H.R. 1463) is being rushed to the House floor today for a vote under suspension, denying us the opportunity to amend this bill to ensure that the compensation we offer our first responders is both adequate and meaningful. I have serious concerns both about the deficiencies in H.R. 1463 and the process by which it was brought to the floor. This is an ill-considered bill that fails to provide adequate compensation for persons volunteering for the smallpox inoculation and, therefore, will undermine the very goal of encouraging first responders to participate in the vaccine program. Three recently immunized military personnel and civilian health care workers have died of fatal heart attacks and Federal health experts are investigating at least 15 more cases of possible cardiac reactions to the immunization. Given recent events such as these, the limitations of H.R. 1463 will likely result in even more refusals by first responders to volunteer for the smallpox vaccine.

H.R. 1463 fails to offer meaningful compensation, does not have guaranteed funding, and attempts to coerce first responders into getting inoculated. It will not work. That is why it is opposed by many organizations representing first responders, including the American Nurses Association, International Union of Police Associations, International Association of Firefighters, American Federation of Teachers, American Public Health Association, Infectious Diseases Society of America, American Federation of State, County and Municipal Employees, and the Service Employees International Union.

H.R. 1463 is based on the false assumption that nurses, firefighters and other first responders will be compensated by other benefit programs, such as workers' compensation and health insurance. In the case of smallpox, however, there are no guarantees that a person injured by the smallpox vaccine will be covered by workers' compensation or will be adequately insured. In fact, there are only 14 States where it appears at all certain that claims for benefits will be honored by the State workers' compensation program, based on a recent survey by the AFL-CIO. As a result, those injured by the smallpox vaccine may receive far less total compensation than other first responders currently covered by their Public Safety Officers Benefit program.

If, for example, under H.R. 1463, a 30-year-old nurse were permanently injured or killed as a result of the vaccine, she or her survivors would be eligible for a one-time lump sum payment of \$262,100. This amount is equivalent to 5 years' pay for the average nurse. This is not adequate compensation for a nurse unable to work, her family or her survivors. Partial and temporary disabilities as a result of the smallpox vaccine are also arbitrarily capped with a lifetime payout at \$262,100. Compensation should be provided to workers

for the duration of disability or to survivors' families until the spouse remarries or the children are no longer minors. If workers are worried about their economic security, and that of their families, they for good reason will continue to be reluctant about getting the vaccination.

Although the compensation offered through H.R. 1423 is scant at best, our first responders cannot even rely on benefits offered because there is no guaranteed funding. H.R. 1423 is funded by discretionary spending and would be subject to the annual appropriations process. Funding for compensation and medical care should be mandatory spending, similar to the Vaccine Injury Compensation Program for injuries due to childhood vaccines. Workers should not have to worry each year about whether there will be an adequate appropriation to provide promised benefits and medical care.

As if lack of compensation and funding did not make this bill already untenable, H.R. 1423 attempts to coerce workers into getting the vaccine. Current workers must receive the vaccination within 180 days following the issuance of interim final regulations in order to be eligible for compensation. New hires must be vaccinated within 120 days of hire to be eligible. There is no exception in the event that the public health department is unable to meet the deadline or a worker has a temporary condition that prevents immediate vaccination, such as pregnancy or the presence of an infant at home. Smallpox vaccination should be voluntary. When legislation only allows first responders to be eligible for compensation if they are vaccinated within months of the bill's passage, we know that people on the front line are being manipulated into getting the vaccine and getting it quickly.

Our first responders deserve better. They deserve a full and fair smallpox compensation package. Unfortunately, we do not have the opportunity to correct the deficiencies in H.R. 1463 because we are denied the opportunity to consider amendments. I oppose H.R. 1463 and look forward to voting on an effective alternative when the bill is brought under a rule that allows for a full and fair opportunity for amendment.

Mr. UDALL of Colorado. Mr. Speaker, I regret that I cannot support this bill.

When President Bush called for the voluntary vaccination against smallpox of 500,000 health care workers and other first responders last December, many criticized the plan for being incomplete. Not only did it not include a federal compensation fund to help those injured by the vaccine or their survivors, but the plan did not provide adequate education, prescreening, or surveillance. The relatively few numbers of health care workers and first responders who have received the vaccine—only about 21,700 to date—indicate that there are real concerns about the plan's shortcomings.

After all, the smallpox vaccine uses a live strain of the virus. The vaccine has the worst record of negative side effects of any vaccine in the world. So it is critical that those being vaccinated understand the risks involved and be prescreened for conditions that require them to avoid the vaccine. The recent deaths of a nurse, a nurses aide, and a National Guardsman after their vaccinations only underscore this point.

Like the President's plan, this bill has serious shortcomings. In particular, I'm concerned

that the compensation program is not comprehensive enough and that it does not provide adequate education and safeguards. I believe that the House must consider improvements to this bill. But the Democrats are being denied the opportunity to offer amendments to do that.

For these reasons, Mr. Speaker, I must oppose this legislation in its present form.

Mr. STARK. Mr. Speaker, I rise in opposition to H.R. 1463, the Smallpox Emergency Personnel Protection Act.

This Republican legislation has a lot more to do with public relations than protecting our first responders so that they can do their job to protect the rest of us. No one doubts that the possibility of a terrorist attack is very real. Yet, Republicans are asking Congress today to short change those Americans on the front lines here at home—our doctors, nurses, police officers, fire fighters and others willing to risk both serious physical harm and financial ruin.

Congress has a great responsibility to provide security to these brave and selfless Americans. The smallpox vaccine is the most dangerous vaccine in current use. Thus, the decision to become inoculated is not one to be taken lightly. Those who are willing to step forward and receive inoculation to assure that they'll be there to protect others if the need arises, do so at a risk to their lives and, by secondary transmission, to the lives of loved ones. At a minimum, we need to assure these people that they and their families have affordable access to healthcare and won't confront financial hardship if they have an adverse reaction to the vaccine.

We are not talking about a small number of people at risk. Experts estimate that out of the 10 million healthcare and first responders who the Administration is requesting to volunteer for this smallpox inoculation program, approximately 10,000 will experience serious, though not life-threatening reactions, upwards of 520 will experience potentially life-threatening reactions and it is anticipated that 5 to 10 people will die. These estimates do not include those individuals who may be secondarily exposed to the live virus by being in contact with an inoculated individual. Furthermore, just in the last week we've discovered something previously unknown about the smallpox vaccine; it may cause heart attacks in people with particular cardiac conditions.

The Administration's Smallpox Vaccine Compensations bill is inadequate in numerous ways. Among its inadequacies, it:

- Fails to provide adequate funding to ensure that state and local public health officials can implement needed pre-inoculation education and screening and post-inoculation surveillance programs;

- Ignores the need for work place protection standards for individuals who refuse to volunteer for the vaccine program;

- Provides no requirement that health insurance companies guarantee health insurance coverage for adverse medical events that occur from participating in this voluntary program;

- Fails to guarantee immediate access to medical care for volunteers who have no insurance or who are not eligible for Medicaid or Medicare;

- Provides a wholly inadequate death benefit and a benefit for permanent and total disability limited to \$262,100. This in no way replaces

the lifetime income that will be lost to the families of the brave individuals who volunteer for this inoculation and are adversely affected;

Fails to compensate individuals who become sick and miss work for 5 or fewer days;

Doesn't guarantee that the compensation program is even funded. Rather than making it a mandatory appropriation which would assure that the program is fully funded, it is discretionary spending; subject to the vagaries of the annual appropriations process.

These many inadequacies have lead every major organization representing nurses, fire fighters, and other frontline personnel to oppose the legislation. These organizations include the American Nursing Association (ANA), the American Public Health Association (APHA), the International Association of Fire Fighters, the Infectious Disease Society of America and the Service Employees International Union (SEIU).

My colleagues, Representatives HENRY WAXMAN and LOIS CAPPS, have introduced legislation (H.R. 865) to create a smallpox inoculation compensation program that would meet the needs of these brave volunteers. Unfortunately, the Republican Leadership has forbidden that bill to be considered by the full House. For that reason, we are forced to vote NO today and try to get the Republican Leadership to recognize that providing true protection to our emergency personnel who have volunteered to become inoculated against smallpox is a priority for this Congress. We need to do the job right!

I urge my colleagues to vote against H.R. 1463 today and insist that a compensation bill that truly protects the interests of these volunteers for the smallpox inoculation program be returned to this Chamber for a vote and passage.

Mr. TOWNS. Mr. Speaker, I rise today in opposition to H.R. 1463. While it offers significant liability protections to those entities that are responsible for administering the vaccination program, it simply does not provide the protection required by frontline health workers who have been asked to volunteer for the national smallpox vaccination program. More to the point, we have had three recent deaths, which can be reasonably traced to the vaccinations, and several other workers and military personnel have experienced cardiac-related problems after being vaccinated.

All the major unions—Service Employees International Union, American Federation of Teachers, American Nurses Association, International Association of Firefighters, International Union of Police Associations—who represent health workers and first responders, have declared that this legislation fails to provide an adequate compensation program. Thus far, only 14 states have been able to definitely assure workers that workers' compensation programs would cover them. Further, innocent third parties who suffer adverse reactions are not covered by workers' compensation. In the '60's, more than 20% of the adverse vaccination events occurred in secondary contacts. Therefore, the vaccination program poses a risk not only to first responders, but also to their patients and their families.

Moreover, public health experts, like the Centers for Disease Control's Advisory Committee on Immunization Practices, now question whether anyone with three or more "major risk factors" for heart disease, including smok-

ing, diabetes, high blood pressure and/or high cholesterol should receive the smallpox vaccine. Given the cost of screening for the above factors, it is particularly troubling that there is no guaranteed funding for medical screening, education or surveillance. Our armed services personnel received personalized education, and free and confidential prescreening prior to the administration of the vaccine. This process resulted in one-third of the potential recipients being screened out of the program. We should offer the same education and screening opportunities to our nurses and first responders.

Finally, Mr. Speaker, even though this bill falls short on a compensation and education and screening program, I remain hopeful that the Emergency Supplemental will at least provide adequate funding for States and localities to administer this program when and if an adequate compensation program is put in place.

Mr. SENSENBRENNER. Mr. Speaker, the bill before the House today, H.R. 1463 contains several provisions that are within the jurisdiction of the House Committee on the Judiciary as provided in Rule X of the Rules of the House of Representatives for the 108th Congress. The Committee on the Judiciary would normally proceed under regular order to examine legislation containing such provisions within our jurisdiction and take appropriate actions in Committee meetings.

However, the Bush Administration has maintained that there is a pressing need for this legislation's swift passage in order to provide first responders and other emergency personnel with all due encouragement and assurances to participate in ongoing smallpox vaccinations. Because of the exigent circumstances, the Committee on the Judiciary, like the Committee on Energy and Commerce and the Committee on Education and the Workforce, has elected not to hold a hearing or markup on this legislation and has allowed it to proceed for consideration by the full House. The Committee's deferral of action should not be interpreted as any lack of jurisdiction over or interest in H.R. 1463.

The primary purpose of the bill is to establish a compensation program for emergency personnel directed to receive smallpox vaccines pursuant to authorities granted by the 107th Congress in legislation establishing a Department of Homeland Security. This new program is to be established under the Public Health Service Act and is to be under the direction and control of the Secretary of Health and Human Services. The bulk of the provisions in Section 2 of H.R. 1463 dedicated to establishing the new compensation program are outside the scope of the Judiciary Committee's jurisdiction.

However, H.R. 1463 also contains provisions related to judicial review of determinations made by the Secretary of HHS under the Act and provisions modifying existing statutes concerning the liability of the United States and remedies available under the Federal Tort Claims Act (Chapter 171 and section 1346(b) of Title 28 United States Code) for covered persons suffering injury resulting from smallpox vaccinations. These provisions are clearly within the Rule X jurisdiction of the Committee on the Judiciary.

For example, Section 2 of H.R. ___ adds new provisions titled "(e) Review of Determination" that affects the role of the courts and estab-

lished review procedures mandated by the Administrative Procedures Act—both within the Committee's jurisdiction. Furthermore, Section 3 of H.R. 1463 amends 42 U.S.C. § 233(p) to assume liability for the government relative to a new category of acts and omissions by those acting within the scope of their duties as part of the smallpox vaccination program. Section 3 of the bill also modifies the requirements for exhaustion of remedies, statute of limitations, offsets, and exclusivity of relief available for tort claims in federal district courts arising from smallpox vaccinations administered under a declaration by the Secretary of HHS. These provisions of H.R. 1463 are also clearly within the Rule X jurisdiction of the Committee on the Judiciary.

If the Committee on the Judiciary had the luxury of unlimited time, we would certainly seek the normal referral of H.R. 1463 to examine these and other provisions further and consider any appropriate changes. However, as I stated earlier, the Administration has pleaded the need for swift passage and implementation of this new compensation program to encourage necessary smallpox vaccinations. The Administration and many of my colleagues believe that the importance of these vaccinations to the security of our homeland against biological attack outweighs considerations about the normal legislative process in this case. I do not dispute that assessment, and therefore as Chairman of the Committee on the Judiciary I have agreed that this bill should move forward in an expedited fashion without the normal review by our Committee.

Mr. UDALL of New Mexico. Mr. Speaker, I rise in opposition to the Small Pox Vaccination Compensation Fund Act.

We should give pause about voting for a smallpox bill that does not safeguard the health, safety and livelihood of workers asked to volunteer for the smallpox vaccination. This bill is opposed is by a number of groups, including the International Association of Fire Fighters and the American Nurses Association.

There has been a great reluctance among health care workers and first responders to risk the loss of health and income without an adequate safety net for themselves and their families. While the legislation is promised on the assumption that workers will be eligible for workers' compensation in the event of an injury, the reality is that, in most states, workers cannot depend on this. In fact, there are only 14 states where it appears certain that claims for benefits will be honored by the state workers' compensation system.

Therefore, workers who are permanently and totally disabled will be eligible only for this bill's maximum benefit of \$262,100. This represents about five years' wages for the average nurse. For a worker who becomes partially disabled either temporarily or for life, the maximum benefit payable is only \$50,000. If the aim of the legislation is to encourage workers to be vaccinated, this bill will not do the job. Workers will continue to be reluctant to be vaccinated in the absence of assurances that the economic security of their families will not be jeopardized.

I also object to the bill's requirement that workers receive the vaccination within 120 days of the date regulations are issued. Any worker who is vaccinated under the Secretary's declaration must be eligible for federal

compensation. It is punitive to deny compensation to a worker who participates at a late date.

The legislation fails to ensure that the smallpox program will be carried out safely, in stark contrast to the program in place for military personnel. The bill does not establish any standards for ensuring that workers are properly educated and medically screened prior to volunteering for the vaccination. A careful program to screen out workers with contraindications will not only save lives, it will reduce the amount of federal money needed for compensation. The legislation also fails to include requirements for monitoring those who are vaccinated to catch adverse reactions before they develop into life threatening complications. There is also no funding for state and local public health departments to carry out the program safely.

Another significant flaw in the bill is that funding for the compensation program is not mandatory. Workers who have lost their health and livelihood should not have to wage a fight for compensation each year during the appropriations process.

The legislation also fails to include a table of injuries that ensures that workers will be awarded compensation quickly. After years of experience with the smallpox vaccine, there are injuries, that occur within specific timeframes, that are known to be caused by the vaccine. This schedule of injuries must be included to ensure that compensation will be quick and certain. Otherwise, workers cannot be certain before receiving the vaccine that the most likely serious injuries will qualify for compensation.

Unfortunately, but not surprisingly, the House Rules Committee has denied an opportunity for an alternative measure to be on the floor. Had the Capps-Waxman substitute been allowed, I would have supported it. In contrast to the proposal designed by the Bush administration and introduced by Representative BURR, the Capps-Waxman substitute includes measures to safeguard the health and safety of workers asked to volunteer for the smallpox vaccination program. Moreover, the Capps-Waxman substitute better addresses the concerns of workers who fear that a serious injury or death from the smallpox vaccine would lead to economic catastrophe for themselves and their families. As a result, the Capps-Waxman substitute will provide for a safer and more effective smallpox vaccination program.

The BURR legislation is deeply flawed and I urge my colleagues to oppose it.

Mr. BURR. Mr. Speaker, this legislation, "The Smallpox Emergency Personnel Protection Act," is another positive step towards preparing our citizens for a bioterrorist attack.

For more than 2 years, I have been working on legislation to strengthen and build our nation's public health system. The first bill was signed into law in 2000 and established grant programs to address core public health capacity needs. The second bill was last year's bioterrorism legislation. In part, that legislation built on the grant structure created in 2000 and sent a significant amount of money to our public health infrastructure. That money is currently funding basic needs such as computers and Internet access for public health departments and more specific needs such as decontamination chambers. Needs that are essential for providing public health care services and critical for bioterrorism preparedness.

On January 24 of this year, Secretary Tommy Thompson asked hospital workers, police officers, firefighters, and other public officials, to volunteer to receive the smallpox vaccination. Understandably, the reception was lukewarm. Nurses and physicians were concerned about the side effects of the vaccine and wanted to be compensated for any medical care or lost employment they incurred as a result of their vaccination. Hospitals were worried about liability. And public health departments were worried about the cost.

In response, we have H.R. 1413. This legislation addresses the concerns of all of those individuals. We will now compensate vaccinated individuals for lost wages and medical expenses. Additionally, if they suffer a permanent disability, or, in the very unfortunate and unlikely case, death, we will give them the same amount of money that police officers and firefighters receive if killed in the line of duty. The legislation clarifies that if a vaccinated individual infects other individuals—they too are eligible for those benefits. Finally, the legislation amends the Homeland Security Act to ensure that hospitals, pharmacists, public health departments and any other involved individuals will not be liable for properly vaccinating people who then suffer adverse reactions.

One very important point about this legislation is that it continues to give the Centers for Disease Control and Prevention, State and local health departments, and hospitals the flexibility they need to correctly vaccinate thousands of people. In light of the unfortunate situation in Maryland, concerns have been raised about vaccinating individuals with heart conditions. The CDC Director promptly responded by recommending that those individuals be screened out of the vaccination pool. We all want this program to be successful, and success depends on flexibility and Federal Government support when individuals suffer adverse reactions.

Let me end by saying that I am extremely proud of North Carolina and its response to Secretary Thompson's request. Thus far 26 hospitals have vaccination plans, 875 individuals have been vaccinated, and many more have volunteered. I believe that this legislation will reassure all of the current and future vaccination recipients in North Carolina and around this country that the Federal Government wants this program to work and backs up our request through compensation benefits.

Ms. PELOSI. Mr. Speaker, I had hoped to come to the Floor today with a bill I could recommend to my colleagues on both sides of the aisle.

We had been working together, over the past few days, in serious negotiations over what would be required of a vaccine program in order for our nurses and first responders to feel secure enough to put their health, their lives, and their livelihoods on the line by taking a smallpox vaccination.

There was progress on some features that are reflected in this bill. We are grateful for that.

But unfortunately, those talks broke down last week and we find ourselves instead in a process that restricts our discussion of this issue and does not allow us to consider a Democratic alternative—proposed by colleagues LOIS CAPPS and HENRY WAXMAN—that is based on the recommendations of the nurses, the firefighters, the police, the emer-

gency medical technicians, and other first responders.

They are being asked to step forward and take a vaccination that has the potential for dangerous side effects—including the possibility of death.

Make no mistake about it. The votes that count are not the votes that we will cast here in this body. The votes that count are the votes of those men and women who are nurses, medical workers, firefighters, EMTs, police officers, and others who will go to the state health department and roll up their sleeves and take a risk to help improve the nation's preparedness against terrorist attack.

These are not people who avoid risk. They take risks almost every day. You know who they are. They are the caregivers who tend to the sick, rescue the victims, and walk the streets to make us safer.

They are the night-duty emergency room nurses who crawled through the rubble of the Federal Building in Oklahoma City to try to find someone—anyone—who was still alive.

They are the firefighters who ran up the stairs instead of down the stairs in the World Trade Center to help the last of the people trapped in that horrific nightmare to escape.

They are the police officers who walk the beat every day and who risk their lives to keep us safe.

They are also mothers and fathers, caregivers for elderly parents, and breadwinners for their families. And they have a very human and understandable desire to protect their families in case something goes wrong.

It is an unfortunate fact that some of the people who will take the smallpox vaccine will suffer serious adverse effects that could cause them to be unable to continue their current job, see their pay reduced or—if they were to become totally and permanently disabled—lose the ability to work altogether.

They could even lose their lives. We have all seen the news reports of the National Guardsman, the nurse's aide in Florida, and the nurse on the Eastern Shore of Maryland. Each of them received the vaccine, but then later died of cardiac arrest.

We don't know, yet, whether there is a direct link between the smallpox vaccine and these heart problems. The Centers for Disease Control have not been able to definitively rule a connection in or out.

But the CDC has now recommended that anyone who has a known heart ailment not receive the smallpox vaccination.

And New York State and Illinois—as well as a number of municipalities—have temporarily suspended any further vaccinations until there is a more thorough investigation.

The bottom line is, whether any connection is proven between the smallpox vaccine and heart disease, there will ultimately be injuries and deaths from the vaccine. There is no question of that.

The choice of whether to get vaccinated is up to the nurses and the other first responders themselves based, in part, on the adequacy of the vaccine program we provide for them.

That is why we believe an adequate smallpox vaccine compensation package has to have a clear education component so that the health care workers and other first responders will know what the most likely side effects will be and what the effects could be on their families.

Legislation of this kind should have the strongest possible pre-screening program based upon the most up-to-date information.

It should have an aggressive monitoring program so that health experts can follow up the vaccinations and look out for patterns of adverse reactions so we can adjust the pre-screening program.

And it should provide a level of financial security so those who take the vaccination can be assured that their families will receive compensation if they become disabled or lose their lives protecting Americans from the horrific effects of a terrorist-sponsored smallpox attack.

The Republican bill falls short on each of these counts.

There is a better way. We can defeat this bill under the suspension of the rules. We can go back to the negotiating table or we can bring a new bill to the Floor with a substitute amendment that the nurses and first responders say will truly respond to their concerns.

My colleagues, I urge you to defeat the Burr bill today. Let us have a vote on the Capps-Waxman proposal that will better protect our public servants—our heroes and our heroines—and better produce the desired effect of having more frontline workers inoculated against a smallpox attack.

Mr. Speaker, I urge a “no” vote on the Republican bill.

Mr. DINGELL. Mr. Speaker, I join the millions of our Nation's first responders in opposition to H.R. 1463, the Smallpox Emergency Personnel Protection Act of 2003.” Right after we defeat this bill, I hope that we set about the task of crafting bipartisan legislation that all members of the House can support. The very people this bill purports to help—nurses, EMTs, police officers, firefighters—find this hastily crafted legislation lacking. Why? Because it fails to address their very significant concerns.

Mr. Speaker, we are voting on smallpox vaccine injury legislation today because the Administration's current vaccine program is not working. Only a fraction of the number of first responders that the Administration has said are needed to protect us have volunteered to take the smallpox vaccine. The Administration has recommended that as many as ten million first responders be vaccinated for smallpox so that if we ever are attacked by the use of smallpox we will have a core capacity of health care and emergency personnel vaccinated and able to take appropriate action right away. The latest numbers from CDC indicate that less than 26,000 of them have been vaccinated. Why so few? Because the vaccination carries with it substantial risks, including adverse affects that could cause disability and, in some cases, death.

Proponents of H.R. 1463 will make much of what they think that bill does. I ask you to focus on what it lacks. H.R. 1463 does not do enough to ensure adequate screening and education and otherwise prevent adverse events from happening in the first place. In the event that tragedy strikes and someone is injured or killed by the vaccine, H.R. 1463 does not make adequate provision for lost wages. And, what H.R. 1463 lacks is support from the people to whom it is intended to appeal. H.R. 1463 is opposed by the American Public Health Association, the International Union of Police Associations, the American Nurses Association, the International Association of Fire Fighters, the American Federation of Teachers, the American Federation of State, County, and Municipal Employees, the Service Employees International Union, and the Infectious Disease Society of America.

Finally, Mr. Speaker, we are all aware of accounts of three deaths in the last week or so from cardiac arrest in persons who received the smallpox vaccine. Health care officials cannot positively rule out the smallpox vaccine as the cause or a contributing factor in these deaths. The CDC has taken swift action to revise its guidelines and has indicated that there may be further revisions. These uncertainties about the known, and I hasten to add the unknown, risks of the smallpox vaccine have greatly increased the fear factor among prospective vaccinees. We should be doing all we can to obtain and assess the relevant information on the vaccine and smallpox risks. That cannot be done by using the process by which this bill is before us today. We have had no hearings, no markups, and no opportunity to perfect this bill on the floor with amendments. All we have is the administration's proposal and a take it or leave it procedure.

I recommend that we listen to our first responders, vote “no” on H.R. 1463, and get busy writing legislation we can all support.

Mr. BROWN of Ohio. Mr. Speaker. This isn't, or shouldn't be, a partisan debate. Democrats and Republican members of Congress are in the same boat. The question we have to answer for ourselves is: do we vote “yes” to a bad bill, or do we demand something better?

The answer to that question is important. Critical protections for first responders and their families hang in the balance.

H.R. 1463 is supposed to protect members of the police, the nation's nurses, our firefighters, and other first responders who voluntarily receive a smallpox vaccine, and sustain an injury from that vaccine.

But the Nation's first responders oppose this bill. This bill is supposed to increase the number of first responders who voluntarily receive a smallpox vaccine.

But the bioterrorism experts who helped put together the smallpox vaccine program say H.R. 1463 won't work. It won't improve participation rates.

So the choice both Republican and Democrat members of Congress face is whether to dismiss the concerns of first responders, ignore the advice of bioterrorism experts, and vote for this bill anyway.

Have members of Congress become so far removed from the people we represent that we would pass a bill opposed by the very men and women it is supposed to protect?

Do we in Congress really think we know better than bioterrorism experts when it comes to bioterrorism preparedness?

Protecting first responders and their families in the event of a vaccine injury and bolstering vaccine participation rates are important objectives.

They are time-sensitive objectives. The National Smallpox Vaccination program is already underway, and participation is lagging far behind goal.

About 25,000 people have been vaccinated, less than 5 percent of the March 1 benchmark. The experts tell us H.R. 1463 won't jumpstart the smallpox vaccine program, so it won't enhance bioterrorism preparedness.

Congress must now waste valuable time enacting the wrong bill, particularly when our nation's ability to respond to bioterrorism is at stake.

Nor should members of either side of the aisle support legislation that is

unapologetically dismissive of the very people this bill alleges to protect . . . the nurses, firefighters, police, and others who voluntarily place themselves at risk on our behalf.

Public health experts and first responders tell us that H.R. 1463 falls short in fundamental ways.

To meet the goals of efficiency, timeliness, fairness, and program integrity, the compensation program must be backed by an injury table. H.R. 1463 lacks one.

Responsible administration of any vaccination program requires education, pre-screening and surveillance. H.R. 1463 requires these activities, but doesn't fund them.

A lynchpin in any compensation program is guaranteed funding. Without it, financial protection is a possibility, not a promise. There's no security in that. And there is no guaranteed funding in H.R. 1463.

The incidence of smallpox vaccine injury is rare. However, in the event a serious injury occurs, volunteers may be out of work for an extended period or permanently. First responder volunteers, and their families, must be assured adequate and continuing financial protection.

H.R. 1463 would cap funding so that wage replacement would run out after about five years. For permanent disability or death. “Inadequate” doesn't begin to describe it. “Insulting” is closer to the mark.

H.R. 1463 is not a legitimate financial safeguard. It's a placebo. Our nurses, firefighters, EMTs, and other first responders deserve better.

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

The SPEAKER pro tempore (Mr. PETRI). The question is on the motion offered by the gentleman from Louisiana (Mr. TAUZIN) that the House suspend the rules and pass the bill, H.R. 1463.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mrs. CAPPS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1500

HONORING FAYETTEVILLE, NORTH CAROLINA, ON CENTENNIAL OF WILBUR AND ORVILLE WRIGHT'S FIRST FLIGHT

Mr. LATOURETTE. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 58) honoring the City of Fayetteville, North Carolina, and its many partners for the Festival of Flight, a celebration of the centennial of Wilbur and Orville Wright's first flight, the first controlled, powered flight in history.

The Clerk read as follows:

H. CON. RES. 58

Whereas on December 17, 1903, Wilbur and Orville Wright achieved history's first sustained and controlled flight with a heavier-

than-air, engine-powered aircraft at Kitty Hawk, North Carolina;

Whereas the Wright brothers' first flight lasted only 12 seconds and spanned approximately 120 feet, but ushered in the era of modern aviation;

Whereas the City of Fayetteville, North Carolina, will host a series of aviation-related events worthy of the 100-year anniversary of the Wright brothers' momentous achievement at Kitty Hawk;

Whereas the Fayetteville Festival of Flight will take place May 16–26, 2003, and will be the largest public centennial event in North Carolina celebrating the first flight and 1 of only 4 events nationwide endorsed as a full partner by the United States Centennial of Flight Commission;

Whereas retired General Henry Hugh Shelton, former Chairman of the Joint Chiefs of Staff and Congressional Gold Medal recipient, is the Honorary Event Chair;

Whereas the Fayetteville Festival of Flight will feature a weekend arts festival, a military air show at Pope Air Force Base, a general aviation air show at Grannis Field and an exposition with aviation displays and interactive exhibits depicting the past, present, and future of flight;

Whereas a year-long educational curriculum has also been developed to encourage students' interest in aviation and flight technology;

Whereas this educational focus will culminate with 1,000 students being sponsored each day for exclusive access to the Festival's Aviation Exposition; and

Whereas the City of Fayetteville and a number of civic groups, private businesses, government agencies, and military partners, are joining together to honor the Nation's aerospace achievements: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress honors the City of Fayetteville, North Carolina, and its many partners, for the Festival of Flight, a celebration of the centennial of Wilbur and Orville Wright's first flight, the first controlled, powered flight in history.

The SPEAKER pro tempore (Mr. PETRI). Pursuant to the rule, the gentleman from Ohio (Mr. LATOURETTE) and the gentleman from California (Mr. WAXMAN) each will control 20 minutes.

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

GENERAL LEAVE

Mr. LATOURETTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the concurrent resolution under consideration.

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

There was no objection.

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

Mr. Speaker, House Concurrent Resolution 58 introduced by our distinguished colleague from North Carolina (Mr. ETHERIDGE) honors the City of Fayetteville, North Carolina, and its many partners for the Festival of Flight, a celebration of the centennial of Wilbur and Orville Wright's first flight, the first controlled, powered flight in history.

Mr. Speaker, on December 17, 1903, a pair of Ohio bicycle shop owners and

brothers named Orville and Wilbur Wright realized their lifelong dream of operating an engine-powered flight machine. On that historic day, they had traveled about 120 feet in the air for 12 seconds at the helm of the 1903 Flyer, a vehicle they had constructed after years of labor and research. The Wright brothers were pioneers in the truest sense of the term. Their strong desire to create a flying vehicle was frustrated only by the fact that there was so little aeronautical data that existed at the time on which to base their efforts. But the Wright brothers focused their ambition into building a wind tunnel from which they could generate their own empirical information on how to lift a vehicle into the air. They even designed and constructed their own lightweight gas-powered engine that produced only 12 horsepower, but was a massive innovation at the time.

The brothers began large-scale testing of their ideas with the combination kite and glider in 1900. Their ideas tested on this aircraft were further refined into a glider they fashioned in 1901. Using the information generated from their glider along with the wind tunnel data, Orville and Wilbur constructed the Flyer in 1903. The plane featured the two-tiered wing design with two propellers that we have all seen in the photographs. The wings were 40 feet long and were separated 5 feet apart, one on top of the other. The plane weighed right around 700 pounds. Comparatively, a Boeing 747 today has an overall wing span of more than 231 feet and weighs 875,000 pounds at takeoff.

Mr. Speaker, this House ought to commemorate the Wright brothers' inspirational story. It is hard to argue against the notion that few events in the 20th century had greater social, cultural, or economic impacts on today's world than Orville and Wilbur Wright's first momentous flight. Therefore, I urge all Members to join Fayetteville, North Carolina, in the celebration of the 100th anniversary of the Wright brothers' first flight by supporting the adoption of House Concurrent Resolution 58.

I want to thank and commend the gentleman from North Carolina (Mr. ETHERIDGE) for introducing this important measure.

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

Mr. WAXMAN. Mr. Speaker, I yield myself 2 minutes.

In October, 1998, this body passed a bill to establish a commemoration of the centennial of powered flight and the achievements of the Wright brothers. The commemoration activities set forth in that bill will come to fruition this year with the Festival of Flight. The Festival of Flight will consist of four events that will be held nationwide to celebrate Wilbur and Orville Wright's first flight. Wilbur and Orville Wright manned the first successful controlled and sustained powered flight. The Wright brothers, originally bicycle store owners from Dayton,

Ohio, moved to Kitty Hawk, North Carolina, for the hills, strong and steady winds, and the soft-sanded ground, ingredients for a successful flight. They went back to Dayton and built a 6-foot wind tunnel to conduct experiments with over 200 different wing models. They developed the first reliable tables on the effects of air pressure on curved surfaces. The principles that we use today and that we see on every airplane were the very principles that they explored.

In 1903 the Wright brothers completed the construction of a larger plane powered by their own lightweight gas-powered engine and returned to Kitty Hawk. On December 17, 1903, four men and a boy witnessed the first flight, a flight which dramatically changed the course of transportation, commerce, communication, and warfare throughout the world.

I hope that the Festival of Flight will educate Americans to the achievements of the Wright brothers and their contributions to the development of this Nation. I urge my colleagues to support this legislation.

Mr. Speaker, I yield 6 minutes to the author of the proposal before us, the gentleman from North Carolina (Mr. ETHERIDGE), to speak in support of the concurrent resolution before us.

Mr. ETHERIDGE. Mr. Speaker, I thank the gentleman for yielding me this time. Let me thank the gentleman from Virginia (Mr. TOM DAVIS) and the majority leader and the majority whip for getting this piece of legislation to the floor.

It is my great pleasure to rise today and speak on behalf of this legislation, having authored it, along with every member in our North Carolina delegation, in honoring the City of Fayetteville of North Carolina as they begin to celebrate the 2003 Festival of Flight. As many of the Members and has already been stated today, almost 100 years ago now two brothers took a chance, believed in a dream, and made history. In just 12 seconds the world was changed forever. Man took to the skies and the world became smaller. The boundaries were pushed outward, and the impossible became possible.

Wilbur and Orville Wright, proud sons of the great State of Ohio, brought their dreams and flying machine to the windy beaches of Kitty Hawk, North Carolina, in the winter of 1903. The Wright brothers came to Kitty Hawk well prepared for their great achievement. They had been experimenting with aeronautics for years; and by the time they came to North Carolina in December of 1903, the men had completed more than 1,000 flights in gliders of their own design. Their diligence and perseverance paid off that year.

On a cold and windy morning on December 17, 1903, Orville Wright climbed aboard the Kitty Hawk, started the engine, and flew. Orville Wright described the experience as follows: "The first flight lasted only 12 seconds, a flight

very modest compared with that of birds, but it was, nevertheless, the first in the history of the world in which a machine carrying a man had raised itself by its own power into the air in free flight, had sailed forward on a level course without reduction of speed, and finally landed without being wrecked."

What many people did not realize is that the brothers completed a total of four flights that day, the longest covering 852 feet in 59 seconds. The Wright brothers' achievement stunned the world and began one of the most active periods of scientific research and experimentation in our history. However, despite all of our successes and improvements to flying machines, their basic design remains very familiar to that of the Wright brothers.

In honor of the centennial of flight, the people of Fayetteville, North Carolina, in my congressional district, and the gentleman from North Carolina (Mr. MCINTYRE) and the gentleman from North Carolina (Mr. HAYES) have planned a celebration worthy of their achievement.

The Festival of Flight will be, as the Members have heard, one of four in the United States sanctioned by the United States Centennial of Flight Commission. The 11-day festival will feature a 2-day military air show at Pope Air Force base and a general aviation show at the Fayetteville regional airport. The event will also present aviation displays and programs, educational exhibits, and an art festival. There will also be special exhibits on space flight and technology including 1 day devoted to space exploration and the Shuttle with NASA. The Festival of Flight will also feature a detailed replica of the 1903 Wright flight developed by the American Institute of Aeronautics and Aerospace.

The festival will culminate on Memorial Day, May 26, where participants will honor the brave men and women who have served in our Nation's military and those who are currently defending our Nation around the world. Fayetteville is home to Pope Air Force base and Fort Bragg's XVIII Airborne Corps, the Army's largest war-fighting organization. The XVIII Corps is the world's premier power projection force with tens of thousands of soldiers currently serving in Operation Iraqi Freedom.

In addition to celebrating man's first powered flight, the Fayetteville Festival of Flight will have a special emphasis on aviation education. This focus is especially fitting as education played a major role in the Wright brothers' success.

Even though Orville and Wilbur Wright had little formal education, they never graduated from high school, but their parents held education in high esteem. Orville Wright once said: "We were lucky enough to grow up in an environment where there was always much encouragement to children to pursue intellectual interests, to investigate whatever aroused curiosity."

It is our hope that the Fayetteville Festival of Flight will stimulate similar interests and curiosity in the thousands of school children scheduled to attend this event. In order to promote interest in aviation education and the Wright brothers' achievements, the State of North Carolina has developed a special curriculum on aviation history and technology that schools across the State have been using this whole year. The curriculum includes art, science, and essay competitions. Winners will be guests of the festival, which is also scheduled to host 1,000 students and 100 teachers every day of the festival.

In closing, let me thank all of the members of the North Carolina congressional delegation for joining me in sponsoring this resolution. I also want to thank the people of Fayetteville, Fort Bragg, and Pope Air Force Base for their enthusiastic support of the Festival of Flight. I also wish to invite all Members of Congress and their families and their staffs to come to Fayetteville, North Carolina, to help us kick off and celebrate one of the world's most monumental achievements: flight.

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

Mr. WAXMAN. Mr. Speaker, I yield 5 minutes to the gentleman from North Carolina (Mr. MCINTYRE), one of the co-sponsors of this legislation.

Mr. MCINTYRE. Mr. Speaker, I am pleased to join my colleagues today from North Carolina here on the floor for the consideration of H. Con. Res. 58. I appreciate the leadership of the gentleman from North Carolina (Mr. ETHERIDGE) in introducing this resolution, all of my fellow delegates from North Carolina, and the gentleman from Ohio (Mr. LATOURETTE), the gentleman from California (Mr. WAXMAN) in their support of this.

Mr. Speaker, Charles Kettering once said, "The Wright brothers flew right through the smoke screen of impossibility." On December 17, 1903, at Kill Devils Hill near Kitty Hawk, North Carolina, the Wright brothers manned the first-ever controlled, powered flight; and their optimism of achieving the impossible became our reality and the reality that has truly opened the world for all to see and enjoy.

As North Carolinians, we are immensely grateful for this historic feat and look forward to the 100-year celebration of this great event. The Wright brothers were men of vision and vigor whose dream of flight resulted in victory, not only for them but for all people, for all time, in all places.

The largest of the celebrations that has been sanctioned for this event is the Festival of Flight to be held in the Fayetteville/Fort Bragg/Pope Air Force Base region of North Carolina from May 16 through 26. Among the many activities planned are air shows, of course, emphasizing both civilian and military aviation technology, cultural events including the region's schools

adapting and implementing a curriculum of aviation history and technology for the fourth, eighth, and 11th grades. In addition, there will be a huge parade on Memorial Day itself on May 26 honoring those who have given their very lives in the quest of flight.

Mr. Speaker, this is a once-in-a-lifetime event, and we are here today to honor and to celebrate the all-American city of Fayetteville and its many partners for this fabulous Festival of Flight celebration. So many people in organizations have contributed time, energy and resources to plan for this special 11-day event. We hope that each of the Members and all Americans can join to look back and honor the work of the Wright brothers and also look forward to another 100 years of progress in flight. I urge the passage of this matter.

Mr. HAYES. Mr. Speaker, I rise today in strong support of honoring the City of Fayetteville, North Carolina, and the many public and private partners for their participation in organizing the Festival of Flight. The Festival of Flight will be the largest public centennial event in North Carolina and one of only four events nationwide endorsed as a full partner by the United States Centennial of Flight Commission.

On December 17, 1903, Wilbur and Orville Wright launched mankind's first sustained and controlled flight in a heavier-than-air, engine powered aircraft at Kitty Hawk, North Carolina. Although the flight only lasted 12 seconds, and covered approximately 120 feet, this achievement fundamentally changed the world.

The invention of powered air travel altered the way we fight wars, revolutionized travel and commerce, and fueled technological and scientific innovation. Fayetteville is blessed to be the home of the XVIII Airborne Corps stationed at Fort Bragg and Pope Air Force Base. These bases are home to some of the most advanced and successful aircraft the world has ever seen. From the A-10 Warthog to C-130 cargo planes, aviation in Fayetteville is an integral part of the United States armed forces.

The Festival of Flight will highlight both civilian and military aircraft and the continuing evolution in technology. From an arts festival to military and general aviation air shows, the past, present, and future of aviation will be on display to educate the public of the continued importance of aviation.

I commend the outstanding work of local leaders and volunteers in the Fayetteville community for their hard work and effort to honor this historic moment in human history.

I urge my colleagues to join with me in honoring the Fayetteville, North Carolina, Festival of Flight by supporting H. Con. Res. 58.

Mr. WAXMAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 58.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. LATOURETTE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1515

JIM RICHARDSON POST OFFICE

Mr. LATOURETTE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1505) to designate the facility of the United States Postal Service located at 2127 Beatties Ford Road in Charlotte, North Carolina, as the "Jim Richardson Post Office".

The Clerk read as follows:

H.R. 1505

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. JIM RICHARDSON POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 2127 Beatties Ford Road in Charlotte, North Carolina, shall be known and designated as the "Jim Richardson Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the Jim Richardson Post Office.

The SPEAKER pro tempore (Mr. PETRI). Pursuant to the rule, the gentleman from Ohio (Mr. LATOURETTE) and the gentleman from California (Mr. WAXMAN) each will control 20 minutes.

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

GENERAL LEAVE

Mr. LATOURETTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill now under consideration.

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

There was no objection.

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

Mr. Speaker, H.R. 1505 has been introduced by our esteemed colleague, the gentleman from North Carolina (Mr. WATT), and it designates the facility of the United States Postal Service located at 2127 Beatties Ford Road in Charlotte, North Carolina as the "Jim Richardson Post Office Building."

Mr. Speaker, State Senator Jim Richardson of Charlotte, North Carolina was a venerable public servant who deserves acknowledgment by this House. Mr. Richardson earned one term as a State representative, followed by 4 terms in the Senate of the Tarheel State. His time serving in the North Carolina State legislature followed a

distinguished 33-year career with the United States Postal Service. He reached the rank of postmaster in Mount Holly, North Carolina, and was recognized with a Postal Service Certificate of Appreciation for his outstanding career. By all accounts, Jim Richardson was one of the most friendly and most wonderful men one would ever meet.

Sadly, Mr. Speaker, I understand that Mr. Richardson was diagnosed with cancer 3 years ago and he is conducting a brave fight. I know I speak for all Members when I say that the thoughts and prayers of this entire House are with Mr. Richardson and his family.

Mr. Speaker, for these reasons, I urge all Members to support the adoption of H.R. 1505. I want to thank our colleague, the gentleman from North Carolina (Mr. WATT), for introducing this meaningful measure.

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

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

As ranking member of the House Committee on Government Reform, I join my colleague, the gentleman from Ohio (Mr. LATOURETTE) in the consideration of H.R. 1505, a bill which names a U.S. postal facility located at 2127 Beatties Ford Road in Charlotte, North Carolina after Jim Richardson. This bill was introduced by our friend and colleague, the gentleman from North Carolina (Mr. WATT), on March 27, 2003.

For the benefit of my colleagues, H.R. 1505 has met the committee cosponsorship requirement and has the support and sponsorship of the entire North Carolina State congressional delegation.

Mr. James Franklin Richardson, Sr., was born in Charlotte, North Carolina in 1926. After attending elementary and high school in Charlotte, Mr. Richardson went on to join the United States Navy and fought in World War II. After receiving an honorable discharge from the Navy, Mr. Richardson attended and graduated from Johnson C. Smith University with a bachelor of science degree in physical education and general science. Upon graduation, Mr. Richardson began a 33-year career with the United States Postal Service.

During his tenure with the Postal Service, Jim Richardson served as a service clerk and a postal supervisor. He spent his last 8 years with the Postal Service as postmaster in Mount Holly, North Carolina. Before he retired, Jim Richardson had received a Certificate of Appreciation from the Service, in "Recognition of Exceptional Performance in the Interest of Improved Postal Service."

In 1985, Jim was elected to the North Carolina House of Representatives where he served one 2-year term before being elected to the North Carolina Senate. He served 4 terms in the Senate before he retired and was elected to the Mecklenburg County Commission where he served for 6 years.

During his years in public service, Jim Richardson was known for operating in a bipartisan manner and working hard to improve and promote his community. He always held true to his convictions and continued to fight the good fight. This fight continues today as Jim battles against cancer.

Mr. Speaker, in closing, I would like to thank the gentleman from Virginia (Mr. TOM DAVIS) and the gentleman from Illinois (Mr. DANNY DAVIS), the ranking member of the Postal Task Force, for getting this bill to the House Floor. I also commend my colleague, the gentleman from North Carolina (Mr. WATT) for seeking to honor the incredible contributions made by Jim Richardson to his community, and I urge the swift passage of this measure.

Mr. Speaker, we have no further requests for time, and I yield back the balance of my time.

Mr. LATOURETTE. Mr. Speaker, I urge passage of the legislation, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and pass the bill, H.R. 1505.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

NORTHERN IRELAND PEACE AND RECONCILIATION SUPPORT ACT OF 2003

Mr. SMITH of New Jersey. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1208) to authorize appropriations for fiscal years 2004 and 2005 of United States contributions to the International Fund for Ireland, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1208

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 "Northern Ireland Peace and Reconciliation Support Act of 2003".

SEC. 2. FINDINGS; SENSE OF CONGRESS.

(a) FINDINGS.—Congress finds the following:

(1) The United States has been effectively engaged in the Northern Ireland peace process through both participating in negotiations and contributing to the economic development of the region.

(2) Both the Government of Ireland and the Irish people and the Government of the United Kingdom and the British people are long-standing friends of the United States and the American people.

(3) In 1986, the United States, in support of the Agreement Between the Government of Ireland and the Government of the United Kingdom ("Anglo-Irish Agreement") dated November 15, 1985, initiated annual contributions to the International Fund for Ireland ("International Fund") to help bolster economic development and support programs that would foster peace and reconciliation in

Northern Ireland and the affected border areas of the Republic of Ireland.

(4) The United States has been a generous and faithful donor to the International Fund, contributing more than \$386,000,000 to help improve relations between Catholics and Protestants in Northern Ireland through the creation of thousands of jobs and cross community business development.

(5) More than 80 percent of the International Fund's investments have been in disadvantaged areas offering work experience and important job training programs for disadvantaged and unemployed youth through the economic, social, and physical regeneration of deprived areas.

(6) The International Fund has also developed a series of community-building programs promoting greater dialogue and understanding between Catholics and Protestants and leadership programs designed to develop a new generation of leaders in Northern Ireland to bring about a more peaceful and prosperous future in the region.

(7) Through the Anglo-Irish Agreement Support Act of 1986 (Public Law 99-415), the United States also seeks to ensure that its contributions promote "reconciliation in Northern Ireland and the establishment of a society in Northern Ireland in which all may live in peace, free from discrimination, terrorism, and intolerance, and with the opportunity for both communities to participate fully in the structures and processes of government."

(8) The Good Friday Agreement reached by the Government of Ireland, the Government of the United Kingdom, and political party leaders on April 10, 1998, created the Northern Ireland Executive Assembly and Executive Committee and provided for a "democratically elected Assembly in Northern Ireland which is inclusive in its membership, capable of exercising executive and legislative authority, and subject to safeguards to protect the rights and interests of all sides of the community."

(9) The Good Friday Agreement also called for police reform and establishment of a "new beginning" in policing in Northern Ireland with an effective, accountable, and fair police service capable of attracting and sustaining support from the community as a whole, capable of maintaining law and order, and based on principles of protection of human rights.

(10) In 1999, the Independent Commission on Policing in Northern Ireland, mandated by the Good Friday Agreement, made 175 recommendations for policing reform in Northern Ireland, some of which have been implemented.

(11) In 2002, the Department of State, as required by section 701(d) of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107-228), issued a "Report on Policing Reform and Human Rights in Northern Ireland" and concluded that among key areas of concern that had not been fully implemented was the establishment of a critically-needed new police training facility and an increase in funding for training programs.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) United States assistance for the International Fund has contributed greatly to the economic development of Northern Ireland and that both objectives of the Anglo-Irish Agreement Support Act of 1986, economic development and reconciliation, remain critical to achieving a just and lasting peace in the region, especially in the economically-depressed areas;

(2) although there has been positive economic development in both the Republic of Ireland and Northern Ireland, International Fund contributions to support much-needed projects in economically-depressed areas of

Northern Ireland remain very important, and an expansion of efforts in reconciliation projects as a way to promote peace and economic stability is also encouraged; and

(3) since policing reform is a significant part of winning public confidence and acceptance in the new form of government in Northern Ireland, the International Fund is encouraged to support programs that enhance relations between communities, and between the police and the communities they serve, promote human rights training for police, and enhance peaceful mediation in neighborhoods of continued conflict.

SEC. 3. AMENDMENTS TO THE ANGLO-IRISH AGREEMENT SUPPORT ACT OF 1986.

(a) FINDINGS AND PURPOSES.—Section 2(b) of the Anglo-Irish Agreement Support Act of 1986 is amended by adding at the end the following: "Furthermore, the International Fund is encouraged to support programs that enhance relations between communities, and between the police and the communities they serve, promote human rights training for police, enhance peaceful mediation in neighborhoods of continued conflict, promote training programs to enhance the new district partnership police boards recommended by the Patten Commission, and assist in the transition of former British military installations and prisons into sites for peaceful, community-supported activities, such as housing, retail, and commercial development."

(b) UNITED STATES CONTRIBUTIONS TO THE INTERNATIONAL FUND.—Section 3 of the Anglo-Irish Agreement Support Act of 1986 is amended by adding at the end the following:

"(c) FISCAL YEARS 2004 AND 2005.—Of the amounts made available for fiscal years 2004 and 2005 to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 (relating to the economic support fund), there are authorized to be appropriated \$25,000,000 for each such fiscal year for United States contributions to the International Fund. Amounts appropriated pursuant to the authorization of appropriations under the preceding sentence are authorized to remain available until expended. Of the amount authorized to be appropriated for fiscal years 2004 and 2005 under this subsection, it is the sense of Congress that not less than 20 percent of such amount for each such fiscal year should be used to carry out the last sentence of section 2(b)."

(c) ANNUAL REPORTS.—Section 6(1) of the Anglo-Irish Agreement Support Act of 1986 is amended by adding at the end before the semicolon the following: ", specifically through improving local community relations and relations between the police and the people they serve".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SMITH) and the gentleman from Florida (Mr. WEXLER) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

GENERAL LEAVE

Mr. SMITH of New Jersey. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1208, the bill that is now under consideration.

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

There was no objection.

Mr. SMITH of New Jersey. Mr. Speaker, first of all, let me begin by thanking our leadership, beginning with the leadership on the committee, the gentleman from Illinois (Mr. HYDE), the chairman of the committee, and the ranking member, the gentleman from California (Mr. LANTOS), and for the majority leader, the gentleman from Texas (Mr. DELAY) for scheduling this very, very important piece of legislation for House consideration.

Mr. Speaker, H.R. 1208, the Northern Ireland Peace and Reconciliation Act of 2003, reauthorizes U.S. contributions to the International Fund for Ireland and reaffirms our government's commitment to fostering peace and reconciliation in Northern Ireland.

Historically, the United States has helped advance the peace process in Northern Ireland through several avenues. Since 1997, for example, we have had hearings in the Committee on International Relations, as well as in the Helsinki Commission; as a matter of fact, I chaired seven of those hearings, examining the root causes of the violence in Northern Ireland and the need to secure due process rights and fundamental freedoms for both sides of the divide. The Congress has also adopted several bills promoting human rights, police reform, and the elimination of job discrimination in Northern Ireland.

In addition, we have provided critical economic support through the International Fund for Ireland. Created in 1986 by the British and Irish Governments, the IFI is an independent, international organization with two primary objectives: First, it is designed to promote economic and social advance in Northern Ireland; and secondly, the IFI is charged with fostering contact, dialogue, and reconciliation between Unionists and Nationalists throughout Ireland.

I would point out to my colleagues, Mr. Speaker, that the United States, the European Union, Australia, and New Zealand are all donor countries to the fund. To date, the United States has provided more than \$380 million to the fund, and the economic results have been impressive.

A recent report conducted by a consortium of independent consultants led by KPMG catalogued the following achievements of the IFI:

One, 4,400 business projects have been supported, helping to create more than 37,500 jobs.

Secondly, more than 10,000 young people from the most disadvantaged parts and areas of North and South have participated in the Wider Horizons Program, which brings people together, ages 18 to 28, to work camps where they receive training and improvement in their employment prospects.

Overall, 91 percent of the fund's commitments have been to projects in designated disadvantaged areas, and more

than 120 strategic alliances have been supported between businesses in Northern Ireland and the border counties and businesses elsewhere in Europe and North America, Australia, and New Zealand.

Mr. Speaker, these statistics are impressive, they are tangible, but there is much more to the success of the International Fund for Ireland. It is called the peace dividend.

Each day, in disadvantaged and troubled areas of Northern Ireland, the IFI is at work bringing Catholics and Protestants together at jobs and job training sites. Working side by side, people who traditionally had no contact with each other are now communicating and learning a little bit more about who their neighbors are. They share an interest and investment in their community and new bonds have been developed where they never existed before.

It is also important to note that when people have solid jobs, they are less likely to get caught up in the sectarian strife that has tragically plagued this region. By focusing on the regeneration of impoverished neighborhoods where unemployment is the highest, the fund helps direct young Catholics and Protestants to job training and employment opportunities instead of gangs and paramilitary organizations.

Mr. Speaker, my colleagues and I believe, and Members of this Congress believe that justice and sustainable peace will come about in Northern Ireland not merely through the political discussions of a few leaders, but the efforts to change the hearts and minds of individuals. This is a core part of the mission and underlying purpose of the International Fund for Ireland, bringing about peace by bringing together men and women from disparate backgrounds and disparate religious denominations and a successful economic environment. Indeed, the future is brighter in Northern Ireland in large part because of a new working relationship that has been forged with the economic help of the IFI.

Mr. Speaker, on the political side, progress indeed is being made in Northern Ireland. We all know it and celebrate it. I recently returned from a human rights mission to Belfast and to Northern Ireland and I am pleased to report that much has changed from my last trip in 1997 and much significant change, dramatic change has occurred over the last decade. There are now many signs of hope. Sections of Northern Ireland have experienced substantial economic growth and, as a result of the restored cease-fire of 1997 and the Good Friday Agreement signed in 1998, both communities in the North are working hard to obtain a just and lasting peace and to secure local democratic government.

Regrettably, the process is not without obstacles. Last October, the British Government suspended the Northern Ireland Assembly. Policing reform and

criminal justice review, demilitarization, and the completion of decommissioning are among the issues that still need to be resolved.

However, in recent weeks, let me point out to my colleagues, there has been a renewed and concerted effort by the British and Irish Governments to address these issues, to bring the major political parties together, and to find a way forward before new elections are held in May.

H.R. 1208 ensures that the IFI will continue to benefit from U.S. contributions and continue to do its good work for peace and for reconciliation. The bill provides a \$50 million amount over the next 2 years.

It also encourages the IFI to develop new ways to promote reconciliation in the North. In particular, we are hoping that the IFI will look even more closely at programs aimed at enhancing intercommunity relations, community relations with the new police service, and programs that promote and ensure fundamental human rights.

For example, the legislation specifically urges the IFI to do more work to enhance relations between the police and the communities they serve through promoting human rights training and enhancing the new district police partnership police boards recommended by the Patten Commission. It also encourages a fund to assist in the transition of former British military sites into venues for housing, retail, and other community-supported uses.

Again, I want to thank my colleagues who helped work for and support the final passage of this legislation, especially the gentleman from Illinois (Mr. HYDE), the gentleman from California (Mr. LANTOS), the gentleman from New York (Mr. KING), the gentleman from New York (Mr. CROWLEY), and the gentleman from New Jersey (Mr. PAYNE) from the Committee on International Relations who have all lent their strong support to this legislation, as well as the gentleman from New York (Mr. WALSH) and the gentleman from Massachusetts (Mr. NEAL). All are longtime supporters of the Northern Ireland peace process and are true friends of the people of Northern Ireland and of Ireland itself.

I would like to note that the text we are considering today contains a technical amendment to reflect progress the IFI is making towards using funds for specific reconciliation projects and, again, I hope that Members will support this bill.

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

Mr. WEXLER. Mr. Speaker, I yield myself such time as I may consume, and I rise in strong support of this resolution.

Mr. Speaker, I want to commend our colleague, the gentleman from New Jersey (Mr. SMITH) for bringing this bill to the floor today and for his effort in drafting this legislation.

□ 1530

He has been a champion of human rights issues, and this bill today is just the most recent example of his leadership.

In 1986, the Congress adopted the Northern Ireland Peace and Reconciliation Support Act, legislation establishing the International Fund for Ireland. This legislation today seeks to revitalize this critically important program, and it is most appropriate that we do so.

When the original International Fund for Ireland was established, Northern Ireland suffered from serious unemployment and economic stagnation. The purpose of the fund was to encourage economic development and cooperation between the Catholic and the Protestant communities in economically deprived areas of Northern Ireland. I am delighted that it has contributed to the economic success and growth in that area.

The economic stimulus that the fund sought is less necessary today than it was when this program was created. The Good Friday Agreement of 1998, in which then-U.S. President Bill Clinton played a key role, marked an important step forward in reconciliation in Northern Ireland. We have seen progress in reducing violence, although we have not achieved the full peace that all of us seek.

The changes to this legislation we are considering today will permit this program to continue to expend resources for projects and conflict resolution for the critical support of human rights training for police and for programs to foster peaceful mediation in neighborhoods where conflict still exists.

Mr. Speaker, I urge my colleagues to support this legislation, and I reserve the balance of my time.

Mr. SMITH of New Jersey. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from New York (Mr. WALSH).

Mr. WALSH. Mr. Speaker, I thank the distinguished gentleman from New Jersey for yielding time to me on this important legislation.

Mr. Speaker, our contributions to the International Fund for Ireland since 1986 have been a vital contributor to the progress towards peace in that troubled region. This bill authorizes last year's level of \$25 million, and is a U.S. vote of confidence in the peace process and the peaceful future of Northern Ireland, which we want and we see unfolding at long last.

It is also a vote of thanks to the Irish Prime Minister, Bertie Ahern, who has supported our efforts in Iraq with keeping Shannon Airport open for American military troop refueling flights.

Peace in Northern Ireland, which these International Fund for Ireland monies also support, helps end the British Army massive presence there and makes it easier for them to help support our activities in Iraq. I believe

hundreds of troops from Northern Ireland are there now playing a very crucial role.

I compliment the chairman, the gentleman from New Jersey (Mr. SMITH), and the original cosponsors, the gentleman from Illinois (Mr. HYDE), the gentleman from New York (Mr. KING), the gentleman from Massachusetts (Mr. NEAL), the gentleman from New York (Mr. CROWLEY), and the gentleman from New Jersey (Mr. PAYNE), for all their years of firm dedication to peace and reconciliation in Northern Ireland and for leading the way on H.R. 1208, now before us.

Now more than ever, as we reach the possibility of the end game in the north of Ireland of lasting peace and justice, the U.S. contribution to the IFI must be maintained, yet somewhat refocused. We need IFI to address new needs as we set about cementing the peace. Besides just economic development through cross-community job projects, which is still very important, we also need the IFI to play an increasing role in more direct reconciliation efforts.

The bill sets out a reasonable and workable spending formula, 20 percent direct reconciliation versus 80 percent economic development, for the use of U.S. contributions to the IFI. This expenditure formula will help refocus the U.S. monies to meet new requirements and challenges.

The Good Friday agreement was not around when the IFI was founded in 1986; and no one envisioned then, for example, a new acceptable, as well as accountable, police service in the north and many other changes that are now a reality.

Another good example of the IFI's new role, as Mark Durkin, the leader of SDLP pointed out to me just a few weeks ago, is helping in the transitional use of former British military bases and prisons being closed, changing those into housing projects, shopping centers, and industrial parks. IFI needs to be helpful in brokering deals on the peaceful use of these old military sites, once the very symbols of the "troubles." This is truly turning swords into plowshares, and the IFI can and should help.

H.R. 1208 specifically requires the IFI to spend 20 percent of our contribution to help support programs that enhance direct reconciliation between both communities, and between police and all the communities they serve in the north. The IFI under the bill is encouraged to promote human rights training for police, enhance mediation efforts in interface areas of continuing conflict, and to promote training of the new cross-community district police partnership boards in the north.

These new reconciliation efforts will soon ensure the future of the north and the security of these warm and generous people and their elected leaders under the established power-sharing institutions of the Good Friday Agreement.

Mr. Speaker, I urge full support by the House of H.R. 1208.

Mr. WEXLER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from New York (Chairman WALSH) for his longstanding leadership on behalf of peace and justice and fairness in Northern Ireland. He has been indefatigable over these many years, and he continues to be. I would thank him for his leadership and remind my colleagues of the importance of trying to get the IFI to look further into reconciliation projects and police reform projects.

As I indicated earlier, we have had seven hearings on police reform in Northern Ireland with a focus on what the United States can do to try to foster that, so there is total transparency, and the best type of methods used by police with human rights training being part of that. It has become very clear that this would help to advance that kind of understanding between the two communities. Those barriers need to be broken down. We do it by getting both communities working together.

We are, I think, or many of us, very encouraged that Hugh Orde is the new chief constable. He replaces a man that many of us had very serious disagreements with in the past, and our hope is that he will continue and even accelerate the pace of reform. This helps to build under him additional strong Earth and concrete, and a base for him to go forward.

This bill has worked; this law has worked; and the IFI, the International Fund for Ireland, has worked for many years to foster reconciliation. This bill gives it an additional push and would provide \$25 million authorization for each of the next 2 years.

Again, I want to thank all Members for their support. It is a bipartisan bill.

Mr. CROWLEY. Mr. Speaker, I rise in strong support of the Northern Ireland Peace and Reconciliation Support Act.

As we all know, the peace process in Northern Ireland is at a critical juncture and now is not the time to decrease funding for a critical program such as the International Fund for Ireland.

The International Fund for Ireland was established as an independent, international organization by the British and Irish Governments in 1986, and receives contributions from the United States, the European Union, Canada, Australia and New Zealand.

The International Fund for Ireland is so important because it promotes economic and social advance and encourages contact, dialogue and reconciliation between Unionists and Nationalists throughout Ireland.

This is a proven program that successfully brings together two groups and teaches them to work together and helps to foster friendships and understanding.

Dialogue is a key tool to lead to the decommissioning of all parties, a fair police force and a feeling of unity and peace in Ireland.

That is why I am concerned about the significant cut to the International Fund for Ireland.

The Northern Ireland Peace and Reconciliation Support Act will authorize \$25 million in funding for the International Fund for Ireland, which will match the funding level provided by Congress in the Fiscal Year 2003 not the current request of \$8 million.

Now is not the time to decrease this program and I urge all members to support the Northern Ireland Peace and Reconciliation Support Act.

Mr. SMITH of New Jersey. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PETRI). The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that House suspend the rules and pass the bill, H.R. 1208, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

SMALL BUSINESS DEVELOPMENT CENTER ASSISTANCE TO INDIAN TRIBE MEMBERS, NATIVE ALASKANS, AND NATIVE HAWAIIANS

Mr. SHUSTER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1166) to amend the Small Business Act to expand and improve the assistance provided by Small Business Development Centers to Indian tribe members, Native Alaskans, and Native Hawaiians.

The Clerk read as follows:

H.R. 1166

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) Approximately 60 percent of Indian tribe members and Native Alaskans live on or adjacent to Indian lands, which suffer from an average unemployment rate of 45 percent.

(2) Indian tribe members and Native Alaskans own more than 197,000 businesses and generate more than \$34,000,000,000 in revenues. The service industry accounted for 17 percent of these businesses (of which 40 percent were engaged in business and personal services) and 15.1 percent of their total receipts. The next largest was the construction industry (13.9 percent and 15.7 percent, respectively). The third largest was the retail trade industry (7.5 percent and 13.4 percent, respectively).

(3) The number of businesses owned by Indian tribe members and Native Alaskans grew by 84 percent from 1992 to 1997, and their gross receipts grew by 179 percent in that period. This is compared to all businesses which grew by 7 percent, and their total gross receipts grew by 40 percent, in that period.

(4) The Small Business Development Center program is cost effective. Clients receiving long-term counseling under the program in 1998 generated additional tax revenues of \$468,000,000, roughly 6 times the cost of the program to the Federal Government.

(5) Using the existing infrastructure of the Small Business Development Center program, small businesses owned by Indian tribe members, Native Alaskans, and Native Hawaiians receiving services under the program will have a higher survival rate than the average small business not receiving such services.

(6) Business counseling and technical assistance is critical on Indian lands where similar services are scarce and expensive.

(7) Increased assistance through counseling under the Small Business Development Center program has been shown to reduce the default rate associated with lending programs of the Small Business Administration.

(b) PURPOSES.—The purposes of this Act are as follows:

(1) To stimulate economies on Indian lands.

(2) To foster economic development on Indian lands.

(3) To assist in the creation of new small businesses owned by Indian tribe members, Native Alaskans, and Native Hawaiians and expand existing ones.

(4) To provide management, technical, and research assistance to small businesses owned by Indian tribe members, Native Alaskans, and Native Hawaiians.

(5) To seek the advice of local Tribal Councils on where small business development assistance is most needed.

(6) To ensure that Indian tribe members, Native Alaskans, and Native Hawaiians have full access to existing business counseling and technical assistance available through the Small Business Development Center program.

SEC. 2. SMALL BUSINESS DEVELOPMENT CENTER ASSISTANCE TO INDIAN TRIBE MEMBERS, NATIVE ALASKANS, AND NATIVE HAWAIIANS.

(a) IN GENERAL.—Section 21(a) of the Small Business Act (15 U.S.C. 648(a)) is amended by adding at the end the following:

“(7) ADDITIONAL GRANT TO ASSIST INDIAN TRIBE MEMBERS, NATIVE ALASKANS, AND NATIVE HAWAIIANS.—

“(A) IN GENERAL.—Any applicant in an eligible State that is funded by the Administration as a Small Business Development Center may apply for an additional grant to be used solely to provide services described in subsection (c)(3) to assist with outreach, development, and enhancement on Indian lands of small business startups and expansions owned by Indian tribe members, Native Alaskans, and Native Hawaiians.

“(B) ELIGIBLE STATES.—For purposes of subparagraph (A), an eligible State is a State that has a combined population of Indian tribe members, Natives Alaskans, and Native Hawaiians that comprises at least 1 percent of the State’s total population, as shown by the latest available census.

“(C) GRANT APPLICATIONS.—An applicant for a grant under subparagraph (A) shall submit to the Associate Administrator an application that is in such form as the Associate Administrator may require. The application shall include information regarding the applicant’s goals and objectives for the services to be provided using the grant, including—

“(i) the capability of the applicant to provide training and services to a representative number of Indian tribe members, Native Alaskans, and Native Hawaiians;

“(ii) the location of the Small Business Development Center site proposed by the applicant;

“(iii) the required amount of grant funding needed by the applicant to implement the program; and

“(iv) the extent to which the applicant has consulted with local Tribal Councils.

“(D) APPLICABILITY OF GRANT REQUIREMENTS.—An applicant for a grant under sub-

paragraph (A) shall comply with all of the requirements of this section, except that the matching funds requirements of paragraph (4)(A) shall not apply.

“(E) MAXIMUM AMOUNT OF GRANTS.—No applicant may receive more than \$300,000 in grants under this paragraph in a fiscal year.

“(F) REGULATIONS.—After providing notice and an opportunity for comment and after consulting with the Association recognized by the Administration pursuant to paragraph (3)(A) (but not later than 180 days after the date of enactment of this paragraph), the Administrator shall issue final regulations to carry out this paragraph, including regulations that establish—

“(i) standards relating to educational, technical, and support services to be provided by Small Business Development Centers receiving assistance under this paragraph; and

“(ii) standards relating to any work plan that the Associate Administrator may require a Small Business Development Center receiving assistance under this paragraph to develop.

“(G) DEFINITIONS.—In this paragraph, the following definitions apply:

“(i) ASSOCIATE ADMINISTRATOR.—The term ‘Associate Administrator’ means the Associate Administrator for Small Business Development Centers.

“(ii) INDIAN LANDS.—The term ‘Indian lands’ has the meaning given the term ‘Indian country’ in section 1151 of title 18, United States Code, the meaning given the term ‘Indian reservation’ in section 151.2 of title 25, Code of Federal Regulations (as in effect on the date of enactment of this paragraph), and the meaning given the term ‘reservation’ in section 4 of the Indian Child Welfare Act of 1978 (25 U.S.C. 1903).

“(iii) INDIAN TRIBE.—The term ‘Indian tribe’ has the meaning given such term in section 8(a)(13).

“(iv) INDIAN TRIBE MEMBER.—The term ‘Indian tribe member’ means a member of an Indian tribe (other than a Native Alaskan).

“(v) NATIVE ALASKAN.—The term ‘Native Alaskan’ has the meaning given the term ‘Native’ in section 3(b) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(b)).

“(vi) NATIVE HAWAIIAN.—The term ‘Native Hawaiian’ means any individual who is a descendant of the aboriginal people, who prior to 1778, occupied and exercised sovereignty in the area that now constitutes the State of Hawaii.

“(H) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this paragraph \$7,000,000 for each of fiscal years 2004 through 2006.

“(I) FUNDING LIMITATIONS.—

“(i) NONAPPLICABILITY OF CERTAIN LIMITATIONS.—Funding under this paragraph shall be in addition to the dollar program limitations specified in paragraph (4).

“(ii) LIMITATION ON USE OF FUNDS.—The Administration may carry out this paragraph only with amounts appropriated in advance specifically to carry out this paragraph.”.

SEC. 3. STATE CONSULTATION WITH LOCAL TRIBAL COUNCILS.

Section 21(c) of the Small Business Act (15 U.S.C. 648(c)) is amended by adding at the end the following:

“(9) ADVICE OF LOCAL TRIBAL COUNSELS.—A State receiving grants under this section shall request the advice of local Tribal Councils on how best to provide assistance to Indian tribe members, Native Alaskans, and Native Hawaiians and where to locate satellite centers to provide such assistance.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. SHUSTER) and the

gentleman from New Mexico (Mr. UDALL) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. SHUSTER).

GENERAL LEAVE

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on this legislation.

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

There was no objection.

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

Mr. Speaker, H.R. 1166 is identical to legislation the House passed unanimously December 5, 2001. Unfortunately, this bill did not pass the Senate last year. We are here today to try again.

This bill simply establishes a 3-year pilot program providing grants to the Small Business Development Centers for assisting Native Americans, Native Alaskans, and Native Hawaiian populations with their small business development needs.

Few people realize that 60 percent of our Native American population lives in or adjacent to Indian lands that suffer from an average unemployment rate of 45 percent. One-third of Native Americans live below the poverty level. However, the number of businesses owned by Native Americans grew by 84 percent between 1998 and 1997, as compared to all other businesses, which grew at only 7 percent over the same time period.

It is quite clear that the entrepreneurial spirit of Native American small business ownership is the key to economic growth and revitalization of these often forgotten communities. Instead of creating a new program, H.R. 1166 uses the existing Small Business Development Center network to develop culturally sensitive entrepreneurial counseling and technical assistance programs for Native Americans.

The SBDC network has a track record of success. Small businesses that use their service have a higher survival rate than the average small businesses not receiving such assistance. Any SBDC in a State whose Native American population is at least 1 percent of the State’s total population can apply for a grant from the SBA. Such grants must be used to provide SBDC program assistance to Native Americans. The maximum grant size is \$300,000 and the authorized level is capped at \$7 million per year.

Already this fiscal year, the Small Business Administration received a \$2 million appropriation to develop Native American entrepreneur education programs. I join many of my colleagues, including the chairman of the Committee on Small Business, the gentleman from Illinois (Mr. MANZULLO), who is an original cosponsor of this bill, in supporting H.R. 1166.

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

Mr. UDALL of New Mexico. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first of all, I would like to thank the gentleman from Illinois (Chairman MANZULLO), chairman of the Committee on Small Business, and the ranking member, the gentlewoman from New York (Ms. VELÁZQUEZ), for their work and commitment to expanding small business opportunities for all Americans and for working to bring this bill to the floor today.

I would also like to thank the staff members of the committee for their hard work on this legislation and my colleagues who supported this bill by joining me as cosponsors.

The important legislation before us today, H.R. 1166, allows Small Business Development Centers to apply for an additional Small Business Administration grant to provide specified services to assist with outreach, development, and enhancement on Indian lands of small business start-ups and expansions that are owned by Indian tribal members, Alaskan Natives, or Native Hawaiians.

This legislation ensures participation of governing bodies of Indian tribes, Alaska Native entities, and Native Hawaiian organizations. Under H.R. 1166, States receiving a Small Business Development Center program grant are required to request advice from the appropriate governmental organization on how best to provide assistance to such members and where to locate satellite centers to provide such assistance. Our intent is to ensure these business development tools are provided in a culturally sensitive way.

Mr. Speaker, small businesses create 75 percent of all new employment opportunities, make up 99 percent of all employers, and provide almost half of all sales in this country. As many of us have said before and will say again, small businesses are the fuel for the engine of economic development. That is why it is so imperative that we take steps to help ensure that small business development reaches the places in this country where economic prosperity has yet to be realized.

The current economic situation on Native American lands is very grave. However, it does hold promise for the future. The average unemployment rate of these lands is over 10 times the national average. At the same time, small business creation is at an all-time high. Native American and Native Alaskan-owned small businesses grew by 84 percent from 1992 to 1997, and their gross receipts grew by 179 percent in that same time period.

Compare those figures to an overall small business growth rate of 7 percent and to the gross receipt growth of 40 percent, and we can see why there is reason to be optimistic about the future of small business development on tribal lands.

It is with these facts in mind and the desire to help Native American, Native Alaskan, and Native Hawaiian entre-

preneurs capitalize on these positive developments that I introduce this legislation. My bill ensures that Native Americans, Native Alaskans, and Native Hawaiians seeking to create, develop, and expand small businesses have full access to the counseling and technical assistance available through the SBA's SBDC program. The business development tools offered by the SBDCs can assist Native Americans with the information and opportunity to build sustainable businesses in their communities.

In an effort to ensure the quality and success of the program, the proposal requires the SBA to include several items in the grant application.

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In addition to the obvious requirements like requiring the applicant's goals and objectives, we also must see the applicant's experience in conducting programs on ongoing efforts designed to assist the business skills of small business owners. Also the capability of such applicant to provide training and services to a representative number of Native Americans, Native Alaskans, and Native Hawaiians is also important to this process.

I have the great honor of representing 14 Pueblos, the Hickory Apache Nation, and a portion of the Navajo Nation. These communities are in great need of economic development, and it is clear we can do more to aid Native American entrepreneurs not only in my district but throughout the country as well. Not enough has been done to assist Native Americans in building their businesses. I hope to change this situation with the passage of this legislation.

Mr. Speaker, I yield 2 minutes to the gentlewoman from Guam (Mr. BORDALLO).

Ms. BORDALLO. Mr. Speaker, I rise today in support of H.R. 1166, a bill to authorize the administration of grants to local small business development centers in States with significant populations of Native Americans, Native Alaskans, and Native Hawaiians. The gentleman from New Mexico (Mr. UDALL) has carefully crafted this important legislation to address poverty and unemployment amongst those disadvantaged populations. I commend the gentleman and the House Committee on Small Business for focusing on the sizable socioeconomic problems faced by Native Americans.

H.R. 1166 will enable small business development centers to assist Native Americans with job creation and economic growth. This measure will help foster self-determination among groups that have been historically marginalized by the Federal Government. This bill helps individuals to utilize their own valuable business skills so that their small business, and in turn their community, may prosper.

I am in such strong support of the aims of H.R. 1166 that I believe the bill can be strengthened by expanding the

eligible grant recipients to include small business development centers that work with the indigenous populations of Guam and American Samoa. Chamorros and Samoans from U.S. territories endure economic adversity similar to that experienced by Native Americans, Native Alaskans, and Native Hawaiians. I look forward to working with my colleagues to ensure that either in conference on this legislation, or on a similar proposal, that we take action to address the small business development needs of the indigenous populations of the United States territories.

This bill gives real assistance to Native Americans, and I urge my colleagues to support its passage and to support economic development for all indigenous populations throughout the United States.

Mr. UDALL of New Mexico. Mr. Speaker, we thank the gentlewoman for her service on the Committee on Small Business.

Mr. Speaker, I yield 2 minutes to the gentleman from Hawaii (Mr. CASE) who also serves on the Committee on Small Business and is a hardworking member on that committee.

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

Mr. CASE. Mr. Speaker, I commend the gentleman from New Mexico (Mr. UDALL) for his work on this legislation and thank him.

I rise in very strong support for this legislation because this bill perfectly melds two objectives that we want to accomplish here in our Congress. The first, of course, is to support small business. We all know and the gentleman has outlined how strong small business can be. It is the backbone of our economy. It is where much of innovation in our country comes from, and it is an area where the need for coordination is great. In my own State of Hawaii almost all of the businesses are small business-related, and they have the same needs as throughout the rest of our country to coordinate those efforts. And this is an area in which the Federal Government's assistance is so well received because of the return on investment, a return on investment of roughly six times the amount invested in these small business development centers, returns to the bottom line in terms of increased tax revenue and employment.

The second goal, of course, is the goal of improving the lot of our indigenous peoples, whether they be Native Americans or Native Hawaiians. I think we all know that the route to improving the lot of our indigenous people lies through self-sufficiency. And my own belief, and this legislation makes very clear that the belief of most of us, is that the way to do that is through encouraging economic activity. So to the extent that we can encourage that economic activity, we can take the situation that many of our indigenous people find ourselves in, especially Native Hawaiians in my home

State and improve their lot, improve their self-sufficiency, take them off the rolls, whether they be the health care rolls, the welfare rolls. This is the way too for us to go. This is money well spent.

Mr. Speaker, I thank and commend the gentleman again for introducing this legislation and I certainly hope we can pass this expeditiously.

Mr. UDALL of New Mexico. Mr. Speaker, I yield 3 minutes to the gentleman from North Carolina (Mr. BALLANCE). He is the ranking member on the Subcommittee on Rural Enterprises, Agriculture, and Technology.

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

Mr. BALLANCE. Mr. Speaker, I am honored this evening to join with my colleagues on this important issue.

A careful reading of history reminds us that the first Americans, whom we now call Native Americans and sometimes we call Indians, those whose ancestors walked the Trail of Tears, part of which is in my native State of North Carolina, those who suffered through broken promises from our government, and even as we stand here today in combat in Federal court with our Department of Interior over how to account for funds derived from lands that America allegedly set aside for Native Americans, we all know how important small businesses are all over our Nation and in every community, where they make up 75 percent of new employment and, by some figures, more than 90 percent of all new employers.

The average unemployment rate of Native Americans, particularly those on the reservation, languishes today around 45 percent. That is unacceptable in modern America, when we keep in mind that the national unemployment rate in February of this year was 5.8 percent. Even more alarming, one-third of Native Americans currently live below the poverty line. And so that is why I am honored to stand with my colleagues in support of this important legislation which I understand was introduced and went forward last year but did not make it all the way. We are hopeful that we can pass this legislation in the House of Representatives and it can become law.

Native American small businesses grew at a rate of 84 percent over the last 5 years. And we not only have a legal, I think, responsibility, but we have a moral responsibility to ensure that this trend continues to ensure that we make efforts to right past wrongs, and for selfish reasons, to ensure that in our country that every segment of our community has an opportunity for its young people to move forward and to enjoy the American dream. I am strongly in support of this legislation and I urge my colleagues to pass it.

Mr. UDALL of New Mexico. Mr. Speaker, if the gentleman from Pennsylvania (Mr. SHUSTER) has no further speakers, I am prepared to close.

Mr. SHUSTER. Mr. Speaker, we have no further speakers. I reserve my right to close.

Mr. UDALL of New Mexico. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me thank the gentleman from Pennsylvania (Mr. SHUSTER) for his management of this bill and for his hard work here on the floor today.

Mr. Speaker, I would again like to thank the chairman of the Committee on Small Business and the ranking member, the gentlewoman from New York (Ms. VELÁZQUEZ) for their commitment to passing this important legislation. I have high hopes for the impact of this legislation and the impact it will have on small business and economic development on tribal lands.

As some of my colleagues have mentioned today, the average unemployment rate of Native American communities, particularly on reservations, is around 45 percent, while one-third of Native Americans currently live below the Nation's poverty level. Mr. Speaker, this situation is unacceptable.

The persistent poverty that is prevalent on tribal lands must come to an end, and I believe that passing H.R. 1166 is an important step towards achieving this goal. I urge my colleagues to support this legislation.

And just one moment before I yield back, let me also thank the committee staff, my former legislative director, Tony Martinez; my legislative assistant, Mike Collins; and Michael Day, the minority staff director of the Committee on Small Business.

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

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

Mr. Speaker, I would close by first commending and congratulating the gentleman from New Mexico (Mr. UDALL) for his hard work on this legislation and his support for the small business men and women across America. I also want to take this opportunity to thank the ranking member, the gentlewoman from New York (Ms. VELÁZQUEZ) for her support on H.R. 1166. And I finally want to thank the gentleman from Illinois (Chairman Manzullo) for his leadership and his passion for defending the backbone of the American economy and that is small business.

Mr. MANZULLO. Mr. Speaker, I am delighted that we were able to expeditiously move this legislation on the floor today. This bill is identical to legislation this House unanimously approved on December 5, 2001. It is unfortunate that the Senate was unable to take this legislation up on the Senate floor last year but we are here today to try again.

The purpose of H.R. 1166 is to create jobs, to spur entrepreneurship, and to stimulate the economies and foster economic development on Indian lands. Further, the purpose of the Act is to help in the creation of new small businesses owned and managed by Indian tribe members, Native Alaskans, and Native Hawaiians and to help expand such small

businesses that already exist. The Act will provide much needed management, technical, and research assistance to small businesses owned by Indian tribe members, Native Alaskans, and Native Hawaiians. The Act will help insure that Indian tribe members, Native Alaskans, and Native Hawaiians have full access to existing counseling and technical assistance provided through the Small Business Development Center (SBDC) program. In providing entrepreneurial assistance, a State receiving a grant under the provisions of the Act is required to seek the advice of local Tribal Councils on where small business development assistance is needed.

Approximately 60 percent of Indian tribe members and Native Alaskans live on or in the immediate vicinity of Indian lands and suffer from an average unemployment rate of 45 percent. Currently, Indian tribe members and Native Alaskans own more than 197,000 business enterprises and generate revenues in excess of \$34 billion.

The service industry, the largest sector, accounts for 17 percent of the businesses, and 15.7 percent of the total revenues. The second largest sector is construction, which accounts for 13.9 percent of the businesses and 15.7 percent of the total revenues. The third largest sector, the retail trades, accounts for 7.5 percent of the businesses and 13.4 percent of the total revenues.

The number of businesses owned by Indian tribe members and Native Alaskans grew by 84 percent during the period from 1992 to 1997, while businesses, generally, grew by only seven percent. During the same period, the gross receipts for Indian tribe members and Native Alaskan business owners increased by 179 percent, in comparison with the business community, as a whole, where the gross receipts for the same period grew only by 40 percent.

In the past, the SBDC program with more than 1,100 offices throughout the United States has provided cost-effective business counseling and technical assistance to small businesses. For example, clients receiving long-term counseling under the program in 1998 generated additional tax revenues of \$468 million, which was approximately six times the cost of the program to the Federal government.

By using the existing infrastructure of the SBDC program, it is anticipated that small businesses owned by Indian tribe members, Native Alaskans, and Native Hawaiians, who receive services under the Act, will have a higher survival rate than the average small businesses not receiving such services. Further, increased assistance through SBDC counseling has in the past been able to reduce defaults under Small Business Administration (SBA) lending programs.

The business counseling and technical assistance, provided for under this Act, is critical on Indian land where, without such assistance, similar services are scarce and expensive. Past and current efforts by SBDCs to assist Native American populations located on or along reservation lands have proven difficult. In addition, the lack of resources makes it difficult to raise an equal amount of matching funds to specifically assist Native Americans.

H.R. 1166 will establish a three-year pilot project providing grants to SBDCs for assisting Indian tribe members, Native Alaskans, and Native Hawaiian populations with their entrepreneurial needs. The purpose is to stimulate

the economies on reservation lands through the creation and expansion of small businesses by ensuring the target population has full access to important business counseling and technical assistance through the SBDC program.

Any SBDC in a State, whose Indian tribe members, Native Alaskan, and Native Hawaiian populations are one percent of the State's total population, can apply for a grant from the SBA. Such grants must be used to provide SBDC program assistance to Native Americans. Grants under the Act are limited to \$300,000 and the amount authorized to be appropriated annually, in each of the fiscal years 2004, 2005, and 2006, is \$7 million. No matching funds are required from the States.

Services by SBDCs are to be provided to benefit the target population on tribal lands and reservations, but an individual center need not be located on each tribal land location or reservation. If the target population is in more than one location or reservation within a State, the center should be situated in a location that optimizes access by all those serviced by the center. H.R. 1166 does not limit in any way, the number of centers or subcenters a state program may implement. I expect the SBA Administrator to balance the need for multiple sites with the quality of assistance and counseling when awarding grants. Consultation with the local Tribal Council is required in determining those locations in most need and where the best access may be attained.

SBA is responsible for designing the grant application, which should provide essential information, but should not be burdensome to applicants. At a minimum, the application should contain information concerning the applicant's (1) goals and objectives, (2) prior experience in providing entrepreneurial and technical assistance to small businesses, (3) the ability to provide training and services to Indian tribe members, Native Alaskans, and Native Hawaiians, and (4) the extent of consultation with local Tribal Councils. In addition, the applicant should identify the location of a proposed center, and the amount of funding required.

Within 180 days after the enactment of H.R. 1166, the SBA Administrator is required to issue final regulations, after a notice and comment period, that implement the requirements of the Act. Such regulations shall include standards for the educational, technical, and support services to be provided and for a work plan for providing assistance to the targeted community.

The Act's predecessor, H.R. 2538, was subject to a hearing and a committee mark-up in the 107th Congress. The Congressional Budget Office (CBO) estimated that implementing the bill would cost \$20 million over the next four years and contains no intergovernmental or private sector mandates. H.R. 2538 also unanimously passed the House on December 5, 2001 but unfortunately saw no action on the Senate floor, even though a companion bill was discussed and marked-up in the Senate Small Business and Entrepreneurship Committee. That's why I am pleased to join again with my good friend from New Mexico, in co-sponsoring H.R. 1166 in this Congress and seeing it pass the House yet once again. Hopefully, the other body will look more kindly upon the legislation this year.

Mrs. CHRISTENSEN. Mr. Speaker, I rise today in support of H.R. 1166, a bill to en-

hance the capacity of Small Business Development Centers (SBDCs) to provide assistance to Native American tribal members, Alaska Natives and Native Hawaiians. I would like to commend my colleague and friend, Representative TOM UDALL, for his work on, once again, bringing this important legislation to the floor.

SBDCs are the premier technical assistance providers to America's entrepreneurs. Many small businesses often operate near or at their profit margin and do not have additional resources to hire legal or technical experts. Research shows that small businesses that receive technical assistance are twice as likely to succeed in the marketplace than those that do not. In addition to providing technical assistance to the general small business community, SBDCs should also target that segment of our population with special and unique needs.

The Native American population is one such population. The United States government has an endless commitment to addressing the economic and health disparities of Native Americans. Although we have passed other legislation such as the Indian Reorganization Act of 1934 and the Indian Self-Determination Act of 1975, which both encourage self-sufficiency in an attempt to amend the effects of relocation, not enough has been done to ensure success of economic development within this community. That is why I support this bill. The "Native American Small Business Development Act" (NASBD) will allow Native Americans to strengthen and expand their small business infrastructure. This would also provide more stable employment and move closer to ending the desperate and disparate conditions on reservations. More importantly, this bill will allow Native American entrepreneurs to better utilize the current SBDC network.

The Native American population represents a disadvantaged and underserved segment of our nation. One-third of Native Americans currently live below the nation's poverty level and suffer from the highest rate in health disparities. Despite these difficulties, Native American small businesses grew at a rate of 84 percent over the last five years. But with technical assistance specifically geared toward meeting the unique needs of this population, we can create a more prosperous economic community in the Native American population, Alaska Natives and Native Hawaiians.

This legislation passed the House of Representatives in the previous Congress with strong bipartisan support but failed to reach the Senate floor last year. I remain in support of this legislation and committed to seeing its complete passage.

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

The SPEAKER pro tempore (Mr. PETRI). The question is on the motion offered by the gentleman from Pennsylvania (Mr. SHUSTER) that the House suspend the rules and pass the bill, H.R. 1166.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. SHUSTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the

Chair's prior announcement, further proceedings on this motion will be postponed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m.

Accordingly (at 3 o'clock and 57 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

□ 1830

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. FLAKE) at 6 o'clock and 30 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed. Votes will be taken in the following order:

H.R. 1463, by the yeas and nays;

House Concurrent Resolution 58, by the yeas and nays;

H.R. 1166, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. The remaining votes will be conducted as 5-minute votes.

SMALLPOX EMERGENCY PERSONNEL PROTECTION ACT OF 2003

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 1463.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Louisiana (Mr. TAUZIN) that the House suspend the rules and pass the bill, H.R. 1463, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 184, nays 206, not voting 44, as follows:

[Roll No. 92]

YEAS—184

Aderholt	Brown (SC)	DeLay
Akin	Brown-Waite,	Diaz-Balart, L.
Bachus	Ginny	Diaz-Balart, M.
Ballenger	Burgess	Doolittle
Barrett (SC)	Burns	Dreier
Bartlett (MD)	Burton (IN)	Dunn
Barton (TX)	Calvert	Emerson
Bass	Cannon	Feeney
Beauprez	Cantor	Ferguson
Biggert	Carter	Forbes
Bilirakis	Chabot	Fossella
Bishop (UT)	Chocola	Franks (AZ)
Blackburn	Coble	Frelinghuysen
Blunt	Cole	Garrett (NJ)
Boehner	Cox	Gerlach
Bonilla	Crane	Gibbons
Bonner	Crenshaw	Gilchrest
Bono	Cubin	Gingrey
Boozman	Culberson	Goode
Bradley (NH)	Davis, Jo Ann	Goodlatte
Brady (TX)	Deal (GA)	Goss

Granger
Graves
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Hobson
Hoekstra
Hostettler
Houghton
Hunter
Isakson
Issa
Janklow
Jenkins
Johnson (CT)
Johnson, Sam
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
Leach
Lewis (CA)
Lewis (KY)
Linder
Lucas (OK)
Manzullo
McCotter

NAYS—206

Abercrombie
Ackerman
Alexander
Allen
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Boswell
Boucher
Boyd
Brown (OH)
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Clay
Clyburn
Cooper
Costello
Crowley
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Duncan
Edwards
Emanuel

McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Pearce
Pence
Peterson (PA)
Petri
Pickering
Platts
Pombo
Porter
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce

Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shinkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (TX)
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (MS)
Thomas
Thornberry
Tiahrt
Tiberi
Turner (OH)
Upton
Vitter
Walsh
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

Sanchez, Linda
T.
Sanchez, Loretta
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Slaughter
Smith (NJ)
Smith (WA)
Snyder

Andrews
Baker
Brady (PA)
Brown, Corrine
Burr
Buyer
Camp
Collins
Combest
Conyers
Cramer
Davis, Tom
DeMint
Ehlers
Everett

NOT VOTING—44
Fletcher
Gallegly
Gephardt
Gillmor
Gutierrez
Hall
Herger
Hulshof
Hyde
Istook
Kingston
Lipinski
McCarthy (MO)
McCrery
Nadler

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE
The SPEAKER pro tempore (Mr. FLAKE) (during the vote). The Chair will remind Members there are 2 minutes left in this vote.

□ 1851

Messrs. WYNN, STRICKLAND, WAMP, NEY and LOBIONDO changed their vote from “yea” to “nay.”

Mr. PETERSON of Pennsylvania and Mrs. NORTHUP changed their vote from “nay” to “yea.”

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. ROGERS of Alabama. Mr. Speaker, on rollcall No. 92, my plane was late arriving into Baltimore. Had I been present, I would have voted “yea.”

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Ms. GINNY BROWN-WAITE of Florida). Pursuant to clause 8 of rule XX, the remainder of this series will be conducted as 5-minute votes.

HONORING FAYETTEVILLE, NORTH CAROLINA, ON CENTENNIAL OF WILBUR AND ORVILLE WRIGHT'S FIRST FLIGHT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 58.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 58, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 393, nays 0, not voting 41, as follows:

[Roll No. 93]

YEAS—393

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Baca
Bachus
Baird
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggart
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burton (IN)
Calvert
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks

Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutknecht
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hookey (OR)
Hostettler
Houghton
Hoyer
Hunter
Inslee
Isakson
Israel
Issa
Jackson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Jones (OK)
Jones (ON)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind

King (IA)
King (NY)
Kirk
Klecza
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Napolitano
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Obey
Oliver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo

Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabó
Sanchez, Linda
T.
Sanchez, Loretta
Sandlin
Saxton
Schakowsky
Schiff
Schrock

Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
T.
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas

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

NOT VOTING—41

Andrews
Baker
Brady (PA)
Brown, Corrine
Burr
Buyer
Camp
Collins
Combest
Davis, Tom
DeMint
Ehlers
Everett
Fletcher

Gallegly
Gephardt
Gillmor
Gutierrez
Hall
Herger
Hulshof
Hyde
Istook
Kingston
Lipinski
McCarthy (MO)
McCrery
Nadler

Neal (MA)
Oberstar
Pascrell
Portman
Roybal-Allard
Rush
Sanders
Souder
Taylor (NC)
Toomey
Walden (OR)
Waters
Weiner

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are reminded that there are 2 minutes remaining on this vote.

□ 1900

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 1900

SMALL BUSINESS DEVELOPMENT CENTER ASSISTANCE TO INDIAN TRIBE MEMBERS, NATIVE ALASKANS, AND NATIVE HAWAIIANS

The SPEAKER pro tempore (Mr. FLAKE). The pending business is the question of suspending the rules and passing the bill, H.R. 1166.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. SHUSTER) that the House suspend the rules and pass the bill, H.R. 1166, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 378, nays 14, not voting 42, as follows:

[Roll No. 94]

YEAS—378

Abercrombie
Ackerman
Adersholt
Akin
Alexander
Allen
Baca
Bachus
Baird
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite,
Ginny
Burns
Burton (IN)
Calvert
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Cole
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Deal (GA)
DeFazio
DeGette
DeLauro
DeLay
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)

Doolittle
Doyle
Dreier
Dunn
Edwards
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Feeney
Ferguson
Filner
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gonzalez
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutknecht
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hookey (OR)
Houghton
Hoyer
Hunter
Inslee
Isakson
Israel
Issa
Jackson (IL)
Jackson-Lee
(TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin

Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-
McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Napolitano
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg

Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabó
Sanchez, Linda
T.
Sanchez, Loretta
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt

NAYS—14

Burgess
Coble
Culberson
Duncan
Flake

Gingrey
Goode
Goodlatte
Hensarling
Hostettler

Jones (NC)
Paul
Sensenbrenner
Stearns

NOT VOTING—42

Andrews
Baker
Brady (PA)
Brown, Corrine
Burr
Buyer
Camp
Collins
Combest
Davis, Tom
DeMint
Ehlers
Everett
Fletcher

Gallegly
Gephardt
Gillmor
Gutierrez
Hall
Herger
Hulshof
Hyde
Istook
Kingston
Lipinski
McCarthy (MO)
McCrery
Nadler

Neal (MA)
Oberstar
Pascrell
Portman
Roybal-Allard
Rush
Sanders
Souder
Taylor (NC)
Toomey
Turner (OH)
Walden (OR)
Waters
Weiner

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). The Chair will remind Members there are 2 minutes left to vote.

□ 1906

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. TURNER of Ohio. Mr. Speaker, on roll-call No. 94, I was unavoidably detained. Had I been present, I would have voted "yea."

APPOINTMENT OF ADDITIONAL CONFEREES ON S. 151, "PROTECT ACT"

The SPEAKER pro tempore. Without objection, the Chair appoints the following additional conferees on the Senate bill (S. 151) to amend title 18, United States Code, with respect to the sexual exploitation of children:

From the Committee on Education and the Workforce, for consideration of section 8 of the Senate bill and sections 222, 305 and 508 of the House amendments, and modifications committed to conference:

Messrs. Hoekstra, Gingrey, and Hinojosa.

From the Committee on Transportation and Infrastructure, for consideration of section 303 and title IV of the House amendments, and modifications committed to conference:

Messrs. Young of Alaska, Petri, and Matheson.

There was no objection.

The SPEAKER pro tempore. The Clerk will notify the Senate of the change in conferees.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1119

Mr. McDERMOTT. Mr. Speaker, I ask unanimous consent that my name be removed as a sponsor of H.R. 1119. It was an error that my name was added to the bill, since I did not authorize the action.

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

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. 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.

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 Indiana (Mr. BURTON) is recognized for 5 minutes.

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

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

(Mr. DAVIS of Illinois 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 gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

(Ms. NORTON addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

H.R. 1451, STUDENT ATHLETE PROTECTION ACT

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

Mr. OSBORNE. Mr. Speaker, this is the final week of the NCAA basketball tournament. This is an exciting time, and it is also a time when large amounts of money are gambled. In 1998, \$2.5 billion was gambled on the NCAA tournament. Today, that would probably be almost double that amount.

Gambling on NCAA sports has become a major problem. In 1951, CCNY had a point-shaving scandal, and Kentucky in the 1940s. In 1994, a Northwestern running back intentionally fumbled to fix a game. In 1996, 13 Boston College football players bet on NCAA games, and several bet against their own team. In 1998, a Northwestern basketball player was indicted for point shaving. In 1999, two Arizona State basketball players shaved points. This was done to pay off gambling debts. The fix was traced to organized crime in Chicago.

Last month, Florida State quarterback Adrian McPherson was charged with illegal gambling, and of course he owed a bookie thousands of dollars. A University of Michigan study recently found that 5 percent of NCAA athletes that play football and basketball provided inside information to gamblers.

So over 36 years of coaching, gambling was a major concern to me. I was always worried about our players getting involved because of gambling debts; but more importantly, as a coach you had to win twice. You had to win once on the scoreboard, and then you had to win again in beating the point spread.

Someone up in the stands who had bet \$10,000 on the outcome of a game that he could not afford to lose was not a casual observer. Most of the nasty memories that I have from coaching, and I do not have very many, had to do with hate mail, obscene phone calls at night, a mailbox that was blown up. In general, most all the time these were caused by situations where somebody had lost a bet.

Gambling on NCAA sports is illegal in 49 States, yet it is legal in one State, which is the State of Nevada. So we might ask, why not have a uniform standard? It is like having 49 States that have to pay Federal income tax and then one State is given a pass.

I have four major concerns with the Nevada loophole. First, this allows bets to be laid off. If there is a big game and the action is getting pretty heavy, a local bookie can have a runner or himself go to Las Vegas, up the ante, and have his bets covered. I had a young man from Nebraska who traveled to Las Vegas weekly to do this over a period of time.

Kevin Pendergast, who orchestrated the Northwestern gambling scandal, said this: "Without the option of betting in Nevada, the Northwestern basketball point shaving scandal would never have occurred."

Secondly, the loophole provides money-laundering opportunities. The former chairman of the Nebraska Gambling Control Board said, "We have no

way of knowing how much is laundered through legal sports books, but based on wiretaps, it is millions of dollars."

Thirdly, this results in ties to organized crime. FBI agent Mike Welch said this: "Most student bookies, even if they don't know it, are working for organized crime."

Fourthly, giving one State a pass on amateur gambling sends a message that this is not really a serious problem. It is like legalizing drugs in one State and having them be illegal in 49 others.

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The argument is often advanced that legal gambling on amateur sports in Nevada tips off a fix. In other words, as the points change and there is a big shift in gambling money, this will alert people that the fix is on. Yet in 2001 testimony on Capitol Hill, NCAA officials pointed out that legal sports betting in Nevada has never prevented a point-shaving scandal from happening. Sometimes after the fact you might go back and look at it and say, well, maybe something was going on here, but it has not really prevented anything.

The National Gambling Impact Study Commission said in its 1999 report, it recommended that current legal gambling on college athletics be banned altogether, and of course this would apply to the Nevada loophole.

So I urge support for H.R. 1451 which will do exactly that. This will not eliminate all gambling, I realize that, on NCAA sports; but it certainly would be a step in the right direction and I urge support of H.R. 1451.

TIGHTENING AMERICAN BORDER SECURITY

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

Mr. TANCREDI. Madam Speaker, the Washington Times carried an interesting article on March 28. Headlines read: Bonner Says U.S. Borders Sealed Better Than Ever.

"America is better protected against terrorists and weapons of mass destruction today than it ever has been, says the head of the new Federal agency assigned to guard the Nation's 6,000 miles of international borders and 300 ports of entry."

The borders, he says, are sealed better than ever. Well, maybe something has happened down there in the last several days that I am not aware of, but I can tell you what is the situation on our borders, at least our southern border, as recently as the last couple of weeks because I have just returned from there and observed how sealed these borders are. In fact, of course, they are anything but protected. They are completely and entirely porous.

This is a picture of exactly what I am talking about. This is the border between the United States and Mexico

here. This is a cattle guard that has been put up at this particular point because so many people have come across them. They have knocked down this fence so many times, they have just given up putting up any sort of protection, because all it is is a 3-strand barbed-wire fence to begin with, but it has been knocked over so many times they just put up a cattle guard to keep cattle from going across the border. But it certainly does not protect or seal the border. And this is the case for literally thousands of miles of the border.

This is a sign. Maybe this is what the head of the agency is referring to when he says things are better now than ever before. This sign was put up there; actually it was put up a while back. Here is a sign near another little spot around the border where the ruts in the road, they will show you how many times they have come across here from Mexico into the United States where we were standing taking a picture of this sign. The sign says, "All persons and vehicles must enter the United States at a designated port of entry only." This is not, underlined, this is not a designated port of entry. And, of course, we are out in the middle of nowhere. There is not anything for hundreds of miles except where everybody has been coming across and knocking down fences and coming into the United States.

Maybe this is the security device that we are talking about. Maybe this is what we will see when people come across, terrorists and others, who come across this place which is not a port of entry, and look at the sign and say, oh, golly, this is not a port of entry. I guess I should go several hundred miles to where it is a port of entry and try to come across there, and then they will turn back and go back into Mexico. Surely that is what this, we are assuming, is going to make happen.

Well, of course, it is not. The borders are not only not sealed better than ever, they are entirely porous.

There is a report from the Tucson sector from the U.S. Border Patrol that said that as early as November of last year they apprehended in just one sector 23,000 illegal aliens, but they also said that at least for every one they get, five get by them. So in the month of November, according to the Border Patrol, 100,000 people came across just the Tucson sector into the United States. They got 23,000 of them, turned them back, and of course those people very soon just came across the border as soon as somebody was not looking; 100,000 in the month of November.

There is a gentleman here that owns a ranch, not too far from where this picture is taken, as a matter of fact. His name is Roger Barnett. He has personally, he, his wife, and his brother have personally interdicted 2,000 people a month on their land, called the Border Patrol, had them come and get them and take them away; 2,000-some people a year, these folks stop them-

selves on their ranch and get the Border Patrol and come and get them.

The Tohono O'odam Indian Reservation, also in Arizona, not too far from where this picture is taken, has 1,500 people come across their land, across their border every single day; 1,500 illegal immigrants come across a 71-mile section of the border called the Tohono O'odam Indian Reservation which has a coterminous border with Mexico; 1,500 a day and we are supposed to believe that our borders are sealed better than ever. They are not sealed; they are not even remotely secure.

Now, maybe we are devising better methods of identification for people to show, so when people come through a port of entry they have to prove who they are. That is a good idea. But let me suggest that people do not come across the port of entry if they are coming to do us great harm. They are coming across right over here.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from the Virgin Islands (Mrs. CHRISTENSEN) is recognized for 5 minutes.

(Mrs. CHRISTENSEN addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

HONORING KATHLEEN TEX MILAMI

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

Mr. OSE. Madam Speaker, in honor of Women's History Month, I would like to join members of the Congressional Caucus for Women's issues in recognizing the accomplishments of women and the outstanding contributions they have made to our country.

I would like to take this opportunity to honor an extraordinary woman from my district, Kathleen "Tex" Milami, for her 60 years of dedicated service as a registered nurse working in a number of hospitals throughout the country. On her 81st birthday on February 27 of this year, Tex celebrated another momentous occasion, her retirement, marking the end of her exceptional 60-year career as a nurse, 30 years of which were spent at Mercy's Sacramento birthing center facilities as a labor and delivery nurse.

Tex began nursing at the age of 18, studying for 3 years at Parkland Hospital in Dallas, Texas. In 1945 she began working in various hospitals in Pittsburgh, Pennsylvania, specializing in labor and delivery nursing. In 1972 she moved to the Sacramento area, working first at the Birthing Center at Mercy American River Hospital just down the street from where I live, and then in 1995 moved with the birthing center to Mercy's San Juan Hospital where she spent the remainder of her career. After 30 years of distinguished service, she has become something of a

legend among her co-workers and patients in the Sacramento area and has seen many changes in birthing techniques and technology over her career.

When asked what sets Tex apart from other nurses, her co-workers said that they are amazed at her willingness to embrace advances in technology. Not only was she open to change, she became an expert in learning these new techniques, enrolling in classes to learn the proper applications, and then acting as a proctor to other nurses, teaching them those same techniques.

In her career, Tex has seen fetoscopes replaced by fetal monitors, the emergence of epidurals and improved pain medications, the introduction of the LaMaze technique, and the advent of homestyle deliveries where labor and birth take place in one room, and family members are welcome.

In her own words, "You tell me there is a new way of doing something, and I want to learn how to do it and do it well. As long as you arrive at the same destination, it just does not matter how you get there."

Among her co-workers, Tex's commitment to her job, her enthusiasm and her devotion to her patients, acts as an inspiration to other nurses. Tex retired in order to keep a promise to her husband Frank that she would retire at age 81. This remarkable and energetic woman says that even at age 81 she was not ready to retire and that 81 came too soon. In all that she has experienced, Tex said the hardest part of it all has been to retire.

Madam Speaker, I wish to acknowledge Tex for her myriad of contributions to the nursing profession and to the Sacramento area families whose lives she has touched with exceptional attention and care to birthing mothers and her eagerness to improve the experience of all her patients.

Kathleen "Tex" Milami emerges not only as a leader in her field, with an established and respected career, but also at 81 years of age, is a role model for all women.

I am honored to recognize her and all her accomplishments for Women's History Month and would like to wish her the very best in her retirement.

HONORING SAM JONES

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

Ms. CARSON of Indiana. Madam Speaker, "From within or from behind, a light shines through us on things, and makes us aware that we are nothing, but the light is all." Ralph Waldo Emerson.

A fitting tribute on behalf of Mr. Sam Jones on the occasion of his home going celebration, preceded first by a few days his 74th birthday.

In Indianapolis, Indiana this week, Madam Speaker, citizens of all walks of life, political, religious and philosophical persuasion, persons who represent every person and race imaginable, will celebrate the life of Mr.

Sam Jones on the occasion of his home going, and 36-year reign at CEO and president of the Indianapolis Urban League. He dedicated his life to God, family, and community. He was the dean of the Urban League chapters throughout the Nation. He is inducted into the courageous Hall of Champions and is celebrated for his unparalleled moral persuasion in promoting solidarity among all peoples for the common good.

History offers few examples of leaders who were gentlemen and genteel men all the while. There were many who will say so much about Mr. Jones's contributions to so many on behalf of so many.

But in summary, Madam Speaker, he lived not because but for a cause. In his unassuming manner, he followed the instruction of a wise man many years ago: "Let your light so shine by your good works on Earth that it will be magnified on high."

He will be missed by all. He challenged us to find a cure for leukemia. We can, if we will. We cannot afford not to. My love and appreciation and admiration is extended to the Jones family and especially to a very special wife, Pree, and an extraordinary family.

PEACE FOR AMERICA

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. Madam Speaker, there is not a time that I come to the floor during this time of war that I do not feel burdened to speak to the issue of peace and some sense of recognition by the administration that all is not well with the position that the United States is taking with respect to the United Nations Security Council.

At any time we discuss war, we are reminded of the families that are mourning and the families that are also praying for their loved ones. And so it is important to acknowledge our respect and admiration and support for the success of the United States troops.

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At the same, too, we are policymakers and our dissent is not against the troops. It is against the policies.

I am concerned that there is no focus and thought on the aftermath of this Iraqi war, the ability to govern this Nation without government, the inability of one country to be able to occupy another. I believe it is misdirected for this administration to believe that the United States military can occupy this Nation, Iraq, without coalition efforts.

I believe it is misdirected to think that Congress should not be involved, and I hope that we will be working seriously on the question of peace. It is interesting to try and fight the war, but can we keep and hold the peace?

As I think about those thoughts, Madam Speaker, I also think about the

fact that when our troops go abroad, they are fighting for the values of this Nation. They are fighting for our freedom, our freedom of dissent, but also our freedom of equality and justice.

Is it not interesting, Madam Speaker, and it is sobering that tomorrow, April 1, 2003, one of the more historic arguments before the Supreme Court will be held, and that is, the challenge of whether or not affirmative action is unconstitutional. I might imagine that there are some troops in Iraq that will ultimately be impacted by this decision.

I think the greater tragedy is that this government, this administration decided to weigh in in opposition to the University of Michigan plan, a plan that has already been established as a non-quota plan. It is an outreach. It provides a point system, Madam Speaker, for athletes, people living in northern Michigan, individuals who happen to come from different ethnic groups. It is not a quota system, but yet our government has decided to go into the Supreme Court with my tax dollars and allow the Solicitor General to argue against the rights of millions and millions of Americans. Young people who have not had opportunity, young people who started in this life behind the finish line.

President Lyndon Johnson said that one cannot expect a person to finish a race until we take the strings off of their hands and feet, and that is what affirmative action is about.

I am a product of affirmative action, Madam Speaker, going to Yale University; but I did not graduate on affirmative action. In fact, Yale University affirmatively created women because it became coed during the time I was in college. What a tragedy that in this Nation we could not find the kind of balance in the administration to argue on behalf of an effective plan.

Let me thank the Congressional Black Caucus for having the courage even in these times to stand up against the attack on civil rights and affirmative action, and I thank the gentleman from Maryland (Mr. CUMMINGS), the chairman, and thank many of the Members who participated in an affirmative action summit in Houston: the gentlewoman from Michigan (Ms. KILPATRICK), the gentlewoman from California (Ms. WATSON), the gentleman from Michigan (Mr. CONYERS), and the gentleman from Louisiana (Mr. JEFFERSON).

I believe, Madam Speaker, that we cannot stand silent while our rights are being denied, and I hope that we will continue to stand for what is right. There will be thousands tomorrow who will petition the United States Supreme Court in order for them to know that this impacts lives. It denies opportunity.

I close, Madam Speaker, to say that the University of Texas and the Texas system are real examples of what a court decision can do because, after the Hopwood decision, we saw hundreds of

minority students leave the State of Texas to try and get an education because they could not get into the grad school which their parents had paid taxes for. This is a shame and this is a sham.

I hope that in the wisdom of the Supreme Court that they will have the opportunity to hear the arguments and realize that the program before us, the University of Michigan plan, is an excellent plan; and I hope that the Nation's values will be upheld by the Supreme Court, the values of equality for all and justice for all.

REVELATIONS ABOUT RICHARD PERLE

The SPEAKER pro tempore (Ms. GINNY BROWN-WAITE of Florida). Under the Speaker's announced policy of January 7, 2003, the gentleman from Michigan (Mr. CONYERS) is recognized for 60 minutes as the designee of the minority leader.

Mr. CONYERS. Mr. Speaker, I rise today to discuss several matters that have become intertwined in the Iraq circumstance, and of course, our thoughts and prayers are with the brave men and women who are fighting overseas, faced with a number of troubling episodes, though, here at home that may involve conflicts of interest of high-level Bush administration officials.

I take the floor tonight to raise the discussion on the ongoing revelations that Richard Perle, a member of the Pentagon's defense policy board, may have used his government position for private financial gain. It could be that he did not use his position for private financial gain, but I am alarmed with a number of lucrative government contracts that were recently awarded to the company formerly headed by the Vice President of the United States, DICK CHENEY.

What I am troubled about is the apparent link between the private financial gains made by the administration and their friends and the administration's prosecution of the war in Iraq. In the short term, American businesses could stand to gain nearly \$2 billion in government contracts for reconstruction projects in Iraq; and over the long run, over the long term, the next 3 years, the United Nations Development Program estimates it will cost up to \$30 billion or more to rebuild that country. Indeed, some of that money has already been awarded, including a contract to a subsidiary of Halliburton Company, which the Vice President was the CEO of from 1995 to the year 2000.

Many in the government are already benefiting from these payouts, including Mr. Richard Perle, who, for example, is on the board of directors for Onset Technology. Onset is the world's leading provider of message conversion technology. The company's customers include Bechtel, a well-known government contractor widely considered the

leading candidate for rebuilding the Iraqi infrastructure, and Raytheon Company, which is a provider of defense electronics, including the Patriot and the Tomahawk missiles.

There are many ways in which Mr. Richard Perle could be benefiting from his government position on the Defense policy board. For example, he has contracted with bankrupt telecommunications company Global Crossing, Limited to try to win the United States Government approval of its \$250 million chapter 11 buyout by two Asian companies, Hutchison Whampoa, controlled by the Hong Kong billionaire Li Ka-shing, and Singapore Technologies Telemedia, a phone company controlled by the Government of Singapore itself.

Mr. Perle was being paid \$125,000 for his efforts but stood to reap a \$600,000 bonus if the sale was approved by his superior, Secretary of Defense Donald Rumsfeld. Both the Department of Defense and the Federal Bureau of Investigation were opposed to the sale for national security reasons because it would place Global Crossing's fiber optic network, used by the United States Government, under foreign control.

In a March 7, 2003, affidavit, Mr. Perle said, "As the chairman of the Defense Policy Board, I have a unique perspective on and intimate knowledge of the national defense and security issues that will be raised by the review process." Mr. Perle even acknowledged contacting at least one government official on Global Crossing's behalf, though he refused to identify this person. And though Mr. Perle said he is no longer lobbying on Global Crossing's behalf and will donate his \$125,000 fee to American servicemen and their families, which I applaud, the fact remains that he may well have used his government position improperly to secure this fee. It is not relevant what he chooses to do with the money after he gets it.

Mr. Richard Perle also serves as managing partner of a private venture capital firm called Trireme Partners that invests primarily in companies that deal in goods and services related to national security. Pulitzer Prize-winning journalist Seymour Hersh recently reported that on January 3 of this year, Mr. Perle met with Saudi businessmen, including arms dealer Adnan Kashoggi, in Marseilles, France, to secure their investment in Perle's company.

The report contains a disturbing quote from Prince Bandar bin Sultan, the Saudi ambassador to the United States, and he said, "There were elements of the appearance of blackmail. 'If we get in business, he'll back off in Saudi Arabia,' as I have been informed by participants in the meeting." Though Perle denied that securing investment in his company was the purpose of the meeting, he said that he did meet with the Saudis concerning Iraq.

There is also concern about Perle's position as a nonexecutive on the board

of directors of software developer Autonomy, a data mining company that lists the Defense Department and Homeland Security Department as customers. For example, last October the company won a major contract with Homeland Security. While Mr. Perle has drawn no salary, he has received more than 120,000 share options from Autonomy.

Mr. Perle's award of these share options gives him a direct financial stake in the success of this company. Indeed, the National Association of Pension Funds recently recommended that shareholders abstain when Mr. Perle comes up for reappointment this summer because the group feels that share options compromise the independent status of the independent directors such as Perle.

In yet what some term an amazing incident on March 19 of this year, Mr. Perle spoke in a conference call sponsored by Goldman Sachs, in which he advised participants on possible investment opportunities arising from the war in Iraq. The conference title was "Implication of an Imminent War: Iraq Now. North Korea Next?" Clearly, Mr. Perle has little regard for the conflict-of-interest rules that are in place for government officials, and I am assuming in that statement that he is aware of the rules in the first place.

The most recent Perle revelation is that while on the Defense policy board he advised a major American satellite maker, Local Space and Communications, as it faced government accusations that it improperly transferred rocket technology to China.

In an attempt to divert us from continuing to look into these matters, Mr. Perle has recently announced that he would immediately step down as chairman of the Defense policy board last week. Yet he does remain on the board as a member, along with 29 others.

According to a recent study by the Center for Public Integrity, of the 30 Defense policy board members, some of them have ties to companies that have won more than \$76 billion in defense contracts in last year and the year before. Indeed, four members are, in fact, registered lobbyists, one of whom represents two of the three largest defense contractors.

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Perle, like the others, continues to be a key adviser to the administration on defense issues, even as he pursues his personal business in the same area, a potential violation of the Federal criminal ethics rules.

In order to get to the bottom of this matter, I plan to ask the distinguished Secretary of Defense, Secretary Donald Rumsfeld, to publicly release the financial disclosure forms that each member of the board must file with his office. To date, these forms have not been seen by anyone outside the Pentagon. I am further requesting of the Secretary of Defense to release the minutes of all meetings held by the Defense policy

board so that we can see whether issues relating to the private financial interests of the members have been discussed. There are persons on my staff who have security clearance and can view the minutes of these meetings without any danger of compromising national security. As a matter of fact, I would be willing to do so myself. Of course, regardless of what was discussed at the meeting, the fact still remains that the members of the board are still government employees who simultaneously sit on the boards of and are employed by private companies that can and do benefit from Defense Department contracts. This is a direct and disturbing conflict of interest.

Mr. Perle and the other members of the Defense policy board are not the only ones capitalizing on the war in Iraq. I turn now to the Vice President of the United States, whose former company, Halliburton, has already secured a number of contracts in the Middle East since the Vice President took office. For example, on March 25 of this year, the United States Army announced that it awarded the main Iraq oil well firefighting contract to a unit of Halliburton, which incidentally was let without any bidding whatsoever. Furthermore, it was reported that Halliburton had been working closely with U.S. Army engineers prior even to the awarding of the contract.

This was not the first time Halliburton has profited from a government contract since the Bush-Cheney administration has taken office. Halliburton recently secured a \$140 million contract by the Saudi Arabian Government through their state-owned petroleum firm, Saudi Aramco, to develop oil fields in their country. And a Halliburton subsidiary was also hired by the Saudis to build a \$40 million ethylene plant.

Now, it is a matter of record that Halliburton gave nearly \$18,000 to the Bush-Cheney Presidential campaign of 2000. There is some concern that these campaign contributions from CHENEY's former company, coupled with Halliburton's success in securing government contracts under this administration, at the very least create the appearance of favored treatment. And while the Vice President divested nearly all of his financial interests in Halliburton when he stepped down as CEO to be President Bush's running mate, he still continues to receive \$1 million a year in deferred compensation from his Halliburton severance package. And though he sold most of his shares when he left the company, he retained options worth in the range of \$8 million. Like Perle's donation of his \$125,000 fee to war victims, the Vice President has also arranged to pay any profits derived from his Halliburton stock to charity. How nice. It seems, Madam Speaker, that the Bush administration is not opposed to using government position for private gain as long as one does not keep all the profits for oneself.

Quite frankly, like Mr. Perle, it is time for the Vice President to make a much fuller disclosure than he has up till now. The American people have a right to know if their officials are or are not using their office for self-interested reasons. From the evidence already made public, Mr. Perle and others really should, and I recommend this, give a full accounting of their business dealings; and the Vice President must completely divest himself of any and all financial ties to Halliburton. Then the American people can be sure that their representatives in Washington, their leaders, are working for the good of the many and not in any kind of personal way to benefit themselves.

Now, while it is true that Halliburton, and I am not picking on them, but they are the subject of these discussions, while it is true that Halliburton is now out of the running for the prime contract to rebuild Iraq, and I presume they took themselves out, there is nothing that prevents them from being subcontractors in many instances.

Madam Speaker, I am submitting for the RECORD a couple of articles, from the Washington Post and even from the Wall Street Journal, which are critical of Mr. Perle. I quote from today's paper: "Our own view is that Mr. Perle should have understood that Global Crossing was politically toxic." As well, Madam Speaker, I would like to include a statement of Mr. Perle that explains his position and what has happened in this matter. It is one that I think, in all fairness to him, should be reproduced in the RECORD.

[Mar. 31, 2003]

FOR THE RECORD

(By Richard Perle)

Last week I resigned my position as chairman of the advisory Defense Policy Board after news stories, rich in innuendo, suggested that I had acted improperly in advising Global Crossing (the New York Times) and, in a separate matter, in meeting over lunch with two Saudi businessmen (The New Yorker). They provoked an avalanche of stories, mostly repeating points in those first two, with each iteration making more extreme allegations than the last. There was no way I could quickly quell the press criticism of me, even though it was based on factual errors and tendentious reporting. So I wrote to Donald Rumsfeld, "I have seen controversies like this better and I know that this one will inevitably distract from the urgent challenge in which you are now engaged. I would not wish to cause even a moment's distraction from that challenge."

Let me explain my milieu, and context. Government officials, particularly at the most senior level, frequently seek advice from outside the departments they superintend. The perspective of knowledgeable outsiders is often a needed corrective to an institutional view that may have come to dominate the department's thinking. Sometimes senior officials face vexing questions for which their staffs provide unsatisfying answers, or they want a longer-term view. It is only natural that an intellectually curious cabinet officer will reach out to peers who have occupied similar positions, in the hope that their experience will help avoid mis-

takes or point the way to new ideas. When he does so, he must have confidence that the advice he receives is candid, that it is the product of serious deliberation, and that it is free from advocacy reflecting private interests. The relationship between official and adviser is ultimately one of trust.

Most often, the people best able to help are professionally involved in the businesses for which the official is responsible: health professionals or pharmaceutical company executives advising the Department of Health and Human Services, for example, or energy company officials advising the Department of energy, or defense executives advising the Department of Defense. If the secretary of defense wants advice on new approaches to the conflict between India and Pakistan, or how far and how fast to press technical innovation in precision-guided weapons, he is unlikely to turn to a dress designer or a molecular biologist. (Hollywood personalities might be similar ill-equipped, but he is likely to get their advice whether he wants it or not.)

There is no way, of course, to be sure that an outside adviser (or for that matter, a subordinate) is not driven by a private passion, a deeply held conviction that skews his judgment, or a private policy agenda. Only by judging the cogency of the advice he receives—and over time the track record of the adviser—can he be confident that he is receiving balanced counsel.

But there are ways to ensure that advice does not advance personal financial interests, and they are reflected in rules that apply to the many thousands of individuals serving on hundreds of boards which advise government at all levels. The two key rules are simply and flow from a familiar principle: that public office should not be used for private gain.

The first rule is full disclosure of the financial interests of the adviser. This is accomplished by annual filings of the board member's business interests, sources of income, clients, share holdings and the like. The second rule is straightforward: If the discussions or advice of the board should involve matters that have a direct and predictable effect on an adviser's financial interests, he is recused from taking part. An adviser following these rules should be free to give his best candid advice, and the official receiving advice should not have to worry that it might be tainted. These are the rules that members of government advisory boards accept when they agree to serve on them. They are not obliged to terminate their employment or abandon business interests, even those that may benefit from decisions of the department or agency they advise.

Since most people with experience and knowledge relevant to defense and national security policy are likely to earn their livelihood in defense-related enterprises, the possibility of conflict of interest is always present and must be contained by adherence to the two rules, disclosure and recusal. Without those rules, and the protection they afford, few individuals with knowledge or experience would agree to serve on advisory boards, and the benefits of those boards would be lost to policy officials.

I have been privileged to chair the Defense Policy Board for nearly two years. During that time the board has debated many issues, including U.S. policy with respect to Iraq, weapons of mass destruction, European-U.S. relations, the war on terrorism and the like. The discussions have been lively, the views expressed diverse, and the board's experienced members—former secretaries of state, defense and energy, former directors of Central Intelligence, former speakers of the House from both parties, a former vice-president, professors, a Nobel

laureate (in economics) and several recently retired general officers—have used the board's meetings to share their views with the secretary of defense.

The Times story about my work for Global Crossing gave the impression that I had been retained to use influence stemming from my chairmanship, my "close ties to current officials," to obtain favorable ruling on the acquisition of Global Crossing by a joint venture including a Hong Kong company. This is incorrect. (When I asked the times to publish a letter in reply, I was told that they would not unless I dropped the word "incorrect." Thus I learned that the Times censors letters to the editor.)

In truth, I was retained to advise Global Crossing on how it could meet the government's security concerns about the transaction, not to "help overcome Defense Department resistance" to it. To do this I had to persuade Global Crossing to accept some far-reaching safeguards, which it has now done. My task was to make intelligible to Global Crossing the government's concerns, not to use influence to get the government to set those concerns aside—the precise opposite of the Times' characterization.

The New Yorker piece by Seymour Hersh is a masterpiece of falsehood and innuendo. He describes a lunch I had with two Saudi businessmen, during which the situation in Iraq was the sole topic of discussion, as a "cover story" for another purpose—eliciting a private Saudi investment in a fund in which I am a partner. And he quotes Saudi Ambassador Prince Bandar to the effect that "if we get in business," I would "back off on Saudi Arabia." Sprinkled in the article are references to conflicts of interest, although the incoherence of the piece reflects Mr. Hersh's Houdini-like twists and turns, intended to question my integrity.

Neither piece shows that I departed from the rules of disclosure and recusal. Global Crossing was never a topic in my board. Had it been, I would have recused myself. Mr. Hersh implies that my involvement in a fund set up to invest in homeland security technologies might by itself constitute a conflict of interest. But there is nothing in the rules governing the board, or in any reasonable ethical judgment, that would preclude my working in such a fund. He implies there may be a conflict of interest issue because I am a non-executive director of a software company, Autonomy, which recently won a contract to supply software for homeland security. But Autonomy never came before my board—specific companies almost never do. Had it, I would have recused myself.

The Times story further suggested that the very fact that I served on a board—and that this service was mentioned in documents that summarized my background and qualifications—was in itself a conflict. But this suggestion cannot be serious. Everybody I work with knows who I am and what I have done, whether I attach my résumé to the paperwork or not. Those who serve without any compensation on these boards do so as a civic responsibility. We give time and expertise and we accept the terms of membership, including rules concerning conflicts of interest, willingly. But few of us could do so if we were prevented from working in the areas about which we are consulted, and the value of our advice would be sharply diminished if we left our professional pursuits.

Somewhere there is probably a board that advises some agency of government on fashion trends. I suppose I could join it without fear that the New York Times or Seymour Hersh would accuse me of a conflict of interest. My wife would be appalled.

[From the Wall Street Journal]

CENTER FOR PUBLIC IGNORANCE

Richard Perle explains the attack on his tenure at the Defense Policy Board nearby.

Our own view is that Mr. Perle should have understood that Global Crossing was politically toxic. But you can tell something else is going on here because the ethics attack is now extending to the rest of the Board.

An outfit called the Center for Public Integrity—moral modesty is not part of its charter—has issued a report warning that “at least” nine of the 30 Board members have some sort of ties to defense contractors. Keep in mind that the Defense Board is purely advisory, its members work without pay and they abide by disclosure rules even though they have zero decision-making power. They serve only because the Secretary of Defense thinks their counsel might occasionally be worth listening to.

The suggestion nonetheless is that former CIA Director Jim Woolsey, former Secretary of State Henry Kissinger and retired Admiral William Owens, among others, shouldn’t be able to serve on the advisory panel. How about taking a phone call from Donald Rumsfeld? Is that also too “incestuous?” We have reached the state of ethics in Washington in which Madonna could presumably serve as a Pentagon adviser but people who actually know something about national security cannot.

The objection is so transparently silly that one can only conclude that the real motivation here is political. The opponents of war with Iraq and change in the Middle East are trying to drive from public influence the folks who speak on behalf of those Bush Administration policies. “Integrity” is simply a smokescreen.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. NADLER (at the request of Ms. PELOSI) for today on account of official business in the district.

Ms. WATERS (at the request of Ms. PELOSI) for today on account of business in the district.

Mr. EVERETT (at the request of Mr. DELAY) for today on account of official business.

Mr. TOOMEY (at the request of Mr. DELAY) for today on account of personal business.

Mr. WALDEN of Oregon (at the request of Mr. DELAY) for today and the balance of the week on account of a death in the family.

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. MORAN of Virginia) to revise and extend their remarks and include extraneous material:)

Mr. DEFAZIO, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mrs. CHRISTENSEN, for 5 minutes, today.

Ms. CARSON of Indiana, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

(The following Members (at the request of Mr. WELDON of Florida) to revise and extend their remarks and include extraneous material:)

Mr. BURTON of Indiana, for 5 minutes, today, April 1, 2, 3, and 4.

Mrs. BIGGERT, for 5 minutes, April 1.

Mr. OSBORNE, for 5 minutes, today.

Mr. TANCREDO, for 5 minutes, today. (The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. OSE, for 5 minutes, today.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker’s table and, under the rule, referred as follows:

S. 330. An act to further the protection and recognition of veterans’ memorials, and for other purposes; to the Committee on the Judiciary; 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.

S. Con. Res. 30. Concurrent resolution expressing the sense of Congress to commend and express the gratitude of the United States to the nations participating with the United States in the Coalition to Disarm Iraq; to the Committee on International Relations.

ADJOURNMENT

Mr. CONYERS. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o’clock and 55 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, April 1, 2003, at 10:30 a.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker’s table and referred as follows:

1560. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency’s final rule — *Bacillus pumilus* GB 34; Exemption from the Requirement of a Tolerance [OPP-2002-0328; FRL-7286-9] received March 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1561. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency’s final rule — *S-Metolachlor*; Pesticide Tolerance [OPP-2003-0 046; FRL-7229-8] received March 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1562. A communication from the President of the United States, transmitting a request to make available contingent emergency funds pursuant to Public Law 107-42, the Air Transportation Safety and System Stabilization Act, 2001; (H. Doc. No. 108—60); to the Committee on Appropriations and ordered to be printed.

1563. A letter from the Assistant Secretary, Department of Education, transmitting Final Priority — Experimental and Innovative Training Program, pursuant to 20 U.S.C. 1232(f); to the Committee on Education and the Workforce.

1564. A letter from the Secretary, Department of Veterans Affairs, transmitting an

update on the status of submissions of Fiscal Years (FY) 2001 and 2002 Alternative Fuel Vehicle (AFV) Reports for the Department; to the Committee on Energy and Commerce.

1565. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency’s final rule — Approval and Promulgation of Air Quality Implementation Plans; Philadelphia County, Pennsylvania; Construction, Modification and Operation Permit Programs [PA202-4400a; FRL-7474-2] received March 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1566. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency’s final rule — Approval and Promulgation of Implementation Plans and Designation of Areas; California — Indian Wells Valley PM-10 Nonattainment Area [CA-276-0380; FRL-7461-5] received March 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1567. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency’s final rule — Approval and Promulgation of Implementation Plans; Indiana [IN214-1a; FRL-7470-7] received March 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1568. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certifications and waivers and their justification under section 565(b) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 of the prohibition against contracting with firms that comply with the Arab League Boycott of the State of Israel and of the prohibition against contracting with firms that discriminate in the award of subcontracts on the basis of religion, pursuant to Public Law 103—236, section 565(b) (108 Stat. 845); to the Committee on International Relations.

1569. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting the annual report on Military Assistance, Military Exports, and Military Imports for Fiscal Year 2002; to the Committee on International Relations.

1570. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department’s final rule — Revisions to the Export Administration Regulations Related to the Missile Technology Control Regime (MTCR) [Docket No. 030304054-3054-01] (RIN: 0694-AC22) received March 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

1571. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of the Presidential Determination No. 2003-04, Imposition and Waiver of Sanctions Under Section 604 of the Foreign Relations Authorization Act, Fiscal Year 2003; to the Committee on International Relations.

1572. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report pursuant to Section 3 of the Arms Export Control Act; to the Committee on International Relations.

1573. A letter from the Secretary, Department of Health and Human Services, transmitting a report of surplus real property transferred for public health purposes for October 1, 2001, through September 30, 2002, pursuant to Public Law 100—77, section 601 (101 Stat. 515); to the Committee on Government Reform.

1574. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-33, “Emancipation Day Fund Temporary Act of 2003” received March

28, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

1575. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-32, “Kings Courts Community Garden Equitable Real Property Tax Relief Temporary Act of 2003” received March 28, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

1576. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-31, “Housing Notice Temporary Amendment Act of 2003” received March 28, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

1577. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-30, “Marvin Caplan Memorial Designation Act of 2003” received March 28, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

1578. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-29, “Closing of a Public Alley in Square 341, S.O. 02-4058, Act of 2003” received March 28, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

1579. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-28, “William H. Rumsey, Sr. Aquatic Center Designation Act of 2003” received March 28, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

1580. A letter from the Chairman, Consumer Product Safety Commission, transmitting the Fiscal Year 2002 Annual Program Performance Report; to the Committee on Government Reform.

1581. A letter from the Director of Benefits and Plan Administrator, CoBank, transmitting the CoBank, ACB Retirement Plan for the year ending December 31, 2001, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Reform.

1582. A letter from the Chair, Federal Election Commission, transmitting the report in compliance with the Federal Managers Financial Integrity Act, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

1583. A letter from the President, Federal Financing Bank, transmitting the Annual Management Report of the Federal Financing Bank for fiscal year 2002, pursuant to 31 U.S.C. 9106; to the Committee on Government Reform.

1584. A letter from the Director, Financial Management, General Accounting Office, transmitting the FY 2002 annual report of the Comptroller General’s Retirement System, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Reform.

1585. A letter from the Chairman, Merit Systems Protection Board, transmitting the Board’s FY 2002 performance report; to the Committee on Government Reform.

1586. A letter from the Chairman, Merit Systems Protection Board, transmitting the Board’s FY 2003 (Revised Final) and FY 2004 (Final) Performance Plan; to the Committee on Government Reform.

1587. A letter from the Acting Chairman, National Endowment For The Arts, transmitting the Strategic Plan for FY 2003-2008, the FY 2004 Performance Plan; and the FY 1999-2002 Performance Reports; to the Committee on Government Reform.

1588. A letter from the Director, Office of Federal Housing Enterprise Oversight, transmitting report that the standards of reasonable assurance pertaining to internal management controls during FY 2002 as required

by the Federal Managers’ Financial Integrity Act; to the Committee on Government Reform.

1589. A letter from the Special Counsel, Office of Special Counsel, transmitting the Counsel’s FY 2002 Annual Performance Report; to the Committee on Government Reform.

1590. A letter from the Special Counsel, Office of Special Counsel, transmitting the Counsel’s FY 2002 reports for the Federal Managers’ Financial Integrity Act and the Inspector General Act, pursuant to 31 U.S.C. 3512(c)(3) and 5 app. Public Law 100—504; to the Committee on Government Reform.

1591. A letter from the Commissioner, Social Security Administration, transmitting the annual inventory of commercial activities as required by Public Law 105-270; to the Committee on Government Reform.

1592. A letter from the Clerk, United States Court of Appeals, transmitting an opinion of the court, No. 01-5356 — Wisconsin Project on Nuclear Arms Control v. United States Department of Commerce (January 31, 2003); to the Committee on Government Reform.

1593. A letter from the Secretary, Department of the Interior, transmitting a report on the Operations of Glen Canyon Dam pursuant to the Grand Canyon Protection Act of 1992 (Water Years 1999-2001); to the Committee on Resources.

1594. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration’s final rule — Magnuson-Stevens Act Provisions; Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Annual Specifications and Management Measures [Docket No. 021209300-3048-02; I.D. 112502C] (RIN: 0648-AQ18) received March 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1595. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department’s final rule — Administrative Wage Garnishment (RIN: 0990-AA05) received March 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

1596. A letter from the Assistant Secretary of Labor for Mine Safety and Health, Department of Labor, transmitting the Department’s final rule — Criteria and Procedures for Proposed Assessment of Civil Penalties (RIN: 1219-AB32) received March 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

1597. A letter from the Clerk, United States Court of Appeals, transmitting an opinion of the court, No. 01-7115 — Empagran S.A., et al. v. F. Hoffman — Laroche, Ltd., et al. (January 17, 2003); to the Committee on the Judiciary.

1598. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department’s final rule — Safety Zone Regulations; Atlantic Intracoastal Waterway, MM 758, St. Johns County, FL [COTP Jacksonville 02-106] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1599. A letter from the Attorney, Research and Special Programs Administration, Department of Transportation, transmitting the Department’s final rule — Hazardous Materials: Availability of Information for Hazardous Materials Transported by Aircraft [Docket No. RSPA-00-7762 (HM-206C)] (RIN: 2137-AD29) received March 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1600. A letter from the Administrator, General Services Administration, transmitting

an informational copy of a lease prospectus for the Department of Homeland Security, pursuant to 40 U.S.C. 606(a); to the Committee on Transportation and Infrastructure.

1601. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service’s final rule — Civil Cause of Action for Damages Caused by Unlawful Tax Collection Actions, Including Actions Taken in Violation of Section 362 or 524 of the Bankruptcy Code [TD 9050] (RIN: 1545-AY08) received March 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1602. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service’s final rule — Appeals Coordinated Issue Sections 302/318 Basis Shifting Issue — received March 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1603. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service’s final rule — Capital Expenditures (Rev. Rul. 2003-37) received March 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1604. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service’s final rule — Certain Transfers of Property to Regulated Investment Companies [RICs] and Real Estate Investment Trusts [REITs] [TD 9047] (RIN: 1545-BA36 and 1545-AW92) received March 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1605. 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. 2003-26) received March 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1606. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service’s final rule — Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property (Rev. Rul. 2003-35) received March 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1607. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service’s final rule — Amendments to Rules for Determination of Basis of Partner’s Interest; Special Rules [TD 9049] (RIN: 1545-BA50) received March 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1608. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service’s final rule — 2003 Calendar Year Resident Population Estimates [Notice 2003-16] received March 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1609. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service’s final rule — Weighted Average Interest Rate Update [Notice 2003-17] received March 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1610. A letter from the Secretary, Department of Energy, transmitting a report regarding programs for the protection, control and accounting of fissile materials in the countries of the Former Soviet Union first half of FY 2002, pursuant to 22 U.S.C. 5952 note; jointly to the Committees on Armed Services and International Relations.

1611. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department’s final rule — Medicare Program; Update of Ambulatory Surgical Center List of Covered

Procedures Effective July 1, 2003 [CMS-1885-FC] (RIN: 0938-AM02) received March 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

1612. A letter from the Secretary, Department of Health and Human Services, transmitting a draft bill entitled the "Project BioShield Act of 2003"; jointly to the Committees on Energy and Commerce, Government Reform, the Judiciary, Armed Services, and Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. TOM DAVIS of Virginia: Committee on Government Reform. Report on Oversight Plans for All House Committees (Rept. 108-52). Referred to the Committee of the Whole House on the State of the Union.

Mr. OXLEY: Committee on Financial Services. H.R. 758. A bill to allow all businesses to make up to 24 transfers each month from interest-bearing transaction accounts to other transaction accounts, to require the payment of interest on reserves held for depository institutions at Federal reserve banks, and for other purposes; with an amendment (Rept. 108-53). Referred to the Committee of the Whole House on the State of the Union.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

[Omitted from the Record of March 27, 2003]

H.R. 21. Referral to the Committee on the Judiciary extended for a period ending not later than May 16, 2003.

[The following action occurred on March 28, 2003]

H.R. 1000. Referral to the Committee on Ways and Means extended for a period ending not later than May 9, 2003.

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, Mr. CUMMINGS, Mr. WU, Mr. RODRIGUEZ, Mr. RANGEL, Mr. MCGOVERN, Mr. FROST, Ms. KILPATRICK, Ms. WOOLSEY, Ms. CARSON of Indiana, Ms. KAPTUR, and Mr. DAVIS of Illinois):

H.R. 1508. A bill to treat the Tuesday next after the first Monday in November in the same manner as November 11 for purposes of Federal employment, and for other purposes; to the Committee on Government Reform.

By Mr. TOM DAVIS of Virginia (for himself and Mr. WOLF):

H.R. 1509. A bill to make clear that a person who voluntarily separates from the Federal civil service does not remain subject to the enforcement provisions of subchapter III of chapter 73 of title 5, United States Code, and for other purposes; to the Committee on Government Reform.

By Mr. HASTINGS of Florida (for himself, Mr. WYNN, Ms. JACKSON-LEE of Texas, Ms. CORRINE BROWN of Florida, Mr. FRANK of Massachusetts, Ms. NORTON, Mr. OWENS, Ms. LEE, Mr.

DAVIS of Illinois, Mr. CASE, Mr. STARK, Ms. WOOLSEY, Mr. MCGOVERN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MEEK of Florida, Mr. SANDERS, Mr. JONES of Ohio, and Ms. MCCOLLUM):

H.R. 1510. A bill to amend the Help America Vote Act of 2002 to require States to permit individuals to register to vote at polling places on the date of an election, to cast ballots at designated polling places prior to the date of an election, and to obtain absentee ballots for an election for any reason, and for other purposes; to the Committee on House Administration, and in addition to the Committees on Government Reform, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. GINNY BROWN-WAITE of Florida (for herself, Mrs. MALONEY, Mr. OXLEY, Mr. BAKER, Mr. THOMAS, Mr. KING of New York, Mr. TAYLOR of North Carolina, Mr. JONES of North Carolina, Mr. BRADLEY of New Hampshire, Mr. BURR, and Mr. GIBBONS):

H.R. 1511. A bill to award a congressional gold medal to Prime Minister Tony Blair; to the Committee on Financial Services.

By Mr. CAMP (for himself and Mr. LEVIN):

H.R. 1512. A bill to amend the Internal Revenue Code of 1986 to provide that certain bonds issued by local governments in connection with delinquent real property taxes may be treated as tax exempt; to the Committee on Ways and Means.

By Mr. COLLINS (for himself, Mr. HULSHOF, Mr. HERGER, and Mr. BOSWELL):

H.R. 1513. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for taxpayers owning certain commercial power takeoff vehicles; to the Committee on Ways and Means.

By Mr. ENGLISH:

H.R. 1514. A bill to amend the Internal Revenue Code of 1986 to reduce for individuals the maximum rate of tax on unrecaptured section 1250 gain from 25 percent to 20 percent; to the Committee on Ways and Means.

By Mr. FLAKE:

H.R. 1515. A bill to provide for reimbursement for unreimbursed costs of emergency medical care for aliens paroled into the United States for medical reasons; to the Committee on Energy and Commerce.

By Mr. GERLACH (for himself and Mr. HOFFEL):

H.R. 1516. A bill to direct the Secretary of Veterans Affairs to establish a national cemetery for veterans in southeastern Pennsylvania; to the Committee on Veterans' Affairs.

By Mr. GRAVES (for himself, Mr. STEARNS, Mr. BARTLETT of Maryland, Mr. GIBBONS, Mr. OTTER, Mr. THORNBERRY, and Mr. CANNON):

H.R. 1517. A bill to amend the Land and Water Conservation Fund to limit the use of funds available from the Land and Water Conservation Fund Act of 1965 to use for maintenance; to the Committee on Resources, and in addition to the Committee on Agriculture, 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. HOSTETTLER (for himself, Mr. BARTLETT of Maryland, Mr. MILLER of Florida, Mr. JONES of North Carolina, Mr. SCHROCK, Mr. GINGREY, Mr. TAYLOR of North Carolina, and Mr. BURGESS):

H.R. 1518. A bill to amend the Internal Revenue Code of 1986 to exclude from gross in-

come any enlistment, accession, reenlistment, or retention bonus paid to a member of the Armed Forces; to the Committee on Ways and Means.

By Mr. KING of New York (for himself, Mr. FARR, Mr. CARSON of Oklahoma, Mr. MCHUGH, Mr. ROHRBACHER, Ms. LINDA T. SANCHEZ of California, Mr. DEAL of Georgia, Mr. ORTIZ, Mr. CARDOZA, Mr. FROST, Mr. BARTLETT of Maryland, Mr. DOOLEY of California, Mr. ISSA, Mr. LANTOS, and Mr. GREEN of Texas):

H.R. 1519. A bill to amend the Immigration and Nationality Act to reauthorize the State Criminal Alien Assistance Program; to the Committee on the Judiciary.

By Mr. MURTHA:

H.R. 1520. A bill to amend the National Trails System Act to designate the historic transportation routes in the States of Pennsylvania, Maryland, West Virginia, and Ohio that led to the forks of the Ohio River in Pittsburgh, Pennsylvania, for study for potential addition to the National Trails System; to the Committee on Resources.

By Mr. MURTHA:

H.R. 1521. A bill to provide for additional lands to be included within the boundary of the Johnstown Flood National Memorial in the State of Pennsylvania, and for other purposes; to the Committee on Resources.

By Mr. NETHERCUTT:

H.R. 1522. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income loan payments received under the National Health Service Corps Loan Repayment Program established in the Public Health Service Act; to the Committee on Ways and Means.

By Mr. RYAN of Wisconsin (for himself and Mr. CARDIN):

H.R. 1523. A bill to amend the Internal Revenue Code of 1986 to provide for collegiate housing and infrastructure grants; to the Committee on Ways and Means.

By Ms. SLAUGHTER:

H.R. 1524. A bill to authorize the Secretary of the Interior to establish a commemorative trail in connection with the Women's Rights National Historical Park to link properties that are historically and thematically associated with the struggle for women's suffrage, and for other purposes; to the Committee on Resources.

By Mr. WU:

H.R. 1525. A bill to authorize the Secretary of the Interior, acting through the Bureau of Reclamation, to conduct a feasibility study of the Tualatin River Basin in Oregon; to the Committee on Resources.

By Mr. FOLEY (for himself, Mr. JONES of North Carolina, Mr. BALENGER, Ms. GINNY BROWN-WAITE of Florida, Mr. GOODE, Mr. DOOLITTLE, Mr. SHAYS, Mr. BEREUTER, Mr. DEAL of Georgia, and Mr. NORWOOD):

H.J. Res. 44. A joint resolution proposing an amendment to the Constitution of the United States to provide that no person born in the United States will be a United States citizen unless a parent is a United States citizen, or is lawfully admitted for permanent residence in the United States, at the time of the birth; to the Committee on the Judiciary.

By Mrs. MALONEY (for herself, Mr. LEWIS of Georgia, Mr. GEPHARDT, Mr. CROWLEY, Mr. NADLER, Mr. FRANK of Massachusetts, Mr. OWENS, Ms. LEE, Ms. WOOLSEY, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KUCINICH, Ms. LOFGREN, Ms. JACKSON-LEE of Texas, Ms. WATSON, and Ms. NORTON):

H. Con. Res. 130. Concurrent resolution expressing the sense of the Congress that neither the President, the Vice President, nor any Member of Congress, justice or judge of

the United States, or political appointee in the executive branch of the Government should belong to a club that discriminates on the basis of sex or race; to the Committee on Government Reform, and in addition to the Committees on House Administration, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. NORTON:

H. Con. Res. 131. Concurrent resolution expressing the sense of the Congress that student travel is a vital component of the educational process; to the Committee on Education and the Workforce.

By Mr. ROGERS of Michigan:

H. Con. Res. 132. Concurrent resolution calling upon all United States citizens to support the efforts and activities of the National SAFE KIDS Campaign to prevent unintentional childhood injuries; to the Committee on Energy and Commerce.

By Mr. BACA (for himself and Mr. KILDEE):

H. Res. 167. A resolution recognizing and honoring the achievements and contributions of Native Americans to the United States and urging the establishment and observation of a paid legal public holiday in honor of Native Americans; to the Committee on Resources.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. KANJORSKI introduced a bill (H.R. 1526) for the relief of Charmaine Bieda; 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. 20: Mr. SHERMAN, Ms. LEE, Mr. TIERNEY, and Mr. WYNN.

H.R. 25: Mr. SHADEGG, Mr. GINGREY, Mr. BURNS, and Mr. CARTER.

H.R. 44: Mr. FEENEY.

H.R. 49: Mr. PETERSON of Pennsylvania, Mr. LINCOLN DIAZ-BALART of Florida, Mr. BROWN of South Carolina, Mr. TOOMEY, Ms. BORDALLO, Mr. HAYWORTH, and Mr. OXLEY.

H.R. 50: Mrs. MUSGRAVE.

H.R. 51: Mr. FEENEY.

H.R. 52: Mr. POMBO and Mr. POMEROY.

H.R. 63: Mr. HAYWORTH.

H.R. 64: Mr. HULSHOF.

H.R. 117: Mr. BARTON of Texas.

H.R. 208: Mr. MILLER of North Carolina.

H.R. 217: Mr. CANNON.

H.R. 221: Mr. SHERMAN and Mr. DAVIS of Illinois.

H.R. 236: Mr. SCHIFF, Mr. DAVIS of Tennessee, Mr. FALEOMAVAEGA, Ms. BERKLEY, Mrs. NAPOLITANO, Mr. DICKS, Ms. VELAZQUEZ, Mr. MORAN of Virginia, Mr. SHERMAN, Mr. DEUTSCH, Mr. GEPHARDT, Mr. KANJORSKI, and Mr. KILDEE.

H.R. 250: Mr. KILDEE and Ms. WOOLSEY.

H.R. 262: Mr. BROWN of South Carolina.

H.R. 276: Mr. NEY, Mr. OTTER, and Mrs. CUBIN.

H.R. 300: Mr. SHAYS.

H.R. 303: Mr. DICKS, Ms. WATSON, Mr. YOUNG of Florida, Mr. THOMPSON of California, Mr. DEMINT, Mr. McDERMOTT, Mr. JEFFERSON, Mr. CUMMINGS, and Mr. THOMPSON of Mississippi.

H.R. 315: Mr. SHAYS.

H.R. 336: Mr. HAYWORTH and Mr. SOUDER.

H.R. 391: Mr. COLE, Mr. SULLIVAN, Mr. TOM DAVIS of Virginia, and Mr. CRENSHAW.

H.R. 442: Ms. CARSON of Indiana and Mr. JACKSON of Illinois.

H.R. 466: Mr. KIRK and Mr. RYAN of Ohio.

H.R. 502: Mr. JONES of North Carolina and Mr. STEARNS.

H.R. 527: Mr. BISHOP of Georgia.

H.R. 543: Mr. MCGOVERN and Mr. SOUDER.

H.R. 596: Mr. PAUL.

H.R. 678: Mr. JOHN, Mr. JEFFERSON, and Mr. FORD.

H.R. 684: Mr. GARY G. MILLER of California, Mr. BURTON of Indiana, Mr. HAYWORTH, Mr. TIBERI, Mr. SHAYS, and Mrs. NORTHUP.

H.R. 685: Mr. CASE, Ms. LINDA T. SANCHEZ, of California, and Ms. CARSON of Indiana.

H.R. 687: Mr. JENKINS, Mr. COBLE, Mrs. BLACKBURN, and Mr. DUNCAN.

H.R. 765: Mr. PAUL.

H.R. 768: Mr. PAYNE.

H.R. 769: Mr. HONDA.

H.R. 785: Mrs. NORTHUP and Mr. HOEKSTRA.

H.R. 802: Mr. WEXLER.

H.R. 803: Mr. WICKER.

H.R. 810: Mrs. MCCARTHY of New York, Mrs. CUBIN, Mr. TOOMEY, Mrs. MALONEY, Mr. ROGERS of Michigan, Mr. WYNN, Mr. KENNEDY of Minnesota, and Mr. DAVIS of Florida.

H.R. 813: Mr. BROWN of Ohio.

H.R. 847: Ms. JACKSON-LEE of Texas.

H.R. 854: Mr. CROWLEY.

H.R. 858: Mr. PASTOR.

H.R. 872: Mr. PENCE and Mr. FRANKS of Arizona.

H.R. 879: Mrs. BLACKBURN and Mrs. JONES of Ohio.

H.R. 936: Ms. ESHOO.

H.R. 941: Mr. UPTON.

H.R. 953: Mr. CRAMER, Mr. LANTOS, Ms. HARMAN, and Mr. ISAKSON.

H.R. 954: Mr. MCINTYRE.

H.R. 967: Mr. DAVIS of Tennessee, Ms. BERKLEY, and Mr. PRICE of North Carolina.

H.R. 976: Mr. DOYLE.

H.R. 979: Mr. RANGEL and Ms. ROYBAL-AL-LARD.

H.R. 983: Mr. REYNOLDS, Mr. RAMSTAD, and Mr. MCHUGH.

H.R. 996: Mr. ISAKSON, Mr. McCRERY, Mrs. KELLY, Mr. KANJORSKI, Mr. TERRY, Mr. LUCAS of Kentucky, Mr. SESSIONS, Mr. BAKER, Mr. SHERMAN, and Mr. SPRATT.

H.R. 1043: Mr. BISHOP of Georgia.

H.R. 1049: Mrs. JO ANN DAVIS of Virginia.

H.R. 1061: Mr. STUPAK.

H.R. 1077: Ms. BERKLEY, Mr. McDERMOTT.

H.R. 1096: Mrs. DAVIS of California.

H.R. 1102: Mr. HASTINGS of Florida, Mr. SCOTT of Virginia, and Mr. CARDOZA.

H.R. 1103: Mr. STENHOLM.

H.R. 1133: Mr. ENGLISH, Mrs. JONES of Ohio, Mr. FALEOMAVAEGA, Mr. RANGEL, and Mr. NEY.

H.R. 1157: Ms. SLAUGHTER.

H.R. 1166: Mr. MATSUI and Mr. YOUNG of Alaska.

H.R. 1168: Ms. BALDWIN, Mr. BALLANCE, Mr. BISHOP of Georgia, Ms. CORRINE BROWN of Florida, Ms. GINNY BROWN-WAITE of Florida, Mr. CAPUANO, Mr. COOPER, Ms. DELAURO, Mr. EVANS, Mr. FALEOMAVAEGA, Mr. GARRETT of New Jersey, Mr. GREEN of Texas, Mr. GRIJALVA, Mr. HINCHEY, Mr. HOFFEL, Mr. HOLT, Mr. KOLBE, Mr. KUCINICH, Ms. LEE, Ms. LOFGREN, Mr. LUCAS of Kentucky, Ms. MCCOLLUM, Mr. McNULTY, Mr. MARKEY, Mr. MATHESON, Mr. NEY, Mr. RYUN of Kansas, Mr. SCHROCK, Mr. SHAYS, Mr. STRICKLAND, and Ms. WOOLSEY.

H.R. 1191: Mr. MCINTYRE and Mr. HASTINGS of Florida.

H.R. 1214: Mr. FORD, Mr. WALSH, and Mr. KILDEE.

H.R. 1235: Mr. DOOLITTLE.

H.R. 1264: Mr. DAVIS of Alabama.

H.R. 1294: Mrs. DAVIS of California, Ms. SOLIS, Ms. MCCOLLUM, Mr. CARDOZA, Ms. ESHOO, and Mr. BLUMENAUER.

H.R. 1301: Mr. MCINNIS and Mr. RAHALL.

H.R. 1304: Mr. MATSUI.

H.R. 1311: Mr. BLUNT, Mr. SCHIFF, Mr. BOOZMAN, and Mr. STUPAK.

H.R. 1336: Mr. WELLER, Mr. GARY G. MILLER of California, Mr. SANDLIN, and Mr. ABERCROMBIE.

H.R. 1345: Mr. HINCHEY, Mr. MCGOVERN, Mr. EVANS, and Ms. BERKLEY.

H.R. 1348: Ms. KAPTUR, Mr. PALLONE, and Mr. WYNN.

H.R. 1357: Mr. CONYERS, Mr. BRADY of Pennsylvania, Mr. JACKSON of Illinois, Mr. CLAY, Ms. JACKSON-LEE of Texas, Mr. MCGOVERN, Ms. SOLIS, Mr. PALLONE, Ms. NORTON, Ms. MILLENDER-MCDONALD, Mrs. JONES of Ohio, and Ms. BORDALLO.

H.R. 1358: Mr. WEINER, Mr. CROWLEY, and Ms. ROS-LEHTINEN.

H.R. 1359: Mr. GEORGE MILLER of California and Mr. ACKERMAN.

H.R. 1389: Mr. GRIJALVA, Mr. MCHUGH, and Ms. GINNY BROWN-WAITE of Florida.

H.R. 1421: Mr. HAYWORTH.

H.R. 1429: Mr. PALLONE, Ms. NORTON, and Ms. WATERS.

H.R. 1466: Mr. TIERNEY, Mr. FROST, Mr. DAVIS of Alabama, Mr. BISHOP of Georgia, and Ms. GRANGER.

H.R. 1470: Mr. MCINTYRE, Mr. ISRAEL, Ms. SCHAKOWSKY, and Mr. FORD.

H.R. 1472: Mr. ACKERMAN.

H.R. 1478: Mr. CALVERT and Mr. OLVER.

H.R. 1492: Mr. RENZI.

H.R. 1494: Mr. WOLF.

H.J. Res. 24: Mr. FRANK of Massachusetts, Mr. UDALL of Colorado, and Mr. DOGGETT.

H. Con. Res. 30: Mr. MEEK of Florida.

H. Con. Res. 50: Mr. SOUDER, Mr. BAKER, and Ms. GINNY BROWN-WAITE of Florida.

H. Con. Res. 56: Mr. WEINER, Mr. HOLDEN, and Ms. BERKLEY.

H. Con. Res. 78: Ms. MCCOLLUM, Mrs. MALONEY, Mr. DAVIS of Alabama, and Mr. BISHOP of Georgia.

H. Con. Res. 80: Mr. HYDE.

H. Con. Res. 82: Mr. VITTER, Mr. SESSIONS, Mr. BURTON of Indiana, and Mr. BEAUPREZ.

H. Con. Res. 98: Mr. SIMMONS, Mr. ROSS, Mr. HINOJOSA, and Mr. COX.

H. Con. Res. 109: Mr. PASTOR, Mr. HAYWORTH, and Mr. SKELTON.

H. Con. Res. 111: Mr. RAHALL and Mr. ABERCROMBIE.

H. Con. Res. 126: Mr. HERGER, Mr. BISHOP of Utah, Mr. TANCREDI, and Mr. DOOLITTLE.

H. Res. 32: Mr. BISHOP of Georgia, Ms. MCCARTHY of Missouri, and Mr. SMITH of Washington.

H. Res. 60: Mr. STEARNS, Mr. CAPUANO, Mr. PLATTS, Mr. NEAL of Massachusetts, Mr. FLETCHER, and Mr. MCHUGH.

H. Res. 137: Mrs. NAPOLITANO, Ms. CARSON of Indiana, Ms. LOFGREN, Mr. WEXLER, Mr. DINGELL, Mr. BERMAN, Ms. HOOLEY of Oregon, and Ms. BERKLEY.

H. Res. 166: Mr. ROYCE, Mr. HOUGHTON, Mr. LEACH, and Mr. FLAKE.

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. 1119: Mr. McDERMOTT.



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 108th CONGRESS, FIRST SESSION

Vol. 149

WASHINGTON, MONDAY, MARCH 31, 2003

No. 51

Senate

The Senate met at 3 p.m. and was called to order by the Honorable JOHN E. SUNUNU, a Senator from the State of New Hampshire.

The PRESIDING OFFICER. Today's prayer will be offered by the guest Chaplain, Monsignor Robert Fuhrman, the Church of St. Gabriel, in Saddle River, NJ.

PRAYER

The guest Chaplain offered the following prayer:

Let us pray.

God, our Father, the shadow of the Cross falls upon our world as the forces of freedom and tyranny collide. In a free world, human potential, human dignity, and the sanctity of life can be recognized. In tyranny, life is cheap and living is misery. The tears of people of good will mingle with the blood of those who died or are wounded in the pursuit of freedom and security.

Therefore, we look to You, our Lord, to show us the way. Those who live by the sword—or by the chemical weapon—have no future in You. Banish from our midst the threats of those who make themselves enemies of the United States.

In this great deliberative body of the Senate of the United States of America, we beg You for Your peace and wisdom. Bless the Senators, their spouses, their children, and their staffs. Let them see the supreme privilege of their service, each in their own way, to the people and the Constitution of this great land. May this day be productive, and may we all be pleasing to You in what we think and say and do.

Protect us from evil. Give us Your peace and lead us to everlasting life. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JOHN E. SUNUNU led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Repub-

lic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 31, 2003.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOHN E. SUNUNU, a Senator from the State of New Hampshire, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. SUNUNU thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, today the Senate will be in a period of morning business for the next 3 hours, until 6 p.m. The first hour of morning business will be devoted to statements regarding our brave men and women in the Armed Forces. Following those statements, there will be additional time for Senators to give tributes to Senator Daniel Patrick Moynihan.

Under a previous order, at 6 o'clock the Senate will proceed to a vote on the confirmation of Theresa Springman to be a U.S. District Judge for the Northern District of Indiana. That will be the only rollcall vote during today's session.

Tomorrow morning, by previous agreement, the Senate will consider

the Tymkovich nomination to be a U.S. Circuit Judge for the Tenth Circuit. The vote on that nomination will occur sometime on Tuesday upon the use or yielding back of the 6 hours of debate.

Throughout the week, we will continue to schedule votes on nominations, as necessary. I would also expect another cloture vote in relation to the Estrada nomination this week. In addition, we are working on time agreements for the consideration of several other important bills, including the CARE Act, the FISA bill—the Foreign Intelligence Surveillance Act—several bills relating to our Armed Forces personnel such as the “Troops Phone Home” bill, a bill regarding the delay in reservist pay, and a bill relating to the Survivor Benefit Plan annuities for surviving spouses.

Later in the week, when it becomes available, the Senate will begin consideration of the supplemental appropriations bill. We need to pass that bill as soon as possible to ensure that the appropriate resources are made available for the war in Iraq. Members should therefore expect a busy week with rollcall votes each day.

101ST AIRBORNE, CLARKSVILLE, TN

Mr. FRIST. Mr. President, a little later today or tomorrow, I want to share with my colleagues at the appropriate time a visit I had with the 101st Airborne families in Clarksville, TN, yesterday. I had the opportunity to go by and visit with those families, attend church, and to spend the early afternoon with them and have lunch with them. It was a remarkable experience for me, Karen my wife, and our son Jonathan.

Over 17,000 women and men have been deployed from that particular post over the last several weeks. Those 17,000 are now in Iraq and Kuwait as part of the 101st Airborne air assault team. The

• This “bullet” symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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pride we as a family felt in them, the stories that they told us, I will be sharing with my colleagues over the next several days. But just the lasting impression I had was this juxtaposition of feeling, as we talked to the moms and dads and children, of concern for their husband or their spouse and, yes, an insecurity about their safety, which is natural, as we would all feel, but at the same time an optimism, a feeling of being able to contribute to the United States of America and our great democracy.

They were upbeat. They were optimistic. They were patriotic. And that sort of juxtaposition of feeling was something that was a real privilege for me and my family to experience. The one thing they did all say, as we finished church and went to lunch, was: Make sure, when you go back to Washington, that you let your colleagues know and let the President of the United States know how much we appreciate their leadership, their support for our troops abroad. Let the President know that we are keeping him and his family in our prayers.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 6 p.m., with the time equally divided between the two leaders or their designees and with Senators permitted to speak therein for up to 10 minutes each.

Under the previous order, the first hour shall be equally divided between the Senator from Texas, Mrs. HUTCHISON, and the Senator from Arkansas, Mrs. LINCOLN, or their designees.

The Senator from Texas.

HONORING OUR ARMED FORCES

Mrs. HUTCHISON. Mr. President, I thank our distinguished majority leader for visiting with the families of our troops from the 101st from his State. All of us are personally visiting with families of people who are there, and particularly in my case, I spent quite a bit of time talking to the families whose loved ones are either missing in action or are verified prisoners of war.

There is nothing more rewarding than talking to these incredible people who are afraid of what might be happening. They are, of course, going through something that all of us hope we will never have to go through, but they are very strong. They trust that we are doing everything possible to inform them, to find out the whereabouts

of these prisoners or missing persons. Most certainly, our military—this is something I personally ask in our briefing sessions—is trying to find out exactly where these prisoners or missing people are located.

They are working through the Red Cross to try to have a Red Cross representative see these prisoners just as the Red Cross representatives are being able to see the Iraqi prisoners who are being held by the allied forces. So it is a tough time for these wonderful people of America who are supporting their loved ones in this very trying time for them.

All of us want to be reminded that there are specific laws, international laws, called the Geneva Convention, about the treatment of prisoners. Article 17 explicitly prohibits inflicting physical or mental torture and any other forms of coercion on prisoners in order to obtain information of any kind, including publicizing photographs where they can be recognized. Prisoners of war who refuse to answer questions may not be threatened, insulted, or exposed to unpleasant or disadvantageous treatment of any kind.

Article 23 of the Geneva Convention prevents a prisoner from being sent to or detained in areas where they may be exposed to the fire of the combat zone, and in no case can prisoners be used as human shields.

The Geneva Convention also requires access to the prisoners by officials of the International Committee of the Red Cross.

We have informed the Iraqi Government that we intend to treat their prisoners with dignity and abide by the Geneva Convention. We most certainly are appealing to the Iraqis to let in the Red Cross personnel.

One of the benefits of the so-called embedded media is that they are on the scene with our military and are able to provide some very candid photos of our troops in action.

I want to show a few more of the photos. I started some of them last week. I think these photos really speak more than a thousand words about what it is to be at the front. We see the pictures on television, but I wanted to display some of the still pictures showing how we are treating prisoners of war and the people of Iraq as our allied soldiers are coming upon them.

This photo shows a U.S. marine helping an injured prisoner of war moments after securing the port of Umm Qasr in southern Iraq. It was taken on March 23 of this year.

U.S. Marine LCpl Marcco Ware of Los Angeles carries an Iraqi soldier who was injured in an attack on Ware's outfit on Tuesday, March 26, 2003. This unit has been attacking LCpl Ware's unit, but he found this injured soldier and is carrying him to safety.

I am very proud of the character and courage of our forces and the way they are treating those who are in their care. At the same time, we have seen our soldiers paraded on Iraqi television

in clear violation of international law. We applaud our troops' bravery, courage, and professionalism. Our prayers are with them and their families in this most difficult time.

President Bush has demanded that the Iraqis immediately comply with the Geneva Convention. I urge all of those who might have information that could be helpful to the Red Cross in getting in to see our prisoners of war to bring that forward. I encourage the Iraqi Government—if there is any shred of dignity—to make sure they abide by the Geneva Convention, just as our forces are abiding by it.

I know so many in the Senate are reaching out in their individual States, trying to make sure that we touch the families who are suffering so much. In churches throughout my hometown of Dallas, they have prayer lists including every person who is connected to a member of that particular parish. Those young men and women are being named individually in those prayers. I think all of us are touched. We have Texas embedded media.

I close with part of a piece in the San Antonio Express that was written by Sig Christenson, their military correspondent who is embedded with the 3rd Infantry Division:

March 25: It was a little after 3 p.m. today when the little slice of Iraq that we occupy dimmed.

A vicious sandstorm, almost certainly the worst one yet for the 3rd Infantry Division troops that have been here for months, swept over the sandy plateau we took from 200 or so Iraqi troops this past Sunday.

"Wow, it's dark," Airman 1st Class Dan Housely said.

Not to mention surreal.

In less time than it takes to watch a rerun of "The Beverly Hillbillies," the once-overcast but relatively clear desert was a swirling mass of sand. An orange hue descended over the landscape, creating a scene resembling Viking probe photos of Mars.

Sand gets into everything around here, and especially seems drawn to your sinuses and ears. Take a "Baby Wipe bath," as soldiers call it, and you'll clear out clumps of dirt from your ears—day after day.

Outside, gale-force winds kick up the sandy floor and turn each fine grain into a weapon. . . . Within an hour, I had a headache that pulsed at the back of my skull. It could be worse.

We hold the high ground and have lots of firepower, but that won't stop Iraqis loyal to Saddam Hussein. Already we've lost a soldier within walking distance of my cot—he was shot dead—and our troops have encountered Iraqis wearing American military uniforms close to our camp.

If today's battle for a bridge outside An Najaf is any example, we can expect a determined, fierce resistance all the way to Baghdad. Iraqi regulars and elite militia driving trucks took on 70-ton M1A1 tanks, coming at them again and again.

That kind of fanaticism is cause for my imagination to go wild as I prepare to sleep. A sandstorm gives perfect cover to infiltrators and snipers out here, and as I worked today I found myself frequently looking out my Humvee. It could become a habit.

Mr. President, I appreciate very much Senator LINCOLN from Arkansas sharing this hour with me, and the rest of the hour on our side will be managed by Senator THOMAS of Wyoming.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arkansas is recognized.

Mrs. LINCOLN. Mr. President, I compliment my colleague from Texas. She and I have embarked on this opportunity to really highlight a tribute to our troops. I am honored to share the responsibility with her, and I am certainly appreciative of all the stories she brings to light as we do highlight and pay tribute to our troops. It is really a forum for all of us to share in saluting the efforts of our men and women in uniform, and also to remind one another that as we lift up our prayers and thoughts for the families of our constituencies that have men, women, and family members who are fighting in the Middle East in this conflict, we can also lift up our thoughts and prayers for one another's constituents. It is not just the people from Arkansas I can lift up my prayers for but all the service men and women, so that they know in return it is not just their Senators but our whole body having thoughts and prayers for the men and women who are so gallantly defending our freedoms in a land so far away.

When we kicked this off last week, we really hoped to have daily contributions from our colleagues paying tribute to our Armed Forces and to those among our own constituents who are sacrificing in the liberation of Iraq and other operations. I speak for myself and, I am sure, Senator HUTCHISON when I say the response has been overwhelming. We appreciate the contributions made by our colleagues and others who have brought stories to the floor. We thank our colleagues for their participation and encourage all of them to continue to bring forth those stories so that we all might share with one another the experiences we are having in our own offices, particularly with our own constituents.

Today I want to briefly speak about two of my constituents from Arkansas, both of whom were called to serve in Iraq.

The first is Hospital Corpsman Michael Vann Johnson, Jr., a 25-year-old Navy medic and Little Rock native who was serving in the 3rd Battalion of the 5th Marine Expeditionary Force.

On Tuesday of last week, Michael was the first Arkansas serviceman reported to die in action, as well as the first Navy casualty, when he was hit by shrapnel from an exploding grenade. At that time, Michael was tending to another wounded soldier, placing himself in harm's way in order to minister to the needs of others.

His was a display of incredible courage and a testament to our troops' dedication to their brothers and sisters in battle.

Oftentimes we do not really think about the camaraderie and the dedication these men and women in uniform have with one another, but it is a tremendous sacrifice they make on behalf of one another.

His was a display of courage and certainly dedication to his fellow man. I have with me today a story about Michael Johnson that was published in yesterday's Washington Post, a story that gives us a glimpse of the kind of man he was. The story details a number of Michael's qualities as remembered by those who really knew him the best—his energy, his intelligence, his compassion, and his generosity. These were the qualities that spurred him to volunteer for an assignment in the Middle East because he wanted to be there to help his brothers when they went into battle.

I ask unanimous consent that this Washington Post profile of Michael Johnson be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mrs. LINCOLN. I thank the Chair.

Mr. President, as his father, Michael Vann Johnson, Sr., said last week:

He died for the freedom that we have, the freedom that each of us loves.

A beautiful sentiment and a fitting tribute to a young man who made the ultimate sacrifice to make this world a safer place for all of us.

I know my colleagues join me in sending out our deepest condolences to Michael's family, friends, and loved ones, particularly his parents and his wife Cherice, in this very difficult time.

As I mentioned earlier, it is so important for us collectively, as a body, to lift up our prayers for each and every man and woman serving this country in conflict right now. So I ask all of my colleagues to keep his family in their prayers.

I would also like to recognize today LCpl James Smedley of the U.S. Marine Corps. Prior to being deployed to Iraq, Jason was assigned to the 4th Civil Affairs Group here in Washington, DC. He was also enrolled as a student at Howard University. And if all of that is not enough to keep a young man busy at his age, he was also a valuable full-time member of my personal staff here in my Washington office.

In January, Jason was deployed to Iraq. He was called up on a Tuesday, and he left on that following Friday. Some of my colleagues may recall that Jason accompanied me here one morning before his departure so that I could recognize his service on the Senate floor. He is a very handsome young man, full of energy, excitement, and dedication not only to his country but to his fellow man and to his Creator. He is the epitome of what we think of in the youth of America: young people who are excited about what they can contribute, who they can become, and what they can do for others.

On Friday morning, we received news that Jason had been wounded in combat and was being transported to a field hospital. For several hours that morning, we were uncertain as to the extent of the injuries he had suffered,

but I am happy to report that although Jason had been wounded, he is safe and secure at a military hospital in Germany with relatively minor wounds to his arm and his hand. He is expected to recover fully from his injuries and may, in fact, return to the battlefield upon his recovery. That is yet to be determined.

I have to share what I felt when I got an e-mail that said Jason had been wounded. We did not know how he was. All we knew is he was in a field hospital probably about to undergo surgery. I knew that I was going to have to call his mother, Carolyn, whom I knew and who had come up with Jason to help him pack for his departure.

I thought about how she must feel. I thought to myself: Here I am with twin boys almost 7 years old. Sometimes I even have a twinge of, I do not know, guilt, or certainly just distance when my children go for a sleepover, and here this woman had sent her son across the sea to a land unknown to him and to her. How she must feel to have gotten word that he had been injured but she did not know how badly, she did not know where he was, she did not know who was caring for him.

I called her, and she was remarkably steady. She, too, had gotten an e-mail from Jason just a couple of weeks ago where he had lifted up a prayer for her, just like the e-mail he had sent me: Dear Senator, I want you to know how I am doing. I have wonderful men that I am traveling with and who I will be fighting with, and I want to lift up a prayer for you. I want to lift up a prayer for you and for my friends in the office.

This was a young man not worried about himself but about others.

When I spoke with Carolyn, she was remarkably steady, and through the course of the day, we received another e-mail saying that he was doing OK, we knew where he was, and that he was going to be all right. I heard the sigh of a comforted mother who had gotten word that everything was OK for the time being. What small way I could identify with that, I lifted up my sigh, too.

Along with Jason's families and friends, I wish to say I am deeply proud of his valiant service, and we all look forward to him returning home in good health as soon as possible.

Jason Smedley, a young marine wounded in action, and Michael Johnson, a Navy corpsman killed as he bravely sacrificed to help others—these, Mr. President, are the human faces of the war to liberate Iraq. We will not forget their courage and commitment, and it is in their honor that the brave men and women of our Armed Forces, in conjunction with the troops of our allies, will move forward with their mission to liberate Iraq from the brutal regime of Saddam Hussein and destroy Saddam Hussein's weapons of mass destruction. The sacrifices of these young men and women will be well honored when this mission is complete.

Mr. President, I wish to touch on one other item. I mentioned the e-mails. Many of our offices are getting e-mails and letters. I have recently received many e-mails from schoolchildren who want to send packages to our troops. They want to do letters and collages. They want to send care packages. Such patriotism among our young people always inspires me, and it is a wonderful tribute to the young people of this country. I know letters and pictures from schoolchildren across this country would light up the faces of our troops, many of which woke up this morning and each morning in sand-filled dugouts.

At this point, the Department of Defense wants to make sure the letters and drawings from relatives make it to our troops first. So they asked us to hold off sending care packages to the Middle East for the time being.

The Defense Department is encouraging folks who want to show their support to do so in a variety of ways, and I thought I would take a moment to share those with everybody.

To send a message to the troops, you can e-mail them through www.operationdearabby.net. If you have already purchased goods to send in care packages, the Defense Department suggests that for the time being you send those to a local veterans home. A wonderful way to honor the men and women in service to this country today is to certainly honor those who have served our country in the past.

If you have perishables or items you have brought together with the intent of sending them abroad, perhaps you could take them to a local veterans home and share them with the veterans community of this country. Then perhaps at a later date, you can do something for the troops abroad.

You could also call a local base to notify the families of deployed servicemen that you have goods, and they can collect them and send them off if it is at all possible. The real key has been that the Department of Defense, for security purposes, does not want to be inundated with packages for our service men and women and hope you will look at creative ways to honor our troops, just as we are today and each and every day coming to the floor of the U.S. Senate to honor these wonderful service men and women who are defending our country. We are looking also for the multitude of ways we can honor them. We encourage each and every one of our constituents to be inventive and to look for other ways they can honor those service men and women who are serving our country. You could also support the troops by displaying a flag and teaching your children respect for the flag.

Our hope is that in the coming weeks we will all look for ways to honor those men and women who are serving our country abroad, who are defending our freedoms, and who are working to eliminate the tyranny of Saddam Hussein.

I thank all of my colleagues who join us in this effort, and in the coming days I look forward to the ways we can honor our troops. I do, again, appreciate the support and the work of my colleague from Texas, Senator HUTCHISON, in this effort.

I yield the floor.

EXHIBIT 1

[From the Washington Post, Mar. 30, 2003]

MEDIC WHO DIED TORN BY DUTY, DOUBTS

(By Amy Goldstein)

As a medic at a San Diego naval clinic, he had been resolute in volunteering for duty in Iraq. But Michael V. Johnson Jr. was a healer by training and temperament, and once he arrived in the Middle East, he was uncertain of the morality of having placed himself in war.

In letters to his wife, Cherice, sometime two letters a day, he wrote out his worries about what he—and the Marine division to which he was attached—might be called upon to do. How would God view him if he helped take a life?

On the war's sixth day, last Tuesday, it was Johnson who was killed, becoming the first naval casualty in Iraq. His 26th birthday would have been tomorrow, his wedding anniversary in two weeks. At 4:30 a.m. Thursday, Cherice Johnson was awakened by knocks on the door of their military housing. Seeing the chaplain and the officer through the peephole, she understood why they had come.

The information was sketchy—Johnson apparently had died when shrapnel from a grenade struck his head, she was told. The military emissaries did not say exactly where he had been. Nor did they explain "if it was an accident on our behalf or in combat," said his wife, 24, who had fallen in love with him when she was a high school senior and he a college sophomore in Little Rock.

He was a young man of many facets: an extrovert with the energy of a child, a passion for basketball, a gift for drawing and singing, a knack for science and calculus.

In Little Rock, his mother, Jana Norfleet, said she is trying to draw comfort from a certain symmetry: a son born in the spring and lost in the spring.

She said she tried to instill a sense of striving in the youngest of her three children, her only son. "I pushed him a lot," she said. "We would spend many nights just sitting, studying together. We didn't move until he was finished." And even when he was young, she was explicit about her reasons. "I'm doing this to make you realize there are many kids out there who are going to excel higher," she would tell him "and I want you to be in that group."

Starting in second grade, he was in classes for gifted and talented students. He graduated from Parkview Arts and Science Magnet High School, which selects its students from the entire county. His mother and stepfather still keep on a living room shelf a plaque from his freshman year, when he was listed in Who's Who Among American High School Students.

Six-foot-one, he excelled at basketball. "I think he saw himself as a basketball professional in his dreams," his mother said, "but we kind of swayed him in the other direction. We told him, 'That should be your second love. You need to make a living, son.'"

Growing up, he had loved the cats, dogs, gerbils and fish in his family's house, and he was fascinated in biology classes by dissection. Compassion was part of his Christian faith, forged by his stepfather's insistence on attending church every Sunday.

He thought of a career that involved medicine. Together with a girlfriend at the time,

he enrolled at the University of Central Arkansas, commuting the 45 minutes north to Conway, Ark. He hoped to enter classes that would lead him into physical therapy, but they were full, and he pursued pre-engineering classes for two years before he left.

"He went into the Navy to continue his education, to have it paid for by Uncle Sam," said his mother, who was uneasy about his choice but told him she would support him.

"He had wanted to strive for bigger and better things and travel, and he just came upon the Navy and decided that would be the starting point for what he wanted to do," his wife, Cherice, said.

After basic training, he trained as a hospital corpsman at the Marine Corps Air Ground Combat Center in Twentynine Palms, Calif., then was assigned to a clinic at the Marine Corps Recruit Depot that is part of the Naval Medical Center, San Diego. He had an affinity for the work. He gave physicals to potential recruits, helped to treat the sick and, at times, provided counseling.

He and Cherice formed a wide circle of friends, and he developed an attachment to the men he thought of as brothers in a surrogate, West Coast family. Last June, he extended his five-year enlistment by a year.

Late in the year, as the prospect of war grew, he was among fewer than half-dozen of the clinic co-workers he knew who volunteered for the Middle East, Cherice Johnson said.

He did not ask his mother for her opinion before deciding. If he had, she would have told him not to go, "because that's what mothers say," Norfleet said. "I'm selfish. I'm going to tell you that right here and now. That's my baby. But he didn't ask me. He's a man."

She told him, once again, that she supported his choice, but her feelings slipped out. "Don't you think you could find a tent like on the 'M*A*S*H' series, a tent to treat the wounded back behind? she asked."

He replied, she recalled, that "they were his brothers, and he wanted to be there with them and for them."

His final conversation with his mother went on for two hours, on a cell phone as he was about to be deployed from California. He last called his wife on a refueling stop in Spain.

The last letter to his mother arrived just over two weeks ago from Kuwait. "By the time you receive this letter, I will have gone to war," he wrote. "If I don't make it back don't be sad for me. Be happy for me and praise God, because I've gone to heaven to be with grandma."

"The reality of war draws you closer to God," the medic wrote. "It lets you know how valuable life really is."

The ACTING PRESIDENT pro tempore. The Senator from Wyoming.

Mr. THOMAS. Mr. President, I will take some time this afternoon to recognize what is being done for us and for this country. All of us have strong feelings about those who are defending freedom. We have talked about the risks they take, but I rise today to recognize the sacrifice of a particular Marine Corps Second Lieutenant, Therrel Shane Childers.

Certainly all of us recognize the necessity of defending freedom. We recognize the willingness of brave men and women to do what is necessary. We recognize the connection between the land of the free and the home of the brave. However, when we have these losses,

they are a great tragedy to all of us, particularly to the families and loved ones.

Known as Shane to his family and friends, he was assigned to the 1st Battalion, 5th Regiment of the 1st Marine Division of Camp Pendleton. Shane was the first combat casualty of Operation Iraqi Freedom. He was 30 years old.

2LT Childers was lost while leading his platoon in a fight to secure a pumping station in southern Iraq. Shane's parents, Joseph and Judy Childers of Powell, WY, say that Shane always wanted to be a marine. His family says he liked the rhythm of life in the Corps, the pride that goes with wearing the Marine uniform.

After his high school graduation in 1990, he enlisted in the Marine Corps and served in the Persian Gulf war. After his duty in the gulf war, Shane served as a Marine security guard at the American consulate in Geneva, Switzerland, and at the American Embassy in Nairobi, Kenya.

Shane later left the Marines and attended college at the Citadel where he completed his studies in an untraditional 3 years and was commissioned in 2001. Today, we mourn the loss of this young man and certainly pray for his family.

I express my condolences to the Childers family and my gratitude to the men and women who wear the uniform and walk the line so that our Nation can continue to remain free.

I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. 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 ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. THOMAS. Mr. President, more than anything else, we all are thinking about the conflicts that are going on in Iraq and about our men and women who are fighting there. Of course, we have to continue to do what we have to do. Our lives go forward. We think about it a lot, and hear a great deal about it—I suppose more because of the embedded media—than we have ever heard before. We hear various kinds of reports. Certainly they are good for us to hear. We need to know what is happening. From time to time, we also hear some questionable comments and questions about the commitment of our leadership. Nevertheless, that is where we are.

I guess all of us think a lot about why we are there, what needs to be done, and what will be the outcome. This morning I met with a group of 8th graders from Big Piney, WY, one of the smaller towns in western Wyoming. The whole class from the high school came. I think there were 30 of them. One of them asked: What do you think of the war?

Well, how would you react to 8th graders who ask that? I think it makes you really wonder. So we talked a little bit about it. We talked about the fact that it is a war that was brought about by terrorism, a war that was brought about by what happened in the Persian Gulf 12 years ago, a war that was brought about by the fact that Saddam Hussein, who had to sign an agreement to finish that war because he was defeated, has not done what he was required to do.

We have to talk a little bit about the fact that the whole reason we are there, the whole effort, is to disarm Saddam for the safety of the United States, for the safety of the world. No one wants to have a war, certainly. It is not anything that we would like to do. He had great opportunities to do something different in these past 12 years. He refused to do so.

These 8th grade kids seemed to understand that no one wants war but we have to defend freedom. We have had to defend freedom numerous times, of course—quite different situations, quite different circumstances, but we find ourselves in different circumstance now as a result of 11 September, where instead of having to be afraid of divisions landing on your shore with artillery, and so on, now we find that one or two persons with mass destruction tools and weapons can destroy 3,000 people very easily. So it is a different situation. It is hard for young people to understand that, but I was very pleased with the fact that they do not like war—neither do we—but they understood that you have to defend those things that threaten the basis of our country.

They were in Washington, DC, to see the foundation of the United States, to see what freedom is about: The Government of the people, by the people and for the people. They were here to see the Supreme Court. They were here to see the Constitution, the thing that probably ensures our freedom more than any other document. They understood that we have to defend those things, and I was so pleased.

They were very skeptical. When they thought about it some and they thought about it in terms of the kinds of threats that are there and then when they thought about it in terms of those people who are voluntarily protecting our freedoms, who have gone into a war situation—I am a little bit prejudiced, being a marine, as to the Marine aspect of it, but everyone who is there is sacrificing for our freedom. Certainly we have a right to speak out and we have a right to have different views, but I hope we all recognize our responsibility to support our troops, people who are giving more than they could possibly be asked. We have the opportunity to do that.

It is a good exercise for us to be able to talk to young people about why it is we are involved and the importance of protecting the kind of country we have and want to maintain. Certainly there is nothing more important than that.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COLEMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. COLEMAN. Mr. President and distinguished colleagues, America is the greatest country the world has ever known. And, today, in places across the world, the greatest fighting men and women the world has ever known continue America's legacy of liberating oppressed people.

My friends, America went to Bosnia to offer liberation and hope from despair and suffering—we went to Haiti to offer hope to an oppressed people—we went to Somalia to offer America's legacy of a better life for people who had rarely seen a day free of suffering, persecution and torture.

Freedom and liberty are two words that should stir great emotions in all Americans.

Freedom and liberty are the gift of America to oppressed people everywhere.

Freedom and liberty, speak often these words because America's sons and daughters are in Iraq today doing what Americans have done for generations: We offer hope for a better tomorrow.

Let's talk about America's sons and daughters. They come from an America today that is no less interested in its own freedom and liberties than the freedom and liberties we wish for all people.

They are the sons and daughters of a great American revolution that never ends. The cause of freedom and liberty never ends.

We have seen the pros and cons in the streets of American cities these past several weeks. There are great passions on both sides. The great glory of America is that 28 protestors can occupy the office of a U.S. Senator and not fear being put to death for their views.

This is the fight that America's sons and daughters wage today.

If we may, for a moment, find peace in the haze of conflict between those who support our efforts today, and those who do not, I ask that we do it in the name of America's sons and daughters who have been called upon to duty and service. Perhaps our energies now can be better spent by focusing on the world that we create in America today when our troops return.

Get off the couch; stop watching the news; forget the radio broadcasts; turn off the playstation; unplug the TV; get outside, America.

We've had our say. Now let's have our say for the tens of thousands of Americans fighting for freedom and liberty.

Let us dedicate our energy—our pro and our con—to building the best possible Nation for our troops to come home to.

Join hands and voices to help the moms, the dads, the husbands, the wives, the sons, the daughters, the brothers and the sisters to get through these difficult days. Offer more than words; offer hope indeed.

Walk with them together during these times, open your homes and open your hearts. Our Nation is at war with an enemy across the world.

Let us not be a nation at war with each other within. We have a common goal: Offer comfort and hope and encouragement to those who fight for our freedom, and those who are left behind to pray for their success and safe return home.

America, the greatness of our Nation is not that we can survive conflict and division. The greatness of America is that we can build upon our differences and multiply our blessings.

For the sake of the families of those who sacrifice, for the sake of the soldiers who are in harm's way, let us build a better America for their return.

These are momentous days in the history of this country. They remind me of this remarkable statement by one of our early patriots, Patrick Henry, during our war of independence. He wrote:

These are the times that try men's souls. The summer soldier and the sunshine patriot will in this crisis shrink from the service of their country; but he that stands it now, deserves the love and thanks of man and woman. Tyranny, like Hell, is not easily conquered; yet we have this consolation with us, that the harder the conflict, the more glorious the triumph. What we obtain too cheaply, we esteem too lightly; 'tis dearness only that gives everything its value. Heaven knows how to put a proper price on its goods; and it would be strange indeed if so celestial an article as Freedom should not be highly rated.

You can talk about equality or you can make it happen.

You can sympathize with the poor or you can help create a job for them.

Yes, these are challenging times; we are witnessing the birth of a new century and a new moment of hope for mankind. Yes, these are dangerous, trying times, but it is a great time to be alive.

Allow me to share some of my favorite quotes from Abraham Lincoln to guide our thoughts about this momentous time.

In the second inaugural, Lincoln said:

The dogmas of the quite past are inadequate to the stormy present. The occasion is piled high with difficulty and we must rise to the occasion. As our case is new, so we must think anew, and act anew. We must disenthrall ourselves, and then we shall save our country.

You don't undertake change for the sake of change. But when the circumstances have changed, it is folly to stick with the old game plan.

The fall of the Soviet Union changed the world forever.

September 11 changed the world forever.

The problem with some at the United Nations and even some in our own Con-

gress is that they are "enthralled" with the old way of doing things. To them you don't deal with evil, you just contain it. But that dogma led to the deaths of millions in Rwanda and Cambodia because we were too timid to act.

For decades we allowed terror networks to grow and infiltrate even free societies. Because we thought there was nothing we could do about so pervasive an evil, we just hoped for the best.

Now we have historic opportunity to strike a decisive blow against tyranny and terrorism in one place and give birth to a new century of hope for freedom and security. We must accept the moral responsibility our power gives us.

Lincoln also said:

Let us have faith that right makes might, and in that faith let us do our duty as we understand it.

Our Nation, more than any other, was born on eternal values—That God had endowed all people with inalienable rights to life, liberty and the pursuit of happiness. But as much as we would like to believe it, the power of those ideals do not sweep the globe and enforce themselves. Somebody has to do it.

Right now the United States, Britain and a couple of dozen other nations are doing the dirty work of liberty. The lesson of history is: somebody has to do it.

Lincoln was right; it takes faith to do it. Certain things can't be proven to people who are devoted to another path.

We have a duty to do, and to most of us it is clear. Just because everybody doesn't see it doesn't mean it isn't exactly the right thing to do.

Finally, a word about our great President. Here is a message for "43" from "16". Lincoln said:

If I were to read, much less answer all the attacks made on me, this shop might as well be closed for business. I do the very best I know how—the very best I can; and I mean to keep doing so until the end. If the end brings me out all right, what's said against me won't amount to anything. If the end brings me out wrong, then angels swearing I was right would make no difference.

I am profoundly grateful that we have a President who does not run his life by what the polls say. That is the opposite of leadership.

I believe in a free media. I believe in the power of public opinion. But I see red when I see newspaper and Internet polls one week into the war in Iraq, asking about whether we are bogged down or if the President is using the right strategy.

So much of the 24-7 commenting and opinionating out there is precisely the substance that covers the floors of Minnesota feedlots.

In a long ago war it was said:

They also serve who only stand and wait.

The same is not true for those who just sit and wait.

Public opinion is, as it should be, strongly with this President; strongly

with our fighting men and women; strongly that we are doing the right thing in the name of freedom, in the name of liberty; to be an end to terror, to be an end to oppression, to be an end to rape, to be an end to torture, and to open up new worlds of possibilities. But I do ardently wish people would shut off the TV and shut off the computer and get out there and build the best possible great Nation for our troops to come home to. Shut it all off, say a prayer for our troops, say a prayer for our leaders, and go to work building a great America.

Finally, one more word from Lincoln and I am done:

With malice toward none, with charity for all, with firmness in the right as God gives us to see the right, let us strive to finish the work we are in; to bind up the Nation's wounds; to care for him who shall have borne the battle, and for his widow and orphan—to do all which may achieve and cherish a just and lasting peace among ourselves and all Nations.

May God bless our fighting men and women on the front line. May God bless and support and hold and comfort the families of those who have given the ultimate sacrifice. May God bless the United States of America.

Mr. President, I yield the floor. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I understand it is appropriate to speak in morning business.

The ACTING PRESIDENT pro tempore. The Senator is correct.

DANIEL PATRICK MOYNIHAN

Mr. DOMENICI. Mr. President, I came to the floor to say a few words about Senator Patrick Moynihan. Obviously, I didn't know him for all of his very successful and rather stupendous life, but I knew him rather well for that portion spent in the Senate. Even as to that portion, it was not my privilege to spend a great deal of time on the same committees with the Senator. But it was obvious to me he was a very big man, not big only in stature—he was very tall—but clearly he spoke eloquently and could grasp the situation with a demeanor and in a manner that was not very common and ordinary here.

From my standpoint, we struck up a friendship principally based upon his asking me a lot of questions about the budget and about my work as chairman or ranking member on the Senate floor.

Today it was my privilege to attend, with my wife Nancy, his funeral mass and some of the other ceremonial

events that bid him goodbye. My wife Nancy and I got to share with his marvelous wife Elizabeth; everybody calls her Liz. We had had on one occasion as couples an opportunity to travel with Senator Moynihan and his wife and others on a very lengthy trip that included China and other parts of the world, Japan. It was rather marvelous to have him regale us with stories and tales and history as we would be traveling from one country to another. When he was around on those kinds of events, you didn't have to have books to read. You would just get a seat close to him and ask questions, and he would tell you something significant, different, important, something you clearly never would read and never had heard.

We all miss him. There is no doubt about it.

One day I recall the close of a budget session, a long debate on the budget. Final passage came up. It had been a very arduous and difficult one, much like the last one we just experienced, but more so. I had counted votes and thought I would win. I thought I would get 51 votes, which is what I needed. I noted that during the time of the debate and in particular the closing, Senator Moynihan had listened a little more than I had expected. No reason for him to do that. Senators were in and out.

I had also noticed during the course of events that he would stop by and talk with me and say something to me about what was going on.

The vote occurred, and I was not paying attention to the vote. I knew I would get the votes necessary. But when the votes were counted, I had one more than expected. So I asked, who was that; what happened? Somebody on the other side of the aisle, without saying much and perhaps without talking to his own leadership, had voted for the resolution. Sure enough, it was Patrick Moynihan. I didn't have a chance then to say anything to him, but later on, I purposely found him and thanked him, and I asked him what was that all about.

He said: Well, to tell you the truth, that Budget Act is too confusing and confounds everybody. You worked too hard to try to get it done, and you made an awful lot of sense. I just decided that regardless of the philosophy, that was enough for me to vote for the budget resolution, in the sense that I was just voting for you.

Things like that don't happen very often. I am sure everybody has stories similar to that and more so. Today, as we attended the funeral mass, there were literally hundreds of people from all walks of life—kind of befitting what he had done and the life he had lived. On one side I noticed the Secretary of Defense had kind of eased his way into the church and was kneeling on one side there in an inconspicuous way—many ambassadors, a lot of Senators, a very large entourage of Senators. Perhaps as many as 10 former Senators

from our day who now live somewhere else doing other things had found their way into Washington to be there.

I choose today for these very few moments to say thank you to him for his great service in the Senate, to his family, and particularly to his wife, who obviously sacrificed greatly while he was being a Senator. She, too, has a profession of her own and was somewhat restrained and had to live more of a life in Washington, tied sort of to his career, than she had at other times in her life. But from what I have gathered, they were both great citizens and very pleased and proud to be part of this Senate.

I thank him and bid him adieu.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRAHAM of Florida. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. GRAHAM of Florida. Mr. President, I join my colleagues today in mourning the passing of a giant of the 20th century—our former colleague, Senator Daniel Patrick Moynihan. The list of his contributions to this Nation is long and impressive: from White House aide, to Ambassador to India and the United Nations, to Senator from the State of New York for 24 years. Pat Moynihan left an indelible mark on our Nation and the world.

Senator Moynihan has been described as the best thinker among politicians since Woodrow Wilson and the best politician among thinkers since Thomas Jefferson. Few Senators in the 241-year history of this institution have had the intellectual impact on public policy as did Patrick Moynihan. From tax policy to environmental protection, he was an always constructive and frequently dominant advocate. He frequently converted a Senate committee hearing or floor debate into what was his first passion, a college classroom. Those of us who were fortunate to be his students are forever in his debt.

Adele and I offer our condolences to Elizabeth and their family, and we will recognize in our prayers the loss that the Nation and each of us individually have suffered.

Mr. President, I add that I consider it a terrible irony that on the eve of Senator Moynihan's death, March 26, the White House announced the signing of amended Executive Order 12,958. This Executive order delays the release of millions of long-classified Government documents and grants to Government bureaucrats new authority to reclassify information. The vast majority of these documents are more than 25 years old and were to have been automatically declassified on April 17 of this year.

I consider this ironic because Senator Moynihan was a champion of open gov-

ernment. Among his many writings, including 18 books, was "The Torment of Secrecy: The Background and Consequences of American Security Policy." Senator Moynihan concluded that book with these words:

A case can be made that secrecy is for losers, for people who don't know how important information really is. The Soviet Union realized this too late. Openness is now a singular and singularly American advantage. We put it in peril by poking along in the mode of an age now past. It is time to dismantle government secrecy, this most pervasive of cold war era regulations. It is time to begin building the supports for the era of openness, which is already upon us.

Mr. President, we in the Senate and those in the White House should heed Pat Moynihan's wise words. As a former chairman of the Senate Select Committee on Intelligence, I can tell you that this administration is being excessively cautious in keeping information from the American people. Certainly, when we are at war and facing increased threats from international terrorist networks, we need to keep secret that information that could pose a threat to our security if it were to fall into the wrong hands. But that hardly seems to be the case with most of the information that is covered by this overly broad Executive order.

Again, I emphasize that the overwhelming bulk of this material is more than 25 years old. Ultimately, excessive secrecy will undermine the public's confidence in our Government and its essential institutions. Excessive secrecy denies to the American people their full capability to participate, evaluate, and act as they determine to be in the national interest.

By restricting access to crucial and often conflicting information, excessive secrecy creates the environment for what is known as incestuous amplification. This is a military term and is defined by Jane's Defense Weekly. Incestuous amplification is "a condition in warfare where one only listens to those who are already in lockstep agreement, reinforcing set beliefs and creating a situation ripe for miscalculation."

Excessive secrecy undermines the classification value of information which is genuinely critical to our national security. Last year, I had the honor to cochair a joint House-Senate inquiry into the events of September 11, 2001. Our purpose was to help the American people understand what our Government knew about potential threats from al-Qaida prior to the attacks on the World Trade Center and the Pentagon, and how our intelligence and law enforcement agencies responded. But even more important, our responsibility was to develop an action plan of recommendations to mitigate a repeat of this tragedy.

Our staff reviewed more than 500,000 pages of documents. We conducted 22 hearings, 13 of them closed, 9 open to the public. We filed our final report—the classified version—on December 20, 2002.

The joint inquiry has requested declassification of our final report, as well as key documents related to the Government's knowledge of al-Qaida and potential terrorist threats. For 100 days, congressional staffers have been working with the Central Intelligence Agency, the Federal Bureau of Investigation, and other relevant agencies to get the final report of the joint inquiry declassified. We have not yet been successful. I am hopeful that we can present most of this material to the public at the earliest date. We have already released, in declassified form, our findings and our recommendations.

I ask unanimous consent to have printed in the RECORD a copy of those recommendations at the conclusion of my statement.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. GRAHAM of Florida. Mr. President, I want to read one of the recommendations from the joint inquiry committee. It is recommendation No. 15:

The President should review and consider amendments to the Executive Orders, policies and procedures that govern the national security classification of intelligence information, in an effort to expand access to relevant information for Federal agencies outside the Intelligence Community, for State and local authorities, which are critical to the fight against terrorism, and to the American public.

In addition, the President and heads of Federal agencies should ensure that the policies and procedures to protect against the unauthorized disclosure of classified intelligence information are well understood, fully implemented, and vigorously enforced.

Congress should also review the statutes, policies, and procedures that govern the national security classification of intelligence information and its protection from unauthorized disclosure.

Among other matters, Congress should consider the degree to which excessive classification has been used in the past and the extent to which the emerging threat environment has greatly increased the need for real-time sharing of sensitive information.

The Director of National Intelligence, in consultation with the Secretary of Defense, the Secretary of State, the Secretary of Homeland Security, and the Attorney General, should review and report to the House and Senate Intelligence Committees on proposals for a new and more realistic approach to the processes and structures that have governed the designation of sensitive and classified information.

The report should include proposals to protect against the use of the classification process as a shield to protect agency self-interest.

The public has the right to know what its Government has done and is doing to protect Americans and United States interests. Potential embarrassment is not a good enough reason to keep past or current Government materials secret.

One of the most fitting tributes we could pay to Pat Moynihan would be a heightened recognition of the damage that excessive secrecy exacts on our Government's credibility, and to re-

commit ourselves to a Government which trusts its people to know the truth.

Mr. President, I ask unanimous consent to print in the RECORD an editorial from the New York Times of March 28, 2003.

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

SECURITY: THE BUSH BYWORD

Add one more item to the list of things the Bush administration has been quietly doing on the home front while the nation is preoccupied with Iraq. This week President Bush signed an executive order that makes it easier for government agencies, including the White House, to keep documents classified and out of public view.

The order does a number of things at once. It delays by three years the release of declassified government documents dating from 1978 or earlier. It treats all material sent to American officials from foreign governments—no matter how routine—as subject to classification. It expands the ability of the Central Intelligence Agency to shield documents from declassification. And for the first time, it gives the vice President the power to classify information. Offering that power to Vice President Dick Cheney, who has shown indifference to the public's right to know what is going on inside the executive branch, seems a particularly worrying development.

All of this amends an order by President Bill Clinton that actually eased the process of declassification. The administration says the three-year delay in declassifying documents dating to the Carter administration and earlier is necessary because of a huge backlog of documents that must be reviewed before decisions are made on whether to declassify them.

Taken individually, each of these actions might raise eyebrows for anyone who values open government. Taken together, they are reminders that this White House is obsessed with secrecy. President Clinton's policy was that "when in doubt," a document was not automatically classified. That ensured that government papers would not easily be kept under wraps without a compelling reason. And while President Bush keeps in place many of the mechanisms for automatic declassification, he has raised a bar that can only hurt the ability of historians, researchers and all Americans to arrive at informed judgments about the actions of the presidents and their administrations.

EXHIBIT 1

RECOMMENDATIONS

Since the National Security Act's establishment of the Director of Central Intelligence and the Central Intelligence Agency in 1947, numerous independent commissions, experts, and legislative initiatives have examined the growth and performance of the U.S. Intelligence Community. While those efforts generated numerous proposals for reform over the years, some of the most significant proposals have not been implemented, particularly in the areas of organization and structure. These Committees believe that the cataclysmic events of September 11, 2001 provide a unique and compelling mandate for strong leadership and constructive change throughout the Intelligence Community. With that in mind, and based on the work of this Joint Inquiry, the Committees recommend the following:

1. Congress should amend the National Security Act of 1947 to create and sufficiently staff a statutory Director of National Intel-

ligence who shall be the President's principal advisor on intelligence and shall have the full range of management, budgetary and personnel responsibilities needed to make the entire U.S. Intelligence Community operate as a coherent whole. These responsibilities should include:

Establishment and enforcement of consistent priorities for the collection, analysis, and dissemination of intelligence throughout the Intelligence Community;

Setting of policy and the ability to move personnel between elements of the Intelligence Community;

Review, approval, modification, and primary management and oversight of the execution of Intelligence Community budgets;

Review, approval, modification, and primary management and oversight of the execution of Intelligence Community personnel and resource allocations;

Review, approval, modification, and primary management and oversight of the execution of Intelligence Community research and development efforts;

Review, approval, and coordination of relationships between the Intelligence Community agencies and foreign intelligence and law enforcement services; and

Exercise of statutory authority to insure that Intelligence Community agencies and components fully comply with Community-wide policy, management, spending, and administrative guidance and priorities.

The Director of National Intelligence should be a Cabinet level position, appointed by the President and subject to Senate confirmation. Congress and the President should also work to insure that the Director of National Intelligence effectively exercises these authorities.

To insure focused and consistent Intelligence Community leadership, Congress should require that no person may simultaneously serve as both the Director of National Intelligence and the Director of the Central Intelligence Agency, or as the director of any other specific intelligence agency.

2. Current efforts by the National Security Council to examine and revamp existing intelligence priorities should be expedited, given the immediate need for clear guidance in intelligence and counterterrorism efforts. The President should take action to ensure that clear, consistent, and current priorities are established and enforced throughout the Intelligence Community. Once established, these priorities should be reviewed and updated on at least an annual basis to ensure that the allocation of Intelligence Community resources reflects and effectively addresses the continually evolving threat environment. Finally, the establishment of Intelligence Community priorities, and the justification for such priorities, should be reported to both the House and Senate Intelligence Committees on an annual basis.

3. The National Security Council, in conjunction with the Director of National Intelligence, and in consultation with the Secretary of the Department of Homeland Security, the Secretary of State and Secretary of Defense, should prepare, for the President's approval, a U.S. government-wide strategy for combating terrorism, both at home and abroad, including the growing terrorism threat posed by the proliferation of weapons of mass destruction and associate technologies. This strategy should identify and fully engage those foreign policy, economic, military, intelligence, and law enforcement elements that are critical to a comprehensive blueprint for success in the war against terrorism.

As part of that effort, the Director of National Intelligence shall develop the Intelligence Community component of the strategy, identifying specific programs and budgets and including plans to address the

threats posed by Osama Bin Laden and al Qaeda, Hezbollah, Hamas, and other significant terrorist groups. Consistent with applicable law, the strategy should effectively employ and integrate all capabilities available to the Intelligence Community against those threats and should encompass specific efforts to:

Develop human sources to penetrate terrorist organization and networks both overseas and within the United States;

Fully utilize existing and future technologies to better exploit terrorist communications; to improve and expand the use of data mining and other cutting edge analytical tools; and to develop a multi-level security capability to facilitate the timely and complete sharing of relevant intelligence information both within the Intelligence Community and with our appropriate federal, state, and local authorities;

Enhance the depth and quality of domestic intelligence collection and analysis by, for example, modernizing current intelligence reporting formats through the use of existing information technology to emphasize the existence and the significance of links between new and previously acquired information;

Maximize the effective use of covert action in counterterrorist efforts;

Develop programs to deal with financial support for international terrorism; and

Facilitate the ability of CIA paramilitary units and military special operations forces to conduct joint operations against terrorist targets.

4. The position of National Intelligence Officer for Terrorism should be created on the National Intelligence and a highly qualified individual appointed to prepare intelligence estimates on terrorism for the use of Congress and policymakers in the Executive Branch and to assist the Intelligence Community in developing a program for strategic analysis and assessments.

5. Congress and the Administration should ensure the full development within the Department of Homeland Security of an effective all-source terrorism information fusion center that will dramatically improve the focus and quality of counterterrorism analysis and facilitate the timely dissemination of relevant intelligence information, both within and beyond the boundaries of the Intelligence Community. Congress and the Administration should ensure that this fusion center has all the authority and the resources needed to:

Have full and timely access to all counterterrorism-related intelligence information, including "raw" supporting data as needed;

Have the ability to participate fully in the existing requirements process for tasking the Intelligence Community to gather information on foreign individuals, entities and threats;

Integrate such information in order to identify and assess the nature and scope of terrorist threats to the United States in light of actual and potential vulnerabilities;

Implement and fully utilize data mining and other advanced analytical tools, consistent with applicable law;

Retain a permanent staff of experienced and highly skilled analysts, supplemented on a regular basis by personnel on "joint tours" from the various Intelligence Community agencies;

Institute a reporting mechanism that enables analysts at all the intelligence and law enforcement agencies to post lead information for use by analysts at other agencies without waiting for dissemination of a formal report;

Maintain excellence and creativity in staff analytic skills through regular use of analysis and language training programs; and

Establish and sustain effective channels for the exchange of counterterrorism-related information with federal agencies outside the Intelligence Community as well as with state and local authorities.

6. Given the FBI's history of repeated shortcomings within its current responsibility for domestic intelligence, and in the face of grave and immediate threats to our homeland, the FBI should strengthen and improve its domestic capability as fully and expeditiously as possible by immediately instituting measures to:

Strengthen counterterrorism as a national FBI program by clearly designating national counterterrorism priorities and enforcing field office adherence to those priorities;

Establish and sustain independent career tracks within the FBI that recognize and provide incentives for demonstrated skills and performance of counterterrorism agents and analysts;

Significantly improve strategic analytical capabilities by assuring the qualification, training, and independence of analysts, coupled with sufficient access to necessary information and resources;

Establish a strong reports officer cadre at FBI Headquarters and field offices to facilitate timely dissemination of intelligence from agents and to analysts within the FBI and other agencies within the Intelligence Community;

Implement training for agents in the effective use of analysts and analysis in their work;

Expand and sustain the recruitment of agents and analysts with the linguistic skills needed in counterterrorism efforts;

Increase substantially efforts to penetrate terrorist organizations operating in the United States through all available means of collection;

Improve the national security law training of FBI personnel;

Implement mechanisms to maximize the exchange of counterterrorism-related information between the FBI and other federal, state and local agencies; and

Finally solve the FBI's persistent and incapacitating information technology problems.

7. Congress and the Administration should carefully consider how best to structure and manage U.S. domestic intelligence responsibilities. Congress should review the scope of domestic intelligence authorities to determine their adequacy in pursuing counterterrorism at home and ensuring the protection of privacy and other rights guaranteed under the Constitution. This review should include, for example, such questions as whether the range of persons subject to searches and surveillances authorized under the Foreign Intelligence Surveillance Act (FISA) should be expanded.

Based on their oversight responsibilities, the Intelligence and Judiciary Committees of the Congress, as appropriate, should consider promptly, in consultation with the Administration, whether the FBI should continue to perform the domestic intelligence functions of the United States Government or whether legislation is necessary to remedy this problem, including the possibility of creating a new agency to perform those functions.

Congress should require that the new Director of National Intelligence, the Attorney General, and the Secretary of the Department of Homeland Security report to the President and the Congress on a date certain concerning:

The FBI's progress since September 11, 2001 in implementing the reforms required to conduct an effective domestic intelligence program, including the measures recommended above;

The experience of other democratic nations in organizing the conduct of domestic intelligence;

The specific manner in which a new domestic intelligence service could be established in the United States, recognizing the need to enhance national security while fully protecting civil liberties; and

Their recommendations on how to best fulfill the nation's need for an effective domestic intelligence capability, including necessary legislation.

8. The Attorney General and the Director of the FBI should take action necessary to ensure that:

The Office of Intelligence Policy and Review and other Department of Justice components provide in-depth training to the FBI and other members of the Intelligence Community regarding the use of the Foreign Intelligence Surveillance Act (FISA) to address terrorist threats to the United States;

The FBI disseminates results of searches and surveillances authorized under FISA to appropriate personnel with the FBI and the intelligence Community on a timely basis so they may be used for analysis and operations that address terrorist threats to the United States.

The FBI develops and implements a plan to use authorities provided by FISA to assess the threat of international terrorist groups within the United States fully, including the extent to which such groups are funded or otherwise supported by foreign governments.

9. The House and Senate Intelligence and Judiciary Committees should continue to examine the Foreign Intelligence Surveillance Act and its implementation thoroughly, particularly with respect to changes made as a result of the USA PATRIOT Act and the subsequent decision of the United States Foreign Intelligence Court of Review, to determine whether its provisions adequately address present and emerging terrorist threats to the United States. Legislation should be proposed by those Committees to remedy any deficiencies identified as a result of that review.

10. The Director of the National Security Agency should present to the Director of National Intelligence and the Secretary of Defense by June 30, 2003, and report to the House and Senate Intelligence Committees, a detailed plan that:

Describes solutions for the technological challenges for signals intelligence;

Requires a review, on a quarterly basis, of the goals, products to be delivered, funding levels and schedules for every technology development program;

Ensures strict accounting for program expenditures;

Within their jurisdiction as established by current law, makes NSA a full collaborating partner with the Central Intelligence Agency and the Federal Bureau of Investigation in the war on terrorism, including fully integrating the collection and analytic capabilities of NSA, CIA, and the FBI; and

Makes recommendations for legislation needed to facilitate their goals.

In evaluating the plan, the Committees should also consider issues pertaining to whether civilians should be appointed to the position of Director of the National Security Agency and whether the term of service for the position should be longer than it has been in the recent past.

11. Recognizing that the Intelligence Community's employees remain its greatest resource, the Director of National Intelligence should require that measures be implemented to greatly enhance the recruitment and development of a workforce with the intelligence skills and expertise needed for success in counterterrorist efforts, including:

The agencies of the Intelligence Community should act promptly to expand and improve counterterrorism training programs within the Community, insuring coverage of

such critical areas as information sharing among law enforcement and intelligence personnel; language capabilities; the use of the Foreign Intelligence Surveillance Act; and watchlisting;

The Intelligence Community should build on the provisions of the Intelligence Authorization Act for Fiscal Year 2003 regarding the development of language capabilities, including the Act's requirement for a report on the feasibility of establishing a Civilian Linguist Reserve Corps, and implement expeditiously measures to identify and recruit linguists outside the Community whose abilities are relevant to the needs of counterterrorism;

The existing Intelligence Community Reserve Corps should be expanded to ensure the use of relevant personnel and expertise from outside the Community as special needs arise;

Congress should consider enacting legislation, modeled on the Goldwater-Nichols Act of 1986, to instill the concept of "jointness" through the Intelligence Community. By emphasizing such things as joint education, a joint career specialty, increased authority for regional commanders, and joint exercises, that Act greatly enhanced the joint warfighting capabilities of the individual military services. Legislation to instill similar concepts throughout the Intelligence Community could help improve management of Community resources and priorities and insure a far more effective "team" effort by all the intelligence agencies. The Director of National Intelligence should require more extensive use of "joint tours" for intelligence and appropriate law enforcement personnel to broaden their experience and help bridge existing organizational and cultural divides through service in other agencies. These joint tours should include not only service at Intelligence Community agencies, but also service in those agencies that are users or consumers of intelligence products. Serious incentives for joint service should be established throughout the Intelligence Community and personnel should be rewarded for joint service with career advancement credit at individual agencies. The Director of National Intelligence should also require Intelligence Community agencies to participate in joint exercises;

Congress should expand and improve existing educational grant programs focused on intelligence-related fields, similar to military scholarship programs and others that provide financial assistance in return for a commitment to serve in the Intelligence Community; and

The Intelligence Community should enhance recruitment of a more ethnically and culturally diverse workforce and devised a strategy to capitalize upon the unique cultural and linguistic capabilities of first-generation Americans, a strategy designed to utilize their skills to the greatest practical effect while recognizing the potential counterintelligence challenges such hiring decisions might pose.

12. Steps should be taken to increase and ensure the greatest return on this nation's substantial investment in intelligence, including:

The President should submit budget recommendations, and Congress should enact budget authority, for sustained, long-term investment in counterterrorism capabilities that avoid dependence on repeated stop-gap supplemental appropriations;

In making such budget recommendations, the President should provide for the consideration of a separate classified Intelligence Community budget;

Long-term counterterrorism investment should be accompanied by sufficient flexibility, subject to congressional oversight, to enable the Intelligence Community to rap-

idly respond to altered or unanticipated needs;

The Director of National Intelligence should insure that Intelligence Community budgeting practices and procedures are revised to better identify the levels and nature of counterterrorism funding within the Community;

Counterterrorism funding should be allocated in accordance with the program requirements of the national counterterrorism strategy; and

Due consideration should be given to directing an outside agency or entity to conduct a thorough and rigorous cost-benefit analysis of the resources spent on intelligence.

13. The State Department, in consultation with the Department of Justice, should review and report to the President and the Congress by June 30, 2003 on the extent to which revisions in bilateral and multilateral agreements, including extradition and mutual assistance treaties, would strengthen U.S. counterterrorism efforts. The review should address the degree to which current categories of extraditable offenses should be expanded to cover offenses, such as visa and immigration fraud, which may be particularly useful against terrorists and those who support them.

14. Recognizing the importance of intelligence in this nation's struggle against terrorism, Congress should maintain vigorous, informed, and constructive oversight of the Intelligence Community. To best achieve that goal, the National Commission on Terrorist Attacks Upon the United States should study and make recommendations, concerning how Congress may improve its oversight of the Intelligence Community, including consideration of such areas as:

Changes in the budgetary process;

Changes in the rules regarding membership on the oversight committees;

Whether oversight responsibility should be vested in a joint House-Senate Committee or, as currently exists, in separate Committees in each house;

The extent to which classification decisions impair congressional oversight; and

How Congressional oversight can best contribute to the continuing need of the Intelligence Community to evolve and adapt to changes in the subject matter of intelligence and the needs of policy makers.

15. The President should review and consider amendments to the Executive Orders, policies and procedures that govern the national security classification of intelligence information, in an effort to expand access to relevant information for federal agencies outside the Intelligence Community, for state and local authorities, which are critical to the fight against terrorism, and for the American public. In addition, the President and the heads of federal agencies should ensure that the policies and procedures to protect against the unauthorized disclosure of classified intelligence information are well understood, fully implemented and vigorously enforced.

Congress should also review the statutes, policies and procedures that govern the national security classification of intelligence information and its protection from unauthorized disclosure. Among other matters, Congress should consider the degree to which excessive classification has been used in the past and the extent to which the emerging threat environment has greatly increased the need for real-time sharing of sensitive information. The Director of National Intelligence, in consultation with the Secretary of Defense, the Secretary of State, the Secretary of Homeland Security, and the Attorney General, should review and report to the House and Senate Intelligence Committees

on proposals for a new and more realistic approach to the processes and structures that have governed the designation of sensitive and classified information. The report should include proposals to protect against the use of the classification process as a shield to protect agency self-interest.

16. Assured standards of accountability are critical to developing the personal responsibility, urgency, and diligence which our counterterrorism responsibility requires. Given the absence of any substantial efforts within the Intelligence Community to impose accountability in relation to the events of September 11, 2001, the Director of Central Intelligence and the heads of Intelligence Community agencies should require that measures designed to ensure accountability are implemented throughout the Community.

To underscore the need for accountability:

The Director of Central Intelligence should report to the House and Senate Intelligence Committee no later than June 30, 2003 as to the steps taken to implement a system of accountability throughout the Intelligence Community, to include processes for identifying poor performance and affixing responsibility for it, and for recognizing and rewarding excellence in performance.

As part of the confirmation process for Intelligence Community officials, Congress should require from those officials an affirmative commitment to the implementation and use of strong accountability mechanisms throughout the Intelligence Community; and

The Inspectors General at the Central Intelligence Agency, the Department of Defense, the Department of Justice, and the Department of State should review the factual findings and the record of this Inquiry and conduct investigations and reviews as necessary to determine whether and to what extent personnel at all levels should be held accountable for any omission, commission, or failure to meet professional standards in regard to the identification, prevention, or disruption of terrorist attacks, including the events of September 11, 2001. These reviews should also address those individuals who performed in a stellar or exceptional manner, and the degree to which the quality of their performance was rewarded or otherwise impacted their careers. Based on those investigations and reviews, agency heads should take appropriate disciplinary and other action and the President and the House and Senate Intelligence Committees should be advised of such action.

17. The Administration should review and report to the House and Senate Intelligence Committees by June 30, 2003 regarding what progress has been made in reducing the inappropriate and obsolete barriers among intelligence and law enforcement agencies engaged in counterterrorism, what remains to be done to reduce those barriers, and what legislative actions may be advisable in that regard. In particular, this report should address what steps are being taken to insure that perceptions within the Intelligence Community about the scope and limits of current law and policy with respect to restrictions on collection and information sharing are, in fact, accurate and well-founded.

18. Congress and the Administration should ensure the full development of a national watchlist center that will be responsible for coordinating and integrating all terrorist-related watchlist systems; promoting awareness and use of the center by all relevant government agencies and elements of the private sector; and ensuring a consistent and comprehensive flow of terrorist names into the center from all relevant points of collection.

19. The Intelligence Community, and particularly the FBI and the CIA, should aggressively address the possibility that foreign

governments are providing support to or are involved in terrorist activity targeting the United States and interests. State-sponsored terrorism substantially increases the likelihood of successful and more lethal attacks within the United States. This issue must be addressed from a national standpoint and should not be limited in focus by the geographical and factual boundaries of individual cases. The FBI and CIA should aggressively and thoroughly pursue related matters developed through this Joint Inquiry that have been referred to them for further investigation by these Committees.

The Intelligence Community should fully inform the House and Senate Intelligence Committees of significant developments in these efforts, through regular reports and additional communications as necessary, and the Committee should, in turn, exercise vigorous and continuing oversight of the Community's work in this critically important area.

Mr. GRAHAM of Florida. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Pennsylvania is recognized.

Mr. SPECTER. I thank the Chair.

(The remarks of Mr. SPECTER pertaining to the submission of S. Res. 101 is located in today's RECORD under "Submitted Resolutions.")

Mr. CONRAD. Mr. President, it was with great sorrow that I learned last week of the death of our former colleague, Senator Daniel Patrick Moynihan of New York.

Senator Moynihan, was an intellectual giant in the Senate and throughout his service to our Nation. The breadth of his interests—and his knowledge—was extraordinary. From questions about the architecture and urban development of Washington, D.C. to the problems created by single parent families to the workings of the International Labor Organization, Senator Moynihan had thought deeply and designed policy answers. I don't think there was a Senator who served with Pat Moynihan who didn't learn something from Senator Moynihan's vast stock of personal experience, understanding of history, and ability to draw parallels between seemingly unrelated topics to enlighten our understanding of both.

I will always have fond memories of the several occasions on which I joined Senator Moynihan in the Senators' private dining room and was treated to a lunchtime tutorial. I could ask a question on virtually any topic and get a dissertation in response. Our conversations ranged from art history to baseball, American history, our Middle East policy, the history of science and scientific advancement, and more. Seemingly there was no topic on which

Pat did not have unique insight, and I always came away from those lunches feeling like I had just emerged from an intellectually stimulating graduate seminar.

I had the particular pleasure of serving with Senator Moynihan on the Finance Committee for eight years. As Chairman and as ranking member of the Finance Committee, Senator Moynihan was a true leader. Starting in 1993, when I took Senator Bentsen's seat on the Committee and Senator Moynihan claimed his chairmanship, Chairman Moynihan successfully guided the 1993 economic plan through the committee and the Senate. That budget, which I was proud to help shape and support, laid the foundation for the record economic expansion of the 1990s.

After Republicans took control of the Senate in the 1994 election, Senator Moynihan was a fierce critic of their excessive tax cut proposals. We joined in opposing shortsighted proposals to have Medicare "wither on the vine," turn Medicaid into a block grant, and destroy welfare rather than reforming it. Senator Moynihan was, as always, an especially passionate defender of teaching hospitals, warning that the plan to slash spending for Medicare's graduate medical education would threaten medical research in this country—a fear that has proved well-founded as teaching hospitals have struggled to survive the much smaller changes enacted as part of the compromise Balanced Budget Act that emerged in 1997.

The Finance Committee—and the Senate—would not have been the same without him. Who else will be able to gently tutor witnesses on the relevance of the grain trade in upstate New York in the early nineteenth century to a current debate about health care policy? Who else will call for the Boskin and Secrecy Commissions of the future? And who else will educate his colleagues on the impact on our society of the demographic time bomb of the baby boom generation?

The Senate has lost a legend. The country has lost a brilliant and unconventional thinker who contributed greatly to our society on fronts ranging across transportation, welfare and poverty, racism and civil rights, and architecture and urban planning.

I will miss Pat Moynihan. I will miss his sly wit, his apt and splendidly diverse quotations, his sharp questioning and distrust of glib answers, and his fierce humanity. On behalf of myself and my wife Lucy, I want to express my deepest condolences to his wife Liz, their children and the rest of his family and friends. My heart goes out to them.

Mr. LIEBERMAN. Mr. President, I rise today to honor Senator Daniel Patrick Moynihan, an intellectual pioneer who I felt honored to serve with in the U.S. Senate. He rose from humble beginnings to Harvard, and to a life of service in four different Presidential administrations, as an ambassador to India and the U.N., and as New York's

Senator for four terms. Throughout his career in service, he paved his own path—one of integrity, independence, and principled leadership on the critical national questions of our age.

Whenever he spoke I listened closely, because I knew I would always learn something from him. He possessed tremendous intellect and foresight, showed unflagging courage in championing unsung causes, and commanded extraordinary respect on both sides of the aisle. He was a true renaissance man who put action behind his diverse interests: from protecting the sanctity of the American family, to preserving historic art and architecture, to restoring Pennsylvania Avenue as America's "main street," to saving Social Security for future generations.

I offer my condolences to his wife Elizabeth, who was truly his life partner. There will no doubt be a memorial built in his honor someday soon on the streets of New York; but Senator Moynihan's legacy is already living—in safer streets in our cities, a cleaner environment, and a stronger national community. To borrow a memorable Moynihan phrase, his life defined public service and public policy up for all who aspire to contribute to our country.

The PRESIDING OFFICER (Ms. MURKOWSKI). The Senator from Montana.

HONORING OUR ARMED FORCES

Mr. BURNS. Madam President, as we stand here today, the conflict goes on in Iraq. I was just talking to a friend. He asked me when are we going to make a move and how is it going?

We have only been there a week and a half, but one would think from the television coverage that we are in the middle of the Hundred Years War.

There will be many stories that come out of conflicts such as this. I want to relate one.

SSG Charles Donovan, Jr., is a 27-year-old 8-year Marine Corps veteran, born and raised in Great Falls, MT. On the 17th of February he was deployed to Kuwait for military service with the First Marine Division. He is a communications expert and a towgunner. A towgunner is the one who fires ammunition from the tank.

He has been married to his wife Candice for almost 8 years. They met at Camp Pendleton, CA. They served in the Marine Corps together for 4 years. Since his deployment, Donovan has been able to contact his family frequently and recently received the news from his wife that they are expecting their first child. He was able to reply to his wife by e-mail.

It is needless to say anything more about the news and the elation that is experienced by this couple. No. 1, he was all right and getting along fine; and, second, the experience of learning of the good news of an expected first child is always great.

So my congratulations go out to Charles and Candice. And I have every

faith that he will complete his mission and come home.

There are thousands of similar stories stemming from this mission, so ably carried out by our men and women in uniform. It is uniquely American and typical of our warriors of freedom. It distinguishes and sets the American military apart from any other nation in the history of man's constant struggle for freedom and human dignity.

We see the pictures every day, not of the ugliness of war but of the men and women who carry out the humanitarian acts as war is carried on. We will succeed in our mission. And we look forward to the day when they all come home.

Also, I take great pride to stand here today on the Senate floor to recognize and say thank you to the men and women from Montana and all who serve across this land.

We have support organizations popping up in just about every State, organizations formed to give comfort to families and provide various programs such as the one I just mentioned. It is happening everywhere, and there are far too many to mention today.

I commend the efforts of one program especially because I met with this group in Livingston, MT. They call themselves MOST—the Military Overseas Support Team—made up of people who have family members serving in that area, and they act as a support system for each person.

Then there is another one called Operation Clean Socks. It has been set up to collect and send socks to our military men and women in the Middle East. That sounds strange, but to those of us who have worn the uniform of this great country, socks become a big item, especially to us old marines who traveled on our feet.

Folks all over this country are rallying their communities to get support for our troops. I am pleased to see so many of them supportive in Montana.

Here in Washington we see the images on television. We are thinking about the troops every day. We know how hard it is fighting for the freedoms of those who are oppressed, and we thank you. We thank you for what you are doing and want you to know that our thoughts and prayers are not only with you but also with your families.

You are the best and the greatest ambassadors of the American dream. You will succeed in the efforts to disarm Saddam Hussein and free the Iraqi people. I am confident in our military. I know this effort will be accomplished as soon as possible so they all can come home to the welcoming arms of their families, so that every Charles Donovan, Jr., can see his first child enter the world with the same freedoms with which he was born. We think about them every day.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GREGG. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ALEXANDER). Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

EXECUTIVE SESSION

NOMINATION OF THERESA LAZAR SPRINGMANN, OF INDIANA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF INDIANA

The PRESIDING OFFICER. Under the previous order, the Senate will now go into executive session and proceed to consideration of Executive Calendar No. 77, which the clerk will report.

The legislative clerk read the nomination of Theresa Lazar Springmann, of Indiana, to be United States District Judge for the Northern District of Indiana.

Mr. HATCH. Mr. President, I am pleased today to rise in support of Judge Theresa Lazar Springmann, who has been nominated to the United States District Court for the Northern District of Indiana.

Judge Springmann has served on both sides of the bench with distinction. Upon graduation from the University of Notre Dame Law School, Judge Springmann clerked for the Honorable James T. Moody of the United States District Court for the Northern District of Indiana—the very court she will join upon her confirmation. She then entered private practice as an associate with Spangler, Jennings & Dougherty, P.C., and later became the first woman partner there. During her tenure in private practice, she specialized in insurance defense litigation, automobile liability, contract disputes, unfair competition and trade infringement. She also participated in her firm's pro bono program, accepting at least three cases a year from Legal Services of Northwest Indiana, Inc., in Gary IN.

Judge Springmann has made a broad range of contributions to the bar. She was a founding member of the Lake County Bar Association and has served in various leadership roles with this organization. Judge Springmann is also a member of the Federal Bar Association and the Women Lawyers Association.

Since 1995, Judge Springmann has served as a United States Magistrate Judge for the Northern District of Indiana. From 2000 to 2002, she served as the Federal Magistrate Judges Association Seventh Circuit Director, where she represented all magistrate judges in the Seventh Circuit in forming pol-

icy positions and recommendations to the Administrative Office and Federal Judicial Council on issues concerning magistrate judges.

I am confident that Judge Springmann will serve on the bench with integrity, intelligence and fairness.

Mr. LEAHY. Mr. President, today we again demonstrate how cooperative the Senate and, in particular, Democratic Senators are being to an administration that continues to refuse to work with us to select consensus court judges who could be confirmed relatively quickly by the Senate and fill the remaining Federal court vacancies.

In the prior 17 months I chaired the Judiciary Committee, we were able to confirm 100 judges and vastly reduce the judicial vacancies that Republicans had stored up by refusing to allow nominees of President Clinton to be considered. We were able to do so despite the hostility of the White House. The judicial nominees of this President are conservatives, many of them quite to the right of the mainstream. Many of these nominees have been active in conservative political causes or groups. Democrats moved fairly and expeditiously on as many as we could consistent with our obligations to evaluate carefully and thoroughly these nominees to lifetime seats in the federal courts.

Last year alone, in an election year, the Democratic-led Senate confirmed 72 judicial nominees, more than in any of the prior six years of Republican control. Not once did the Republican-controlled Committee consider that many of President Clinton's district and circuit court nominees.

While Republicans point to the 377 judges confirmed under President Clinton, but they fail to mention that only 245 of them were confirmed during the 6½ years Republicans controlled the Senate. That amounts to only 38 confirmations per year when the Republicans last held a majority and there was a Democrat in the White House. In 1999, the Republican majority did not hold a hearing on any judicial nominee until June. Tomorrow, the Republican majority will hold its seventh hearing including a 32nd judicial nominee in the last 2 months. The Senate Judiciary Committee is acting like a runaway train, operating at breakneck speed and breaking longstanding rules and practices of the committee.

This year we have had a rocky beginning with a hearing for three controversial circuit court nominees that has caused a great many problems we might have avoided. The chairman's insistence on terminating debate on the Cook and Roberts nominations is another serious problem. Of course, the administration's unwillingness to work with the Senate so that we may be provided the documents and information needed to proceed with a final vote on the Estrada nomination has already proved to be a significant problem. The opposition to the Sutton nomination is

also extensive. The concerns about the Tymkovich nomination are significant. The unprecedented nature of a President renominating someone for the same judicial position after a defeat in committee has led to the Owen nomination is pending on the floor with the assent of only the Republicans on the committee.

Nonetheless, the Senate has proceeded to confirm 114 of President Bush's judicial nominees, including 14 this year alone. The Senate confirmed the controversial nomination of Jay Bybee to the Ninth Circuit, another pro-life judicial nominee. With this one circuit court confirmation, the Senate has confirmed more circuit court judges than Republicans allowed to be confirmed in the entire 1996 session. In addition, I note that it was not until September 1999, 9 months into the year, that 14 of President Clinton's judicial nominees were confirmed in the first session of the last Congress in which Republicans controlled the Senate majority. At the pace set by Republicans now, we are a full six months ahead of that schedule.

The Indiana nominee, Theresa Lazar Springmann, is currently a U.S. Magistrate Judge for the U.S. District Court for the Northern District of Indiana. She has the bipartisan support of her home State Senators. The fact that she is being confirmed to the district court months in advance of the vacancy arising demonstrates how cooperative the Senate is being. Only rarely has a nominee been confirmed in advance of a vacancy arising. The nominee is well regarded and supported by her home State Senators. I congratulate Judge Springmann and her family on her confirmation.

Mr. LUGAR. Mr. President, I rise today in support of Theresa Springmann who is being considered for a position on the United States District Court of Northern Indiana.

Early last year, Judge William Lee and Judge James Moody informed me of their decisions to assume senior status after distinguished careers of public service. Both of these individuals are remarkable leaders on the Federal bench, and I applaud their leadership to Indiana and to the legal profession.

Immediately upon hearing of these decisions, I notified the White House and was asked by the President to help find the most qualified candidates to fill these two important positions in Hammond and Fort Wayne. I took this role very seriously and selected the candidates who would best serve the Northern District of Indiana.

After sharing my selections with my friend and colleague Senator EVAN BAYH, I submitted the names and applications of three outstanding candidates to the White House for their consideration. The President recently selected Assistant United States Attorney Philip Simon and United States Magistrate Theresa Springmann.

Judge Theresa Springmann was the first woman to be made partner at

Spangler, Jennings & Dougherty, the largest law firm in Northwest Indiana. She followed up this distinction by becoming the first woman judicial officer in the Northern District of Indiana. Judge Springmann has served as a United States magistrate judge since March of 1995, where she has presided over 30 civil jury trials, 10 civil and criminal bench trials, and conducted over 300 settlement conferences for the district court.

She has received a number of high performance ratings throughout her tenure as a magistrate judge, including the A.V. rating from Martindale-Hubbell and the highest judicial rating from the Lake County Bar Association.

I believe that Theresa Springmann will demonstrate remarkable leadership to Northern Indiana and will appropriately uphold and defend our laws under the Constitution. I encourage my colleagues to support her nomination.

Mr. BINGAMAN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Theresa Lazar Springmann, of Indiana, to be United States District Judge for the Northern District of Indiana? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Missouri (Mr. BOND), the Senator from Ohio (Mr. DEWINE), and the Senator from Alaska (Mr. STEVENS) are necessarily absent.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from Hawaii (Mr. INOUE), the Senator from Massachusetts (Mr. KERRY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "aye."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 93, nays 0, as follows:

[Rollcall Vote No. 112 Ex.]

YEAS—93

Akaka	Chambliss	Feingold
Alexander	Clinton	Feinstein
Allard	Cochran	Fitzgerald
Allen	Coleman	Frist
Baucus	Collins	Graham (FL)
Bayh	Conrad	Graham (SC)
Bennett	Cornyn	Grassley
Biden	Corzine	Gregg
Bingaman	Craig	Hagel
Boxer	Crapo	Harkin
Breaux	Daschle	Hatch
Brownback	Dayton	Hollings
Bunning	Dodd	Hutchison
Burns	Dole	Inhofe
Byrd	Domenici	Jeffords
Campbell	Dorgan	Johnson
Cantwell	Durbin	Kennedy
Carper	Ensign	Kohl
Chafee	Enzi	Kyl

Landrieu	Murray	Sessions
Lautenberg	Nelson (FL)	Shelby
Leahy	Nelson (NE)	Smith
Levin	Nickles	Snowe
Lincoln	Pryor	Specter
Lott	Reed	Stabenow
Lugar	Reid	Sununu
McCain	Roberts	Talent
McConnell	Rockefeller	Thomas
Mikulski	Santorum	Voinovich
Miller	Sarbanes	Warner
Murkowski	Schumer	Wyden

NOT VOTING—7

Bond	Inouye	Stevens
DeWine	Kerry	
Edwards	Lieberman	

The nomination was confirmed.

The PRESIDING OFFICER. The President will be notified of the Senate's action.

The Senator from Utah.

NOMINATION OF MIGUEL A. ESTRADA, OF VIRGINIA, TO BE A UNITED STATES CIRCUIT JUDGE FOR THE DISTRICT OF COLUMBIA

Mr. BENNETT. Mr. President, I ask unanimous consent that the Senate now resume consideration of the Estrada nomination.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read the nomination of Miguel A. Estrada, of Virginia, to be United States Circuit Judge for the District of Columbia.

CLOTURE MOTION

Mr. BENNETT. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Executive Calendar No. 21, the nomination of Miguel A. Estrada to be United States Circuit Judge for the District of Columbia.

Bill Frist, Orrin G. Hatch, John Ensign, Sam Brownback, Jim Inhofe, Michael B. Enzi, Wayne Allard, Michael Crapo, Susan M. Collins, Robert F. Bennett, Pete V. Domenici, Conrad R. Burns, Kay Bailey Hutchison, John E. Sununu, Norm Coleman, Charles E. Grassley.

Mr. BENNETT. Mr. President, I ask unanimous consent that the mandatory quorum under rule XXII be waived and the Senate resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENNETT. For the information of all Senators, this cloture vote will occur on Wednesday. This will be the fourth cloture vote with respect to the Estrada nomination. Unfortunately, in my view, this will set a record for cloture votes relative to a nomination.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

MORNING BUSINESS

Mr. BENNETT. Mr. President, I ask unanimous consent that the Senate proceed to a period for morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

MOCKING PACIFIC ALLIES

Mr. CRAIG. Mr. President, last week, the Washington Post saw fit to print an article entitled "Many Willing, But Only A Few Are Able." Ostensibly about the U.S. and British-led force of the coalition now fighting in Iraq, the Post's article mocks the sovereign nations of the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau—three of our country's most steadfast allies in the Western Pacific. This is both offensive and undeserved. As Chairman of the Energy and Natural Resources Committee's subcommittee with responsibility for our relations with the freely associated states, I would like to set the record straight. In making this statement, I am speaking not only for myself but also on behalf of Senator DOMENICI, the chairman of the Energy and Natural Resources Committee. The citizens of these nations deserve better.

The Post would have its readers believe that these Pacific islands are nothing more than banana republics. This is not the case. It is obvious to me and anyone familiar with the special relationship between our Nations that the Post is unaware of the islands' historical significance and continued role in our national defense. The Post's failure to learn the most basic facts about our allies is sloppy and irresponsible.

These islands endured occupation by Japan under a League of Nation's Mandate and then saw some of the bloodiest fighting during World War II. It was the residents of these islands who endured the contests for Enewetak, Pelilieu, and Kwajalein.

After the War, the islands were placed under the United Nations' Trusteeship system. The United States brought self-government and the development of political institutions. The Congress of Micronesia rejected both integration with the United States and independence in favor of sovereignty and free association and Congress overwhelmingly ratified the Compacts of Free Association. An important aspect of that relationship is the ability of citizens of the freely associated states to attend the United States military academies and serve in the United States Armed Services.

As we speak, there are citizens of all three countries serving in Iraq in every branch of the U.S. military, ready to make the ultimate sacrifice.

Marshallese citizens are fighting with the 101st Airborne Division and the Third Infantry Division, in harm's way and approaching Baghdad. The Federated States of Micronesia has hundreds of its people on active duty. Indeed, the son of the current President of Micronesia, Leo Falcam, is a Lieutenant Colonel with the U.S. Marines and commands an air squadron in Okinawa. Clearly, the Marshall Islands and Micronesia are contributing to the war effort.

The Compact of Free Association has guided our relationship with these nations for nearly 20 years. During that time, these nations have been among our strongest allies in the United Nations and elsewhere. Their sons and daughters have known oppression and have volunteered to serve with our citizens to end despotism and terrorism. It is offensive to read articles like that published by the Washington Post that denigrate foreign nations and their citizens in an effort to ridicule President Bush and the administration.

The Post conveniently forgets the outrages committed by Saddam Hussein against the Kurds and the people of Iraq and now chooses to insult good and decent people who have the courage to stand with the United States.

As I said, I take issue with this article. So while the reporter and editor of the Post congratulate themselves on one more cheap and vulgar attack on the Administration, I would like to offer my apology to the thousands of citizens in our freely associated states. We owe them our gratitude for their commitment. The Post should be ashamed.

WOMEN'S HISTORY MONTH

Mr. SARBANES. Mr. President, I rise today in recognition of Women's History Month. This time has been appropriately designated to reflect upon the important contributions and heroic sacrifices that women have made to our Nation and to consider the challenges they continue to face. Throughout our history, women have been at the forefront of every important movement for a better and more just society, and they have been the foundation of our families and communities.

In Maryland, we are proud to honor those women who have given so much to improve our lives. Their achievements illustrate their courage and tenacity in conquering what others perceive as overwhelming obstacles. They include Harriet Elizabeth Brown, civil rights leader, teacher and principal. In the 1930s in Calvert County, she fought to eliminate pay disparities between white and black teachers. Another noteworthy Marylander was Anna Ella Carroll who served as an unofficial adviser and strategist to President Abraham Lincoln in her efforts to preserve the Union during the Civil War. We are all indebted to Rose Kushner, teacher, medical writer, and psychologist, who worked tirelessly as an advocate for

better screening and treatment of breast cancer. Their accomplishments and talent provide inspiration not only to the residents of Maryland, but to people all over the globe.

My good friend and colleague from Maryland, Senator BARBARA MIKULSKI, is a tremendous example of the commitment and dedication women give to public service. From her background as a social worker to her election to the U.S. Senate, Senator MIKULSKI, who has served longer than any other woman currently in the Senate, has always worked to ensure those in need receive the critical support services necessary for them to live independently and with dignity. She appropriately played a key role in establishing this month when in 1981, cosponsoring a resolution establishing National Women's History Week, a predecessor to Women's History Month. Today, I wish to honor her dedication and service to the people of Maryland and this Nation.

This Women's History Month is a fitting time to honor the women of the armed services and recognize the sacrifice they make for our country, especially in light of the unprecedented role women are playing in our military engagement in Iraq. Approximately 15 percent of all active duty personnel are women. From the American Revolution and the Civil War through modern day armed conflict, American women have made sacrifices along side their husbands, sons, brothers and fathers to preserve the freedom upon which this Nation was founded. At this time, we know that Army Specialist Shoshawna Johnson is being held as a POW in Iraq, and Private First Class Jessica Lynch is missing in action. We send our hopes and prayers for the safe return of these brave young women, and all of those serving our country, and want their families to know that our thoughts are with them during this very difficult time.

Women have made great strides in overcoming historic adversity and bias but they still face many obstacles. Unequal pay, poverty, inadequate access to healthcare and violent crime are among the challenges that continue to disproportionately affect women. While the most recent Census Bureau figures show that the percentage of women holding managerial jobs grew from one-third to a high of 46 percent since 1983, this figure has not improved since 2001. In addition, women continue to earn less than their male colleagues, earning only 77.5 percent of every dollar earned by men. Despite these obstacles, women push on. In recent years, the poverty rate for single women has declined and more women hold advanced degrees than ever before. Recent figures show that women received approximately 45 percent of law and 42 percent of medical degrees awarded in this country. This is a dramatic improvement from a few decades ago and should continue as more and more young women recognize their opportunities are limitless.

Indeed women continue to make great progress. As we highlight their accomplishments in history this month, I believe it is also important to educate present and future generations about gender discrimination so that we do not repeat past mistakes. During my service in Congress, I have strongly supported efforts to address women's issues and eradicate gender discrimination and inequality. These include cosponsoring the Paycheck Fairness Act, the Equity in Prescription Insurance and Contraceptive Coverage Act, and continually supporting an Equal Rights Amendment to the Constitution. I am proud of these efforts and I will continue my commitment to bring fuller equality to all women. I am confident that the women of America will continue to excel while continuing their role as advocates for those values and ideals which are at the heart of a decent, caring and fair society.

NEXT STEPS: MA AND PA METHAMPHETAMINE LABS

Mr. GRASSLEY. Mr. President, I rise today after hearing several reports of the continued problem of methamphetamine production in rural America. Law enforcement must dedicate more and more resources to the small, "ma and pa" meth labs. These small labs pose a threat not only because of the drugs they produce, but also the serious health and environmental risk caused by the production process.

In years past, methamphetamine production was controlled by skilled chemists or well-educated individuals who were paid significant amounts of money to manufacture the narcotic. Methamphetamine production at times took an entire day to produce. Today, with modern technology and the help of information readily available over the Internet, methamphetamine production can be accomplished within a very few hours. Production no longer takes a highly skilled individual or chemist. Recipes for producing meth can be downloaded off the Internet, complete with step-by-step instructions anyone can follow. These recipes use products available at any number of local retail outlets as ingredients, first reducing them to the needed chemical components and then recombining them to produce meth.

Small cooks, often producing only enough meth for themselves and a few friends, dominate the concerns of rural law enforcement organizations. Several of the narcotics task forces in Iowa report that while they believe over 80 percent of the meth within their jurisdiction comes from outside the State, they spend 80 percent of their time and resources on these small cooks. If we are going to get ahead of this problem, we must change this ratio.

Several years ago we took some important steps in limiting access to many of the precursors needed for meth production. These were good steps, and have proven somewhat effective. But more needs to be done.

Officers from the Southeast Iowa Task Force will tell you stories of suspects they have followed all over the county, stopping at each convenience store, supermarket, and drug store they passed to pick up as much cold medicine as they could. Not because they were sick, but because they needed the ephedrine in these drugs to cook meth. Sometimes it is purchased, but just as often it is stolen. These suspects were followed back to apartments, farm houses, motel rooms, or even deserted areas of gravel roads where the cold medicines were combined with other chemicals like starter fluid, anhydrous ammonia, and drain cleaner solvents for a "cook" of methamphetamine. This is all too common anyplace we find meth being cooked by amateurs using recipes off the Internet.

There are several different recipes for cooking meth. In rural areas, many of the small cooks use a receipt calling for anhydrous ammonia, which is a fertilizer readily available wherever farming occurs. Other recipes call for the use of red phosphorous, the common ingredient in emergency road flares. But all of these recipes need some form of ephedrine or pseudoephedrine, a common ingredient in cold medicine.

If we make it more difficult for meth cooks to acquire ephedrine, then it will be more difficult for them to manufacture this poison. Several proposals have been put forth by the DEA and others which would help control access to ephedrine products. Many of these have merit, and I hope we will continue to pursue these proposals.

One method that could be very effective would be to put products containing ephedrine or pseudoephedrine behind the counter, such as is currently done with cigarettes. Other proposals would increase the penalties for possession of excessive amounts of precursor chemicals for meth. Some quarters have suggested collecting names or even social security numbers for everyone who purchases products containing ephedrine or pseudoephedrine. Clearly, each of these proposed solutions brings its own set of challenges.

But new steps need to be taken. Spending 80 percent of the time on 20 percent of the problem is not a way to get ahead. Increasing the difficulty of getting the products needed to do a small "cook" of meth decreases the likelihood these "cooks" will take place at all. While none of these proposals will stop all of the ma and pa meth operations, the status quo is not acceptable. Our cops are being overwhelmed, and our kids are dying—we cannot remain silent.

SUPPORT FOR NATO EXPANSION

Ms. LANDRIEU. Mr. President, on March 26, NATO signed the Protocols on the Accession of Bulgaria, Estonia, Latvia, Lithuania, Slovakia, Slovenia, and Romania. This is an important step toward the full membership in

NATO for these countries. Soon, the Senate will debate whether to approve admission for these seven new and vibrant democracies. These countries have thrown off the shackles of communism. They are pressing forward, and I am confident their admission to NATO will only make that great alliance stronger and more robust.

The enlargement process presents a historic opportunity for NATO to strengthen security and peace, as well as a significant step toward fulfilling the vision of a Europe whole and free. The new members have proved willing and capable of adding value to NATO's missions, and they strongly reinforce the importance of a trans-Atlantic link.

The aspirant members have long contributed to NATO and allied missions, and they will bolster similar NATO and allied operations in the future. They have provided logistical support and troops in combat or peace support missions in Western Balkans, Afghanistan, and Iraq. Romania, for example, currently has over 1,300 troops engaged in allied missions, including a combat battalion that carries out operations shoulder to shoulder with U.S. forces in Afghanistan, and a NBC unit in Iraq. Additionally, the Romanian Government will shelter up to 1,500 war refugees from Iraq if needed. Romania and Bulgaria are currently providing host nation support at the Black Sea airbase and seaport bases. Moreover, Slovakia and the Baltic countries have provided peacekeeping troops, air surveillance support, as well as NBC specialists.

I look forward to the debate in the U.S. Senate on ratification of the protocols for NATO expansion. NATO expansion will prove beneficial to those countries seeking entrance to NATO and the those countries already in the alliance.

TRIBUTE TO GENERAL WALLACE M. GREENE, JR.

Mr. JEFFORDS. Mr. President, I rise today to mourn the passing on March 8, 2003, of GEN Wallace M. Greene, Jr., of Waterbury, VT. General Greene served with distinction as Commandant of the Marine Corps from 1964 until he retired in 1967.

General Greene was born on December 27, 1907, in Waterbury, a small city in central Vermont. He began his academic career at the University of Vermont, and after one year he entered the armed forces at the U.S. Naval Academy, Annapolis, MD, graduating in 1930, commissioned as a Second Lieutenant.

After Annapolis, General Greene first assignment was the Philadelphia Navy Yard and from there, his career took him to Portsmouth, NH; San Diego, CA; on board the battleship USS *Tennessee*; Quantico, VA; and Guantanamo Bay, Cuba. During World War II, General Greene took part in planning the invasion of the Marshall Islands in 1943

and, in 1944, in the Saipan and Tinian operations.

After the war, General Greene returned to the Marine Corps Headquarters and in 1953, he graduated from the National War College, after which he served as Special Assistant to the Joints Chiefs of Staff for National Security Affairs. Beginning in 1955, he commanded the bases at Parris Island, SC, and Camp Lejeune, NC. After holding the post of Deputy Chief of Staff for Plans, General Greene earned his third star in 1960 and became Chief of Staff. In 1964, after his promotion General, he became Commandant of the Marine Corps.

During General Greene's career, he earned myriad citations, commendations, and awards including the Distinguished Service Medal, with one gold star, and prestigious medals from the governments of China, Korea, Brazil, and Vietnam.

I have come to the Senate floor on many occasions to extol Vermonters' contributions to the United States and to our military forces. General Wallace Greene served his country and his people with honor, pride, and dignity. General Greene will be laid to rest at Arlington National Cemetery on Thursday, April 3, 2003, among the many other Americans who have dedicated their lives to public service in the Armed Forces.

ANNIVERSARY OF TUNISIAN INDEPENDENCE

Mr. LUGAR. Mr. President, I rise to recognize the 47th anniversary of Tunisian independence. On March 20, 1956, Tunisia took its place among the free nations of the modern era.

Shortly after Tunisia's independence, in 1957, the United States stood by Tunisia in a challenging post-independence environment. Through the pledge of economic and technical assistance, the United States helped Tunisia to achieve its national goal of a self-confident and self-sustaining modern nation.

Through the vicissitudes of history Tunisia has sustained the hardness of its Berber forebears as Roman, Vandal, Moor and Ottoman Empires have come and gone. Each has left its cultural mark, but today Tunisia stands independent, and proud of its history. Today, Tunisia has shown its commitment to democratic ideals as a leader in the Arab world in promoting the legal and social status of women.

In this its 47th anniversary of independence, Tunisia and the United States can look back on a much longer and more important relationship. In 1797 Tunisia was among the first countries to recognize the nascent United States of America. This recognition enabled America to make its way in the international community. In the 21st century, Tunisia has also shown support for the United States in the war against terrorism, and our two nations should seek ways to enhance cooperation.

Congratulations on your 47 years of independence, and may you find that each subsequent year brings further peace and prosperity to Tunisia.

ADDITIONAL STATEMENTS

HONORING THE LIFE OF PHIL KAUBLE

• Mr. BAYH. Mr. President, I rise today to honor the life of a fellow Hoosier, Phil Kauble, who passed away on March 24, 2003.

Phil Kauble worked and lived in Kokomo, IN. He was the kind of man who helped to define that hard-working community. Phil was first a steelworker, and later in life a dedicated crusader for pension reform.

Those of us who knew Phil were inspired by his commitment to the cause of pension reform. After his career as a steelworker, Phil became dedicated to protecting retired steelworkers by fighting to correct a discrepancy in the pension laws that had hurt him and others when Continental Steel closed its Kokomo mill in the 1980s.

Phil was tireless in his work to correct this problem. For over 20 years he displayed an unwavering commitment to help his fellow retired steelworkers and his community by making the pension system fairer. One of the many consequences of his determination is legislation I have authored to require improved notification procedures by the Pension Benefit Guaranty Corporation, PBGC, a Federal agency that oversees the maintenance of benefit pension plans, fondly referred to as "Phil's Bill."

Phil never gave up the fight. All who knew him were very proud of his many contributions. Phil always believed in the promise of America and the difference one man can make. He truly made a difference. Later today, I will be reintroducing "Phil's Bill." I know that he would insist that we push on. That is what we intend to do.

Phil Kauble showed us that one person can make a difference. His own life experience led to an extraordinary commitment to correct a serious gap in the pension system and to help his fellow citizens. His tenacity and idealism will be missed.

When we reflect upon the lives of men such as Phil Kauble, we are reminded that we live in a country where the true power to shape the destiny of government is vested in the people. We will all miss Phil deeply, but his memory will serve as a beacon and his life as an example of the virtues of civic involvement.●

RETIREMENT OF ADJUTANT GENERAL BOENISCH

• Mr. THOMAS. Mr. President, I rise today to pay tribute to a man from my home state of Wyoming who has dedicated his life to public service. The Wyoming National Guard has been ex-

tremely fortunate to have MG Edmond W. Boenisch, Jr., to head its ranks for the last 8 years. As the adjutant general for the State of Wyoming, Ed has been responsible for managing Wyoming's Air National Guard and Army National Guard through over 500 deployments around the world and insuring that our citizen soldiers are highly motivated and properly prepared to meet any challenge. No leader can expect to maintain consistently high performance under stress and challenging conditions if the people he leads do not have confidence in him. I believe that the Wyoming Guard's success is a reflection of General Boenisch's personal commitment and dedication to the personnel under his command.

Through 20 years of service, General Boenisch has brought leadership to Wyoming's National Guard. Raised in a home of solid faith and the son of a drill instructor, Ed learned early to value self-discipline and moral conviction. Through his life and over 30 years of marriage, Ed and his wife Linda have shared their strong faith with their family. The challenges of raising two daughters, Laura and Lisa, and an ever demanding career have not shaken Ed and Linda's compass for God, family, and country. As Eucharistic Ministers, they both share their spirituality and are vital members of their church and community.

I would be doing a great disservice if I did not mention Ed's strong ties to the Wyoming education community. Before becoming adjutant general, Ed spent 20 years working in a variety of positions in Laramie County Community College. With a master's degree in student personnel and guidance and a PhD in college student personnel administration, Ed has written several books on stress management. After such a long and distinguished career, I can attest that General Boenisch knows a thing or two about managing stress.

Although we will miss General Boenisch, I am proud that he will continue his public service as deputy director for the Wyoming Community College Commission. As a warrior and a scholar, I know that Gen. Edmond W. Boenisch, Jr. will continue after this post to be a vital asset to our State. I would like to thank Ed on behalf of the people of Wyoming for his years of service and wish him success on the next stage of his career.●

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. GRASSLEY, from the Committee on Finance:

Special Report entitled "Report on the Activities of the Committee on Finance of the United States Senate During the 107th Congress" (Rept. No. 108-31).

By Mr. WARNER, from the Committee on Armed Services:

Special Report entitled "Report on the Activities of the Committee on Armed Services" (Rept. No. 108-32).

NOMINATION DISCHARGED

As in executive session, I ask unanimous consent that the Small Business committee be discharged from further consideration of Harry Damelin, to be Inspector General for the Small Business Administration; I further ask consent that the nomination be referred to the Governmental Affairs committee as under a previous agreement, the nomination then be immediately discharged; further the Senate proceed to its consideration, the nomination be confirmed, and the motion to reconsider be laid upon the table; finally, I ask consent that the President be immediately notified of the Senate's action and the Senate then resume legislative session.

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. DASCHLE (for Mr. EDWARDS):

S. 743. A bill to designate a building that houses the operations of the University Park United States Postal Service in Charlotte, North Carolina, as the "Jim Richardson Post Office Building"; to the Committee on Governmental Affairs.

By Mr. BAYH:

S. 744. A bill to amend the Employee Retirement Income Security Act of 1974 to require the Pension Benefit Guaranty Corporation to notify plan participants and beneficiaries of the commencement of proceedings to terminate such plan; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. FEINSTEIN:

S. 745. A bill to require the consent of an individual prior to the sale and marketing of such individual's personally identifiable information, and for other purposes; to the Committee on the Judiciary.

By Mrs. FEINSTEIN (for herself and Mr. KYL):

S. 746. A bill to prevent and respond to terrorism and crime at or through ports; to the Committee on Commerce, Science, and Transportation.

By Mr. WARNER (for himself and Mr. LEVIN) (by request):

S. 747. A bill to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2004, and for other purposes; to the Committee on Armed Services.

By Mr. SANTORUM (for himself, Mr. GRAHAM of Florida, and Mr. INHOFE):

S. 748. A bill to amend the Internal Revenue Code of 1986 to make inapplicable the 10 percent additional tax on early distributions from certain pension plans of public safety employees; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SPECTER:

S. Res. 101. A resolution calling for the prosecution of Iraqis and their supporters for war crimes, and for other purposes; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 50

At the request of Mr. JOHNSON, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 50, a bill to amend title 38, United States Code, to provide for a guaranteed adequate level of funding for veterans health care, and for other purposes.

S. 68

At the request of Mr. INOUE, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 68, a bill to amend title 38, United States Code, to improve benefits for Filipino veterans of World War II, and for other purposes.

S. 85

At the request of Mr. LUGAR, the names of the Senator from Pennsylvania (Mr. SANTORUM) and the Senator from Hawaii (Mr. AKAKA) were added as cosponsors of S. 85, a bill to amend the Internal Revenue Code of 1986 to provide for a charitable deduction for contributions of food inventory.

S. 140

At the request of Mrs. FEINSTEIN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 140, a bill to amend the Higher Education Act of 1965 to extend loan forgiveness for certain loans to Head Start teachers.

S. 157

At the request of Mr. CORZINE, the names of the Senator from Iowa (Mr. HARKIN), the Senator from Massachusetts (Mr. KERRY) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. 157, a bill to help protect the public against the threat of chemical attacks.

S. 226

At the request of Mr. BIDEN, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of 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.

S. 238

At the request of Mr. REED, the name of the Senator from North Carolina (Mr. EDWARDS) was added as a cosponsor of S. 238, a bill to reauthorize the Museum and Library Services Act, and for other purposes.

S. 249

At the request of Mrs. CLINTON, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 249, a bill to amend title 38, United States Code, to provide that remarriage of the surviving spouse of a deceased veteran after age 55 shall not result in termination of dependency and indemnity compensation otherwise payable to that surviving spouse.

S. 271

At the request of Mr. SMITH, the name of the Senator from Nebraska

(Mr. HAGEL) was added as a cosponsor of S. 271, a bill to amend the Internal Revenue Code of 1986 to allow an additional advance refunding of bonds originally issued to finance governmental facilities used for essential governmental functions.

S. 303

At the request of Mr. HATCH, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 303, a bill to prohibit human cloning and protect stem cell research.

S. 338

At the request of Mr. LAUTENBERG, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 338, a bill to protect the flying public's safety and security by requiring that the air traffic control system remain a Government function.

S. 349

At the request of Mrs. FEINSTEIN, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 349, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 358

At the request of Mrs. LINCOLN, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 358, a bill to amend the Internal Revenue Code of 1986 to modify the credit for the production of fuel from non-conventional sources for the production of electricity to include landfill gas.

S. 359

At the request of Mrs. LINCOLN, the names of the Senator from Utah (Mr. HATCH) and the Senator from Florida (Mr. NELSON) were added as cosponsors of S. 359, a bill to amend the Internal Revenue Code of 1986 to modify the credit for the production of electricity to include electricity produced from municipal solid waste.

S. 363

At the request of Ms. MIKULSKI, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 363, a bill to amend title II of the Social Security Act to provide that the reductions in social security benefits which are required in the case of spouses and surviving spouses who are also receiving certain Government pensions shall be equal to the amount by which two-thirds of the total amount of the combined monthly benefit (before reduction) and monthly pension exceeds \$1,200, adjusted for inflation.

S. 380

At the request of Ms. COLLINS, the names of the Senator from Utah (Mr. HATCH), the Senator from Nebraska (Mr. HAGEL) and the Senator from Kentucky (Mr. BUNNING) were added as cosponsors of S. 380, a bill to amend chapter 83 of title 5, United States Code, to reform the funding of benefits under the Civil Service Retirement System for employees of the United States Postal Service, and for other purposes.

S. 392

At the request of Mr. REID, the names of the Senator from Nevada (Mr. ENSIGN) and the Senator from Arkansas (Mr. PRYOR) were added as cosponsors of S. 392, a bill to amend title 10, United States Code, to permit retired members of the Armed Forces who have a service-connected disability to receive both military retired pay by reason of their years of military service and disability compensation from the Department of Veterans Affairs for their disability.

S. 423

At the request of Ms. COLLINS, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 423, a bill to promote health care coverage parity for individuals participating in legal recreational activities or legal transportation activities.

S. 505

At the request of Mr. HATCH, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 505, a bill to amend the Internal Revenue Code of 1986 to encourage and accelerate the nationwide production, retail sale, and consumer use of new motor vehicles that are powered by fuel cell technology, hybrid technology, battery electric technology, alternative fuels, or other advanced motor vehicle technologies, and for other purposes.

S. 537

At the request of Mr. CRAPO, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 537, a bill to ensure the availability of spectrum to amateur radio operators.

S. 545

At the request of Ms. SNOWE, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. 545, a bill to amend title I of the Employee Retirement Income Security Act of 1974 to improve access and choice for entrepreneurs with small businesses with respect to medical care for their employees.

S. 547

At the request of Mr. DURBIN, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 547, a bill to encourage energy conservation through bicycling.

S. 569

At the request of Mr. ENSIGN, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of S. 569, a bill to amend title XVIII of the Social Security Act to repeal the medicare outpatient rehabilitation therapy caps.

S. 589

At the request of Mr. AKAKA, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 589, a bill to strengthen and improve the management of national security, encourage Government service in areas of critical national security,

and to assist government agencies in addressing deficiencies in personnel possessing specialized skills important to national security and incorporating the goals and strategies for recruitment and retention for such skilled personnel into the strategic and performance management systems of Federal agencies.

S. 595

At the request of Mr. HATCH, the names of the Senator from Florida (Mr. NELSON) and the Senator from Virginia (Mr. WARNER) were added as cosponsors of S. 595, a bill to amend the Internal Revenue Code of 1986 to repeal the required use of certain principal repayments on mortgage subsidy bond financings to redeem bonds, to modify the purchase price limitation under mortgage subsidy bond rules based on median family income, and for other purposes.

S. 608

At the request of Mr. REED, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 608, a bill to provide for personnel preparation, enhanced support and training for beginning special educators, and professional development of special educators, general educators, and early intervention personnel.

S. 609

At the request of Mr. LEAHY, the name of the Senator from Florida (Mr. GRAHAM) was added as a cosponsor of S. 609, a bill to amend the Homeland Security Act of 2002 (Public Law 107-296) to provide for the protection of voluntarily furnished confidential information, and for other purposes.

S. 647

At the request of Mr. KENNEDY, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 647, a bill to amend title 10, United States Code, to provide for Department of Defense funding of continuation of health benefits plan coverage for certain Reserves called or ordered to active duty and their dependents, and for other purposes.

S. 678

At the request of Mr. AKAKA, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 678, a bill to amend chapter 10 of title 39, United States Code, to include postmasters and postmasters organizations in the process for the development and planning of certain policies, schedules, and programs, and for other purposes.

S. 704

At the request of Ms. COLLINS, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 704, a bill to amend title 10, United States Code, to increase the amount of the death gratuity payable with respect to deceased members of the Armed Forces.

S. 728

At the request of Mr. COLEMAN, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of

S. 728, a bill to reimburse the airline industry for homeland security costs, and for other purposes.

S. 731

At the request of Mr. BIDEN, the names of the Senator from Ohio (Mr. DEWINE) and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of S. 731, a bill to prohibit fraud and related activity in connection with authentication features, and for other purposes.

S. 737

At the request of Mr. DURBIN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 737, a bill to amend title 37, United States Code, to increase the rate of imminent danger special pay and the amount of the family separation allowance.

S. RES. 52

At the request of Mr. CAMPBELL, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. Res. 52, a resolution recognizing the social problem of child abuse and neglect, and supporting efforts to enhance public awareness of the problem.

S. RES. 82

At the request of Mr. BROWNBACK, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. Res. 82, a resolution expressing the sense of the Senate concerning the continuous repression of freedoms within Iran and of individual human rights abuses, particularly with regard to women.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DASCHLE (for Mr. EDWARDS):

S. 743. A bill to designate a building that houses the operations of the University Park United States Postal Service in Charlotte, North Carolina, as the "Jim Richardson Post Office Building"; to the Committee on Governmental Affairs.

Mr. DASCHLE. Mr. President, I rise today to introduce the "James F. Richardson Post Office Act of 2003." This measure would name the University Park Post Office in Charlotte, NC, after a man who has come to mean so much to the City of Charlotte, Mecklenburg County and the State of North Carolina. His record of public service goes back 60 years.

A Charlotte native, Jim Richardson graduated from Second War High School, the only high school in the area African Americans were allowed to attend. In a separate and unequal society he learned early on the importance of character and serving the public good. Our World War II veterans are said to be the greatest generation. As part of that generation Jim Richardson entered the United States Navy and served our country honorably in the South Pacific theater during World War II. It is with character and a deep

and abiding hope for a better future that a man such as Jim Richardson fought for his country only to return to a society that did not afford all that was allowed them under the Constitution of the United States.

After the war, Jim returned to Charlotte and entered Johnson C. Smith University. He graduated with a degree in Physical Education and minored in General Sciences. His Post Office career began in 1949 as a postal clerk in Charlotte. With the railroads still being the dominant form of transporting the mail, Jim transferred to the Railway Postal Service. When he returned to the Charlotte Post Office years later he had risen through the ranks to having held several supervisory positions. With 33 years of service in the Federal Government, he retired as the US Postmaster in Mt. Holly, NC.

Now, that would be a full career for most individuals. What I have not mentioned is that Jim Richardson was an elected official having served distinguishably in both the North Carolina State House and State Senate. It was here that this man whose family taught him the mantra "do good for others and goodness will return to you" continued his advocacy for those who needed it most. These were often the poor, minorities and the elderly. Jim's legislative record reflected his life's experiences. When he retired from the State Senate, he was a role model for elected officials of both parties. I include myself as being one who looks to Jim Richardson not on the issues of the day, but on the manner in which we conduct ourselves in the daily business of serving the people who elected us.

Again, you would think this would be enough public service for most people. Not for Jim. He returned from the State Legislature to Charlotte and was elected as a Mecklenburg County Commissioner. I came to know him during this his third career. When I called on him for advice and counsel, he opened the wealth of his life's experiences to me. He also opened his home where I stayed during my campaign for the Senate seat. I learned from the man and about him. He and his wife Mary are revered for so many of their contributions to the community. Chief among them is their work on HIV/AIDS awareness among young people. Their hope is to save lives and spare families the experience of losing a loved one to this dreaded disease.

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

S. 743

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF JIM RICHARDSON POST OFFICE BUILDING.

The building that houses operations of the University Park United States Postal Service, located at 2127 Beattys Ford Road, in Charlotte, North Carolina (or any other building to which the University Park United States Postal Service may relocate

after the date of enactment of this Act), shall be known and designated as the "Jim Richardson Post Office Building".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the annex to the building referred to in section 1 shall be deemed to be a reference to the Jim Richardson Post Office Building.

By Mrs. FEINSTEIN:

S. 745. A bill to require the consent of an individual prior to the sale and marketing of such individual's personally identifiable information, and for other purposes; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I am pleased to introduce the "Privacy Act of 2003."

This legislation would establish, for the first time, a comprehensive national system of privacy protection.

It would: require companies to gain consumers' written consent prior to selling their most sensitive personal information including personal health information, financial information, Social Security numbers, and drivers' license data; and require companies to provide consumers' notice and an opportunity to refuse to allow their less sensitive personal information to be sold.

Simply put, this legislation would give consumers more control over how their personal information is used.

The personal information of today's consumer is too vulnerable to abuse. With access to sensitive data so widely available—often just at the touch of a keyboard—it is easy to understand why identity theft has become one of the country's fastest growing crimes.

Recent statistics on the growth of identity theft suggest we have no time to waste in protecting personal privacy.

Identity theft is the number one consumer complaint reported to the Federal Trade Commission. 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.

An estimated 700,000 cases of identity theft occur each year. The average victim spends an average of 175 hours over a two-year period clearing off an average of \$17,000 fraud off their credit reports.

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.

While modern technology has increased the threat to personal security and privacy, the protections for individual privacy have not kept pace. Our country's privacy laws form an incomplete and inconsistent patchwork.

For example, Americans enjoy the highest level of privacy protection concerning the names of the movies they rent at a video store. But, at the same time, it is perfectly legal to sell another person's Social Security number over the Internet.

The Privacy Act would establish a Federal privacy standard that adjusts the level of privacy protection according to the sensitivity of the information at issue.

The legislation provides the highest level of protection for a person's most sensitive data—personal financial data, health data, driver's license information, and Social Security numbers.

For this sensitive data, the bill gives the individual ultimate control over whether or not his or her information is shared. If an individual does not actively decide to permit sharing of personal data, the data is not disclosed.

Specifically, this legislation tightens the privacy provisions of the Financial Services Modernization Act, commonly known as the Gramm-Leach-Bliley Act. Under Gramm-Leach-Bliley, a bank can share a customer's personal information with other companies so long as it gives consumers notice and the right to opt-out of the data sharing.

The problem with opt-out is that most people toss out their privacy notices from banks along with the rest of the unrelenting pile of commercial solicitations they receive. Since the passage of Gramm-Leach-Bliley, banks have sent out over one billion privacy notices.

According to available published information, fewer than 5 percent of bank customers have opted out of sharing their personal information, and for many financial institutions, the response rate has been less than one percent.

It is not surprising that consumers do not respond overwhelmingly to these notices, since, by some estimates, the average American household received a dozen of these notices. A consumer should not have the burden of constantly monitoring how his or her most sensitive personal information is shared with other companies.

Accordingly, the Privacy Act prohibits the sale or disclosure of sensitive personal financial information to third parties unless the consumer affirmatively consents or opts in.

This legislation also toughens Federal financial privacy laws for affiliate sharing and joint marketing. An affiliate is a company that is linked by common ownership with another company. Under Federal law, a bank can share with affiliates or joint marketing partners regardless of whether the consumer wants this information shared.

The Privacy Act of 2003 would require that banks give consumers the option of opting out of the sharing of their personal financial information with the bank's affiliates or joint partners.

Some banks argue that affiliates are just branches of an organization, and a bank should for efficiency purposes be able to share data within the entire organization. In an era where a bank had one or two affiliates, that might be true.

But, now, some companies are so big that if a customer has no control over

affiliate sharing, then the customer is unable to prevent the disclosure of their data to hundreds of companies. For example, in recent testimony before Congress, U.S. PIRG reported that Citibank has 2,761 affiliates, Key Bank had 871 affiliates, and Bank of America has 1,576 affiliates.

Similarly, a customer must be able to restrict a bank's sharing of personal information with its joint venture partners if the customer wants to maintain control over his personal information.

I would also like to describe several other key components of the financial privacy section.

The bill prohibits banks from denying a customer a financial product or financial service just because the customer chooses to not disclose his personal information to third parties, affiliates, or joint venture partners. However, the bill does allow banks to offer incentives to customers to encourage them to permit the sharing of their personal information.

Additionally, the bill permits banks to disclose, but not sell, personal information to third parties for vital public interest purposes such as identifying or locating missing and abducted children, witnesses, criminals and fugitives, parents delinquent in child support payments, organ and bone marrow donors, pension fund beneficiaries, and missing heirs.

Just as with financial data, personal health data deserves the most stringent privacy protections.

The recently adopted Department of Health and Human Services privacy regulations set a basic opt-in framework for disclosure of health information. But more can be done to protect patient privacy.

The regulations only prohibit "covered entities"—namely health insurers, health providers, and health care clearinghouses—from selling a patient's health information without that patient's prior consent.

Meanwhile, non-covered entities such as business associates, health researchers, schools or universities, and life insurers are not subject to this opt-in requirement, except through contractual arrangements.

This legislation would preserve the privacy of health information wherever the information is sold. Any business associate, life insurer, school or non-covered entity trying to sell or market protected health information would, like covered entities, have to get the patient's prior consent.

Drivers' license data also is given the strongest level of protection under this bill.

With its recent amendments, the Driver's Privacy Protection Act, DPPA, offers some meaningful protections for drivers privacy.

For example, under the DPPA, a State Department of Motor Vehicles must obtain the prior consent, Opt-in, of the driver before "highly sensitive information"—defined as the driver's

photograph, image, Social Security number, medical or disability information—can be disclosed to a third party.

However, loopholes remain. Other sensitive information found on a driver's license deserves equal protection.

The Privacy Act would expand the definition of "highly sensitive information" to include a physical copy of a driver's license, the driver identification number, birth date, information on the driver's physical characteristics and any biometric identifiers, such as a fingerprint, that are found on the driver's license.

Thus, this bill would ensure consumers have control over how their motor vehicle records and driver's license data are used.

I would like to take a moment to highlight the Social Security number section of the privacy bill, which reflects over four years of negotiation with Senator HATCH, Senator GREGG, Senator GRASSLEY, Senator BAUCUS, and other Senate colleagues. I have also introduced this section as a standalone bill, Senate bill 228.

It is crucial to protect Social Security numbers because the numbers are the key to a person's identity. Many identity theft cases start with the theft of a Social Security number. Once a thief has access to a victim's Social Security number, it is only a short step to acquiring credit cards, driver's licenses, or other crucial identification documents.

Not surprisingly, members of the public have flooded our Federal agencies with pleas for assistance. Reports to the Social Security Administration of Social Security number misuse have increased from 7,868 in 1997 to 73,000 in 2002—an astonishing increase of over 800%.

The Feinstein/Gregg compromise bars the sale or display of Social Security numbers to the public except in a very narrow set of circumstances.

Display or sale is permitted if the Social Security number holder consents or if there are compelling public safety needs.

Government entities will have to redact Social Security numbers from electronic records that are readily available to the public on the Internet.

Moreover, State governments will no longer be permitted to use the Social Security number as the default driver's license number.

The legislation, however, recognizes that some industries rely on Social Security numbers to exchange information between databases and complete identification verification necessary for certain transactions.

Thus, the bill directs the Attorney General to develop regulations allowing for the sale or purchase of Social Security Numbers to facilitate business-to-business and business-to-government transactions so long as businesses put appropriate safeguards in place and do not permit public access to the number.

Recognizing that not all personal information merits the same restric-

tions, the bill permits businesses to collect and sell nonsensitive personal information, *e.g.*, name, phone number, address, to third parties so long as they give customers notice and the opportunity to opt-out of the sale.

The opt-out standard for non-sensitive information means that if a person fills out a warranty card, signs up for a computer service, or submits an entry for a sweepstakes, the business must notify him before it sells his personal information to other businesses or marketers.

This framework guarantees basic privacy protections for consumers without unduly impacting commerce.

To further minimize the regulatory burden of these privacy rules, the bill sets up a safe harbor so that industries and industry-sponsored seal programs which have already adopted Notice-and-Opt Out information policies, will be exempt from the regulatory requirements of the legislation.

To ensure uniformity of the laws across all 50 states, the bill preempts inconsistent state laws regarding the treatment of non-sensitive information.

A jumbled patchwork of State privacy laws helps neither businesses nor consumers. Consumers will have confused expectations about what information is protected.

Another distinguishing characteristic of the Privacy Act of 2003 is that it protects the privacy of information regardless of the medium through which it is collected.

Other privacy proposals have tried to confine privacy legislation to the Internet.

These proposals unfairly discriminate against high technology users. Put simply, companies and other entities can misuse personal information from off-line sources just as easily as with on-line sources.

For example, telemarketers who besiege consumers with phone calls during the dinner hour do not typically get customer information from the Internet. Much of the identifying information used to make these calls comes from consumers filling out and mailing back warranty and registration cards.

Regardless of how information is collected, it should get equal protection.

This legislation codifies steps Congress can take to protect citizens from identity thieves and other predators of personal information.

It restores to an individual more control over his or her most sensitive personal information such as Social Security numbers, health information, and financial information. It also sets reasonable guidelines for businesses that handle our personal information every day.

A byproduct of our information economy—personal information is much more vulnerable to exploitation than ever before.

Every American has a fundamental right to privacy, no matter how fast our technology grows or changes. A

person should be able to have control over how their most sensitive personal information is used.

But our right to privacy only will remain vital, if we take strong action to protect it.

I ask unanimous consent that the text of the legislation be printed in the RECORD.

I look forward to working with my colleagues to enact the Privacy Act of 2003.

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

S. 745

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 “Privacy Act of 2003”.

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

Sec. 1. Short title; table of contents.

TITLE I—COMMERCIAL SALE AND MARKETING OF PERSONALLY IDENTIFIABLE INFORMATION

Sec. 101. Collection and distribution of personally identifiable information.

Sec. 102. Enforcement.

Sec. 103. Safe harbor.

Sec. 104. Definitions.

Sec. 105. Preemption.

Sec. 106. Effective Date.

TITLE II—SOCIAL SECURITY NUMBER MISUSE PREVENTION

Sec. 201. Findings.

Sec. 202. Prohibition of the display, sale, or purchase of social security numbers.

Sec. 203. Application of prohibition of the display, sale, or purchase of social security numbers to public records.

Sec. 204. Rulemaking authority of the Attorney General.

Sec. 205. Treatment of social security numbers on government documents.

Sec. 206. Limits on personal disclosure of a social security number for consumer transactions.

Sec. 207. Extension of civil monetary penalties for misuse of a social security number.

Sec. 208. Criminal penalties for the misuse of a social security number.

Sec. 209. Civil actions and civil penalties.

Sec. 210. Federal injunctive authority.

TITLE III—LIMITATIONS ON SALE AND SHARING OF NONPUBLIC PERSONAL FINANCIAL INFORMATION

Sec. 301. Definition of sale.

Sec. 302. Rules applicable to sale of nonpublic personal information.

Sec. 303. Exceptions to disclosure prohibition.

Sec. 304. Conforming amendments.

Sec. 305. Regulatory authority.

Sec. 306. Effective date.

TITLE IV—LIMITATIONS ON THE PROVISION OF PROTECTED HEALTH INFORMATION

Sec. 401. Definitions.

Sec. 402. Prohibition against selling protected health information.

Sec. 403. Authorization for sale or marketing of protected health information by noncovered entities.

Sec. 404. Prohibition against retaliation.

Sec. 405. Rule of construction.

Sec. 406. Regulations.

Sec. 407. Enforcement.

TITLE V—DRIVER'S LICENSE PRIVACY

Sec. 501. Driver's license privacy.

TITLE VI—MISCELLANEOUS

Sec. 601. Enforcement by State Attorneys General.

Sec. 602. Federal injunctive authority.

TITLE I—COMMERCIAL SALE AND MARKETING OF PERSONALLY IDENTIFIABLE INFORMATION

SEC. 101. COLLECTION AND DISTRIBUTION OF PERSONALLY IDENTIFIABLE INFORMATION.

(a) **PROHIBITION.**—

(1) **IN GENERAL.**—It is unlawful for a commercial entity to collect personally identifiable information and disclose such information to any nonaffiliated third party for marketing purposes or sell such information to any nonaffiliated third party, unless the commercial entity provides—

(A) notice to the individual to whom the information relates in accordance with the requirements of subsection (b); and

(B) an opportunity for such individual to restrict the disclosure or sale of such information.

(2) **EXCEPTION.**—A commercial entity may collect personally identifiable information and use such information to market to potential customers such entity's product.

(b) **NOTICE.**—

(1) **IN GENERAL.**—A notice under subsection (a) shall contain statements describing the following:

(A) The identity of the commercial entity collecting the personally identifiable information.

(B) The types of personally identifiable information that are being collected on the individual.

(C) How the commercial entity may use such information.

(D) A description of the categories of potential recipients of such personally identifiable information.

(E) Whether the individual is required to provide personally identifiable information in order to do business with the commercial entity.

(F) How an individual may decline to have such personally identifiable information used or sold as described in subsection (a).

(2) **TIME OF NOTICE.**—Notice shall be conveyed prior to the sale or use of the personally identifiable information as described in subsection (a) in such a manner as to allow the individual a reasonable period of time to consider the notice and limit such sale or use.

(3) **MEDIUM OF NOTICE.**—The medium for providing notice must be—

(A) the same medium in which the personally identifiable information is or will be collected, or a medium approved by the individual; or

(B) in the case of oral communication, notice may be conveyed orally or in writing.

(4) **FORM OF NOTICE.**—The notice shall be clear and conspicuous.

(c) **OPT-OUT.**—

(1) **OPPORTUNITY TO OPT-OUT OF SALE OR MARKETING.**—The opportunity provided to limit the sale of personally identifiable information to nonaffiliated third parties or the disclosure of such information for marketing purposes, shall be easy to use, accessible and available in the medium the information is collected, or in a medium approved by the individual.

(2) **DURATION OF LIMITATION.**—An individual's limitation on the sale or marketing of personally identifiable information shall be considered permanent, unless otherwise specified by the individual.

(3) **REVOCATION OF CONSENT.**—After an individual grants consent to the use of that individual's personally identifiable information, the individual may revoke the consent at any time, except to the extent that the commercial entity has taken action in reliance thereon. The commercial entity shall provide the individual an opportunity to revoke consent that is easy to use, accessible, and available in the medium the information was or is collected.

(4) **NOT APPLICABLE.**—This section shall not apply to disclosure of personally identifiable information—

(A) that is necessary to facilitate a transaction specifically requested by the consumer;

(B) is used for the sole purpose of facilitating this transaction; and

(C) in which the entity receiving or obtaining such information is limited, by contract, to use such information for the purpose of completing the transaction.

SEC. 102. ENFORCEMENT.

(a) **IN GENERAL.**—In accordance with the provisions of this section, the Federal Trade Commission shall have the authority to enforce any violation of section 101 of this Act.

(b) **VIOLATIONS.**—The Federal Trade Commission shall treat a violation of section 101 as a violation of a rule under section 18a(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).

(c) **TRANSFER OF ENFORCEMENT AUTHORITY.**—The Federal Trade Commission shall promulgate rules in accordance with section 553 of title 5, United States Code, allowing for the transfer of enforcement authority from the Federal Trade Commission to a Federal agency regarding section 101 of this Act. The Federal Trade Commission may permit a Federal agency to enforce any violation of section 101 if such agency submits a written request to the Commission to enforce such violations and includes in such request—

(1) a description of the entities regulated by such agency that will be subject to the provisions of section 101;

(2) an assurance that such agency has sufficient authority over the entities to enforce violations of section 101; and

(3) a list of proposed rules that such agency shall use in regulating such entities and enforcing section 101.

(d) **ACTIONS BY THE COMMISSION.**—Absent transfer of enforcement authority to a Federal agency under subsection (c), the Federal Trade Commission shall prevent any person from violating section 101 in the same manner, by the same means, and with the same jurisdiction, powers, and duties as provided to such Commission under the Federal Trade Commission Act (15 U.S.C. 41 et seq.). Any entity that violates section 101 is subject to the penalties and entitled to the privileges and immunities provided in such Act in the same manner, by the same means, and with the same jurisdiction, power, and duties under such Act.

(e) **RELATIONSHIP TO OTHER LAWS.**—

(1) **COMMISSION AUTHORITY.**—Nothing contained in this title shall be construed to limit authority provided to the Commission under any other law.

(2) **COMMUNICATIONS ACT.**—Nothing in section 101 requires an operator of a website to take any action that is inconsistent with the requirements of section 222 or 631 of the Communications Act of 1934 (47 U.S.C. 222 and 551).

(3) **OTHER ACTS.**—Nothing in this title is intended to affect the applicability or the enforceability of any provision of, or any amendment made by—

(A) the Children's Online Privacy Protection Act of 1998 (15 U.S.C. 6501 et seq.);

(B) title V of the Gramm-Leach-Bliley Act; (C) the Health Insurance Portability and Accountability Act of 1996; or

(D) the Fair Credit Reporting Act.

(f) **PUBLIC RECORDS.**—Nothing in this title shall be construed to restrict commercial entities from obtaining or disclosing personally identifying information from public records.

(g) **CIVIL PENALTIES.**—In addition to any other penalty applicable to a violation of section 101(a), a penalty of up to \$25,000 may be issued for each violation.

(h) **ENFORCEMENT REGARDING PROGRAMS.**—

(1) **IN GENERAL.**—A Federal agency or department providing financial assistance to any entity required to comply with section 101 of this Act shall issue regulations requiring that such entity comply with such section or forfeit some or all of such assistance. Such regulations shall prescribe sanctions for noncompliance, require that such department or agency provide notice of failure to comply with such section prior to any action being taken against such recipient, and require that a determination be made prior to any action being taken against such recipient that compliance cannot be secured by voluntary means.

(2) **FEDERAL FINANCIAL ASSISTANCE.**—The term “Federal financial assistance” means assistance through a grant, cooperative agreement, loan, or contract other than a contract of insurance or guaranty.

SEC. 103. SAFE HARBOR.

A commercial entity may not be held to have violated any provision of this title if such entity complies with self-regulatory guidelines that—

“(1) are issued by seal programs or representatives of the marketing or online industries or by any other person; and

“(2) are approved by the Federal Trade Commission, after public comment has been received on such guidelines by the Commission, as meeting the requirements of this title.

SEC. 104. DEFINITIONS.

In this title:

(1) **COMMERCIAL ENTITY.**—The term “commercial entity”—

(A) means any person offering products or services involving commerce—

(i) among the several States or with 1 or more foreign nations;

(ii) in any territory of the United States or in the District of Columbia, or between any such territory and—

(I) another such territory; or

(II) any State or foreign nation; or

(iii) between the District of Columbia and any State, territory, or foreign nation; and

(B) does not include—

(i) any nonprofit entity that would otherwise be exempt from coverage under section 5 of the Federal Trade Commission Act (15 U.S.C. 45);

(ii) any financial institution that is subject to title V of the Gramm-Leach-Bliley Act (15 U.S.C. 6801 et seq.); or

(iii) any group health plan, health insurance issuer, or other entity that is subject to the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 201 note).

(2) **COMMISSION.**—The term “Commission” means the Federal Trade Commission.

(3) **INDIVIDUAL.**—The term “individual” means a person whose personally identifying information has been, is, or will be collected by a commercial entity.

(4) **MARKETING.**—The term “marketing” means to make a communication about a product or service a purpose of which is to encourage recipients of the communication to purchase or use the product or service.

(5) **MEDIUM.**—The term “medium” means any channel or system of communication in-

cluding oral, written, and online communication.

(6) **NONAFFILIATED THIRD PARTY.**—The term “nonaffiliated third party” means any entity that is not related by common ownership or affiliated by corporate control with, the commercial entity, but does not include a joint employee of such institution.

(7) **PERSONALLY IDENTIFIABLE INFORMATION.**—The term “personally identifiable information” means individually identifiable information about the individual that is collected including—

(A) a first, middle, or last name, whether given at birth or adoption, assumed, or legally changed;

(B) a home or other physical address, including the street name, zip code, and name of a city or town;

(C) an e-mail address;

(D) a telephone number;

(E) a photograph or other form of visual identification;

(F) a birth date, birth certificate number, or place of birth for that person; or

(G) information concerning the individual that is combined with any other identifier in this paragraph.

(8) **SALE; SELL; SOLD.**—The terms “sale”, “sell”, and “sold”, with respect to personally identifiable information, mean the exchanging of such information for any thing of value, directly or indirectly, including the licensing, bartering, or renting of such information.

(9) **WRITING.**—The term “writing” means writing in either a paper-based or computer-based form, including electronic and digital signatures.

SEC. 105. PREEMPTION.

The provisions of this title shall supersede any statutory and common law of States and their political subdivisions insofar as that law may now or hereafter relate to the—

(1) collection and disclosure of personally identifiable information for marketing purposes; and

(2) collection and sale of personally identifiable information.

SEC. 106. EFFECTIVE DATE.

This title and the amendments made by this title shall take effect 1 year after the date of enactment of this Act.

TITLE II—SOCIAL SECURITY NUMBER MISUSE PREVENTION

SEC. 201. 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 title 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. 202. 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 non-profit 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. 203. 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, non-profit 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, non-profit 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, non-profit organizations, and to Federal, State, and local governments of complying with section 1028A.

“(B) The benefit to the general public, businesses, commercial enterprises, non-profit 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 202(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. 204. 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 202(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 202(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. 205. 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. 206. 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. 207. 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—”;

(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 202(c).

SEC. 208. 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. 209. 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 title or any amendments made by this title 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 title. 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 title or of any amendments made by this title 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. 210. FEDERAL INJUNCTIVE AUTHORITY.

In addition to any other enforcement authority conferred under this title or the amendments made by this title, the Federal Government shall have injunctive authority with respect to any violation by a public entity of any provision of this title or of any amendments made by this title.

TITLE III—LIMITATIONS ON SALE AND SHARING OF NONPUBLIC PERSONAL FINANCIAL INFORMATION

SEC. 301. DEFINITION OF SALE.

Section 509 of the Gramm-Leach-Bliley Act (15 U.S.C. 6809) is amended by adding at the end the following:

“(12) **SALE.**—The terms ‘sale’, ‘sell’, and ‘sold’, with respect to nonpublic personal information, mean the exchange of such information for any thing of value, directly or in-

directly, including the licensing, bartering, or renting of such information.”.

SEC. 302. RULES APPLICABLE TO SALE OF NON-PUBLIC PERSONAL INFORMATION.

Section 502 of the Gramm-Leach-Bliley Act (15 U.S.C. 6802) is amended—

(1) in the section heading, by inserting “**SALES, AND OTHER SHARING**” after “**DISCLOSURES**”;

(2) in subsection (a), by striking “disclose to” and inserting “sell or otherwise disclose to an affiliate or”;

(3) in subsection (b)—

(A) in the subsection heading, by inserting “**FOR DISCLOSURES TO AFFILIATES**” before the period;

(B) by striking “a nonaffiliated third party” each place that term appears and inserting “an affiliate”;

(C) by striking “such third party” each place that term appears and inserting “such affiliate”;

(D) by striking “may not disclose” and inserting “may not sell or otherwise disclose”;

(E) by striking paragraph (2) and inserting the following:

“(2) **EXCEPTION.**—This subsection shall not prevent a financial institution from providing nonpublic personal information to an affiliated third party to perform services for or functions on behalf of the financial institution, including marketing of the financial institution’s own products or services, if the financial institution fully discloses the provision of such information and requires the affiliate to maintain the confidentiality of such information.”;

(4) in subsection (d), by striking “disclose” and inserting “sell or otherwise disclose”;

(5) by striking subsection (e);

(6) by redesignating subsections (c) and (d) as subsections (e) and (f), respectively; and

(7) by inserting after subsection (b) the following:

“(c) **OPT IN FOR DISCLOSURES TO NON-AFFILIATED THIRD PARTIES.**—

“(1) **AFFIRMATIVE CONSENT REQUIRED.**—A financial institution may not sell or otherwise disclose nonpublic personal information to any nonaffiliated third party, unless the consumer to whom the information pertains—

“(A) has affirmatively consented to the sale or disclosure of such information; and

“(B) has not withdrawn the consent.

“(2) **EXCEPTION.**—This subsection shall not prevent a financial institution from providing nonpublic personal information to a nonaffiliated third party to perform services for or functions on behalf of the financial institution, including marketing of the financial institution’s own products or services (subject to subsection (d) with respect to joint agreements between 2 or more financial institutions), if the financial institution fully discloses the provision of such information and enters into a contractual agreement with the nonaffiliated third party that requires that third party to maintain the confidentiality of such information.

“(d) **OPT OUT FOR JOINT AGREEMENTS.**—A financial institution may not sell or otherwise disclose nonpublic personal information to a nonaffiliated third party for the purpose of offering financial products or services pursuant to a joint agreement between 2 or more financial institutions, unless—

“(1) the financial institution clearly and conspicuously discloses to the consumer to whom the information pertains, in writing or in electronic form or other form permitted by the regulations prescribed under section 504, that such information may be disclosed to such nonaffiliated third party;

“(2) the consumer is given the opportunity, before the time that such information is initially disclosed, to direct that such informa-

tion not be disclosed to such nonaffiliated third party;

“(3) the consumer is given an explanation of how the consumer can exercise that non-disclosure option; and

“(4) the financial institution receiving the nonpublic personal information signs a written agreement obliging it—

“(A) to maintain the confidentiality of the information; and

“(B) to refrain from using, selling, or otherwise disclosing the information other than to carry out the joint offering or servicing of the financial product or financial service that is the subject of the written agreement.”.

SEC. 303. EXCEPTIONS TO DISCLOSURE PROHIBITION.

(a) **IN GENERAL.**—Section 502 of the Gramm-Leach-Bliley Act (15 U.S.C. 6802), as amended by this title, is amended by adding at the end the following:

“(g) **GENERAL EXCEPTIONS.**—Notwithstanding any other provision of this section, this section does not prohibit—

“(1) the sale or other disclosure of nonpublic personal information to an affiliate or a nonaffiliated third party—

“(A) as necessary to effect, administer, or enforce a transaction requested or authorized by the consumer to whom the information pertains, or in connection with—

“(i) servicing or processing a financial product or service requested or authorized by the consumer;

“(ii) maintaining or servicing the account of the consumer with the financial institution, or with another entity as part of a private label credit card program or other extension of credit on behalf of such entity; or

“(iii) a proposed or actual securitization, secondary market sale (including sales of servicing rights), or similar transaction related to a transaction of the consumer;

“(B) with the consent or at the direction of the consumer, in accordance with applicable rules prescribed under this subtitle;

“(C) to the extent specifically permitted or required under other provisions of law and in accordance with the Right to Financial Privacy Act of 1978; or

“(D) to law enforcement agencies (including a Federal functional regulator, the Secretary of the Treasury, with respect to subchapter II of chapter 53 of title 31, United States Code, and chapter 2 of title I of Public Law 91-508 (12 U.S.C. 1951-1959), a State insurance authority, or the Federal Trade Commission), self-regulatory organizations, or for an investigation on a matter related to public safety;

“(2) the disclosure, other than the sale, of nonpublic personal information to identify or locate missing and abducted children, witnesses, criminals, and fugitives, parties to lawsuits, parents, delinquents in child support payments, organ and bone marrow donors, pension fund beneficiaries, and missing heirs; or

“(3) the disclosure, other than the sale, of nonpublic personal information—

“(A) to protect the confidentiality or security of the records of the financial institution pertaining to the consumer, the service or product, or the transaction therein;

“(B) to protect against or prevent actual or potential fraud, unauthorized transactions, claims, or other liability;

“(C) for required institutional risk control, or for resolving customer disputes or inquiries;

“(D) to persons holding a legal or beneficial interest relating to the consumer;

“(E) to persons acting in a fiduciary or representative capacity on behalf of the consumer;

“(F) to provide information to insurance rate advisory organizations, guaranty funds

or agencies, applicable rating agencies of the financial institution, persons assessing the compliance of the institution with industry standards, or the attorneys, accountants, or auditors of the institution;

“(G) to a consumer reporting agency, in accordance with the Fair Credit Reporting Act or from a consumer report reported by a consumer reporting agency, as those terms are defined in that Act;

“(H) in connection with a proposed or actual sale, merger, transfer, or exchange of all or a portion of a business or operating unit if the disclosure of nonpublic personal information concerns solely consumers of such business or unit;

“(I) to comply with Federal, State, or local laws, rules, or other applicable legal requirements, or with a properly authorized civil, criminal, or regulatory investigation or subpoena or summons by Federal, State, or local authorities; or

“(J) to respond to judicial process or government regulatory authorities having jurisdiction over the financial institution for examination, compliance, or other purposes, as authorized by law.

“(h) DENIAL OF SERVICE PROHIBITED.—A financial institution may not deny any consumer a financial product or a financial service as a result of the refusal by the consumer to grant consent to disclosure under this section or the exercise by the consumer of a nondisclosure option under this section, except that nothing in this subsection may be construed to prohibit a financial institution from offering incentives to elicit consumer consent to the use of his or her nonpublic personal information.”.

(b) REPEAL OF REGULATORY EXEMPTION AUTHORITY.—Section 504 of the Gramm-Leach-Bliley Act (15 U.S.C. 6804) is amended—

(1) by striking subsection (b);

(2) by striking “(a) REGULATORY AUTHORITY.”;

(3) by redesignating paragraphs (1), (2), and (3) as subsections (a), (b), and (c), respectively, and moving the margins 2 ems to the left; and

(4) by striking “paragraph (1)” and inserting “subsection (a)”.

SEC. 304. CONFORMING AMENDMENTS.

Title V of the Gramm-Leach-Bliley Act (15 U.S.C. 6801 et seq.) is amended—

(1) in section 503(b)(1) (15 U.S.C. 6803(b)(1))—

(A) by inserting “affiliates and” before “nonaffiliated”; and

(B) in subparagraph (A), by striking “502(e)” and inserting “502(g)”; and

(2) in section 509(3)(D) (15 U.S.C. 6809(3)(D)), by striking “502(e)(1)(C)” and inserting “502(g)(1)(A)(iii)”.

SEC. 305. REGULATORY AUTHORITY.

Not later than 6 months after the date of enactment of this Act, the agencies referred to in section 504(a)(1) of the Gramm-Leach-Bliley Act (15 U.S.C. 6804(a)(1)) shall promulgate final regulations in accordance with that section 504 to carry out the amendments made by this Act.

SEC. 306. EFFECTIVE DATE.

This title and the amendments made by this title shall take effect 6 months after the date of enactment of this Act.

TITLE IV—LIMITATIONS ON THE PROVISION OF PROTECTED HEALTH INFORMATION

SEC. 401. DEFINITIONS.

In this title:

(1) BUSINESS ASSOCIATE.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the term “business associate” means, with respect to a covered entity, a person who—

(i) on behalf of such covered entity or of an organized health care arrangement in which

the covered entity participates, but other than in the capacity of a member of the workforce of such covered entity or arrangement, performs, or assists in the performance of—

(I) a function or activity involving the use or disclosure of individually identifiable health information, including claims processing or administration, data analysis, processing or administration, utilization review, quality assurance, billing, benefit management, practice management, and repricing; or

(II) any other function or activity regulated under subchapter C of title 45, Code of Federal Regulations; or

(ii) provides, other than in the capacity of a member of the workforce of such covered entity, legal, actuarial, accounting, consulting, data aggregation (as defined in section 164.501 of title 45, Code of Federal Regulations), management, administrative, accreditation, or financial services to or for such covered entity, or to or for an organized health care arrangement in which the covered entity participates, where the provision of the service involves the disclosure of individually identifiable health information from such covered entity or arrangement, or from another business associate of such covered entity or arrangement, to the person.

(B) LIMITATIONS.—

(i) IN GENERAL.—A covered entity participating in an organized health care arrangement that performs a function or activity as described by subparagraph (A)(i) for or on behalf of such organized health care arrangement, or that provides a service as described in subparagraph (A)(ii) to or for such organized health care arrangement, does not, simply through the performance of such function or activity or the provision of such service, become a business associate of other covered entities participating in such organized health care arrangement.

(ii) LIMITATION.—A covered entity may be a business associate of another covered entity.

(2) COVERED ENTITY.—The term “covered entity” means—

(A) a health plan;

(B) a health care clearinghouse; and

(C) a health care provider who transmits any health information in electronic form in connection with a transaction covered by parts 160 through 164 of title 45, Code of Federal Regulations.

(3) DISCLOSURE.—The term “disclosure” means the release, transfer, provision of access to, or divulging in any other manner of information outside the entity holding the information.

(4) EMPLOYER.—The term “employer” has the meaning given that term in section 3401(d) of the Internal Revenue Code of 1986.

(5) GROUP HEALTH PLAN.—The term “group health plan” means an employee welfare benefit plan (as defined in section 3(1) of the Employee Retirement Income and Security Act of 1974 (29 U.S.C. 1002(1)), including insured and self-insured plans, to the extent that the plan provides medical care (as defined in section 2791(a)(2) of the Public Health Service Act, 42 U.S.C. 300gg-91(a)(2)), including items and services paid for as medical care, to employees or their dependents directly or through insurance, reimbursement, or otherwise, that—

(A) has 50 or more participants (as defined in section 3(7) of Employee Retirement Income and Security Act of 1974, 29 U.S.C. 1002(7)); or

(B) is administered by an entity other than the employer that established and maintains the plan.

(6) HEALTH CARE.—The term “health care” includes, but is not limited to, the following:

(A) Preventive, diagnostic, therapeutic, rehabilitative, maintenance, or palliative care

and counseling, service, assessment, or procedure with respect to the physical or mental condition, or functional status, of an individual or that affects the structure or function of the body.

(B) The sale or dispensing of a drug, device, equipment, or other item in accordance with a prescription.

(7) HEALTH CARE CLEARINGHOUSE.—The term “health care clearinghouse” means a public or private entity, including a billing service, repricing company, community health management information system or community health information system, and value-added networks and switches, that—

(A) processes or facilitates the processing of health information received from another entity in a nonstandard format or containing nonstandard data content into standard data elements or a standard transaction; or

(B) receives a standard transaction from another entity and processes or facilitates the processing of health information into nonstandard format or nonstandard data content for the receiving entity.

(8) HEALTH CARE PROVIDER.—The term “health care provider” has the meaning given the terms “provider of services” and “provider of medical or health services” in subsections (u) and (s) of section 1861 of the Social Security Act (42 U.S.C. 1395x), respectively, and includes any other person or organization who furnishes, bills, or is paid for health care in the normal course of business.

(9) HEALTH INFORMATION.—The term “health information” means any information, whether oral or recorded in any form or medium, that—

(A) is created or received by a health care provider, health plan, public health authority, employer, life insurer, school or university, or health care clearinghouse; and

(B) relates to the past, present, or future physical or mental health or condition of an individual; the provision of health care to an individual; or the past, present, or future payment for the provision of health care to an individual.

(10) HEALTH INSURANCE ISSUER.—The term “health insurance issuer” means a health insurance issuer (as defined in section 2791(b)(2) of the Public Health Service Act, 42 U.S.C. 300gg-91(b)(2)) and used in the definition of health plan in this section and includes an insurance company, insurance service, or insurance organization (including an HMO) that is licensed to engage in the business of insurance in a State and is subject to State law that regulates insurance. Such term does not include a group health plan.

(11) HEALTH MAINTENANCE ORGANIZATION.—The term “health maintenance organization” (HMO) (as defined in section 2791(b)(3) of the Public Health Service Act, 42 U.S.C. 300gg-91 (b)(3)) and used in the definition of health plan in this section, means a federally qualified HMO, an organization recognized as an HMO under State law, or a similar organization regulated for solvency under State law in the same manner and to the same extent as such an HMO.

(12) HEALTH OVERSIGHT AGENCY.—The term “health oversight agency” means an agency or authority of the United States, a State, a territory, a political subdivision of a State or territory, or an Indian tribe, or a person or entity acting under a grant of authority from or contract with such public agency, including the employees or agents of such public agency or its contractors or persons or entities to whom it has granted authority, that is authorized by law to oversee the health care system (whether public or private) or government programs in which health information is necessary to determine eligibility or compliance, or to enforce civil

rights laws for which health information is relevant.

(13) **HEALTH PLAN.**—The term “health plan” means an individual or group plan that provides, or pays the cost of, medical care, as defined in section 2791(a)(2) of the Public Health Service Act (42 U.S.C. 300gg–91(a)(2)).

(A) including, singly or in combination—
(i) a group health plan;
(ii) a health insurance issuer;
(iii) an HMO;
(iv) part A or B of the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.);

(v) the medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.);

(vi) an issuer of a medicare supplemental policy (as defined in section 1882(g)(1) of the Social Security Act, 42 U.S.C. 1395ss(g)(1));

(vii) an issuer of a long-term care policy, excluding a nursing home fixed-indemnity policy;

(viii) an employee welfare benefit plan or any other arrangement that is established or maintained for the purpose of offering or providing health benefits to the employees of 2 or more employers;

(ix) the health care program for active military personnel under title 10, United States Code;

(x) the veterans health care program under chapter 17 of title 38, United States Code;

(xi) the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) (as defined in section 1072(4) of title 10, United States Code);

(xii) the Indian Health Service program under the Indian Health Care Improvement Act (25 U.S.C. 1601 et seq.);

(xiii) the Federal Employees Health Benefits Program under chapter 89 of title 5, United States Code;

(xiv) an approved State child health plan under title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.), providing benefits for child health assistance that meet the requirements of section 2103 of such Act (42 U.S.C. 1397cc);

(xv) the Medicare+Choice program under part C of title XVIII of the Social Security Act (42 U.S.C. 1395w–21 et seq.);

(xvi) a high risk pool that is a mechanism established under State law to provide health insurance coverage or comparable coverage to eligible individuals; and

(xvii) any other individual or group plan, or combination of individual or group plans, that provides or pays for the cost of medical care (as defined in section 2791(a)(2) of the Public Health Service Act (42 U.S.C. 300gg–91(a)(2))); and

(B) excluding—

(i) any policy, plan, or program to the extent that it provides, or pays for the cost of, excepted benefits that are listed in section 2791(c)(1) of the Public Health Service Act (42 U.S.C. 300gg–91(c)(1)); and

(ii) a government-funded program (other than 1 listed in clause (i) through (xvi) of subparagraph (A)), whose principal purpose is other than providing, or paying the cost of, health care, or whose principal activity is the direct provision of health care to persons, or the making of grants to fund the direct provision of health care to persons.

(14) **INDIVIDUALLY IDENTIFIABLE HEALTH INFORMATION.**—The term “individually identifiable health information” means information that is a subset of health information, including demographic information collected from an individual, that—

(A) is created or received by a covered entity or employer; and

(B) relates to the past, present, or future physical or mental health or condition of an individual, the provision of health care to an

individual, or the past, present, or future payment for the provision of health care to an individual; and

(ii)(I) identifies an individual; or

(II) with respect to which there is a reasonable basis to believe that the information can be used to identify an individual.

(15) **LAW ENFORCEMENT OFFICIAL.**—The term “law enforcement official” means an officer or employee of any agency or authority of the United States, a State, a territory, a political subdivision of a State or territory, or an Indian tribe, who is empowered by law to—

(A) investigate or conduct an official inquiry into a potential violation of law; or

(B) prosecute or otherwise conduct a criminal, civil, or administrative proceeding arising from an alleged violation of law.

(16) **LIFE INSURER.**—The term “life insurer” means a life insurance company (as defined in section 816 of the Internal Revenue Code of 1986), including the employees and agents of such company.

(17) **MARKETING.**—The term “marketing” means to make a communication about a product or service that encourages recipients of the communication to purchase or use the product or service.

(18) **NONCOVERED ENTITY.**—The term “non-covered entity” means any person or public or private entity that is not a covered entity, including but not limited to a business associate of a covered entity, a covered entity if such covered entity is acting as a business associate, a health researcher, school or university, life insurer, employer, public health authority, health oversight agency, or law enforcement official, or any person acting as an agent of such entities or persons.

(19) **ORGANIZED HEALTH CARE ARRANGEMENT.**—The term “organized health care arrangement” means—

(A) a clinically integrated care setting in which individuals typically receive health care from more than 1 health care provider;

(B) an organized system of health care in which more than 1 covered entity participates, and in which the participating covered entities—

(i) hold themselves out to the public as participating in a joint arrangement; and

(ii) participate in joint activities including at least—

(I) utilization review, in which health care decisions by participating covered entities are reviewed by other participating covered entities or by a third party on their behalf;

(II) quality assessment and improvement activities, in which treatment provided by participating covered entities is assessed by other participating covered entities or by a third party on their behalf; or

(III) payment activities, if the financial risk for delivering health care is shared, in part or in whole, by participating covered entities through the joint arrangement and if protected health information created or received by a covered entity is reviewed by other participating covered entities or by a third party on their behalf for the purpose of administering the sharing of financial risk;

(C) a group health plan and a health insurance issuer or HMO with respect to such group health plan, but only with respect to protected health information created or received by such health insurance issuer or HMO that relates to individuals who are or who have been participants or beneficiaries in such group health plan;

(D) a group health plan and 1 or more other group health plans each of which are maintained by the same plan sponsor; or

(E) the group health plans described in subparagraph (D) and health insurance issuers or HMOs with respect to such group health plans, but only with respect to protected

health information created or received by such health insurance issuers or HMOs that relates to individuals who are or have been participants or beneficiaries in any of such group health plans.

(20) **PROTECTED HEALTH INFORMATION.**—

(A) **IN GENERAL.**—The term “protected health information” means individually identifiable health information that, except as provided in subparagraph (B), is—

(i) transmitted by electronic media;

(ii) maintained in any medium described in the definition of electronic media in section 162.103 of title 45, Code of Federal Regulations; or

(iii) transmitted or maintained in any other form or medium.

(B) **EXCLUSIONS.**—Such term does not include individually identifiable health information in—

(i) education records covered by the Family Educational Rights and Privacy Act of 1974 (section 444 of the General Education Provisions Act (20 U.S.C. 1232g));

(ii) records described in subsection (a)(4)(B)(iv) of that Act; or

(iii) employment records held by a covered entity in its role as an employer.

(21) **PUBLIC HEALTH AUTHORITY.**—The term “public health authority” means an agency or authority of the United States, a State, a territory, a political subdivision of a State or territory, or an Indian tribe, or a person or entity acting under a grant of authority from or contract with such public agency, including employees or agents of such public agency or its contractors or persons or entities to whom it has granted authority, that is responsible for public health matters as part of its official mandate.

(22) **SCHOOL OR UNIVERSITY.**—The term “school or university” means an institution or place for instruction or education, including an elementary school, secondary school, or institution of higher learning, a college, or an assemblage of colleges united under 1 corporate organization or government.

(23) **SECRETARY.**—The term “Secretary” means the Secretary of Health and Human Services.

(24) **SALE; SELL; SOLD.**—The terms “sale”, “sell”, and “sold”, with respect to protected health information, mean the exchange of such information for anything of value, directly or indirectly, including the licensing, bartering, or renting of such information.

(25) **USE.**—The term “use” means, with respect to individually identifiable health information, the sharing, employment, application, utilization, examination, or analysis of such information within an entity that maintains such information.

(26) **WRITING.**—The term “writing” means writing in either a paper-based or computer-based form, including electronic and digital signatures.

SEC. 402. PROHIBITION AGAINST SELLING PROTECTED HEALTH INFORMATION.

(a) **VALID AUTHORIZATION REQUIRED.**—

(1) **IN GENERAL.**—A noncovered entity shall not sell the protected health information of an individual or use such information for marketing purposes without an authorization that is valid under section 403. When a noncovered entity obtains or receives authorization to sell such information, such sale must be consistent with such authorization.

(2) **NO DUPLICATE AUTHORIZATION REQUIRED.**—Nothing in paragraph (1) shall be construed as requiring a noncovered entity that receives from a covered entity an authorization that is valid under section 403 to obtain a separate authorization from an individual before the sale or use of the individual's protected health information so long as the sale or use of the information is consistent with the terms of the authorization.

(b) **SCOPE.**—A sale of protected health information as described under subsection (a) shall be limited to the minimum amount of information necessary to accomplish the purpose for which the sale is made.

(c) **PURPOSE.**—A recipient of information sold pursuant to this title may use or disclose such information solely to carry out the purpose for which the information was sold.

(d) **NOT REQUIRED.**—Nothing in this title permitting the sale of protected health information shall be construed to require such sale.

(e) **IDENTIFICATION OF INFORMATION AS PROTECTED HEALTH INFORMATION.**—Information sold pursuant to this title shall be clearly identified as protected health information.

(f) **NO WAIVER.**—Except as provided in this title, an individual's authorization to sell protected health information shall not be construed as a waiver of any rights that the individual has under other Federal or State laws, the rules of evidence, or common law.

SEC. 403. AUTHORIZATION FOR SALE OR MARKETING OF PROTECTED HEALTH INFORMATION BY NONCOVERED ENTITIES.

(a) **VALID AUTHORIZATION.**—A valid authorization is a document that complies with all requirements of this section. Such authorization may include additional information not required under this section, provided that such information is not inconsistent with the requirements of this section.

(b) **DEFECTIVE AUTHORIZATION.**—An authorization is not valid, if the document submitted has any of the following defects:

(1) The expiration date has passed or the expiration event is known by the noncovered entity to have occurred.

(2) The authorization has not been filled out completely, with respect to an element described in subsections (e) and (f).

(3) The authorization is known by the noncovered entity to have been revoked.

(4) The authorization lacks an element required by subsections (e) and (f).

(5) Any material information in the authorization is known by the noncovered entity to be false.

(c) **REVOCATION OF AUTHORIZATION.**—An individual may revoke an authorization provided under this section at any time provided that the revocation is in writing, except to the extent that the noncovered entity has taken action in reliance thereon.

(d) **DOCUMENTATION.**—

(1) **IN GENERAL.**—A noncovered entity must document and retain any signed authorization under this section as required under paragraph (2).

(2) **STANDARD.**—A noncovered entity shall, if a communication is required by this title to be in writing, maintain such writing, or an electronic copy, as documentation.

(3) **RETENTION PERIOD.**—A noncovered entity shall retain the documentation required by this section for 6 years from the date of its creation or the date when it last was in effect, whichever is later.

(e) **CONTENT OF AUTHORIZATION.**—

(1) **CONTENT.**—An authorization described in subsection (a) shall—

(A) contain a description of the information to be sold that identifies such information in a specific and meaningful manner;

(B) contain the name or other specific identification of the person, or class of persons, authorized to sell the information;

(C) contain the name or other specific identification of the person, or class of persons, to whom the information is to be sold;

(D) include an expiration date or an expiration event relating to the selling of such information that signifies that the authorization is valid until such date or event;

(E) include a statement that the individual has a right to revoke the authorization in

writing and the exceptions to the right to revoke, and a description of the procedure involved in such revocation;

(F) be in writing and include the signature of the individual and the date, or if the authorization is signed by a personal representative of the individual, a description of such representative's authority to act for the individual; and

(G) include a statement explaining the purpose for which such information is sold.

(2) **PLAIN LANGUAGE.**—The authorization shall be written in plain language.

(f) **NOTICE.**—

(1) **IN GENERAL.**—The authorization shall include a statement that the individual may—

(A) inspect or copy the protected health information to be sold; and

(B) refuse to sign the authorization.

(2) **COPY TO THE INDIVIDUAL.**—A noncovered entity shall provide the individual with a copy of the signed authorization.

(g) **MODEL AUTHORIZATIONS.**—The Secretary, after notice and opportunity for public comment, shall develop and disseminate model written authorizations of the type described in this section and model statements of the limitations on such authorizations. Any authorization obtained on a model authorization form developed by the Secretary pursuant to the preceding sentence shall be deemed to satisfy the requirements of this section.

(h) **NONCOERCION.**—A covered entity or noncovered entity shall not condition the purchase of a product or the provision of a service to an individual based on whether such individual provides an authorization to such entity as described in this section.

SEC. 404. PROHIBITION AGAINST RETALIATION.

A noncovered entity that collects protected health information, may not adversely affect another person, directly or indirectly, because such person has exercised a right under this title, disclosed information relating to a possible violation of this title, or associated with, or assisted, a person in the exercise of a right under this title.

SEC. 405. RULE OF CONSTRUCTION.

The requirements of this title shall not be construed to impose any additional requirements or in any way alter the requirements imposed upon covered entities under parts 160 through 164 of title 45, Code of Federal Regulations.

SEC. 406. REGULATIONS.

(a) **IN GENERAL.**—The Secretary shall promulgate regulations implementing the provisions of this title.

(b) **TIMEFRAME.**—Not later than 1 year after the date of enactment of this Act, the Secretary shall publish proposed regulations in the Federal Register. With regard to such proposed regulations, the Secretary shall provide an opportunity for submission of comments by interested persons during a period of not less than 90 days. Not later than 2 years after the date of enactment of this Act, the Secretary shall publish final regulations in the Federal Register.

SEC. 407. ENFORCEMENT.

(a) **IN GENERAL.**—A covered entity or noncovered entity that knowingly violates section 402 shall be subject to a civil money penalty under this section.

(b) **AMOUNT.**—The civil money penalty described in subsection (a) shall not exceed \$100,000. In determining the amount of any penalty to be assessed, the Secretary shall take into account the previous record of compliance of the entity being assessed with the applicable provisions of this title and the gravity of the violation.

(c) **ADMINISTRATIVE REVIEW.**—

(1) **OPPORTUNITY FOR HEARING.**—The entity assessed shall be afforded an opportunity for

a hearing by the Secretary upon request made within 30 days after the date of the issuance of a notice of assessment. In such hearing the decision shall be made on the record pursuant to section 554 of title 5, United States Code. If no hearing is requested, the assessment shall constitute a final and unappealable order.

(2) **HEARING PROCEDURE.**—If a hearing is requested, the initial agency decision shall be made by an administrative law judge, and such decision shall become the final order unless the Secretary modifies or vacates the decision. Notice of intent to modify or vacate the decision of the administrative law judge shall be issued to the parties within 30 days after the date of the decision of the judge. A final order which takes effect under this paragraph shall be subject to review only as provided under subsection (d).

(d) **JUDICIAL REVIEW.**—

(1) **FILING OF ACTION FOR REVIEW.**—Any entity against whom an order imposing a civil money penalty has been entered after an agency hearing under this section may obtain review by the United States district court for any district in which such entity is located or the United States District Court for the District of Columbia by filing a notice of appeal in such court within 30 days from the date of such order, and simultaneously sending a copy of such notice by registered mail to the Secretary.

(2) **CERTIFICATION OF ADMINISTRATIVE RECORD.**—The Secretary shall promptly certify and file in such court the record upon which the penalty was imposed.

(3) **STANDARD FOR REVIEW.**—The findings of the Secretary shall be set aside only if found to be unsupported by substantial evidence as provided by section 706(2)(E) of title 5, United States Code.

(4) **APPEAL.**—Any final decision, order, or judgment of the district court concerning such review shall be subject to appeal as provided in chapter 83 of title 28 of such Code.

(e) **FAILURE TO PAY ASSESSMENT; MAINTENANCE OF ACTION.**—

(1) **FAILURE TO PAY ASSESSMENT.**—If any entity fails to pay an assessment after it has become a final and unappealable order, or after the court has entered final judgment in favor of the Secretary, the Secretary shall refer the matter to the Attorney General who shall recover the amount assessed by action in the appropriate United States district court.

(2) **NONREVIEWABILITY.**—In such action the validity and appropriateness of the final order imposing the penalty shall not be subject to review.

(f) **PAYMENT OF PENALTIES.**—Except as otherwise provided, penalties collected under this section shall be paid to the Secretary (or other officer) imposing the penalty and shall be available without appropriation and until expended for the purpose of enforcing the provisions with respect to which the penalty was imposed.

TITLE V—DRIVER'S LICENSE PRIVACY

SEC. 501. DRIVER'S LICENSE PRIVACY.

Section 2725 of title 18, United States Code, is amended by striking paragraphs (2) through (4) and adding the following:

“(2) ‘person’ means an individual, organization, or entity, but does not include a State or agency thereof;

“(3) ‘personal information’ means information that identifies an individual, including an individual's photograph, social security number, driver identification number, name, address (but not the 5-digit zip code), telephone number, medical or disability information, any physical copy of a driver's license, birth date, information on physical characteristics, including height, weight, sex or eye color, or any biometric identifiers on

a license, including a finger print, but not information on vehicular accidents, driving violations, and driver's status;

“(4) ‘highly restricted personal information’ means an individual's photograph or image, social security number, medical or disability information, any physical copy of a driver's license, driver identification number, birth date, information on physical characteristics, including height, weight, sex, or eye color, or any biometric identifiers on a license, including a finger print; and”.

TITLE VI—MISCELLANEOUS

SEC. 601. ENFORCEMENT BY STATE ATTORNEYS GENERAL.

(a) IN GENERAL.—

(1) 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 title I, II, or IV of this Act or under any amendment made by such a title, 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—

(A) enjoin that practice;

(B) enforce compliance with such titles or such amendments;

(C) obtain damage, restitution, or other compensation on behalf of residents of the State; or

(D) obtain such other relief as the court may consider to be appropriate.

(2) NOTICE.—

(A) IN GENERAL.—Before filing an action under paragraph (1), 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.

(B) EXEMPTION.—

(i) IN GENERAL.—Subparagraph (A) 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.—In an action described in clause (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.

(b) INTERVENTION.—

(1) IN GENERAL.—On receiving notice under subsection (a)(2), the Attorney General shall have the right to intervene in the action that is the subject of the notice.

(2) EFFECT OF INTERVENTION.—If the Attorney General intervenes in an action under subsection (a), the Attorney General shall have the right to be heard with respect to any matter that arises in that action.

(c) CONSTRUCTION.—For purposes of bringing any civil action under subsection (a), nothing in this Act 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—

(1) conduct investigations;

(2) administer oaths or affirmations; or

(3) compel the attendance of witnesses or the production of documentary and other evidence.

(d) 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 title I, II, IV, or V of this Act or under any amendment made by such a title, no State may, during the pendency of that action, institute an action under subsection (a) against any defendant

named in the complaint in that action for violation of that practice.

(e) VENUE; SERVICE OF PROCESS.—

(1) VENUE.—Any action brought under subsection (a) 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.

(2) SERVICE OF PROCESS.—In an action brought under subsection (a), process may be served in any district in which the defendant—

(A) is an inhabitant; or

(B) may be found.

SEC. 602. FEDERAL INJUNCTIVE AUTHORITY.

In addition to any other enforcement authority conferred under this Act or under an amendment made by this Act, the Federal Government shall have injunctive authority with respect to any violation of any provision of title I, II, or IV of this Act or of any amendment made by such a title, without regard to whether a public or private entity violates such provision.

By Mrs. FEINSTEIN (for herself and Mr. KYL):

S. 746. A bill to prevent and respond to terrorism and crime at or through ports; to the Committee on Commerce, Science, and Transportation.

Mrs. FEINSTEIN. Mr. President, I rise today to introduce the Anti-Terrorism and Port Security Act of 2003, comprehensive legislation aimed at preventing and punishing a terrorist attack at or through one of our nation's 361 seaports. I would like to thank Senator KYL for joining me in sponsoring this bill.

Currently, our seaports are the gaping hole in our nation's defense against terrorism. According to the U.S. Bureau of Transportation Statistics, about 13 million containers, twenty-foot equivalent units, came into United States ports in 2002.

However, the U.S. government inspected only about two or three percent of these containers—they rest were simply waved through. In addition, in almost every case, these inspections occurred after the containers arrive in the United States.

The problem is that a single container could contain 60,000 pounds of explosives—10 to 15 times the amount in the Ryder truck used to blow up the Murrah Federal Building in Oklahoma City—and a single container ship can carry as many as 8,000 containers at one time.

Containers could easily be exploited to detonate a bomb that would destroy a bridge, seaport, or other critical infrastructure, causing mass destruction and killing thousands.

Worse, a suitcase-sized nuclear device or radiological “dirty bomb” could also be installed in a container and shipped to the United States. The odds are that the container would never be inspected.

And, even if the container was inspected, it would be too late. The weapon would already be in the United States—most likely near a major population center.

In addition, any attack on or through a seaport could have devastating economic consequences.

Excluding trade with Mexico and Canada, America's ports handle 95 percent of U.S. trade. Every year U.S. ports handle over 800 million tons of cargo valued at approximately \$600 billion.

The West Coast labor disruption last year cost the U.S. economy somewhere \$1–2 billion a day—a total of \$10–20 billion. A terrorist attack would have an ever graver impact.

The U.S. would likely shut down all major U.S. ports, bringing thousands of factories to a standstill and leaving retailers with bare shelves within days. And this shut down will have a ripple effect around the globe, raising the cost exponentially.

In its December 2002 report, the Hart-Rudman Terrorism Task Force discussed the implications of a possible terrorist attack at a seaport. Here is what they said:

If an explosive device were loaded in a container and set off in a port, it would almost automatically raise concern about the integrity of the 21,000 containers that arrive in U.S. ports each day and the many thousands more that arrive by truck and rail across U.S. land borders. A three-to-four-week closure of U.S. ports would bring the global container industry to its knees. Megaports such as Rotterdam and Singapore would have to close their gates to prevent boxes from piling up on their limited pier space. Trucks, trains, and barges would be stranded outside the terminals with no way to unload their boxes. Boxes bound for the United States would have to be unloaded from their outbound ships. Service contracts would need to be renegotiated. As the system became gridlocked, so would much of global commerce.

I am particularly concerned about such an attack because such an enormous proportion of U.S. foreign trade passes through my home state of California.

Last year, 6.2 million imported containers—48 percent—passed through California, 5.7 million just through two ports alone: the Port of Los Angeles and the Port of Long Beach.

That means that, if terrorists succeeded in putting a weapon of mass destruction into a container undetected, there is about a one in two chance that this weapon would arrive and/or be detonated in Southern California.

And the problem is not just with containers.

Nearly one-quarter of all of California's imported crude oil is offloaded in one area. A suicide attack on a tanker at an offloading facility in this area could leave Southern California without refined fuels within a few days.

There is no doubt in my mind that terrorists are seeking to exploit vulnerabilities at our seaports right now.

Indeed, the Al Qaeda training manual specifically mentions seaports as a point of vulnerability in our security.

In addition, we know that Al Qaeda has already tried to attack American interests at and through seaports in the past. Let me mention some examples.

In October 2001, Italian authorities found an Egyptian man suspected of

having ties to Al Qaeda in a container bound for Canada. He had false identifications, maps of airports, a computer, a satellite phone, cameras, and plenty of cash on hand.

In October 2000, Al Qaeda operatives successfully carried out a deadly bombing attack against the U.S.S. *Cole* in the port of Yemen.

In 1998, Al Qaeda bombed the American Embassies in Kenya and Tanzania. Evidence suggests that the explosives the terrorists used were shipped to them by sea. And the investigation of the embassy bombings concluded that Bin Laden has close financial ties to various shipping companies.

We cannot afford to be complacent. Terrorists can be very patient. We cannot forget the successful attack on the World Trade Center on September 11 took place eight years after a relatively unsuccessful attack on the same target.

I introduced legislation in the last Congress to offer a comprehensive solution to the problem of seaport vulnerability. I am pleased that some of its provisions we adopted in some form by recent regulatory changes as well as the Maritime transportation Security Act of 2002 and Trade Act of 2002.

For example, one provision in my bill required shippers to provide manifest information to Customs at least 24 hours before departure from a foreign port. Soon after the bill was introduced, Customs published a draft regulation with the same requirement.

This requirement is now being enforced. However, Customs is still not getting all relevant information from every important party involved in the shipping process.

In addition, I am pleased that, especially in the last six months, Customs has aggressively promoted its Container Security Initiative (CSI). One of the core elements of this initiative involves placing U.S. Customs inspectors at major foreign seaports to pre-screen cargo containers before they were shipped to America.

Most of the biggest ports in the world are now participating in CSI. However, Customs has posted relatively few inspectors overseas and I believe that CSI can and should be expanded further.

The Maritime Transportation Safety Act of 2002 and Trade Act of 2002 also included a number of security measures.

However, in my view, many of these measures do not go nearly far enough, particularly in the areas of criminal penalties, pushing back the border, minimum port and security standards, employee identification cards, research and development, and so on. And even the strongest provisions in these bills are, in some cases, years away from implementation.

The bottom line is that, while we have made some modest improvements in seaport security in the last year, much more remains to be done. And, crucially, much remains to be done right now.

In fact, I believe that our seaports remain almost as vulnerable today as they were before September 11. That is why I am introducing the Anti-Terrorism and Port Security Act of 2003.

This legislation builds on improvements made to our laws in the last year but goes much further than those changes to ensure the security of our seaports.

The Anti-Terrorism and Port Security Act of 2003 does three main things:

First, the bill ensure that our criminal laws apply to deter and punish terrorists who choose to strike against our seaports. The bill closes a number of loopholes in our criminal laws to ensure that terrorists are held accountable for any attacks. Let me provide a couple of examples.

If a person blows up an airplane, he commits a crime. However, if he blows up a oil tanker, he does not commit a crime—unless he is doing it to injure the person.

If a person distributes explosives to a non-U.S. national, he commits a crime. But if the same person sows mines in the San Francisco harbor, he does not commit a crime.

Specifically, the bill would: Make it a crime for terrorists to attack a port or a cruise ship or deploy a weapon of mass destruction at or through a seaport. Make it a crime to put devices in U.S. waters that can destroy a ship or cargo or interfere with safe navigation or maritime commerce. Update our federal criminal piracy and privateering laws and increase penalties. Make it a crime to use a dangerous weapon or explosive to try to kill someone on board a passenger vessel. Make it a crime to fail to heave to (that is, to slow or stop) a vessel at the direction of a Coast Guard or other authorized federal law enforcement official seeking to board that vessel or to interfere with boarding by such an officer. Make it a crime to destroy an aid to maritime navigation, such as a buoy or shoal/breakwater light, maintained by the Coast Guard if this would endanger the safe navigation of a vessel. Make it a crime for terrorists or criminals to try to attack U.S. citizens or U.S. marine live by putting poisons in the water off shore. Require the Attorney General to issue regulations making it easier to determine the extent of crime and terrorism at seaports and improve communication between different law enforcement agencies involved at ports.

Second, the bill would help improve physical security at seaports by beefing up standards and ensuring greater coordination. Specific provisions would: Designate the Captain-of-the-Port as the primary authority for seaport security at each port. This would enable all parties involved in business at a port to understand who has final say on all security matters. Require minimum federal security standards for ports. These standards include restrictions on private vehicle access, a prohibition on unauthorized

guns and explosives, and unauthorized physical access to terminal areas. They would also mandate that terminal areas at ports have a secure perimeter, monitored or locked access points, sufficient lighting, and son on. Mandate that all Customs inspectors have personal radiation detection pagers. Require all port employees and contractors to have biometric smart identification cards. Require Captains-of-the-Port to keep sensitive information on the port secure and protected. Such information would include, but not be limited to maps, blueprints, and information on the Internet.

Third, the bill would ensure that we devote our limited cargo inspection resources in the most efficient and effective manner. The bill would improve our shipment profiling system by requiring additional information from more relevant parties to the shipping process, and it would substantially improve container security. Specifically, it would establish a comprehensive risk profiling plan for the Customs Service to focus their limited inspection capabilities on high-risk cargo and containers. Under this plan, all relevant parties in the shipment process would provide electronically relevant and timely information to enable Customs to determine which shipments to inspect. Impose steep monetary sanctions for failure to comply with information filing requirements, including filing incorrect information (the current penalty is only up to a few thousand dollars). The Seaport Commission found that about ½ of the information on ship manifests was inaccurate. Push U.S. security scrutiny beyond our nation's borders and improve our ability to monitor and inspect cargo and containers before they arrive near America's shores. If a weapon of mass destruction arrives in a U.S. port, it is too late. Require the use of high security seals on all containers coming into the U.S. Require that each container to be transported through U.S. ports receive a universal transaction number that could be used to track container movement from origin to destination. Require all empty containers destined for U.S. ports to be secured. Authorize pilot programs to develop high-tech seals and sensors, including those that would provide real-time evidence of container tampering to a monitor at a terminal. Require ports to provide space to Customs so that the agency is able to use non-intrusive inspection technology. In many cases, Customs has to keep this technology outside the port and bring it in every day, which prevents some of the best inspection technology (which is not portable) from being used. Require the Department of Homeland Security to take the relative number of imported containers received at each port into account in exercising its discretion in determining the allocation of funds appropriated for seaport security grants.

I believe that the Anti-Terrorism and Port Security Act of 2003 would make a

significant contribution to protecting America from terrorist attacks at or through our seaports. I urge my colleagues to support the legislation.;

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 746

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 “Anti-Terrorism and Port Security Act of 2003”.

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

Sec. 1. Short title; table of contents.

TITLE I—DETERRING AND PUNISHING TERRORISM AND CRIME AT UNITED STATES PORTS

Sec. 101. Destruction or interference with vessels or maritime facilities.

Sec. 102. Criminal sanctions for placement of destructive devices or substances in United States jurisdictional waters.

Sec. 103. Piracy and privateering.

Sec. 104. Use of a dangerous weapon or explosive on a passenger vessel.

Sec. 105. Sanctions for failure to heave to and for obstruction of boarding and providing false information.

Sec. 106. Criminal sanctions for violence against maritime navigation.

Sec. 107. Criminal sanctions for malicious dumping.

Sec. 108. Attorney general to coordinate port-related crime data collection.

TITLE II—PROTECTING UNITED STATES PORTS AGAINST TERRORISM AND CRIME

Subtitle A—General Provision

Sec. 201. Definitions.

Subtitle B—Security Authority

Sec. 211. Designated security authority.

Subtitle C—Securing the Supply Chain

Sec. 221. Manifest requirements.

Sec. 222. Penalties for inaccurate manifest.

Sec. 223. Shipment profiling plan.

Sec. 224. Inspection of merchandise at foreign facilities.

Subtitle D—Security of Seaports and Containers

Sec. 231. Seaport security requirements.

Sec. 232. Seaport security cards.

Sec. 233. Securing sensitive information.

Sec. 234. Container security.

Sec. 235. Office and inspection facilities.

Sec. 236. Security grants to seaports.

TITLE III—AUTHORIZATION

Sec. 301. Authorization of appropriations.

TITLE I—DETERRING AND PUNISHING TERRORISM AND CRIME AT UNITED STATES PORTS

SEC. 101. DESTRUCTION OR INTERFERENCE WITH VESSELS OR MARITIME FACILITIES.

(a) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 65 the following:

“CHAPTER 66—MARITIME VESSELS

“Sec.

“1371. Jurisdiction and scope.

“1372. Destruction of vessel or maritime facility.

“1373. Imparting or conveying false information.

“§ 1371 Jurisdiction and scope

“(a) IN GENERAL.—There is jurisdiction under section 3231 over an offense under this chapter if—

“(1) the prohibited activity takes place within the United States, or in waters or submerged lands thereunder subject to the jurisdiction of the United States; or

“(2) the prohibited activity takes place outside the United States, and—

“(A) an offender or a victim of the prohibited activity is a citizen of the United States;

“(B) a citizen of the United States was on board a vessel to which this chapter applies; or

“(C) the prohibited activity involves a vessel of the United States.

“(b) APPLICABILITY.—Nothing in this chapter shall apply to otherwise lawful activities carried out by, or at the direction of, the United States Government.

“§ 1372. Destruction of vessel or maritime facility

“(a) OFFENSES.—It shall be unlawful for any person—

“(1) to willfully—

“(A) set fire to, damage, destroy, disable, or wreck any vessel; or

“(B) place or cause to be placed a destructive device or destructive substance in, upon, or in proximity to, or otherwise make or cause to be made an unworkable or unusable or hazardous to work or use, any vessel (as defined in section 3 of title 1), or any part or other materials used or intended to be used in connection with the operation of a vessel; or

“(C) set fire to, damage, destroy, disable, or displace a destructive device or destructive substance in, upon, or in proximity to, any maritime facility, including any aid to navigation, lock, canal, or vessel traffic service facility or equipment, or interfere by force or violence with the operation of such maritime facility, if such action is likely to endanger the safety of any vessel in navigation;

“(D) set fire to, damage, destroy, disable, or place a destructive device or destructive substance in, upon, or in proximity to any appliance, structure, property, machine, apparatus, or any facility or other material used or intended to be used in connection with the operation, maintenance, loading, unloading, or storage of any vessel or any passenger or cargo carried on, or intended to be carried on, any vessel;

“(E) perform an act of violence against or incapacitate an individual on a vessel, if such act of violence or incapacitation is likely to endanger the safety of the vessel or those on board;

“(F) perform an act of violence against a person that causes or is likely to cause serious bodily injury in, upon, or in proximity to any appliance, structure, property, machine, apparatus, or any facility or other material used or intended to be used in connection with the operation, maintenance, loading, unloading, or storage of any vessel or any passenger or cargo carried or intended to be carried on any vessel; or

“(G) communicate information, knowing the information to be false and under circumstances in which such information may reasonably be believed, thereby endangering the safety of any vessel in navigation; or

“(2) to attempt or conspire to do anything prohibited under paragraph (1).

“(b) PENALTY.—Any person who—

“(1) violates subparagraph (A) or (B) of subsection (a)(1) shall be fined in accordance with this title or imprisoned for a maximum life imprisonment term, or both, and if death results, shall be subject to the death penalty; and

“(2) violates subsection (a)(2) or subparagraph (C), (D), (E), (F), or (G) of subsection (a)(1) shall be fined in accordance with this title or imprisoned not more than 20 years, or both.

“(c) ADDITIONAL PENALTIES.—Any person who is fined or imprisoned in accordance with subsection (b) for an offense that involved a vessel that, at the time the violation occurred, carried high-level radioactive waste or spent nuclear fuel shall be fined in accordance with this title or imprisoned for not less than 30 years, or for life.

“(d) THREATENED OFFENSE.—Any person who willfully imparts or conveys any threat to do an act which would violate this chapter, with an apparent determination and will to carry out the threat, shall be—

“(1) fined in accordance with this title or imprisoned not more than 5 years, or both; and

“(2) liable for all costs incurred as a result of such threat.

“(e) DEFINITIONS.—For purposes of this section—

“(1) the term ‘destructive device’ has the meaning as such term in section 921(a)(4);

“(2) the term ‘destructive substance’ has the meaning as such term in section 31;

“(3) the term ‘high-level radioactive waste’ has the meaning as such term in section 2(12) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101(12));

“(4) the term ‘serious bodily injury’ has the meaning as such term in section 1365(g); and

“(5) the term ‘spent nuclear fuel’ has the meaning as such term in section 2(23) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101(23)).

“§ 1373. Imparting or conveying false information

“(a) IN GENERAL.—Any person who imparts or conveys, or causes to be imparted or conveyed, false information, knowing the information to be false, concerning an attempt or alleged attempt being made or to be made, to do any act that is an offense under this chapter or chapters 2, 97, or 111, shall be subject to a civil penalty of not more than \$5,000, which shall be recoverable in a civil action brought in the name of the United States.

“(b) INCREASED PENALTY.—Any person who willfully and maliciously, or with reckless disregard for the safety of human life, imparts or conveys, or causes to be imparted or conveyed, false information, knowing the information to be false, concerning an attempt or alleged attempt being made by or to be made, to do any act that is an offense under this chapter or chapters 2, 97, or 111, shall be fined in accordance with this title or imprisoned not more than 5 years, or both.”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of chapters at the beginning of title 18, is amended by inserting after the item relating to chapter 65 the following:

“66. Maritime Vessels 1371”. SEC. 102. CRIMINAL SANCTIONS FOR PLACEMENT OF DESTRUCTIVE DEVICES OR SUBSTANCES IN UNITED STATES JURISDICTIONAL WATERS.

(a) IN GENERAL.—Chapter 111 of title 18, United States Code, is amended by inserting after section 2280 the following:

“§ 2280A. Devices or substances in waters of the United States likely to destroy or damage ships

“(a) IN GENERAL.—Any person who knowingly places or causes to be placed in waters subject to the jurisdiction of the United States, by any means, a device or substance that is likely to destroy or cause damage to a ship or its cargo, or cause interference with the safe navigation of vessels or interference with maritime commerce, such as by

damaging or destroying marine terminals, facilities, and any other maritime structure or entity used in maritime commerce, with the intent of causing such destruction or damage—

“(1) shall be fined in accordance with this title and imprisoned for any term of years or for life; and

“(2) if the death of any person results from conduct prohibited under this section, may be punished by death.

“(b) APPLICABILITY.—Nothing in this section shall be construed to apply to otherwise lawfully authorized and conducted activities of the United States Government.”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 111 of title 18, United States Code, is amended by inserting after the item relating to section 2280 the following:

“2280A. Devices or substances in waters of the United States likely to destroy or damage ships.”.

SEC. 103. PIRACY AND PRIVATEERING.

Chapter 81 of title 18, United States Code, is amended to read as follows:

“CHAPTER 81—PIRACY AND PRIVATEERING

“Sec.

“1651. Piracy.

“1652. Crimes against United States persons or property on board a ship or maritime structure.

“1653. Crimes against persons on board a ship or maritime structure within the territorial jurisdiction of the United States.

“1654. Crimes by United States citizens or resident aliens.

“1655. Privateering.

“1656. Theft or conversion of vessel, maritime structure, cargo, or effects.

“1657. Intentional wrecking or plunder of a vessel, maritime structure, cargo, or effects.

“1658. Knowing receipt of an illegally acquired vessel, maritime structure, cargo, or effects.

“1659. Attempts.

“1660. Accessories.

“1661. Inapplicability to United States Government activities.

“§ 1651. Piracy

“Any person who commits the crime of piracy and is afterwards brought into, or found in, the United States shall be imprisoned for life.

“§ 1652. Crimes against United States persons or property on board a ship or maritime structure

“Any person who commits any illegal act of violence, detention, or depredation against the United States, including any vessel of the United States, citizen of the United States, any commercial structure owned in whole or in part by a United States citizen or resident alien, or any United States citizen or resident alien, or the property of that citizen or resident alien, on board a ship or maritime structure and is afterwards brought into or found in the United States, shall be fined in accordance with this title or imprisoned not more than 20 years, or both.

“§ 1653. Crimes against persons on board a ship or maritime structure within the territorial jurisdiction of the United States

“Any person who commits any illegal act of violence, detention, or depredation against an individual on board a ship or maritime structure, or the property of that individual, in waters or submerged lands thereunder, subject to the jurisdiction of the United States, shall be fined in accordance

with this title or imprisoned not more than 20 years, or both.

“§ 1654. Crimes by United States citizens or resident aliens

“Any person, being a United States citizen or resident alien, or purporting to act under the authority of the United States, who commits any illegal act of violence, detention, or depredation against an individual on board a ship or maritime structure, or the property of that individual, shall be fined in accordance with this title or imprisoned not more than 20 years, or both.

“§ 1655. Privateering

“(a) OFFENSE.—It shall be unlawful for any person to furnish, fit out, arm, or serve in a privateer or private vessel used to commit any illegal act of violence, detention, or depredation against an individual, or the property of that individual, or any vessel or maritime structure without the express authority of the United States Government when—

“(1) the perpetrator of the act is a United States citizen or resident alien, or purports to act under authority of the United States; or

“(2) the individual against whom the act is committed is a United States citizen or resident alien or the property, vessel, or maritime structure involved is owned, in whole or in part, by a United States citizen or resident alien; or

“(3) some element of the illegal act of violence, detention, or depredation is committed in waters subject to the jurisdiction of the United States.

“(b) PENALTY.—Any person who violates subsection (a) shall be fined in accordance with this title or imprisoned not more than 20 years, or both.

“§ 1656. Theft or conversion of vessel, maritime structure, cargo, or effects

“(a) OFFENSE.—It shall be unlawful for any person who is a captain, officer, crewman, or passenger of a vessel or maritime structure to assist in the theft or conversion of such vessel or maritime structure, or its cargo or effects when—

“(1) the perpetrator is a United States citizen or resident alien, or purports to act under the authority of the United States; or

“(2) the vessel, maritime structure, cargo, or effects is owned in whole or in part by a United States citizen or resident alien; or

“(3) some element of the theft or conversion is committed in waters subject to the jurisdiction of the United States.

“(b) PENALTY.—Any person who violates subsection (a) shall be fined in accordance with this title or imprisoned not more than 20 years, or both.

“§ 1657. Intentional wrecking or plunder of a vessel, maritime structure, cargo, or effects

“(a) OFFENSE.—It shall be unlawful for any person to—

“(1) intentionally cause the wrecking of a vessel or maritime structure by act or omission, either directly such as by intentional grounding, or indirectly by modification or destruction of any navigational marker or safety device;

“(2) intentionally plunder, steal, or destroy a vessel, maritime structure, cargo, or effects when such vessel or maritime structure is in distress, wrecked, lost, stranded, or cast away; or

“(3) intentionally obstruct or interfere with the rescue of a person on board a vessel or maritime structure in distress, wrecked, lost, stranded, or cast away, or the legal salvage of such a vessel, maritime structure, cargo, or effects, when—

“(A) the perpetrator is a United States citizen or resident alien, or purports to act under authority of the United States;

“(B) the vessel, maritime structure, cargo, or effects is owned in whole or in part by a United States citizen or resident alien; or

“(C) some element of the theft or conversion is committed in waters subject to the jurisdiction of the United States.

“(b) PENALTY.—Any person who violates subsection (a) shall be fined in accordance with this title or imprisoned not more than 20 years, or both.

“§ 1658. Knowing receipt of an illegally acquired vessel, maritime structure, cargo, or effects

“Any person who knowingly receives or acquires a vessel, maritime structure, cargo, or effects converted or obtained by action falling under any section of this chapter shall be fined in accordance with this title or imprisoned not more than 20 years, or both.

“§ 1659. Attempts

Any person who attempts any act which, if committed, would constitute an offense under this chapter shall be fined in accordance with this title or imprisoned not more than 20 years, or both.

“§ 1660. Accessories

“(a) COMMISSION OF AN OFFENSE.—Any person who knowingly assists any person in the commission of an act that constitutes an offense under this chapter shall be fined in accordance with this title or imprisoned not more than 20 years, or both.

“(b) AVOIDANCE OF CONSEQUENCES.—Any person who knowingly assists any person in avoiding the consequences of an act that constitutes an offense under this chapter shall be fined in accordance with this title or imprisoned not more than 20 years, or both.

“§ 1661. Inapplicability to United States Government activities

“Nothing in this chapter shall apply to otherwise lawful activities—

“(1) carried out by, or at the direction of, the United States Government; or

“(2) undertaken under a letter or marque and reprisal issued by the United States Government.”.

SEC. 104. USE OF A DANGEROUS WEAPON OR EXPLOSIVE ON A PASSENGER VESSEL.

(a) IN GENERAL.—Chapter 39 of title 18, United States Code, is amended by inserting after section 831 the following:

“§ 832. Use of a dangerous weapon or explosive on a passenger vessel

“(a) OFFENSE.—It shall be unlawful for any person to willfully—

“(1) commit an act, including the use of a dangerous weapon, explosive, or incendiary device, with the intent to cause death or serious bodily injury to a crew member or passenger of a passenger vessel or any other person while on board a passenger vessel; or

“(2) attempt, threaten, or conspire to do any act referred to in paragraph (1).

“(b) PENALTY.—An person who violates subsection (a) shall be fined in accordance with this title or imprisoned not more than 20 years, or both.

“(c) AGGRAVATED OFFENSE.—Any person who commits an offense described in subsection (a) in a circumstance in which—

“(1) the vessel was carrying a passenger at the time of the offense; or

“(2) the offense has resulted in the death of any person;

shall be guilty of an aggravated offense and shall be fined in accordance with this title or imprisoned for any term of years or for life.

“(d) APPLICABILITY.—This section shall apply to vessels that are subject to the jurisdiction of the United States, and vessels carrying passengers who are United States citizens or resident aliens, wherever located.

“(e) DEFINITIONS.—For purposes of this section—

“(1) the term ‘dangerous weapon’ has the meaning given such term in section 930(g);

“(2) the term ‘explosive or incendiary device’ has the meaning given such term in section 232(5);

“(3) the term ‘passenger’ has the same meaning given such term in section 2101(21) of title 46;

“(4) the term ‘passenger vessel’ has the same meaning given such term in section 2101(22) of title 46; and

“(5) the term ‘serious bodily injury’ has the meaning given such term in section 1365(g).”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 39 of title 18, United States Code, is amended by inserting after the item relating to section 831 the following:

“832. Use of a dangerous weapon or explosive on a passenger vessel.”.

SEC. 105. SANCTIONS FOR FAILURE TO HEAVE TO AND FOR OBSTRUCTION OF BOARDING AND PROVIDING FALSE INFORMATION.

(a) IN GENERAL.—Chapter 109 of title 18, United States Code, is amended by adding at the end the following:

“§2237. Sanctions for failure to heave to; sanctions for obstruction of boarding or providing false information

“(a) FAILURE TO HEAVE TO.—It shall be unlawful for the master, operator, or person in charge of a vessel of the United States, or a vessel subject to the jurisdiction of the United States, to knowingly fail to obey an order to heave to on being ordered to do so by an authorized Federal law enforcement officer.

“(b) OBSTRUCTION OF BOARDING AND PROVIDING FALSE INFORMATION.—It shall be unlawful for any person on board a vessel of the United States or a vessel subject to the jurisdiction of the United States to—

“(1) forcibly assault, resist, oppose, prevent, impede, intimidate, or interfere with a boarding or other law enforcement action authorized by any Federal law, or to resist a lawful arrest; or

“(2) provide information to a Federal law enforcement officer during a boarding of a vessel regarding the vessel’s destination, origin, ownership, registration, nationality, cargo, or crew that the person knows is false.

“(c) LIMITATIONS.—This section shall not limit the authority of—

“(1) an officer under section 581 of the Tariff Act of 1930 (19 U.S.C. 1581) or any other provision of law enforced or administered by the Secretary of the Treasury or the Under Secretary for Border and Transportation Security of the Department of Homeland Security; or

“(2) a Federal law enforcement officer under any law of the United States to order a vessel to stop or heave to.

“(d) CONSENT OR OBJECTION TO ENFORCEMENT.—A foreign nation may consent or waive objection to the enforcement of United States law by the United States under this section by radio, telephone, or similar oral or electronic means, which consent or waiver may be proven by certification of the Secretary of State or the Secretary’s designee.

“(e) PENALTY.—Any person who intentionally violates this section shall be fined in accordance with this title and imprisoned not more than 1 year.

“(f) DEFINITIONS.—For purposes of this section—

“(1) the terms ‘vessel of the United States’ and ‘vessel subject to the jurisdiction of the United States’ have the same meanings as such terms in section 3 of the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1903);

“(2) the term ‘heave to’ means to cause a vessel to slow, come to a stop, or adjust its course or speed to account for the weather conditions and sea state to facilitate a law enforcement boarding; and

“(3) the term ‘Federal law enforcement officer’ has the same meaning as such term in section 115.”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 109 of title 18, United States Code, is amended by adding at the end the following:

“2237. Sanctions for failure to heave to; sanctions for obstruction of boarding or providing false information.”.

SEC. 106. CRIMINAL SANCTIONS FOR VIOLENCE AGAINST MARITIME NAVIGATION.

Section 2280(a) of title 18, United States Code, is amended—

(1) in paragraph (1)—

(A) by redesignating subparagraphs (F), (G), and (H) as (G), (H), and (I), respectively;

(B) by inserting after subparagraph (E) the following:

“(F) destroys, damages, alters, moves, or tampers with any aid to maritime navigation maintained by the Saint Lawrence Seaway Development Corporation under the authority of section 4 of the Act of May 13, 1954, (33 U.S.C. 984) or the Coast Guard pursuant to section 81 of title 14, or lawfully maintained by the Coast Guard pursuant to section 83 of title 14, if such act endangers or is likely to endanger the safe navigation of a ship;”;

(C) in subparagraph (I), as so redesignated, by striking “through (G)” and inserting “through (H)”;

(2) in paragraph (2), by striking “(C) or (E)” and inserting “(C), (E), or (F)”.

SEC. 107. CRIMINAL SANCTIONS FOR MALICIOUS DUMPING.

(a) IN GENERAL.—Chapter 111 of title 18, United States Code, is amended by adding at the end the following:

“§2282. Knowing discharge or release

“(a) ENDANGERMENT OF HUMAN LIFE.—Any person who knowingly discharges or releases oil, a hazardous material, a noxious liquid substance, or any other substance into the navigable waters of the United States or the adjoining shoreline with the intent to endanger human life, health, or welfare—

“(1) shall be fined in accordance with this title and imprisoned for any term of years or for life; and

“(2) if the death of any person results from conduct prohibited under this section, may be punished by death.

“(b) ENDANGERMENT OF MARINE ENVIRONMENT.—Any person who knowingly discharges or releases oil, a hazardous material, a noxious liquid substance, or any other substance into the navigable waters of the United States or the adjacent shoreline with the intent to endanger the marine environment shall be fined in accordance with this title or imprisoned not more than 30 years, or both.

“(c) DEFINITIONS.—For purposes of this section—

“(1) the term ‘discharge’ means any spilling, leaking, pumping, pouring, emitting, emptying, or dumping;

“(2) the term ‘hazardous material’ has the same meaning given such term in section 2101(14) of title 46;

“(3) the term ‘marine environment’ has the same meaning given such term in section 2101(15) of title 46;

“(4) the term ‘navigable waters’ has the same meaning given such term in section 502(7) of the Federal Water Pollution Control Act (33 U.S.C. 1362(7)), and also includes the territorial sea of the United States as described in Presidential Proclamation 5928 of December 27, 1988; and

“(5) the term ‘noxious liquid substance’ has the same meaning given such term in the MARPOL Protocol as defined in section 2(a)(3) of the Act to Prevent Pollution from Ships (33 U.S.C. 1901(a)(3)).”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 111

of title 18, United States Code, is amended by adding at the end the following:

“2282. Knowing discharge or release.”.

SEC. 108. ATTORNEY GENERAL TO COORDINATE PORT-RELATED CRIME DATA COLLECTION.

(a) REGULATIONS.—The Attorney General shall issue regulations to—

(1) require the reporting by a carrier that is the victim of a cargo theft offense to the Attorney General of information on the cargo theft offense (including offenses occurring outside ports of entry and ports of shipment origination) that identifies the port of entry, the port where the shipment originated, where the theft occurred, and any other information specified by the Attorney General;

(2) create a database to contain the reports described in paragraph (1) and integrate those reports, to the extent feasible, with other noncriminal justice and intelligence data, such as insurer bill of lading, cargo contents and value, point of origin, and lien holder filings; and

(3) prescribe procedures for access to the database created in accordance with paragraph (2) by appropriate Federal, State, and local governmental agencies and private companies or organizations, while limiting access to privacy of the information in accordance with other applicable Federal laws.

(b) MODIFICATION OF DATABASES.—

(1) IN GENERAL.—United States Government agencies with significant regulatory or law enforcement responsibilities at United States ports shall, to the extent feasible, modify their information databases to ensure the collection and retrievability of data relating to crime, terrorism, and related activities at, or affecting, United States ports.

(2) DESIGNATION OF AGENCIES.—The Attorney General, after consultation with the Secretary of Homeland Security, shall designate the agencies referred to in paragraph (1).

(c) OUTREACH PROGRAM.—The Attorney General, in consultation with the Secretary of Homeland Security, the National Maritime Security Advisory Committee established under section 70112 of title 46, United States Code, and the appropriate Federal and State agencies, shall establish an outreach program—

(1) to work with State and local law enforcement officials to harmonize the reporting of data on cargo theft among States and localities with the United States Government’s reports; and

(2) to work with local port security committees to disseminate cargo theft information to appropriate law enforcement officials.

(d) ANNUAL REPORT.—The Attorney General shall report annually to the Committee on the Judiciary of the Senate and the House of Representatives on the implementation of this section.

(e) INTERSTATE OR FOREIGN SHIPMENTS BY CARRIER; STATE PROSECUTIONS.—

(1) STATE PROSECUTIONS.—Section 659 of title 18, United States Code, is amended—

(A) in the first undesignated paragraph—

(i) by striking “Whoever embezzles” and inserting the following:

“(a) OFFENSE; PENALTY.—Whoever—

“(1) embezzles”;

(ii) by striking “from any pipeline system” and all that follows through “with intent to convert to his own use”; and

(iii) by striking “or” at the end;

(B) in the second undesignated paragraph—

(i) by striking “Whoever buys” and inserting the following:

“(2) buys”;

(ii) by striking “or” at the end;

(C) in the third undesignated paragraph—

(i) by striking “Whoever embezzles” and inserting the following”

“(3) embezzles”; and
 (ii) by striking “with intent to convert to his own use”;

(D) in the fourth undesignated paragraph, by striking “Whoever embezzles” and inserting the following:

“(4) embezzles”;

(E) in the fifth undesignated paragraph, by striking “Shall in each case” and inserting the following:

“shall in each case”;

(F) in the sixth undesignated paragraph, by striking “The” and inserting the following:

“(b) LOCATION OF OFFENSE.—The”;

(G) in the seventh undesignated paragraph, by striking “The” and inserting the following:

“(c) SEPARATE OFFENSE.—The”;

(H) in the eighth undesignated paragraph, by striking “To” and inserting the following:

“(d) PRIMA FACIE EVIDENCE.—To”;

(I) in the ninth undesignated paragraph, by striking “A” and inserting the following:

“(e) PROSECUTION.—A”;

(J) by adding at the end the following:

“(f) CIVIL PENALTY.—

“(1) IN GENERAL.—Notwithstanding any other provision of law, and in addition to any penalties that may be available under any other provision of law, a person who is found by the Secretary of Homeland Security, after notice and an opportunity for a hearing, to have violated this section or a regulation issued under this section shall be liable to the United States for a civil penalty not to exceed \$25,000 for each violation.

“(2) SEPARATE VIOLATIONS.—Each day of a continuing violation shall constitute a separate violation.

“(3) AMOUNT OF PENALTY.—

“(A) IN GENERAL.—The amount of a civil penalty for a violation of this section or a regulation issued under this section shall be assessed by the Attorney General, or the designee of the Attorney General, by written notice.

“(B) CONSIDERATIONS.—In determining the amount of a civil penalty under this paragraph, the Attorney General shall take into account—

“(i) the nature, circumstances, extent, and gravity of the prohibited act committed; and

“(ii) with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay, and such other matters as justice may require.

“(4) MODIFICATION OF PENALTY.—The Secretary of Homeland Security may compromise, modify, or remit, with or without conditions, any civil penalty that is subject to imposition or which has been imposed under this section.

“(5) FAILURE TO PAY.—If a person fails to pay an assessment of a civil penalty after it has become final, the Secretary of Homeland Security may refer the matter to the Attorney General for collection in an appropriate district court of the United States.

“(g) DEFINITION.—For purposes of this section, the term ‘goods or chattels’ means to be moving as an interstate or foreign shipment at all points between the point of origin and the final destination (as evidenced by the waybill or other shipping document of the shipment) regardless of any temporary stop while awaiting transshipment or otherwise.”

(2) FEDERAL SENTENCING GUIDELINES.—Pursuant to section 994 of title 28, United States Code, the United States Sentencing Commission shall review the Federal Sentencing Guidelines to determine whether sentencing enhancement is appropriate for any offense under section 659 of title 18, United States Code, as amended by this subsection.

(3) ANNUAL REPORT.—The Attorney General shall annually submit to Congress a report

that shall include an evaluation of law enforcement activities relating to the investigation and prosecution of offenses under section 659 of title 18, United States Code.

TITLE II—PROTECTING UNITED STATES PORTS AGAINST TERRORISM AND CRIME

Subtitle A—General Provision

SEC. 201. DEFINITIONS.

In this title:

(1) AIRCRAFT.—The term “aircraft” has the meaning given that term in section 40102 of title 49, United States Code.

(2) CAPTAIN-OF-THE-PORT.—The term “Captain-of-the-Port”, with respect to a United States seaport, means the individual designated by the Commandant of the Coast Guard as the Captain-of-the-Port at that seaport.

(3) COMMON CARRIER.—The term “common carrier” means any person that holds itself out to the general public as a provider for hire of a transportation by water, land, or air of merchandise, whether or not the person actually operates the vessel, vehicle, or aircraft by which the transportation is provided, between a port or place and a port or place in the United States.

(4) CONTAINER.—The term “container” means a container that is used or designed for use for the international transportation of merchandise by vessel, vehicle, or aircraft.

(5) DIRECTORATE.—The term “Directorate” means the Border and Transportation Security Directorate of the Department of Homeland Security.

(6) MANUFACTURER.—The term “manufacturer” means a person who fabricates or assembles merchandise for sale in commerce.

(7) MERCHANDISE.—The term “merchandise” has the meaning given that term in section 401 of the Tariff Act of 1930 (19 U.S.C. 1401).

(8) OCEAN TRANSPORTATION INTERMEDIARY.—The term “ocean transportation intermediary” has the meaning given that term in section 515.2 of title 46, Code of Federal Regulations (as in effect on January 1, 2003).

(9) SHIPMENT.—The term “shipment” means cargo traveling in international commerce under a bill of lading.

(10) SHIPPER.—The term “shipper” means—

(A) a cargo owner;

(B) the person for whose account ocean transportation is provided;

(C) the person to whom delivery of merchandise is to be made; or

(D) a common carrier that accepts responsibility for payment of all charges applicable under a tariff or service contract.

(11) UNITED STATES SEAPORT.—The term “United States seaport” means a place in the United States on a waterway with shore-side facilities for the intermodal transfer of cargo containers that are used in international trade.

(12) VEHICLE.—The term “vehicle” has the meaning given that term in section 401 of the Tariff Act of 1930 (19 U.S.C. 1401).

(13) VESSEL.—The term “vessel” has the meaning given that term in section 401 of the Tariff Act of 1930 (19 U.S.C. 1401).

Subtitle B—Security Authority

SEC. 211. DESIGNATED SECURITY AUTHORITY.

The Captain-of-the-Port of each United States seaport shall be the primary authority responsible for security at the United States seaport and shall—

(1) coordinate security at such seaport; and

(2) be the point of contact on seaport security issues for civilian and commercial port entities at such seaport.

Subtitle C—Securing the Supply Chain

SEC. 221. MANIFEST REQUIREMENTS.

Section 431(b) of the Tariff Act of 1930 (19 U.S.C. 1431(b)) is amended—

(1) by striking “Any manifest” and inserting the following:

“(1) IN GENERAL.—Any manifest”; and

(2) by adding at the end the following new paragraph:

“(2) REQUIRED INFORMATION.—

“(A) REQUIREMENT.—In addition to any other requirement under this section, the pilot, master, operator, or owner (or the authorized agent of such operator or owner) of every vessel required to make entry or obtain clearance under the laws of the United States shall transmit electronically the cargo manifest information described in subparagraph (B) in such manner and form as the Secretary shall prescribe. The Secretary shall ensure the electronic information is maintained securely, and is available only to individuals with Federal Government security responsibilities.

“(B) CONTENT.—The cargo manifest required by subparagraph (A) shall consist of the following information:

“(i) The port of arrival and departure.

“(ii) The carrier code assigned to the shipper.

“(iii) The flight, voyage, or trip number.

“(iv) The dates of scheduled arrival and departure.

“(v) A request for a permit to proceed to the destination, if such permit is required.

“(vi) The numbers and quantities from the carrier’s master airway bill, bills of lading, or ocean bills of lading.

“(vii) The first port of lading of the cargo and the city in which the carrier took receipt of the cargo.

“(viii) A description and weight of the cargo (including the Harmonized Tariff Schedule of the United States number under which the cargo is classified) or, for a sealed container, the shipper’s declared description and weight of the cargo.

“(ix) The shipper’s name and address, or an identification number, from all airway bills and bills of lading.

“(x) The consignee’s name and address, or an identification number, from all airway bills and bills of lading.

“(xi) Notice of any discrepancy between actual boarded quantities and airway bill or bill of lading quantities, except that a carrier is not required by this clause to verify boarded quantities of cargo in sealed containers.

“(xii) Transfer or transit information for the cargo while it has been under the control of the carrier.

“(xiii) The location of the warehouse or other facility where the cargo was stored while under the control of the carrier.

“(xiv) The name and address, or identification number of the carrier’s customer including the forwarder, nonvessel operating common carrier, and consolidator.

“(xv) The conveyance name, national flag, and tail number, vessel number, or train number.

“(xvi) The country of origin and ultimate destination.

“(xvii) The carrier’s reference number, including the booking or bill number.

“(xviii) The shipper’s commercial invoice number and purchase order number.

“(xix) Information regarding any hazardous material contained in the cargo.

“(xx) License information including the license code, license number, or exemption code.

“(xxi) The container number for containerized shipments.

“(xxii) Certification of the empty condition of any empty containers.

“(xxiii) Any additional information that the Secretary, in consultation with the Secretary of Homeland Security, by regulation determines is reasonably necessary to ensure

aviation, maritime, and surface transportation safety pursuant to the laws enforced and administered by the Secretary or the Under Secretary for Border and Transportation Security of the Department of Homeland Security.”.

SEC. 222. PENALTIES FOR INACCURATE MANIFEST.

(a) FALSITY OR LACK OF MANIFEST.—Section 584 of the Tariff Act of 1930 (19 U.S.C. 1584) is amended—

(1) in subsection (a)(1)—

(A) by striking “\$1,000” each place it appears and inserting “\$50,000”; and

(B) by striking “\$10,000” and inserting “\$50,000”; and

(2) by adding at the end the following new subsection:

“(c) CRIMINAL PENALTIES.—Any person who ships or prepares for shipment any merchandise bound for the United States who intentionally provides inaccurate or false information, whether inside or outside the United States, with respect to such merchandise for the purpose of introducing such merchandise into the United States in violation of the laws of the United States, shall be liable, upon conviction of a violation of this subsection, for a fine of not more than \$50,000 or imprisonment for 1 year, or both; except that if the importation of such merchandise into the United States is prohibited, such person shall be liable for an additional fine of not more than \$50,000 or imprisonment for not more than 5 years, or both.”.

(b) PENALTIES FOR VIOLATIONS OF THE ARRIVAL, REPORTING, ENTRY, AND CLEARANCE REQUIREMENTS.—Subsections (b) and (c) of section 436 of Tariff Act of 1930 (19 U.S.C. 1436) are amended to read as follows:

“(b) CIVIL PENALTY.—Any master, person in charge of a vessel, vehicle, or aircraft pilot who commits any violation listed in subsection (a) shall be liable for a civil penalty of \$25,000 for the first violation, and \$50,000 for each subsequent violation, and any conveyance used in connection with any such violation is subject to seizure and forfeiture.

“(c) CRIMINAL PENALTY.—In addition to being liable for a civil penalty under subsection (b), any master, person in charge of a vessel, vehicle, or aircraft pilot who intentionally commits or causes another to commit any violation listed in subsection (a) shall be liable, upon conviction, for a fine of not more than \$50,000 or imprisonment for 1 year, or both; except that if the conveyance has, or is discovered to have had, on board any merchandise (other than sea stores or the equivalent for conveyances other than vessels) the importation of which into the United States is prohibited, such individual shall be liable for an additional fine of not more than \$50,000 or imprisonment for not more than 5 years, or both.”.

SEC. 223. SHIPMENT PROFILING PLAN.

(a) IN GENERAL.—The Secretary of Homeland Security shall develop a shipment profiling plan to track containers and shipments of merchandise to be imported into the United States. The tracking system shall be designed to identify any shipment that is a threat to the security of the United States before such shipment enters the United States.

(b) INFORMATION REQUIREMENTS.—

(1) CONTENT.—The shipment profiling plan required by subsection (a) shall at a minimum—

(A) require common carriers, shippers, and ocean transportation intermediaries to provide appropriate information regarding each shipment of merchandise, including the information required under section 431(b) of the Tariff Act of 1930 (19 U.S.C. 1431(b)) to the Secretary of Homeland Security; and

(B) require shippers to use a standard international bill of lading for each shipment that includes—

(i) the weight of the cargo;

(ii) the value of the cargo;

(iii) the vessel name;

(iv) the voyage number;

(v) a description of each container;

(vi) a description of the nature, type, and contents of the shipment;

(vii) the code number from the Harmonized Tariff Schedule;

(viii) the port of destination;

(ix) the final destination of the cargo;

(x) the means of conveyance of the cargo;

(xi) the origin of the cargo;

(xii) the name of the precarriage deliverer or agent;

(xiii) the port at which the cargo was loaded;

(xiv) the name of the formatting agent;

(xv) the bill of lading number;

(xvi) the name of the shipper;

(xvii) the name of the consignee;

(xviii) the universal transaction number or carrier code assigned to the shipper by the Secretary;

(xix) the information contained in the continuous synopsis record for the vessel transporting the shipment; and

(xx) any additional information that the Secretary by regulation determines is reasonably necessary to ensure seaport safety.

(2) CONTINUOUS SYNOPSIS RECORD DEFINED.—In this subsection, the term “continuous synopsis record” means the continuous synopsis record required by regulation 5 of chapter XI-1 of the Annex to the International Convention of the Safety of Life at Sea, 1974.

(3) EFFECTIVE DATE.—The requirement imposed under clause (xix) of paragraph (1)(B) shall take effect on July 1, 2004.

(c) CREATION OF PROFILE.—The Secretary of Homeland Security shall combine the information described in subsection (b) with other law enforcement and national security information that the Secretary determines useful to assist in locating containers and shipments that could pose a threat to the security of the United States and to create a profile of every container and every shipment within the container that will enter the United States.

(d) CARGO SCREENING.—

(1) IN GENERAL.—Officers of the Directorate shall review the profile of a shipment that a shipper desires to transport into the United States to determine whether the shipment or the container in which it is carried should be subjected to additional inspection by the Directorate. In making such a determination, an officer shall consider, in addition to any other relevant factors—

(A) whether the shipper has regularly shipped cargo to the United States in the past; and

(B) the specificity of the description of the shipment's contents.

(2) NOTIFICATION.—The Secretary of Homeland Security shall transmit to the shipper and the person in charge of the vessel, aircraft, or vehicle on which a shipment is located a notification of whether the shipment is to be subjected to additional inspection as described in paragraph (1).

(e) CONSISTENCY WITH THE NATIONAL CUSTOMS AUTOMATION PROGRAM.—The Secretary of Homeland Security, in consultation with the Secretary of the Treasury, shall ensure that the National Customs Automation Program established pursuant to section 411 of the Tariff Act of 1930 (19 U.S.C. 1411) is compatible with the shipment profile plan developed under this section.

SEC. 224. INSPECTION OF MERCHANDISE AT FOREIGN FACILITIES.

Not later than 180 days after the date of enactment of this Act, the Secretary of

Homeland Security shall submit to Congress a plan to—

(1) station inspectors from the Directorate, other Federal agencies, or the private sector at the foreign facilities of manufacturers or common carriers to profile and inspect merchandise and the containers or other means by which such merchandise is transported as they are prepared for shipment on a vessel that will arrive at any port or place in the United States;

(2) develop procedures to ensure the security of merchandise inspected as described in paragraph (1) until it reaches the United States; and

(3) permit merchandise inspected as described in paragraph (1) to receive expedited inspection upon arrival in the United States.

Subtitle D—Security of Seaports and Containers

SEC. 231. SEAPORT SECURITY REQUIREMENTS.

(a) REQUIREMENT.—Not later than 180 days after the date of enactment of this Act, the Secretary of Homeland Security shall issue final regulations setting forth minimum security requirements, including security performance standards for United States seaports. The regulations shall—

(1) limit private vehicle access to the terminal area of a United States seaport to vehicles that are registered at such seaport and display a seaport registration pass;

(2) prohibit individuals, other than law enforcement officers, from carrying firearms or explosives inside a United States seaport without written authorization from the Captain-of-the-Port;

(3) prohibit individuals from physically accessing the terminal area of a United States seaport without a seaport specific access pass;

(4) require that officers of the Directorate, and other appropriate law enforcement officers, at United States seaports be provided with, and utilize, personal radiation detection pagers to increase the ability of such officers to accurately detect radioactive materials that could be used to commit terrorist acts in the United States;

(5) require that the terminal area of each United States seaport be equipped with—

(A) a secure perimeter;

(B) monitored or locked access points; and

(C) sufficient lighting; and

(6) include any additional security requirement that the Secretary determines is reasonably necessary to ensure seaport security.

(b) LIMITATION.—Except as provided in subsection (c), any United States seaport that does not meet the minimum security requirements described in subsection (a) is prohibited from—

(1) handling, storing, stowing, loading, discharging, or transporting dangerous cargo; and

(2) transferring passengers to or from a passenger vessel that—

(A) weighs more than 100 gross tons;

(B) carries more than 12 passengers for hire; and

(C) has a planned voyage of more than 24 hours, part of which is on the high seas.

(c) EXCEPTION.—The Secretary of Homeland Security may waive 1 or more of the minimum requirements described in subsection (a) for a United States seaport if the Secretary determines that it is not appropriate for such seaport to implement the requirement.

SEC. 232. SEAPORT SECURITY CARDS.

Section 70105 of title 46, United States Code, is amended—

(1) by striking subsection (a) and inserting the following:

“(a) PROHIBITION.—(1) Unless the requirements of paragraph (2) are met, the Secretary shall prescribe regulations to prohibit—

“(A) an individual from entering an area of a vessel or facility that is designated as a secure area by the Secretary for purposes of a security plan for the vessel or facility that is approved by the Secretary under section 70103 of this title; and

“(B) an individual who is regularly employed at a United States seaport or who is employed by a common carrier that transports merchandise to or from a United States seaport from entering a United States seaport.

“(2) The prohibition imposed under paragraph (1) may not apply to—

“(A) an individual who—

“(i) holds a transportation security card issued under this section; and

“(ii) is authorized to be in area in accordance with the plan if the individual is attempting to enter an area of a vessel or facility that is designated as a secure area by the Secretary for purposes of a security plan for the vessel or facility approved by the Secretary under section 70103 of this title; or

“(B) an individual who is accompanied by another individual who may access the secure area or United States seaport in accordance with this section.

“(3) A person may not admit an individual into a United States seaport or a secure area unless the individual is in compliance with this subsection.”;

(2) in paragraph (2) of subsection (b)—

(A) in subparagraph (E), by striking “and”;

(B) by redesignating subparagraph (F) as subparagraph (G); and

(C) by inserting after subparagraph (E) the following new subparagraph:

“(F) an individual who is regularly employed at a United States seaport or who is employed by a common carrier that transports merchandise to or from a United States seaport; and”;

(3) in paragraph (1) of subsection (c)—

(A) in subparagraph (C), by striking “or”;

(B) in subparagraph (D), by striking the period at the end and inserting a semicolon and “or”;

(C) at the end, by inserting the following new subparagraph:

“(E) has not provided sufficient information to allow the Secretary to make the determinations described in subparagraph (A), (B), (C), or (D).”;

(4) by striking subsection (f); and

(5) by inserting after subsection (e) the following new subsections:

“(f) DATA ON CARDS.—A transportation security card issued under this section shall—

“(1) be tamper resistant; and

“(2) contain—

“(A) the number of the individual's commercial driver's license issued under chapter 313 of title 49, if any;

“(B) the State-issued vehicle registration number of any vehicle that the individual desires to bring into the United States seaport, if any;

“(C) the work permit number issued to the individual, if any;

“(D) a unique biometric identifier to identify the license holder; and

“(E) a safety rating assigned to the individual by the Secretary of Homeland Security.

“(g) DEFINITIONS.—In this section:

“(1) ALIEN.—The term ‘alien’ has the meaning given the term in section 101(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(3)).

“(2) UNITED STATES SEAPORT.—The term ‘United States seaport’ means a place in the United States on a waterway with shoreside facilities for the intermodal transfer of cargo

containers that are used in international trade.”.

SEC. 233. SECURING SENSITIVE INFORMATION.

(a) REQUIREMENT.—Not later than 90 days after the date of enactment of this Act, the Captain-of-the-Port of each United States seaport shall secure and protect all sensitive information, including information that is currently available to the public, related to the seaport.

(b) SENSITIVE INFORMATION.—In this section, the term “sensitive information” means—

(1) maps of the seaport;

(2) blueprints of structures located within the seaport; and

(3) any other information related to the security of the seaport that the Captain-of-the-Port determines is appropriate to secure and protect.

SEC. 234. CONTAINER SECURITY.

(a) CONTAINER SEALS.—

(1) APPROVAL.—Not later than 90 days after the date of enactment of this Act, the Secretary of Homeland Security shall approve minimum standards for high security container seals that—

(A) meet or exceed the American Society for Testing Materials Level D seals;

(B) permit each seal to have a unique identification number; and

(C) contain an electronic tag that can be read electronically at a seaport.

(2) REQUIREMENT FOR USE.—Within 180 days after the date of enactment of this Act, the Secretary of Homeland Security shall deny entry of a vessel into the United States if the containers carried by the vessel are not sealed with a high security container seal approved under paragraph (1).

(b) IDENTIFICATION NUMBER.—

(1) REQUIREMENT.—A shipment that is shipped to or from the United States either directly or via a foreign port shall have a designated universal transaction number.

(2) TRACKING.—The person responsible for the security of a container shall record the universal transaction number assigned to the shipment under paragraph (1), as well as any seal identification number on the container, at every port of entry and point at which the container is transferred from one conveyance to another conveyance.

(c) PILOT PROGRAM.—

(1) GRANTS.—The Secretary of Homeland Security is authorized to award grants to eligible entities to develop an improved seal for cargo containers that—

(A) permit the immediate detection of tampering with the seal;

(B) permit the immediate detection of tampering with the walls, ceiling, or floor of a container that indicates a person is attempting to improperly access the container; and

(C) transmit information regarding tampering with the seal, walls, ceiling, or floor of the container in real time to the appropriate authorities at a remote location.

(2) APPLICATION.—Each eligible entity seeking a grant under this subsection shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

(3) ELIGIBLE ENTITY.—In this subsection, the term “eligible entity” means any national laboratory, nonprofit private organization, institution of higher education, or other entity that the Secretary determines is eligible to receive a grant authorized by paragraph (1).

(d) EMPTY CONTAINERS.—

(1) CERTIFICATION.—The Secretary of Homeland Security shall prescribe in regulations requirements for certification of empty containers that are to be shipped to or from

the United States either directly or via a foreign port. Such regulations shall require that an empty container—

(A) be inspected and certified as empty prior to being loaded onto a vessel for transportation to a United States seaport; and

(B) be sealed with a high security container seal approved under subsection (a)(1) to enhance the security of United States seaports.

SEC. 235. OFFICE AND INSPECTION FACILITIES.

(a) OPERATIONAL SPACE IN SEAPORTS.—Each entity that owns or operates a United States seaport that receives cargo from a foreign country, whether governmental, quasi-governmental, or private, shall provide to the Directorate permanent office and inspection space within the seaport that is sufficient for the Directorate officers at the seaport to carry out their responsibilities. Such office and inspection space—

(1) shall be provided at no cost to the Directorate; and

(2) may be located outside the terminal area of the seaport.

(b) INSPECTION TECHNOLOGY.—The Secretary of Homeland Security shall maintain permanent inspection facilities that utilize available inspection technology in the space provided at each seaport pursuant to subsection (a).

SEC. 236. SECURITY GRANTS TO SEAPORTS.

(a) CRITERIA FOR AWARDED GRANTS.—Notwithstanding any other provision of law, the Secretary of Homeland Security shall use the proportion of the containerized imports that are received at a United States seaport as a factor to be considered when determining whether to select that seaport for award of a competitive grant for security.

(b) DEFINITIONS.—In this section:

(1) CONTAINERIZED IMPORTS.—The term “containerized imports” means the number of twenty-foot equivalent units of containerized imports that enter the United States annually through a United States seaport as estimated by the Bureau of Transportation Statistics of the Department of Transportation.

(2) COMPETITIVE GRANT FOR SECURITY.—The term “competitive grant for security” means a grant of Federal financial assistance that the Secretary of Homeland Security is authorized to award to a United States seaport for the purpose of enhancing security at the seaport, including a grant of funds appropriated under the heading “Maritime and Land Security” in title I of division I of the Consolidated Appropriations Resolution, 2003 (Public Law 108-7).

TITLE III—AUTHORIZATION

SEC. 301. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Attorney General and the Secretary of Homeland Security such sums as are necessary to carry out this Act. Sums authorized to be appropriated under this section are authorized to remain available until expended.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 101—CALLING FOR THE PROSECUTION OF IRAQIS AND THEIR SUPPORTERS FOR WAR CRIMES, AND FOR OTHER PURPOSES

Mr. SPECTER submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 101

Resolved, That it is the sense of the Senate that—

(1) the governments of the United States, the United Kingdom, and other nations comprising the coalition conducting Operation Iraqi Freedom should prosecute by trial by tribunal each person in the Government of Iraq, each person in the armed forces of Iraq, and any other person, regardless of nationality, who orders, directs, solicits, procures, coordinates, participates in, or supports acts in violation of the international law of armed conflict (including the aspects of such law known as the Hague and Geneva Conventions) that are directed at members of the armed forces of the coalition nations or at the people of Iraq or any other nation;

(2) in the determination of appropriate persons to be charged and tried by such tribunal on the basis of command responsibility for any violation, consideration should be given to identifying responsible persons throughout the full range of the chain command, and not only persons within formal chains of command of the government and armed forces of Iraq, but also persons integral to any informal link by which a person in the government of Iraq or the armed forces of Iraq, or any other person, directs paramilitary, political, or guerrilla forces;

(3) in the determination of appropriate persons to be charged and tried by such tribunal, consideration should also be given to identifying persons who use political position or mass media in any of the violations; and

(4) in the determination of the violations of the international law of armed conflict to be tried by the tribunal, particular attention should be given to acts in the nature of those that, as of the date of this resolution, have already been committed by Iraqi directed forces, such as—

(A) the abuse of places protected from military attack under international law, such as the use of mosques and hospitals as military headquarters or for other military purposes;

(B) the ruse by which Iraqi combatants wear civilian clothing instead of, or over, uniforms to conceal their status as combatants and, while so clothed, attack coalition forces;

(C) the ruse by which Iraqi combatants feign surrender to coalition forces to gain advantage used by the Iraqi combatants to attack personnel of the coalition forces;

(D) the use of civilians or other persons protected under international law as human shields for Iraqi combatants on the battlefield;

(E) assault, murder, kidnapping, or torture of civilians or other persons protected under international law in order to terrorize those persons or others or to prevent them from gaining the protection of coalition forces;

(F) abuse, torture, assault, or murder of personnel of coalition forces entitled to treatment as prisoners of war or of civilians entitled to a protected status under international law; and

(G) recruitment or encouragement of non-Iraqi foreign nationals to engage in violations of the international law of armed conflict.

Mr. SPECTER. Mr. President, I was alarmed over the past weekend to note the suicide bombing which was perpetrated on Saturday where four United States soldiers in the 3rd Infantry Division were murdered by a suicide car bomb, with a bomber driving a taxi filled with explosives to a highway checkpoint in central Iraq. This is the first such attack on American troops in this war, a war in which Iraqi forces have been accused of dressing as civil-

ians and employing so-called human shields.

In an interview which appeared on ABC Television on Sunday, March 30th, Deputy Prime Minister Tariq Aziz stated that this was to be the policy of Iraq. This statement was in response to a question by ABC News correspondent Richard Engel, a question related to the comment by the Vice President of Iraq the preceding day, Saturday, March 29th, and then again by a Defense Ministry spokesman on March 30th, that Iraq is "welcoming the use of [such] suicide attacks."

I am today introducing a resolution which condemns this practice as a war crime, to put the government of Iraq on notice that the United States, Great Britain, and coalition forces will be prosecuting these atrocities as war crimes. Human Rights Watch commented on this matter, condemned the act in a press release issued just today, saying: "Feigning civilian or non-combatant status to deceive the enemy is a violation of the laws of war. . . ."

On March 29, that is last Saturday, at a U.S. military roadblock near Najaf, an Iraqi noncommissioned officer, reportedly posing as a taxi driver, detonated a car bomb that killed him and four U.S. soldiers. Iraqi Vice President Taha Yassin Ramadan said in a Baghdad news conference that such attacks would become "routine military policy." The executive director of the Human Rights Watch, Mr. Kenneth Roth, said: "When combatants disguise themselves as civilians or surrendering soldiers, that is a serious violation of the laws of war. Any such blurring of the line between combatant and non-combatant puts all Iraqis at greater risk."

International law prohibits attacking, killing, injuring, capturing, or deceiving the enemy by resorting to what is called perfidy. A "perfidious attack" is one launched by combatants who have led opposing forces to believe that the attackers are really noncombatants. Acts of perfidy include pretending to be a civilian who cannot be attacked, or feigning surrender. Surrendering soldiers cannot be attacked, so it is perfidious to use that protected status to attack as the opposing forces let down their guard as they try to take the "surrendering" soldiers into custody.

Now, this technique, this tactic, has been sanctioned, as noted, at the highest level of the Iraqi government by the Vice President of Iraq and by Deputy Prime Minister Tariq Aziz. Minister Aziz has been the leading Iraqi spokesman for more than a decade, going back, actually, before the gulf war in 1991. When Minister Aziz speaks, there is no doubt that he is speaking at the highest level of the Iraqi government.

The Iraqi government awarded the suicide bomber two posthumous medals and the Vice President said the suicide attacks will become routine military policy in Iraq and in the United States

unless the Bush administration abandons the (then) 10-day-old war and pulls back its troops.

The interview by ABC TV news correspondent Richard Engel went on to question Deputy Prime Minister Aziz about the nature of such attacks in the future, and Minister Aziz commented: "There will be others. Iraqis, Arabs, maybe Muslims, yes. We welcome them."

Minister Aziz took pride in pointing out: "[T]he first one who did it was an Iraqi. He was not a foreigner."

It is my view that this is one of a series of acts by the Iraqi Government in violation of the laws of war itemized in the Hague and Geneva Conventions, and that more and varied types of atrocities may be expected by the desperate Iraqi Government.

That is why I have prepared today this resolution which calls upon:

. . . the governments of the United States, the United Kingdom, and other nations comprising the coalition conducting Operation Iraqi Freedom [to] prosecute by trial by tribunal each person in the Government of Iraq, each person in the armed forces of Iraq, and any other person, regardless of nationality, who orders, directs, solicits, procures, coordinates, participates in, or supports acts in violation of the international law of armed conflict (including the aspects of such law known as the Hague and Geneva Conventions)

The resolution specifies a series of circumstances where there is:

. . . abuse of places protected from military attack under international law, such as the use of mosques and hospitals as military headquarters or for other military purposes;

. . . the ruse by which Iraqi combatants wear civilian clothing instead of, or over, uniforms to conceal their status as combatants and, while so clothed, attack coalition forces;

. . . the ruse by which Iraqi combatants feign surrender to coalition forces to gain advantage used by the Iraqi combatants to attack personnel of the coalition forces;

. . . the use of civilians or other persons protected under international law as human shields for Iraqi combatants on the battlefield;

. . . assault, murder, kidnapping, or torture of civilians or other persons protected under international law in order to terrorize those persons or others or to prevent them from gaining the protection of coalition forces;

. . . abuse, torture, assault, or murder of personnel of coalition forces entitled to treatment as prisoners of war or of civilians entitled to a protected status under international law; and

. . . recruitment or encouragement of non-Iraqi foreign nationals to engage in violations of the international law of armed conflict.

We are saying what has occurred in Iraq today are the actions of a desperate nation.

I believe it is very important that the upper echelon of the Iraqi Government, people such as the Vice President, people such as Deputy Prime Minister Aziz, be put on notice that these acts in violation of The Hague and Geneva Conventions will be dealt with very forcefully by a tribunal which is yet to be established.

I do not specify at this time the kind of tribunal. That will require some further analysis. It could be a military tribunal to try those offenses where the victims are soldiers of the U.S. Army, or of the British Army, or soldiers of the coalition forces.

It might be an international tribunal such as that which was established for the former Yugoslavia, or Rwanda.

It is worth noting, and the Iraqi officials ought to be watching, what has happened at The Hague and what happened in Rwanda. The former head of state of Rwanda is now serving a life sentence—*notwithstanding* that he was the head of state of Rwanda—for crimes against humanity. In a well-publicized case, former Yugoslavian President Milosevic is now on trial in The Hague for violations of international law and crimes against humanity. Many have been sentenced for criminal conduct, for violations of international law in Bosnia and in Kosovo. So at this early stage I believe it is important that the word go out to the Iraqi high command and to those who follow orders of the Iraqi high command that they will be prosecuted as war criminals.

It is not a defense that someone says that he or she is operating under an order from a superior officer. In a very celebrated case in World War I, a German U-boat sank an Allied ship. As it went down, those in lifeboats were machinegunned by the submarine, which had surfaced. The perpetrator of the machinegunning entered a defense that the machinegunner was operating under superior's orders. That was soundly rejected. So the principle has been established as a matter of international law that it is no defense to say a person operates under superior's orders.

Of course, it is not a defense at all for ranking officials such as the Iraqi Vice President and the Iraqi Deputy Prime Minister, who know better, who are engaging in these violations of international law. Those who carry out the orders of these Iraqis ought to be on notice, too, that these matters will not be over when we win the war, when the war stops, because these individuals will be pursued in trials just as the head of state of Rwanda was pursued and is serving a life sentence; just as former President Milosevic is being pursued and prosecuted; as so many others are being pursued.

This word ought to go out in a very forceful way to the Iraqis that this conduct in violation of international law will not be tolerated.

In 1998 I introduced S. Con. Res. 78 calling for a war crimes tribunal to try Saddam Hussein as a war criminal. On March 13, 1998, that was passed unanimously, 93 to nothing, by the Senate. So there is a demonstrated interest on the part of this body in acting very forcefully to give notice to, not only Saddam Hussein, but other Iraqi officials and those who carry out their orders that they will be prosecuted as

war criminals if they continue to violate international law.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. THOMAS. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Monday, March 31, 2003, at 4:00 p.m., in open session, to receive testimony on the U.S. Air Force investigation into allegations of sexual assault at the U.S. Air Force Academy and related recommendations.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON EMERGING THREATS AND CAPABILITIES

Mr. THOMAS. Mr. President, I ask unanimous consent that the Subcommittee on Emerging Threats and Capabilities of the Committee on Armed Services be authorized to meet during the session of the Senate on Monday, March 31, 2003, at 2:00 p.m., in open session to receive testimony on the science and technology program and the role of Department of Defense laboratories in review of the Defense authorization request for fiscal year 2004.

The PRESIDING OFFICER. Without objection, it is so ordered.

HOUSE CONCURRENT RESOLUTION 95

The Senate passed H. Con. Res. 95 on Wednesday, March 26, 2003 as follows:

In the Senate of the United States, March 26, 2003.

Resolved, That the resolution from the House of Representatives (H. Con. Res. 95) entitled "Concurrent resolution establishing the congressional budget for the United States Government for fiscal year 2004 and setting forth appropriate budgetary levels for fiscal years 2003 and 2005 through 2013," do pass with the following amendment:

Strike out all after the resolving clause and insert:

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2004.

(a) *DECLARATION*.—Congress declares that this resolution is the concurrent resolution on the budget for fiscal years 2003 and 2004 including the appropriate budgetary levels for fiscal year 2003 and for fiscal years 2005 through 2013 as authorized by section 301 of the Congressional Budget Act of 1974 (2 U.S.C. 632).

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

Sec. 1. Concurrent resolution on the budget for fiscal year 2004.

TITLE I—LEVELS AND AMOUNTS

Sec. 101. Recommended levels and amounts.

Sec. 102. Social Security.

Sec. 103. Major functional categories.

Sec. 104. Reconciliation in the Senate.

TITLE II—BUDGET ENFORCEMENT AND RULEMAKING

Subtitle A—Budget Enforcement

Sec. 201. Extension of supermajority enforcement.

Sec. 202. Discretionary spending limits in the Senate.

Sec. 203. Restrictions on advance appropriations in the Senate.

Sec. 204. Emergency legislation.

Sec. 205. Pay-as-you-go point of order in the Senate.

Sec. 206. Sense of the Senate on reports on liabilities and future costs

Subtitle B—Reserve Funds and Other Adjustments

Sec. 211. Adjustment for special education.

Sec. 212. Adjustment for highways and highway safety and transit.

Sec. 213. Reserve fund for medicare.

Sec. 214. Reserve fund for health insurance for the uninsured.

Sec. 215. Reserve fund for children with special needs.

Sec. 216. Reserve fund for medicaid reform.

Sec. 217. Reserve fund for project bioshield.

Sec. 218. Reserve fund for stateside grant program.

Sec. 219. Reserve fund for State children's health insurance program.

Subtitle C—Miscellaneous Provisions

Sec. 221. Adjustments to reflect changes in concepts and definitions.

Sec. 222. Application and effect of changes in allocations and aggregates.

Sec. 223. Exercise of rulemaking powers.

TITLE III—SENSE OF THE SENATE

Sec. 301. Sense of the Senate on Federal employee pay.

Sec. 302. Sense of the Senate on tribal colleges and universities.

Sec. 303. Sense of the Senate regarding the 504 small business credit program.

Sec. 304. Sense of the Senate regarding Pell Grants.

Sec. 305. Sense of the Senate regarding the National Guard.

Sec. 306. Sense of the Senate regarding weapons of mass destruction civil support teams.

Sec. 307. Sense of the Senate on emergency and disaster assistance for livestock and agriculture producers.

Sec. 308. Social Security restructuring.

Sec. 309. Sense of the Senate concerning State fiscal relief.

Sec. 310. Federal Agency Review Commission.

Sec. 311. Sense of the Senate regarding highway spending.

Sec. 312. Sense of the Senate concerning an expansion in health care coverage.

Sec. 313. Sense of the Senate on the State Criminal Alien Assistance Program.

Sec. 314. Sense of the Senate concerning programs of the Corps of Engineers.

Sec. 315. Radio interoperability for first responders.

Sec. 316. Sense of the Senate on corporate tax haven loopholes.

Sec. 317. Sense of Senate on phased-in concurrent receipt of retired pay and veterans' disability compensation for veterans with service-connected disabilities rated at 60 percent or higher.

Sec. 318. Sense of the Senate concerning Native American health.

Sec. 319. Reserve fund to strengthen social security.

Sec. 320. Sense of the Senate on providing tax and other incentives to revitalize rural America.

Sec. 321. Sense of the Senate concerning higher education affordability.

Sec. 322. Sense of the Senate concerning children's graduate medical education.

Sec. 323. Sense of the Senate on funding for criminal justice.

Sec. 324. Sense of the Senate concerning funding for drug treatment programs.

Sec. 325. Funding for after-school programs.

Sec. 326. Sense of the Senate on the \$1,000 child credit

Sec. 327. Sense of the Senate concerning funding for domestic nutrition assistance programs

Sec. 328. Sense of Senate concerning free trade agreement with the United Kingdom

Sec. 329. Reserve fund for possible military action and reconstruction in Iraq

TITLE I—LEVELS AND AMOUNTS

SEC. 101. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for the fiscal years 2003 through 2013:

(1) **FEDERAL REVENUES.**—For purposes of the enforcement of this resolution—

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 2003: \$1,333,861,000,000.
Fiscal year 2004: \$1,400,789,000,000.
Fiscal year 2005: \$1,566,044,000,000.
Fiscal year 2006: \$1,702,314,000,000.
Fiscal year 2007: \$1,828,213,000,000.
Fiscal year 2008: \$1,935,251,000,000.
Fiscal year 2009: \$2,043,323,000,000.
Fiscal year 2010: \$2,141,398,000,000.
Fiscal year 2011: \$2,309,946,000,000.
Fiscal year 2012: \$2,463,192,000,000.
Fiscal year 2013: \$2,522,440,090,000.

(B) The amounts by which the aggregate levels of Federal revenues should be changed are as follows:

Fiscal year 2003: —\$25,973,000,000.
Fiscal year 2004: —\$65,581,000,000.
Fiscal year 2005: —\$50,982,000,000.
Fiscal year 2006: —\$38,358,000,000.
Fiscal year 2007: —\$24,953,000,000.
Fiscal year 2008: —\$27,726,000,000.
Fiscal year 2009: —\$35,007,000,000.
Fiscal year 2010: —\$51,644,000,000.
Fiscal year 2011: —\$117,550,000,000.
Fiscal year 2012: —\$186,587,000,000.
Fiscal year 2013: —\$176,785,000,000.

(2) **NEW BUDGET AUTHORITY.**—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 2003: \$1,794,227,000,000.
Fiscal year 2004: \$1,874,032,000,000.
Fiscal year 2005: \$1,994,686,000,000.
Fiscal year 2006: \$2,124,245,000,000.
Fiscal year 2007: \$2,235,720,000,000.
Fiscal year 2008: \$2,348,071,000,000.
Fiscal year 2009: \$2,437,669,000,000.
Fiscal year 2010: \$2,500,565,000,000.
Fiscal year 2011: \$2,635,593,000,000.
Fiscal year 2012: \$2,714,087,000,000.
Fiscal year 2013: \$2,826,659,000,000.

(3) **BUDGET OUTLAYS.**—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 2003: \$1,781,356,000,000.
Fiscal year 2004: \$1,861,586,000,000.
Fiscal year 2005: \$1,978,275,000,000.
Fiscal year 2006: \$2,086,486,000,000.
Fiscal year 2007: \$2,190,507,000,000.
Fiscal year 2008: \$2,302,685,000,000.
Fiscal year 2009: \$2,401,719,000,000.
Fiscal year 2010: \$2,482,496,000,000.
Fiscal year 2011: \$2,620,630,000,000.
Fiscal year 2012: \$2,683,238,000,000.
Fiscal year 2013: \$2,804,218,000,000.

(4) **DEFICITS.**—For purposes of the enforcement of this resolution, the amounts of the deficits are as follows:

Fiscal year 2003: —\$447,570,000,000.
Fiscal year 2004: —\$460,721,000,000.
Fiscal year 2005: —\$411,598,000,000.
Fiscal year 2006: —\$383,662,000,000.
Fiscal year 2007: —\$362,067,000,000.
Fiscal year 2008: —\$367,527,000,000.
Fiscal year 2009: —\$358,779,000,000.
Fiscal year 2010: —\$341,720,000,000.
Fiscal year 2011: —\$312,000,000,000.
Fiscal year 2012: —\$221,616,000,000.
Fiscal year 2013: —\$178,665,000,000.

(5) **PUBLIC DEBT.**—The appropriate levels of the public debt are as follows:

Fiscal year 2003: \$6,677,267,000,000.
Fiscal year 2004: \$7,215,918,000,000.
Fiscal year 2005: \$7,733,105,000,000.
Fiscal year 2006: \$8,241,417,000,000.

Fiscal year 2007: \$8,732,633,000,000.

Fiscal year 2008: \$9,233,290,000,000.

Fiscal year 2009: \$9,726,900,000,000.

Fiscal year 2010: \$10,207,984,000,000.

Fiscal year 2011: \$10,663,002,000,000.

Fiscal year 2012: \$11,034,232,000,000.

Fiscal year 2013: \$11,363,714,000,000.

(6) **DEBT HELD BY THE PUBLIC.**—The appropriate levels of the debt held by the public are as follows:

Fiscal year 2003: \$3,847,900,000,000.
Fiscal year 2004: \$4,131,037,000,000.
Fiscal year 2005: \$4,354,830,000,000.
Fiscal year 2006: \$4,536,407,000,000.
Fiscal year 2007: \$4,676,003,000,000.
Fiscal year 2008: \$4,800,602,000,000.
Fiscal year 2009: \$4,896,298,000,000.
Fiscal year 2010: \$4,955,445,000,000.
Fiscal year 2011: \$4,966,079,000,000.
Fiscal year 2012: \$4,870,951,000,000.
Fiscal year 2013: \$4,517,682,000,000.

SEC. 102. SOCIAL SECURITY.

(a) **SOCIAL SECURITY REVENUES.**—For purposes of Senate enforcement under sections 302 and 311 of the Congressional Budget Act of 1974, the amounts of revenues of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 2003: \$531,607,000,000.
Fiscal year 2004: \$557,826,000,000.
Fiscal year 2005: \$587,785,000,000.
Fiscal year 2006: \$619,062,000,000.
Fiscal year 2007: \$651,128,000,000.
Fiscal year 2008: \$684,409,000,000.
Fiscal year 2009: \$719,112,000,000.
Fiscal year 2010: \$755,724,000,000.
Fiscal year 2011: \$792,122,000,000.
Fiscal year 2012: \$829,538,000,000.
Fiscal year 2013: \$869,650,000,000.

(b) **SOCIAL SECURITY OUTLAYS.**—For purposes of Senate enforcement under sections 302 and 311 of the Congressional Budget Act of 1974, the amounts of outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 2003: \$366,296,000,000.
Fiscal year 2004: \$380,467,000,000.
Fiscal year 2005: \$390,247,000,000.
Fiscal year 2006: \$402,579,000,000.
Fiscal year 2007: \$415,605,000,000.
Fiscal year 2008: \$429,595,000,000.
Fiscal year 2009: \$446,203,000,000.
Fiscal year 2010: \$464,626,000,000.
Fiscal year 2011: \$483,334,000,000.
Fiscal year 2012: \$506,507,000,000.
Fiscal year 2013: \$533,097,000,000.

(c) **SOCIAL SECURITY ADMINISTRATIVE EXPENSES.**—In the Senate, the amounts of new budget authority and budget outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund for administrative expenses are as follows:

Fiscal year 2003:
(A) New budget authority, \$3,812,000,000.
(B) Outlays, \$3,838,000,000.
Fiscal year 2004:
(A) New budget authority, \$4,257,000,000.
(B) Outlays, \$4,207,000,000.
Fiscal year 2005:
(A) New budget authority, \$4,338,000,000.
(B) Outlays, \$4,301,000,000.
Fiscal year 2006:
(A) New budget authority, \$4,424,000,000.
(B) Outlays, \$4,409,000,000.
Fiscal year 2007:
(A) New budget authority, \$4,522,000,000.
(B) Outlays, \$4,505,000,000.
Fiscal year 2008:
(A) New budget authority, \$4,638,000,000.
(B) Outlays, \$4,617,000,000.
Fiscal year 2009:
(A) New budget authority, \$4,792,000,000.
(B) Outlays, \$4,766,000,000.
Fiscal year 2010:

(A) New budget authority, \$4,954,000,000.

(B) Outlays, \$4,924,000,000.

Fiscal year 2011:

(A) New budget authority, \$5,121,000,000.

(B) Outlays, \$5,091,000,000.

Fiscal year 2012:

(A) New budget authority, \$5,292,000,000.

(B) Outlays, \$5,260,000,000.

Fiscal year 2013:

(A) New budget authority, \$5,471,000,000.

(B) Outlays, \$5,439,000,000.

SEC. 103. MAJOR FUNCTIONAL CATEGORIES.

Congress determines and declares that the appropriate levels of new budget authority, budget outlays, new direct loan obligations, and new primary loan guarantee commitments for fiscal years 2003 through 2013 for each major functional category are:

(1) **National Defense (050):**

Fiscal year 2003:

(A) New budget authority, \$395,494,000,000.

(B) Outlays, \$389,229,000,000.

Fiscal year 2004:

(A) New budget authority, \$400,658,000,000.

(B) Outlays, \$401,064,000,000.

Fiscal year 2005:

(A) New budget authority, \$420,402,000,000.

(B) Outlays, \$414,536,000,000.

Fiscal year 2006:

(A) New budget authority, \$440,769,000,000.

(B) Outlays, \$426,591,000,000.

Fiscal year 2007:

(A) New budget authority, \$461,400,000,000.

(B) Outlays, \$439,621,000,000.

Fiscal year 2008:

(A) New budget authority, \$482,340,000,000.

(B) Outlays, \$464,315,000,000.

Fiscal year 2009:

(A) New budget authority, \$489,209,000,000.

(B) Outlays, \$477,989,000,000.

Fiscal year 2010:

(A) New budget authority, \$495,079,000,000.

(B) Outlays, \$487,993,000,000.

Fiscal year 2011:

(A) New budget authority, \$502,947,000,000.

(B) Outlays, \$500,478,000,000.

Fiscal year 2012:

(A) New budget authority, \$510,984,000,000.

(B) Outlays, \$501,628,000,000.

Fiscal year 2013:

(A) New budget authority, \$519,393,000,000.

(B) Outlays, \$514,885,000,000.

(2) **International Affairs (150):**

Fiscal year 2003:

(A) New budget authority, \$22,506,000,000.

(B) Outlays, \$19,283,000,000.

Fiscal year 2004:

(A) New budget authority, \$25,681,000,000.

(B) Outlays, \$24,207,000,000.

Fiscal year 2005:

(A) New budget authority, \$29,734,000,000.

(B) Outlays, \$24,917,000,000.

Fiscal year 2006:

(A) New budget authority, \$32,308,000,000.

(B) Outlays, \$26,539,000,000.

Fiscal year 2007:

(A) New budget authority, \$33,603,000,000.

(B) Outlays, \$28,464,000,000.

Fiscal year 2008:

(A) New budget authority, \$34,611,000,000.

(B) Outlays, \$29,604,000,000.

Fiscal year 2009:

(A) New budget authority, \$35,413,000,000.

(B) Outlays, \$30,733,000,000.

Fiscal year 2010:

(A) New budget authority, \$36,258,000,000.

(B) Outlays, \$31,689,000,000.

Fiscal year 2011:

(A) New budget authority, \$37,136,000,000.

(B) Outlays, \$32,565,000,000.

Fiscal year 2012:

(A) New budget authority, \$38,005,000,000.

(B) Outlays, \$33,408,000,000.

Fiscal year 2013:

(A) New budget authority, \$38,885,000,000.

(B) Outlays, \$34,298,000,000.

(3) **General Science, Space, and Technology (250):**

Fiscal year 2003:

(A) New budget authority, \$23,153,000,000.
(B) Outlays, \$21,556,000,000.

Fiscal year 2004:

(A) New budget authority, \$23,603,000,000.
(B) Outlays, \$22,728,000,000.

Fiscal year 2005:

(A) New budget authority, \$24,433,000,000.
(B) Outlays, \$23,715,000,000.

Fiscal year 2006:

(A) New budget authority, \$25,217,000,000.
(B) Outlays, \$24,420,000,000.

Fiscal year 2007:

(A) New budget authority, \$26,055,000,000.
(B) Outlays, \$25,202,000,000.

Fiscal year 2008:

(A) New budget authority, \$26,832,000,000.
(B) Outlays, \$25,942,000,000.

Fiscal year 2009:

(A) New budget authority, \$27,462,000,000.
(B) Outlays, \$26,639,000,000.

Fiscal year 2010:

(A) New budget authority, \$28,121,000,000.
(B) Outlays, \$27,296,000,000.

Fiscal year 2011:

(A) New budget authority, \$28,805,000,000.
(B) Outlays, \$27,963,000,000.

Fiscal year 2012:

(A) New budget authority, \$29,492,000,000.
(B) Outlays, \$28,639,000,000.

Fiscal year 2013:

(A) New budget authority, \$30,185,000,000.
(B) Outlays, \$29,319,000,000.

*(4) Energy (270):**Fiscal year 2003:*

(A) New budget authority, \$2,074,000,000.
(B) Outlays, \$439,000,000.

Fiscal year 2004:

(A) New budget authority, \$2,634,000,000.
(B) Outlays, \$873,000,000.

Fiscal year 2005:

(A) New budget authority, \$2,797,000,000.
(B) Outlays, \$947,000,000.

Fiscal year 2006:

(A) New budget authority, \$2,714,000,000.
(B) Outlays, \$1,272,000,000.

Fiscal year 2007:

(A) New budget authority, \$2,540,000,000.
(B) Outlays, \$1,069,000,000.

Fiscal year 2008:

(A) New budget authority, \$3,080,000,000.
(B) Outlays, \$1,419,000,000.

Fiscal year 2009:

(A) New budget authority, \$3,090,000,000.
(B) Outlays, \$1,686,000,000.

Fiscal year 2010:

(A) New budget authority, \$3,194,000,000.
(B) Outlays, \$1,794,000,000.

Fiscal year 2011:

(A) New budget authority, \$3,296,000,000.
(B) Outlays, \$1,976,000,000.

Fiscal year 2012:

(A) New budget authority, \$3,408,000,000.
(B) Outlays, \$2,357,000,000.

Fiscal year 2013:

(A) New budget authority, \$3,520,000,000.
(B) Outlays, \$2,326,000,000.

*(5) Natural Resources and Environment (300):**Fiscal year 2003:*

(A) New budget authority, \$30,816,000,000.
(B) Outlays, \$28,940,000,000.

Fiscal year 2004:

(A) New budget authority, \$35,253,000,000.
(B) Outlays, \$31,378,000,000.

Fiscal year 2005:

(A) New budget authority, \$32,639,000,000.
(B) Outlays, \$32,325,000,000.

Fiscal year 2006:

(A) New budget authority, \$33,261,000,000.
(B) Outlays, \$33,889,000,000.

Fiscal year 2007:

(A) New budget authority, \$33,576,000,000.
(B) Outlays, \$34,128,000,000.

Fiscal year 2008:

(A) New budget authority, \$34,245,000,000.
(B) Outlays, \$34,119,000,000.

Fiscal year 2009:

(A) New budget authority, \$35,370,000,000.

(B) Outlays, \$34,701,000,000.

Fiscal year 2010:

(A) New budget authority, \$36,198,000,000.
(B) Outlays, \$35,512,000,000.

Fiscal year 2011:

(A) New budget authority, \$36,958,000,000.
(B) Outlays, \$36,267,000,000.

Fiscal year 2012:

(A) New budget authority, \$37,592,000,000.
(B) Outlays, \$36,874,000,000.

Fiscal year 2013:

(A) New budget authority, \$38,316,000,000.
(B) Outlays, \$37,677,000,000.

*(6) Agriculture (350):**Fiscal year 2003:*

(A) New budget authority, \$24,418,000,000.
(B) Outlays, \$23,365,000,000.

Fiscal year 2004:

(A) New budget authority, \$24,457,000,000.
(B) Outlays, \$23,530,000,000.

Fiscal year 2005:

(A) New budget authority, \$26,844,000,000.
(B) Outlays, \$25,604,000,000.

Fiscal year 2006:

(A) New budget authority, \$26,661,000,000.
(B) Outlays, \$25,426,000,000.

Fiscal year 2007:

(A) New budget authority, \$26,141,000,000.
(B) Outlays, \$24,949,000,000.

Fiscal year 2008:

(A) New budget authority, \$25,363,000,000.
(B) Outlays, \$24,237,000,000.

Fiscal year 2009:

(A) New budget authority, \$25,943,000,000.
(B) Outlays, \$24,979,000,000.

Fiscal year 2010:

(A) New budget authority, \$25,407,000,000.
(B) Outlays, \$24,578,000,000.

Fiscal year 2011:

(A) New budget authority, \$24,864,000,000.
(B) Outlays, \$24,053,000,000.

Fiscal year 2012:

(A) New budget authority, \$24,455,000,000.
(B) Outlays, \$23,660,000,000.

Fiscal year 2013:

(A) New budget authority, \$24,185,000,000.
(B) Outlays, \$23,386,000,000.

*(7) Commerce and Housing Credit (370):**Fiscal year 2003:*

(A) New budget authority, \$8,812,000,000.
(B) Outlays, \$5,881,000,000.

Fiscal year 2004:

(A) New budget authority, \$7,428,000,000.
(B) Outlays, \$3,486,000,000.

Fiscal year 2005:

(A) New budget authority, \$8,655,000,000.
(B) Outlays, \$3,962,000,000.

Fiscal year 2006:

(A) New budget authority, \$8,192,000,000.
(B) Outlays, \$3,028,000,000.

Fiscal year 2007:

(A) New budget authority, \$8,538,000,000.
(B) Outlays, \$2,563,000,000.

Fiscal year 2008:

(A) New budget authority, \$8,655,000,000.
(B) Outlays, \$2,155,000,000.

Fiscal year 2009:

(A) New budget authority, \$8,438,000,000.
(B) Outlays, \$1,931,000,000.

Fiscal year 2010:

(A) New budget authority, \$8,319,000,000.
(B) Outlays, \$1,450,000,000.

Fiscal year 2011:

(A) New budget authority, \$8,298,000,000.
(B) Outlays, \$846,000,000.

Fiscal year 2012:

(A) New budget authority, \$8,401,000,000.
(B) Outlays, \$554,000,000.

Fiscal year 2013:

(A) New budget authority, \$8,475,000,000.
(B) Outlays, \$668,000,000.

*(8) Transportation (400):**Fiscal year 2003:*

(A) New budget authority, \$64,091,000,000.
(B) Outlays, \$67,847,000,000.

Fiscal year 2004:

(A) New budget authority, \$75,783,000,000.
(B) Outlays, \$71,555,000,000.

Fiscal year 2005:

(A) New budget authority, \$76,502,000,000.
(B) Outlays, \$71,581,000,000.

Fiscal year 2006:

(A) New budget authority, \$77,515,000,000.
(B) Outlays, \$73,035,000,000.

Fiscal year 2007:

(A) New budget authority, \$79,931,000,000.
(B) Outlays, \$74,938,000,000.

Fiscal year 2008:

(A) New budget authority, \$82,747,000,000.
(B) Outlays, \$77,285,000,000.

Fiscal year 2009:

(A) New budget authority, \$85,361,000,000.
(B) Outlays, \$79,865,000,000.

Fiscal year 2010:

(A) New budget authority, \$72,323,000,000.
(B) Outlays, \$79,034,000,000.

Fiscal year 2011:

(A) New budget authority, \$73,183,000,000.
(B) Outlays, \$75,686,000,000.

Fiscal year 2012:

(A) New budget authority, \$74,067,000,000.
(B) Outlays, \$74,865,000,000.

Fiscal year 2013:

(A) New budget authority, \$74,987,000,000.
(B) Outlays, \$75,124,000,000.

(9) Community and Regional Development (450):

Fiscal year 2003:

(A) New budget authority, \$15,751,000,000.
(B) Outlays, \$17,569,000,000.

Fiscal year 2004:

(A) New budget authority, \$14,323,000,000.
(B) Outlays, \$16,716,000,000.

Fiscal year 2005:

(A) New budget authority, \$14,398,000,000.
(B) Outlays, \$16,696,000,000.

Fiscal year 2006:

(A) New budget authority, \$14,581,000,000.
(B) Outlays, \$15,553,000,000.

Fiscal year 2007:

(A) New budget authority, \$14,796,000,000.
(B) Outlays, \$15,096,000,000.

Fiscal year 2008:

(A) New budget authority, \$15,005,000,000.
(B) Outlays, \$14,383,000,000.

Fiscal year 2009:

(A) New budget authority, \$15,240,000,000.
(B) Outlays, \$14,558,000,000.

Fiscal year 2010:

(A) New budget authority, \$15,493,000,000.
(B) Outlays, \$14,761,000,000.

Fiscal year 2011:

(A) New budget authority, \$15,752,000,000.
(B) Outlays, \$15,010,000,000.

Fiscal year 2012:

(A) New budget authority, \$16,015,000,000.
(B) Outlays, \$15,252,000,000.

Fiscal year 2013:

(A) New budget authority, \$16,283,000,000.
(B) Outlays, \$15,519,000,000.

(10) Education, Training, Employment, and Social Services (500):

Fiscal year 2003:

(A) New budget authority, \$82,974,000,000.
(B) Outlays, \$81,531,000,000.

Fiscal year 2004:

(A) New budget authority, \$97,609,602,000.
(B) Outlays, \$86,279,192,040.

Fiscal year 2005:

(A) New budget authority, \$91,777,000,000.
(B) Outlays, \$91,286,709,260.

Fiscal year 2006:

(A) New budget authority, \$92,818,000,000.
(B) Outlays, \$91,964,210,600.

Fiscal year 2007:

(A) New budget authority, \$95,959,000,000.
(B) Outlays, \$92,948,420,100.

Fiscal year 2008:

(A) New budget authority, \$99,315,000,000.
(B) Outlays, \$95,279,070,000.

Fiscal year 2009:

(A) New budget authority, \$102,203,000,000.
(B) Outlays, \$98,470,000,000.

Fiscal year 2010:

(A) New budget authority, \$104,059,000,000.
(B) Outlays, \$101,281,000,000.

Fiscal year 2011:

- (A) New budget authority, \$106,160,000,000.
- (B) Outlays, \$103,536,000,000.

Fiscal year 2012:

- (A) New budget authority, \$108,544,000,000.
- (B) Outlays, \$105,570,000,000.

Fiscal year 2013:

- (A) New budget authority, \$110,143,000,000.
- (B) Outlays, \$107,642,000,000.

*(11) Health (550):**Fiscal year 2003:*

- (A) New budget authority, \$222,913,000,000.
- (B) Outlays, \$217,881,000,000.

Fiscal year 2004:

- (A) New budget authority, \$248,464,000,000.
- (B) Outlays, \$246,670,960,000.

Fiscal year 2005:

- (A) New budget authority, \$264,948,000,000.
- (B) Outlays, \$264,679,520,000.

Fiscal year 2006:

- (A) New budget authority, \$284,216,000,000.
- (B) Outlays, \$284,023,760,000.

Fiscal year 2007:

- (A) New budget authority, \$304,438,000,000.
- (B) Outlays, \$303,521,840,000.

Fiscal year 2008:

- (A) New budget authority, \$326,942,000,000.
- (B) Outlays, \$325,618,000,000.

Fiscal year 2009:

- (A) New budget authority, \$350,373,000,000.
- (B) Outlays, \$348,889,000,000.

Fiscal year 2010:

- (A) New budget authority, \$375,419,000,000.
- (B) Outlays, \$373,890,000,000.

Fiscal year 2011:

- (A) New budget authority, \$401,552,000,000.
- (B) Outlays, \$400,014,000,000.

Fiscal year 2012:

- (A) New budget authority, \$415,777,000,000.
- (B) Outlays, \$414,359,000,000.

Fiscal year 2013:

- (A) New budget authority, \$445,554,000,000.
- (B) Outlays, \$444,147,000,000.

*(12) Medicare (570):**Fiscal year 2003:*

- (A) New budget authority, \$248,586,000,000.
- (B) Outlays, \$248,434,000,000.

Fiscal year 2004:

- (A) New budget authority, \$265,178,000,000.
- (B) Outlays, \$265,443,000,000.

Fiscal year 2005:

- (A) New budget authority, \$282,869,000,000.
- (B) Outlays, \$285,817,000,000.

Fiscal year 2006:

- (A) New budget authority, \$322,045,000,000.
- (B) Outlays, \$318,806,000,000.

Fiscal year 2007:

- (A) New budget authority, \$344,178,000,000.
- (B) Outlays, \$344,448,000,000.

Fiscal year 2008:

- (A) New budget authority, \$369,577,000,000.
- (B) Outlays, \$369,452,000,000.

Fiscal year 2009:

- (A) New budget authority, \$395,685,000,000.
- (B) Outlays, \$395,424,000,000.

Fiscal year 2010:

- (A) New budget authority, \$422,684,000,000.
- (B) Outlays, \$422,942,000,000.

Fiscal year 2011:

- (A) New budget authority, \$453,721,000,000.
- (B) Outlays, \$457,078,000,000.

Fiscal year 2012:

- (A) New budget authority, \$488,367,000,000.
- (B) Outlays, \$484,541,000,000.

Fiscal year 2013:

- (A) New budget authority, \$526,981,000,000.
- (B) Outlays, \$527,237,000,000.

*(13) Income Security (600):**Fiscal year 2003:*

- (A) New budget authority, \$326,390,000,000.
- (B) Outlays, \$334,169,000,000.

Fiscal year 2004:

- (A) New budget authority, \$319,513,000,000.
- (B) Outlays, \$324,701,000,000.

Fiscal year 2005:

- (A) New budget authority, \$333,810,000,000.
- (B) Outlays, \$337,157,000,000.

Fiscal year 2006:

- (A) New budget authority, \$341,805,000,000.

- (B) Outlays, \$344,322,000,000.

Fiscal year 2007:

- (A) New budget authority, \$349,191,000,000.

- (B) Outlays, \$350,983,000,000.

Fiscal year 2008:

- (A) New budget authority, \$362,006,000,000.

- (B) Outlays, \$363,115,000,000.

Fiscal year 2009:

- (A) New budget authority, \$373,681,000,000.

- (B) Outlays, \$374,384,000,000.

Fiscal year 2010:

- (A) New budget authority, \$385,152,000,000.

- (B) Outlays, \$385,671,000,000.

Fiscal year 2011:

- (A) New budget authority, \$400,573,000,000.

- (B) Outlays, \$401,003,000,000.

Fiscal year 2012:

- (A) New budget authority, \$404,045,000,000.

- (B) Outlays, \$404,453,000,000.

Fiscal year 2013:

- (A) New budget authority, \$418,978,000,000.

- (B) Outlays, \$419,551,000,000.

*(14) Social Security (650):**Fiscal year 2003:*

- (A) New budget authority, \$13,255,000,000.

- (B) Outlays, \$13,255,000,000.

Fiscal year 2004:

- (A) New budget authority, \$14,294,000,000.

- (B) Outlays, \$14,293,000,000.

Fiscal year 2005:

- (A) New budget authority, \$15,471,000,000.

- (B) Outlays, \$15,471,000,000.

Fiscal year 2006:

- (A) New budget authority, \$16,421,000,000.

- (B) Outlays, \$16,421,000,000.

Fiscal year 2007:

- (A) New budget authority, \$17,919,000,000.

- (B) Outlays, \$17,919,000,000.

Fiscal year 2008:

- (A) New budget authority, \$19,704,000,000.

- (B) Outlays, \$19,704,000,000.

Fiscal year 2009:

- (A) New budget authority, \$21,810,000,000.

- (B) Outlays, \$21,810,000,000.

Fiscal year 2010:

- (A) New budget authority, \$24,283,000,000.

- (B) Outlays, \$24,283,000,000.

Fiscal year 2011:

- (A) New budget authority, \$28,170,000,000.

- (B) Outlays, \$28,170,000,000.

Fiscal year 2012:

- (A) New budget authority, \$31,357,000,000.

- (B) Outlays, \$31,357,000,000.

Fiscal year 2013:

- (A) New budget authority, \$34,347,000,000.

- (B) Outlays, \$34,347,000,000.

*(15) Veterans Benefits and Services (700):**Fiscal year 2003:*

- (A) New budget authority, \$57,597,000,000.

- (B) Outlays, \$57,486,000,000.

Fiscal year 2004:

- (A) New budget authority, \$63,773,000,000.

- (B) Outlays, \$63,200,000,000.

Fiscal year 2005:

- (A) New budget authority, \$67,125,000,000.

- (B) Outlays, \$66,530,000,000.

Fiscal year 2006:

- (A) New budget authority, \$65,388,000,000.

- (B) Outlays, \$64,970,000,000.

Fiscal year 2007:

- (A) New budget authority, \$63,859,000,000.

- (B) Outlays, \$63,416,000,000.

Fiscal year 2008:

- (A) New budget authority, \$67,645,000,000.

- (B) Outlays, \$67,374,000,000.

Fiscal year 2009:

- (A) New budget authority, \$69,254,000,000.

- (B) Outlays, \$68,899,000,000.

Fiscal year 2010:

- (A) New budget authority, \$70,967,000,000.

- (B) Outlays, \$70,563,000,000.

Fiscal year 2011:

- (A) New budget authority, \$75,643,000,000.

- (B) Outlays, \$75,223,000,000.

Fiscal year 2012:

- (A) New budget authority, \$72,592,000,000.

- (B) Outlays, \$72,071,000,000.

Fiscal year 2013:

- (A) New budget authority, \$77,429,000,000.

- (B) Outlays, \$76,963,000,000.

*(16) Administration of Justice (750):**Fiscal year 2003:*

- (A) New budget authority, \$38,543,000,000.

- (B) Outlays, \$37,712,000,000.

Fiscal year 2004:

- (A) New budget authority, \$37,757,000,000.

- (B) Outlays, \$40,882,000,000.

Fiscal year 2005:

- (A) New budget authority, \$38,077,000,000.

- (B) Outlays, \$39,324,000,000.

Fiscal year 2006:

- (A) New budget authority, \$37,965,000,000.

- (B) Outlays, \$38,348,000,000.

Fiscal year 2007:

- (A) New budget authority, \$38,442,000,000.

- (B) Outlays, \$38,233,000,000.

Fiscal year 2008:

- (A) New budget authority, \$39,458,000,000.

- (B) Outlays, \$39,109,000,000.

Fiscal year 2009:

- (A) New budget authority, \$40,478,000,000.

- (B) Outlays, \$40,193,000,000.

Fiscal year 2010:

- (A) New budget authority, \$41,580,000,000.

- (B) Outlays, \$41,280,000,000.

Fiscal year 2011:

- (A) New budget authority, \$42,870,000,000.

- (B) Outlays, \$42,453,000,000.

Fiscal year 2012:

- (A) New budget authority, \$44,188,000,000.

- (B) Outlays, \$43,741,000,000.

Fiscal year 2013:

- (A) New budget authority, \$45,557,000,000.

- (B) Outlays, \$45,101,000,000.

*(17) General Government (800):**Fiscal year 2003:*

- (A) New budget authority, \$18,195,000,000.

- (B) Outlays, \$18,120,0

(A) New budget authority, \$387,284,000,000.
(B) Outlays, \$387,284,000,000.

Fiscal year 2009:

(A) New budget authority, \$409,603,000,000.
(B) Outlays, \$409,603,000,000.

Fiscal year 2010:

(A) New budget authority, \$429,721,000,000.
(B) Outlays, \$429,721,000,000.

Fiscal year 2011:

(A) New budget authority, \$449,879,000,000.
(B) Outlays, \$449,879,000,000.

Fiscal year 2012:

(A) New budget authority, \$467,960,000,000.
(B) Outlays, \$467,960,000,000.

Fiscal year 2013:

(A) New budget authority, \$480,344,000,000.
(B) Outlays, \$480,344,000,000.

(19) Allowances (920):

Fiscal year 2003:

(A) New budget authority, \$115,000,000.
(B) Outlays, \$115,000,000.

Fiscal year 2004:

(A) New budget authority, —\$16,121,602,000.
(B) Outlays, —\$8,343,152,040.

Fiscal year 2005:

(A) New budget authority, —\$5,943,000,000.
(B) Outlays, —\$6,134,229,260.

Fiscal year 2006:

(A) New budget authority, —\$2,104,000,000.
(B) Outlays, —\$5,958,970,600.

Fiscal year 2007:

(A) New budget authority, —\$1,467,000,000.
(B) Outlays, —\$3,698,260,100.

Fiscal year 2008:

(A) New budget authority, —\$6,263,000,000.
(B) Outlays, —\$7,163,070,000.

Fiscal year 2009:

(A) New budget authority, —\$19,939,000,000.
(B) Outlays, —\$17,617,000,000.

Fiscal year 2010:

(A) New budget authority, —\$41,290,000,000.
(B) Outlays, —\$38,356,000,000.

Fiscal year 2011:

(A) New budget authority, —\$19,883,000,000.
(B) Outlays, —\$16,729,000,000.

Fiscal year 2012:

(A) New budget authority, —\$23,031,000,000.
(B) Outlays, —\$19,546,000,000.

Fiscal year 2013:

(A) New budget authority, —\$27,371,000,000.
(B) Outlays, —\$24,228,000,000.

(20) Undistributed Offsetting Receipts (950):

Fiscal year 2003:

(A) New budget authority, —\$41,104,000,000.
(B) Outlays, —\$41,104,000,000.

Fiscal year 2004:

(A) New budget authority, —\$42,894,000,000.
(B) Outlays, —\$42,894,000,000.

Fiscal year 2005:

(A) New budget authority, —\$52,608,000,000.
(B) Outlays, —\$52,608,000,000.

Fiscal year 2006:

(A) New budget authority, —\$57,884,000,000.
(B) Outlays, —\$57,884,000,000.

Fiscal year 2007:

(A) New budget authority, —\$49,087,000,000.
(B) Outlays, —\$49,087,000,000.

Fiscal year 2008:

(A) New budget authority, —\$52,121,000,000.
(B) Outlays, —\$52,121,000,000.

Fiscal year 2009:

(A) New budget authority, —\$52,962,000,000.
(B) Outlays, —\$52,962,000,000.

Fiscal year 2010:

(A) New budget authority, —\$55,108,000,000.
(B) Outlays, —\$55,108,000,000.

Fiscal year 2011:

(A) New budget authority, —\$57,359,000,000.
(B) Outlays, —\$57,359,000,000.

Fiscal year 2012:

(A) New budget authority, —\$62,012,000,000.
(B) Outlays, —\$62,012,000,000.

Fiscal year 2013:

(A) New budget authority, —\$64,358,000,000.
(B) Outlays, —\$64,358,000,000.

SEC. 104. RECONCILIATION IN THE SENATE.

The Senate Committee on Finance shall report a reconciliation bill not later than April 8, 2003,

that consists of changes in laws within its jurisdiction sufficient to reduce revenues by not more than \$322,524,000,000 and increase the total level of outlays by not more than \$27,476,000,000 for the period of fiscal years 2003 through 2013.

TITLE II—BUDGET ENFORCEMENT AND RULEMAKING

Subtitle A—Budget Enforcement

SEC. 201. EXTENSION OF SUPERMAJORITY ENFORCEMENT.

(a) IN GENERAL.—Notwithstanding any provision of the Congressional Budget Act of 1974, subsections (c)(2) and (d)(3) of section 904 of the Congressional Budget Act of 1974 shall remain in effect for purposes of Senate enforcement through September 30, 2008.

(b) REPEAL.—Senate Resolution 304, agreed to October 16, 2002 (107th Congress), is repealed.

SEC. 202. DISCRETIONARY SPENDING LIMITS IN THE SENATE.

(a) DISCRETIONARY SPENDING LIMITS.—In the Senate and as used in this section, the term “discretionary spending limit” means—

(1) for fiscal year 2003—

(A) \$770,860,000,000 in new budget authority and \$771,442,000,000 in outlays for the discretionary category;

(B) for the highway category, \$31,264,000,000 in outlays; and

(C) for the mass transit category, \$1,436,000,000 in new budget authority, and \$6,551,000,000 in outlays;

(2) for fiscal year 2004—

(A) \$788,459,000,000 in new budget authority and \$797,890,000,000 in outlays for the discretionary category;

(B) for the highway category, \$32,016,000,000 in outlays; and

(C) for the mass transit category, \$2,209,000,000 in new budget authority, and \$6,746,000,000 in outlays; and

(3) for fiscal year 2005—

(A) \$813,597,000,000 in new budget authority, and \$814,987,000,000 in outlays for the discretionary category;

(B) for the highway category, \$34,665,000,000 in outlays; and

(C) for the mass transit category \$2,544,000,000 in new budget authority, and \$7,109,000,000 in outlays;

as adjusted in conformance with subsection (b).

(b) ADJUSTMENTS.—

(1) IN GENERAL.—

(A) CHAIRMAN.—After the reporting of a bill or joint resolution, the offering of an amendment thereto, or the submission of a conference report thereon, the chairman of the Committee on the Budget may make the adjustments set forth in subparagraph (B) for the amount of new budget authority in that measure (if that measure meets the requirements set forth in paragraph (2)) and the outlays flowing from that budget authority.

(B) MATTERS TO BE ADJUSTED.—The adjustments referred to in subparagraph (A) are to be made to—

(i) the discretionary spending limits, if any, set forth in the appropriate concurrent resolution on the budget;

(ii) the allocations made pursuant to the appropriate concurrent resolution on the budget pursuant to section 302(a); and

(iii) the budgetary aggregates as set forth in the appropriate concurrent resolution on the budget.

(2) AMOUNTS OF ADJUSTMENTS.—The adjustment referred to in paragraph (1) shall be—

(A) an amount provided and designated as an emergency requirement pursuant to section 204;

(B) an amount authorized for grants to States under part B of the Individuals with Disabilities Education Act as provided for in section 211; and

(C) an amount provided for transportation under section 212.

(3) APPLICATION OF ADJUSTMENTS.—The adjustments made for legislation pursuant to paragraph (1) shall—

(A) apply while that legislation is under consideration;

(B) take effect upon the enactment of that legislation; and

(C) be published in the Congressional Record as soon as practicable.

(4) REPORTING REVISED SUBALLOCATIONS.—Following any adjustment made under paragraph (1), the Committees on Appropriations of the Senate shall report appropriately revised suballocations under section 302(b) to carry out this subsection.

SEC. 203. RESTRICTIONS ON ADVANCE APPROPRIATIONS IN THE SENATE.

(a) IN GENERAL.—Except as provided in subsection (b), it shall not be in order in the Senate to consider any reported bill or joint resolution, or amendment thereto or conference report thereon, that would provide an advance appropriation.

(b) EXCEPTION.—An advance appropriation may be provided—

(1) for fiscal years 2005 and 2006 for programs, projects, activities, or accounts identified in the joint explanatory statement of managers accompanying this resolution under the heading “Accounts Identified for Advance Appropriations” in an aggregate amount not to exceed \$23,158,000,000 in new budget authority in each year; and

(2) for the Corporation for Public Broadcasting.

(c) APPLICATION OF POINT OF ORDER IN THE SENATE.—

(1) WAIVER AND APPEAL.—In the Senate, subsection (a) may be waived or suspended only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (a).

(2) FORM OF THE POINT OF ORDER.—A point of order under subsection (a) may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974.

(3) CONFERENCE REPORTS.—If a point of order is sustained under subsection (a) against a conference report in the Senate, the report shall be disposed of as provided in section 313(d) of the Congressional Budget Act of 1974.

(d) DEFINITION.—In this section, the term “advance appropriation” means any discretionary new budget authority in a bill or joint resolution making general appropriations or continuing appropriations for fiscal year 2004 that first becomes available for any fiscal year after 2004 or making general appropriations or continuing appropriations for fiscal year 2005 that first becomes available for any fiscal year after 2005.

SEC. 204. EMERGENCY LEGISLATION.

(a) AUTHORITY TO DESIGNATE.—If a provision of direct spending or receipts legislation is enacted or if appropriations for discretionary accounts are enacted that the President designates as an emergency requirement and that the Congress so designates in statute, the amounts of new budget authority, outlays, and receipts in all fiscal years resulting from that provision shall be designated as an emergency requirement for the purpose of this resolution.

(b) DESIGNATIONS.—

(1) GUIDANCE.—If a provision of legislation is designated as an emergency requirement under subsection (a), the committee report and any statement of managers accompanying that legislation shall analyze whether a proposed emergency requirement meets all the criteria in paragraph (2).

(2) CRITERIA.—

(A) IN GENERAL.—The criteria to be considered in determining whether a proposed expenditure or tax change is an emergency requirement are that the expenditure or tax change is—

(i) necessary, essential, or vital (not merely useful or beneficial);

(ii) sudden, quickly coming into being, and not building up over time;

(iii) an urgent, pressing, and compelling need requiring immediate action;

(iv) subject to subparagraph (B), unforeseen, unpredictable, and unanticipated; and

(v) not permanent, temporary in nature.

(B) UNFORESEEN.—An emergency that is part of an aggregate level of anticipated emergencies, particularly when normally estimated in advance, is not unforeseen.

(3) JUSTIFICATION FOR USE OF DESIGNATION.—When an emergency designation is proposed in any bill, joint resolution, or conference report thereon, the committee report and the statement of managers accompanying a conference report, as the case may be, shall provide a written justification of why the provision meets the criteria set forth in paragraph (2).

(c) DEFINITIONS.—In this section, the terms “direct spending”, “receipts”, and “appropriations for discretionary accounts” means any provision of a bill, joint resolution, amendment, motion or conference report that affects direct spending, receipts, or appropriations as those terms have been defined and interpreted for purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

(d) POINT OF ORDER.—When the Senate is considering a bill, resolution, amendment, motion, or conference report, a point of order may be made by a Senator against an emergency designation in that measure and if the Presiding Officer sustains that point of order, that provision making such a designation shall be stricken from the measure and may not be offered as an amendment from the floor.

(e) WAIVER AND APPEAL.—This section may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(f) DEFINITION OF AN EMERGENCY REQUIREMENT.—A provision shall be considered an emergency designation if it designates any item as an emergency requirement pursuant to subsection (a).

(g) FORM OF THE POINT OF ORDER.—A point of order under this section may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974.

(h) CONFERENCE REPORTS.—If a point of order is sustained under this section against a conference report, the report shall be disposed of as provided in section 313(d) of the Congressional Budget Act of 1974.

(i) EXCEPTION FOR DEFENSE AND HOMELAND SECURITY SPENDING.—Subsection (d) shall not apply against an emergency designation for a provision making discretionary appropriations in the defense category and for homeland security programs.

SEC. 205. PAY-AS-YOU-GO POINT OF ORDER IN THE SENATE.

(a) POINT OF ORDER.—

(1) IN GENERAL.—It shall not be in order in the Senate to consider any direct spending or revenue legislation that would increase the on-budget deficit or cause an on-budget deficit for any one of the three applicable time periods as measured in paragraphs (5) and (6).

(2) APPLICABLE TIME PERIODS.—For purposes of this subsection, the term “applicable time period” means any 1 of the 3 following periods:

(A) The first year covered by the most recently adopted concurrent resolution on the budget.

(B) The period of the first 5 fiscal years covered by the most recently adopted concurrent resolution on the budget.

(C) The period of the 5 fiscal years following the first 5 fiscal years covered in the most recently adopted concurrent resolution on the budget.

(3) DIRECT-SPENDING LEGISLATION.—For purposes of this subsection and except as provided

in paragraph (4), the term “direct-spending legislation” means any bill, joint resolution, amendment, motion, or conference report that affects direct spending as that term is defined by, and interpreted for purposes of, the Balanced Budget and Emergency Deficit Control Act of 1985.

(4) EXCLUSION.—For purposes of this subsection, the terms “direct-spending legislation” and “revenue legislation” do not include—

(A) any concurrent resolution on the budget; or

(B) any provision of legislation that affects the full funding of, and continuation of, the deposit insurance guarantee commitment in effect on the date of enactment of the Budget Enforcement Act of 1990.

(5) BASELINE.—Estimates prepared pursuant to this section shall—

(A) use the baseline surplus or deficit used for the most recently adopted concurrent resolution on the budget based on laws enacted on the date of adoption of that resolution as adjusted for up to \$350,000,000,000 in revenues or direct spending assumed by section 104 of this resolution; and

(B) be calculated under the requirements of subsections (b) through (d) of section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 for fiscal years beyond those covered by that concurrent resolution on the budget.

(6) PRIOR SURPLUS.—If direct spending or revenue legislation increases the on-budget deficit or causes an on-budget deficit when taken individually, it must also increase the on-budget deficit or cause an on-budget deficit when taken together with all direct spending and revenue legislation enacted since the beginning of the calendar year not accounted for in the baseline under paragraph (5)(A), except that direct spending or revenue effects resulting in net deficit reduction enacted pursuant to reconciliation instructions since the beginning of that same calendar year shall not be available.

(b) WAIVER.—This section may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(c) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this section shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(d) DETERMINATION OF BUDGET LEVELS.—For purposes of this section, the levels of new budget authority, outlays, and revenues for a fiscal year shall be determined on the basis of estimates made by the Committee on the Budget of the Senate.

(e) SUNSET.—This section shall expire on September 30, 2008.

SEC. 206. SENSE OF THE SENATE ON REPORTS ON LIABILITIES AND FUTURE COSTS.

It is the sense of the Senate that the Congressional Budget Office shall consult with the Committee on the Budget of the Senate in order to prepare a report containing—

(1) an estimate of the unfunded liabilities of the Federal Government;

(2) an estimate of the contingent liabilities of Federal programs; and

(3) an accrual-based estimate of the current and future costs of Federal programs.

Subtitle B—Reserve Funds and Other Adjustments

SEC. 211. ADJUSTMENT FOR SPECIAL EDUCATION.

(a) IN GENERAL.—In the Senate, if the Committee on Health, Education, Labor, and Pensions reports a bill or joint resolution, and such measure is enacted in 2003 that reauthorizes grants to States under part B of the Individuals

with Disabilities Education Act (IDEA) and reforms IDEA so as to provide an allowance of uniform discipline policies for all students; provide local fiscal relief; and minimize the over-identification of students with disabilities, the chairman of the Committee on the Budget may make the revisions set out in subsection (b).

(b) REVISIONS.—

(1) FISCAL YEAR 2004.—If the Committee on Appropriations reports a bill or joint resolution, or if an amendment thereto is offered or a conference report thereon is submitted, that provides in excess of \$4,803,000,000 in new budget authority for fiscal year 2004 for grants to States authorized under part B of IDEA as described in subsection (a), the chairman of the Committee on the Budget may revise the appropriate allocations for such committee and other appropriate levels in this resolution by that excess amount provided by that measure for that purpose, but not to exceed \$205,000,000 in new budget authority for fiscal year 2004 and outlays flowing therefrom.

(2) FISCAL YEAR 2005.—If the Committee on Appropriations reports a bill or joint resolution, or if an amendment thereto is offered or a conference report thereon is submitted, that when combined with any advance appropriation provided for 2005 for part B of IDEA in a bill or joint resolution making appropriations for fiscal year 2004, provides in excess of \$11,038,000,000 in new budget authority for fiscal year 2005 for grants to States authorized under part B of IDEA as described in subsection (a), the chairman of the Committee on the Budget may revise the appropriate allocations for such committee and other appropriate levels in this resolution by that excess amount provided by that measure for that purpose, but not to exceed \$209,000,000 in new budget authority for fiscal year 2005 and outlays flowing therefrom.

SEC. 212. ADJUSTMENT FOR HIGHWAYS AND HIGHWAY SAFETY AND TRANSIT.

In the Senate, if the Committee on Environment and Public Works, or the Committee on Banking, Housing, and Urban Affairs, or the Committee on Commerce, Science, and Transportation reports a bill or joint resolution, or if an amendment thereto is offered or a conference report thereon is submitted, that reauthorizes the programs set out in the Transportation Equity Act for the 21st Century and that legislation provides new governmental receipts reported from the Committee on Finance, the chairman of the Committee on the Budget, may revise committee allocations for the appropriate committees and the transportation limits in section 202 by an amount consistent with the level of new receipts.

SEC. 213. RESERVE FUND FOR MEDICARE.

If the Committee on Finance of the Senate reports a bill or joint resolution, or an amendment is offered thereto, or a conference report thereon is submitted, which strengthens and enhances the Medicare Program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) and improves the access of beneficiaries under that program to prescription drugs or promotes geographic equity payments, the chairman of the Committee on the Budget, may revise committee allocations for that committee and other appropriate budgetary aggregates and allocations of new budget authority (and the outlays resulting therefrom) in this resolution by the amount provided by that measure for that purpose, but not to exceed \$400,000,000,000 for the period of fiscal years 2004 through 2013.

SEC. 214. RESERVE FUND FOR HEALTH INSURANCE FOR THE UNINSURED.

If the Committee on Finance of the Senate reports a bill or joint resolution, or an amendment thereto is offered, or a conference report thereon is submitted, that provides health insurance for the uninsured (including a measure providing for tax deductions for the purchase of health insurance for, among others, moderate income individuals not receiving health insurance from

their employers), the chairman of the Committee on the Budget may revise committee allocations for that committee and other appropriate budgetary aggregates and allocations of new budget authority (and the outlays resulting therefrom) and may revise the revenue aggregates and other appropriate budgetary aggregates and allocations in this resolution by the amount provided by that measure for that purpose, but not to exceed \$88,000,000,000 for the period of fiscal years 2004 through 2013.

SEC. 215. RESERVE FUND FOR CHILDREN WITH SPECIAL NEEDS.

If the Committee on Finance of the Senate reports a bill or joint resolution, or if an amendment thereto is offered or a conference report thereon is submitted, that provides States with the option to expand Medicaid coverage for children with special needs, allowing families of disabled children to purchase coverage under the Medicaid Program for such children, the chairman of the Committee on the Budget may revise committee allocations for that committee and other appropriate budgetary aggregates and allocations of new budget authority (and the outlays resulting therefrom) in this resolution by the amount provided by that measure for that purpose, but not to exceed \$43,000,000 in new budget authority and \$42,000,000 in outlays for fiscal year 2004, and \$7,462,000,000 in new budget authority and \$7,262,000,000 in outlays for the period of fiscal years 2004 through 2013.

SEC. 216. RESERVE FUND FOR MEDICAID REFORM.

If the Committee on Finance of the Senate reports a bill or joint resolution, or if an amendment thereto is offered or a conference report thereon is submitted, that provides significant reform of the Medicaid Program, the chairman of the Committee on the Budget may revise committee allocations for that committee and other appropriate budgetary aggregates and allocations of new budget authority (and the outlays resulting therefrom) in this resolution by the amount provided by that measure for that purpose, but not to exceed \$3,258,000,000 in new budget authority and outlays for fiscal year 2004, and \$8,944,000,000 in new budget authority and outlays for the period of fiscal years 2004 through 2008, and not more than \$12,782,000,000 in budget authority and outlays for the period of fiscal years 2004 through 2010 provided further that the legislation would not increase the deficit over the period of fiscal years 2004 through 2013.

SEC. 217. RESERVE FUND FOR PROJECT BIOSHIELD.

If the Committee on Health, Education, Labor, and Pensions of the Senate reports a bill or joint resolution, or if an amendment thereto is offered or a conference report thereon is submitted, that will facilitate procurement for inclusion by the Secretary of Health and Human Services in the Strategic National Stockpile of countermeasures necessary to protect the public health from current and emerging threats of chemical, biological, radiological, or nuclear agents, the chairman of the Committee on the Budget may revise committee allocations for that committee and other appropriate budgetary aggregates and allocations of new budget authority (and the outlays resulting therefrom) in this resolution by the amount provided by that measure for that purpose, but not to exceed \$890,000,000 in new budget authority and \$575,000,000 in outlays for fiscal year 2004, and \$5,593,000,000 in new budget authority and \$5,593,000,000 in outlays for the period of fiscal years 2004 through 2013.

SEC. 218. RESERVE FUND FOR STATESIDE GRANT PROGRAM.

(a) **CONDITION.**—If the Committee on Energy and Natural Resources of the Senate reports a bill or joint resolution that permits exploration and production of oil in the 1002 Area of the Arctic National Wildlife Refuge and such measure is enacted, the chairman of the Committee

on the Budget of the Senate may make the adjustments described in subsection (b).

(b) **ADJUSTMENT FOR THE LAND AND WATER CONSERVATION FUND STATE GRANT PROGRAM.**—If the Committee on Energy and Natural Resources of the Senate reports a bill or joint resolution, or if an amendment thereto is offered or a conference report thereon is submitted that makes available a portion of the receipts resulting from enactment of the legislation described in subsection (a) for the National Park Service Stateside Grant Program which is currently funded as a part of the Land and Water Conservation Fund, the chairman of the Committee on the Budget may revise committee allocations for that committee and other appropriate budgetary aggregates and allocations of new budget authority (and the outlays resulting therefrom) in this resolution by the amount provided by that measure for that purpose, but not to exceed \$750,000,000 in new budget authority (and the outlays flowing therefrom) for the period of fiscal years 2004 through 2008 and \$2,000,000,000 in new budget authority (and the outlays flowing therefrom) for the period of fiscal years 2004 through 2013, provided further that no funds become available prior to fiscal year 2006 and the amount of funds made available in any single fiscal year does not exceed \$250,000,000 per year.

SEC. 219. RESERVE FUND FOR STATE CHILDREN'S HEALTH INSURANCE PROGRAM.

If the Committee on Finance of the Senate reports a bill or joint resolution, or if an amendment thereto is offered or a conference report thereon is submitted, that extends the availability of fiscal year 1998 and 1999 expired State Children's Health Insurance Program allotments and the expiring fiscal year 2000 allotments, the chairman of the Committee on the Budget may revise committee allocations for that committee and other appropriate budgetary aggregates and allocations of new budget authority (and the outlays resulting therefrom) in this resolution by the amount provided by that measure for that purpose, but not to exceed \$1,260,000,000 in new budget authority and \$85,000,000 in outlays for fiscal year 2003, \$1,330,000,000 in new budget authority and \$85,000,000 in outlays for fiscal year 2004, \$1,950,000,000 in new budget authority and \$845,000,000 in outlays for the period of fiscal years 2003 through 2008, and \$1,825,000,000 in new budget authority and \$975,000,000 in outlays for the period of fiscal years 2003 through 2013.

Subtitle C—Miscellaneous Provisions

SEC. 221. ADJUSTMENTS TO REFLECT CHANGES IN CONCEPTS AND DEFINITIONS.

In the Senate, upon the enactment of a bill or joint resolution providing for a change in concepts or definitions, the Chairman of the Committee on the Budget shall make adjustments to the levels and allocations in this resolution in accordance with section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 (as in effect prior to September 30, 2002).

SEC. 222. APPLICATION AND EFFECT OF CHANGES IN ALLOCATIONS AND AGGREGATES.

(a) **APPLICATION.**—Any adjustments of allocations and aggregates made pursuant to this resolution shall—

(1) apply while that measure is under consideration;

(2) take effect upon the enactment of that measure; and

(3) be published in the Congressional Record as soon as practicable.

(b) **EFFECT OF CHANGED ALLOCATIONS AND AGGREGATES.**—Revised allocations and aggregates resulting from these adjustments shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations and aggregates contained in this resolution.

(c) **BUDGET COMMITTEE DETERMINATIONS.**—For purposes of this resolution—

(1) the levels of new budget authority, outlays, direct spending, new entitlement authority, revenues, deficits, and surpluses for a fiscal

year or period of fiscal years shall be determined on the basis of estimates made by the Committees on the Budget of the House of Representatives and the Senate; and

(2) such chairman, as applicable, may make any other necessary adjustments to such levels to carry out this resolution.

SEC. 223. EXERCISE OF RULEMAKING POWERS.

Congress adopts the provisions of this title—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they shall be considered as part of the rules of each House, or of that House to which they specifically apply, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change those rules (so far as they relate to that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

TITLE III—SENSE OF THE SENATE

SEC. 301. SENSE OF THE SENATE ON FEDERAL EMPLOYEE PAY.

(a) **FINDINGS.**—The Senate finds the following:

(1) Members of the uniformed services and civilian employees of the United States make significant contributions to the general welfare of the Nation.

(2) Increases in the pay of members of the uniformed services and of civilian employees of the United States have not kept pace with increases in the overall pay levels of workers in the private sector, so that there now exists—

(A) a 32 percent gap between compensation levels of Federal civilian employees and compensation levels of private sector workers; and

(B) an estimated 10 percent gap between compensation levels of members of the uniformed services and compensation levels of private sector workers.

(3) The President's budget proposal for fiscal year 2004 includes an average 4.1 percent pay raise for military personnel.

(4) The Office of Management and Budget has requested that Federal agencies plan their fiscal year 2004 budgets with a 2 percent pay raise for civilian Federal employees.

(5) In almost every year during the past two decades, there have been equal adjustments in the compensation of members of the uniformed services and the compensation of civilian employees of the United States.

(b) **SENSE OF THE SENATE.**—It is the sense of the Senate 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.

SEC. 302. SENSE OF THE SENATE ON TRIBAL COLLEGES AND UNIVERSITIES.

(a) **FINDINGS.**—The Senate finds the following:

(1) More than 30,000 full- and part-time Native American students from 250 federally recognized tribes nationwide attend tribal colleges and Universities, a majority of whom are first-generation college students.

(2) The colleges and universities are located in rural and isolated areas and are often the only accredited institutions of higher education in their service area. While the Tribal College Act provides funding solely for Indian students, the colleges serve students of all ages, about 20 percent of whom are non-Indian. With rare exception, tribal colleges and universities do not receive operating funds from the States for these non-Indian State resident students. Yet, if these same students attended any other public institution in their States, the State would provide basic operating funds to that institution.

(3) While Congress has been increasing the annual appropriations for tribal colleges in recent years, the President's fiscal year 2004 budget recommends a \$4,000,000 decrease in institutional operating funds. The combination of annual increases in enrollments, reduced Federal

funding, and the addition of two new tribal colleges would result in a devastating decrease in funding of \$540 per student below the fiscal year 2003 estimate.

(4) Despite a \$2,000,000 increase in fiscal year 2003 for basic institutional operating budgets of the reservation-based tribal colleges, the per Indian student count (ISC) is only \$30 more than in fiscal year 2002, or \$3,946, still less than 2/3 of the \$6,000 authorized.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) this resolution recognizes the funding challenges faced by tribal colleges and assumes that priority consideration will be provided to them through funding through the Tribally Controlled College or University Assistance Act, the Equity in Educational Land Grant Status Act, title III of the Higher Education Act, and the National Science Foundation Tribal College Program; and

(2) such priority consideration reflects Congress' intent to continue to work toward statutory Federal funding goals for the tribal colleges and universities.

SEC. 303. SENSE OF THE SENATE REGARDING THE 504 SMALL BUSINESS CREDIT PROGRAM.

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

(1) Small businesses play a critical role in our Nation and our economy and the Federal Government assists that role by providing small businesses with loans and loan guarantees.

(2) Since the enactment of the Federal Credit Reform Act of 1990, the Small Business Administration and the Office of Management and Budget have repeatedly overestimated the subsidy cost of the Small Business Administration's 7(a) and 504 credit programs. Those overestimates have resulted in borrowers and lenders having to pay higher than necessary fees to participate in those programs.

(3) Last year, in response to bipartisan pressure from the Senate Budget and Small Business Committees, the administration developed a new econometric model to improve the accuracy of its estimates of the cost of the 7(a) program. Consistent with claims by the Senate Budget and Small Business Committees, that effort resulted in the administration lowering the estimated subsidy cost of the 7(a) program by an astounding 40 percent in 2003, allowing the Federal Government to guarantee an additional \$3,300,000,000 in small business loans this year alone.

(4) Notwithstanding past assurances, the administration, however, has failed to begin work on an econometric model for the 504 small business credit program, despite similar, chronic problems with estimates of that program's costs.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the performance of the SBA and OMB in administering the Federal Credit Reform Act for the 504 small business credit program remains unsatisfactory;

(2) the administration should develop an econometric model for the 504 program for use in the fiscal year 2004 appropriations cycle; and

(3) the Office of Management and Budget should report to the Budget and Small Business Committees on the progress of this work by no later than June 2003.

SEC. 304. SENSE OF THE SENATE REGARDING PELL GRANTS.

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

(1) Public investment in higher education yields a return of several dollars for each dollar invested.

(2) Higher education promotes economic opportunity.

(3) For a generation, the Federal Pell Grant has served as an effective means of providing access to higher education.

(4) Over the past decade, the Pell Grant has failed to keep pace with inflation, and over the past 25 years, the value of the average Pell Grant has decreased substantially.

(5) Grant aid as a portion of student aid has fallen significantly over the past 5 years.

(6) The percentage of freshmen attending public and private 4-year institutions from families whose income is below the national median has fallen since 1981.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution assume that—

(1) within the discretionary allocation provided to the Committee on Appropriations, the maximum Pell Grant award should be raised to the maximum extent practicable, and funding for the Pell Grant program should be higher than the level requested by the President; and

(2) to the maximum extent practicable, Congress should seek to increase the maximum individual Federal Pell Grant award to \$9,000 by fiscal year 2010.

SEC. 305. SENSE OF THE SENATE REGARDING THE NATIONAL GUARD.

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

(1) The Army National Guard relies heavily upon thousands of full-time employees, Active Guard/Reserves and Military Technicians, to ensure unit readiness throughout the Army National Guard.

(2) These employees perform vital day-to-day functions, ranging from equipment maintenance to leadership and staff roles, that allow the National Guard to dedicate drill weekends and annual active duty training of part-time personnel to preparation for the National Guard's war fighting and peacetime missions.

(3) The role of full-time National Guard personnel is especially important as tens of thousands of our National Guard and Reserve forces are being mobilized for the ongoing fight against terrorism and in preparation for a possible war with Iraq.

(4) When the ability to provide sufficient Active Guard/Reserves and Military Technicians end strength is reduced, unit readiness, as well as quality of life for soldiers and families, is degraded.

(5) The Army National Guard, with agreement from the Department of Defense, requires a minimum essential requirement of 25,286 Active Guard/Reserves and 26,189 Military Technicians.

(6) The fiscal year 2004 budget request for the Army National Guard includes the minimum required end strengths, but provides resources sufficient for only approximately 24,562 Active Guard/Reserves and 25,702 Military Technicians, funding shortfalls of \$51,200,000 and \$29,300,000, respectively.

(b) SENSE OF THE SENATE.—It is the Sense of the Senate that the functional totals in this resolution assume that the Department of Defense will give priority to fully funding the Active Guard/Reserves and Military Technicians at least at the minimum required levels.

SEC. 306. SENSE OF THE SENATE REGARDING WEAPONS OF MASS DESTRUCTION CIVIL SUPPORT TEAMS.

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

(1) The emerging chemical, biological, and other threats of the 21st century present new challenges to our military and to local first responders.

(2) Local first responders are on the front lines of combating terrorism and responding to other large-scale incidents.

(3) The National Guard's Weapons of Mass Destruction Civil Support Teams (WMD-CSTs) play a vital role in assisting local first responders in investigating and combating these new threats.

(4) The September 11, 2001, terrorist attacks emphasize the need to have full-time WMD-CSTs in each State.

(5) There are currently 32 full-time and 23 part-time WMD-CSTs.

(6) Section 1403 of Public Law 107-314, the Bob Stump National Defense Authorization Act for Fiscal Year 2003, requires the Secretary of Defense to establish an additional 23 WMD-

CSTs and that at least one team be located in each State and territory of the United States.

(7) The President's fiscal year 2004 budget request includes no funding for these additional WMD-CSTs.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the functional totals in this resolution assume that the Department of Defense should give priority to fully implementing section 1403 of Public Law 107-314, the Bob Stump National Defense Authorization Act for Fiscal Year 2003; and

(2) the Department should increase its full-time manning requirements to include the 506 additional full-time National Guard personnel that will be needed to man the 23 additional WMD-CSTs.

SEC. 307. SENSE OF THE SENATE ON EMERGENCY AND DISASTER ASSISTANCE FOR LIVESTOCK AND AGRICULTURE PRODUCERS.

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

(1) Significant portions of the United States suffered through severe drought conditions in 2000 and 2001.

(2) The economic effects of drought are long-term and widespread.

(3) Current drought indices predict that the drought will continue through 2003.

(4) Congress has a history of providing financial assistance to agricultural and livestock producers for losses incurred due to drought.

(5) Emphasis must be placed on planning efforts that will mitigate the negative effects of drought.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Senate—

(1) develop a long-term drought plan that effectively recognizes the reoccurring nature of drought cycles and adequately support emergency and disaster assistance to livestock and agricultural producers hurt by drought; and

(2) establish an agricultural reserve to fund the activities in paragraph (1).

SEC. 308. SOCIAL SECURITY RESTRUCTURING.

(a) FINDINGS.—The Senate finds that—

(1) Social Security is the foundation of retirement income for most Americans;

(2) preserving and strengthening the long term viability of Social Security is a vital national priority and is essential for the retirement security of today's working Americans, current and future retirees, and their families;

(3) Social Security faces significant fiscal and demographic pressures;

(4) the nonpartisan Office of the Chief Actuary at the Social Security Administration reports that—

(A) the number of workers paying taxes to support each Social Security beneficiary has dropped from 16.5 in 1950 to 3.3 in 2002;

(B) within a generation there will be only 2 workers to support each retiree, which will substantially increase the financial burden on American workers;

(C) without structural reform, the Social Security system, beginning in 2018, will pay out more in benefits than it will collect in taxes;

(D) without structural reform, the Social Security trust fund will be exhausted in 2042, and Social Security tax revenue in 2042 will only cover 73 percent of promised benefits, and will decrease to 65 percent by 2077;

(E) without structural reform, future Congresses may have to raise payroll taxes 50 percent over the next 75 years to pay full benefits on time, resulting in payroll tax rates of as much as 16.9 percent by 2042 and 18.9 percent by 2077;

(F) without structural reform, Social Security's total cash shortfall over the next 75 years is estimated to be more than \$25,000,000,000,000 in constant 2003 dollars or \$3,500,000,000,000 measured in present value terms;

(G) absent structural reforms, spending on Social Security will increase from 4.4 percent of gross domestic product in 2003 to 7.0 percent in 2077; and

(5) the Congressional Budget Office, the General Accounting Office, the Congressional Research Service, the Chairman of the Federal Reserve Board, and the President's Commission to Strengthen Social Security have all warned that failure to enact fiscally responsible Social Security reform quickly will result in 1 or more of the following:

- (A) Higher tax rates.
- (B) Lower Social Security benefit levels.
- (C) Increased Federal debt or less spending on other Federal programs.

(b) **SENSE OF THE SENATE.**—It is the sense of the Senate that—

(1) the President, the Congress and the American people (including seniors, workers, women, minorities, and disabled persons) should work together at the earliest opportunity to enact legislation to achieve a solvent and permanently sustainable Social Security system; and

(2) Social Security reform—

(A) must protect current and near retirees from any changes to Social Security benefits;

(B) must reduce the pressure on future taxpayers and on other budgetary priorities;

(C) must provide benefit levels that adequately reflect individual contributions to the Social Security System.

(D) must preserve and strengthen the safety net for vulnerable populations, including the disabled and survivors.

(3) We should honor section 13301 of the Budget Enforcement Act of 1990.

SEC. 309. SENSE OF THE SENATE CONCERNING STATE FISCAL RELIEF.

(a) **FINDINGS.**—The Senate makes the following findings:

(1) States are experiencing the most severe fiscal crisis since World War II.

(2) States are instituting severe cuts to a variety of vital programs such as health care, child care, education, and other essential services.

(3) According to the Kaiser Commission on Medicaid and the Uninsured, 49 States already have taken actions or plan to cut medicaid before or during the current fiscal year 2003. Medicaid budget proposals in many States would eliminate or curtail health benefits for eligible families and substantially reduce or freeze provider reimbursement rates.

(4) In 2002, at least 13 States reported decreased State investments in their child care assistance programs.

(5) According to a forthcoming analysis of 22 States, at least 1,700,000 people are now at risk of losing their health care coverage under cuts that have already been implemented or proposed.

(6) Fiscal relief would help avoid adding even more Americans to the ranks of the uninsured while preserving the safety net when it is most needed during an economic downturn.

(7) Curtailing the States' need to cut spending and increase taxes is essential for true economic growth.

(b) **SENSE OF THE SENATE.**—It is the Sense of the Senate that the functional totals in this resolution assume that any legislation enacted to provide economic growth for the United States should include not less than \$30,000,000,000 for State fiscal relief over the next 18 months (of which at least half should be provided through a temporary increase in the Federal medical assistance percentage (FMAP)).

SEC. 310. FEDERAL AGENCY REVIEW COMMISSION.

It is the sense of the Senate that a commission should be established to review Federal domestic agencies, and programs within such agencies, with the express purpose of providing Congress with recommendations, and legislation to implement those recommendations, to realign or eliminate government agencies and programs that are duplicative, wasteful, inefficient, outdated, or irrelevant, or have failed to accomplish their intended purpose.

SEC. 311. SENSE OF THE SENATE REGARDING HIGHWAY SPENDING.

(a) **FINDINGS.**—The Senate makes the following findings:

(1) Highway construction funding should increase over current levels.

(2) The Senate Budget Committee-passed Resolution increases highway funding above the President's request.

(3) All vehicles, whether they are operated by gasoline, gasohol, or electricity, do damage to our highways.

(4) As set out in TEA-21, the direct relationship between excise taxes and highway spending makes sense and should be maintained.

(5) Highways should be funded through user fees such as excise taxes and not through the General Fund of the Treasury.

(b) **SENSE OF THE SENATE.**—It is the sense of the Senate that the Senate should only consider legislation that increases highway spending if such legislation changes highway user fees to pay for such increased spending.

SEC. 312. SENSE OF THE SENATE CONCERNING AN EXPANSION IN HEALTH CARE COVERAGE.

(a) **FINDINGS.**—The Senate finds that—

(1) there were 74,700,000 Americans who were uninsured for all or part of the two-year period of 2001 and 2002;

(2) this large group of uninsured Americans constitutes almost one out of every three Americans under the age of 65;

(3) most of these uninsured individual were without health coverage for lengthy periods of time, with two-thirds of them uninsured for over six months;

(4) four out of five uninsured individuals are in working families;

(5) high health care costs, the large number of unemployed workers, and State cutbacks of public health programs occasioned by State fiscal crises are causing more and more individuals to become uninsured; and

(6) uninsured individuals are less likely to have a usual source of care outside of an emergency room, often go without screenings and preventive care, often delay or forgo needed medical care, are often subject to avoidable hospital days, and are sicker and die earlier than those individuals who have health insurance.

(b) **SENSE OF SENATE.**—It is the sense of the Senate that the functional totals in this resolution assume that—

(1) expanded access to health care coverage throughout the United States is a top priority for national policymaking; and

(2) to the extent that additional funds are made available, a significant portion of such funds should be dedicated to expanding access to health care coverage so that fewer individuals are uninsured and fewer individuals are likely to become uninsured.

SEC. 313. SENSE OF THE SENATE ON THE STATE CRIMINAL ALIEN ASSISTANCE PROGRAM.

(a) **FINDINGS.**—The Senate finds the following:

(1) The control of illegal immigration is a Federal responsibility.

(2) In fiscal year 2002, however, State and local governments spent more than \$13,000,000,000 in costs associated with the incarceration of undocumented criminal aliens.

(3) The Federal Government provided \$565,000,000 in appropriated funding to the State Criminal Alien Assistance Program (SCAAP) to reimburse State and local governments for these costs.

(4) In fiscal year 2003, the fiscal burden of incarcerating undocumented criminal aliens is likely to grow, however, Congress provided only \$250,000,000 to help cover these costs.

(5) The 56 percent cut in fiscal year 2003 funding for SCAAP will place an enormous burden on State and local law enforcement agencies during a time of heightened efforts to secure our homeland.

(6) The Administration did not include funding for SCAAP in its fiscal year 2004 budget.

(b) **SENSE OF THE SENATE.**—It is the sense of the Senate that—

(1) the functional totals underlying this resolution on the budget assumes that the State

Criminal Alien Assistance Program be funded at \$585,000,000 to reimburse State and local law enforcement agencies for the burdens imposed in fiscal year 2003 by the incarceration of undocumented criminal aliens; and

(2) Congress enact a long-term reauthorization of the State Criminal Alien Assistance Program beginning with the authorization of \$750,000,000 in fiscal year 2004 to reimburse State and county governments for the burdens undocumented criminal aliens have placed on the local criminal justice system.

SEC. 314. SENSE OF THE SENATE CONCERNING PROGRAMS OF THE CORPS OF ENGINEERS.

(a) **FINDINGS.**—The Senate finds that—

(1) the Corps of Engineers provides quality, responsive engineering services to the United States, including planning, designing, building, and operating invaluable water resources and civil works projects;

(2) the ports of the United States are a vital component of the economy of the United States, playing a critical role in international trade and commerce and in maintaining the energy supply of the United States;

(3) interruption of port operations would have a devastating effect on the United States;

(4) the navigation program of the Corps enables 2,400,000,000 tons of commerce to move on navigable waterways;

(5) the Department of Transportation estimates that those cargo movements have created jobs for 13,000,000 people;

(6) flood damage reduction structures provided and maintained by the Corps save taxpayers \$21,000,000,000 in damages every year, in addition to numerous human lives;

(7) the Corps designs and manages the construction of military facilities for the Army and Air Force while providing support to the Department of Defense and other Federal agencies;

(8) the Civil Works program of the Corps adds significant value to the economy of the United States, including recreation and ecosystem restoration;

(9) through contracting methods, the civil works program employs thousands of private sector contract employees, as well as Federal employees, in all aspects of construction, science, engineering, architecture, management, planning, design, operations, and maintenance; and

(10) the Bureau of Labor Statistics indicates that \$1,000,000,000 expended for the Civil Works program generates approximately 40,000 jobs in support of construction operation and maintenance activities in the United States.

(b) **BUDGETARY ASSUMPTIONS.**—It is the sense of the Senate that—

(1) to perform vital functions described in subsection (a), the Corps of Engineers requires additional funding; and

(2) the budgetary totals in this resolution assume that the level of funding provided for programs of the Corps described in subsection (a) will not be reduced below current baseline spending levels established for the programs.

SEC. 315. RADIO INTEROPERABILITY FOR FIRST RESPONDERS.

(a) **STUDY.**—It is the sense of the Senate that the Attorney General, in consultation with the Secretary of Homeland Security, should conduct a study of the need and cost to make the radio systems used by fire departments and emergency medical services agencies interoperable with those used by law enforcement to the extent that interoperability will not interfere with law enforcement operations.

(b) **GRANT PROGRAM.**—It is the sense of the Senate that Congress should authorize and appropriate \$20,000,000 to establish a grant program through which the Attorney General would award grants to local governments to assist fire departments and emergency medical services agencies to establish radio interoperability.

SEC. 316. SENSE OF THE SENATE ON CORPORATE TAX HAVEN LOOPHOLES.

(a) **FINDINGS.**—Congress finds that companies are taking advantage of loopholes in the United States tax code to direct taxable income to tax haven jurisdictions, some of which have excessive bank secrecy laws and a poor record of cooperation with United States civil and criminal law enforcement.

(b) **SENSE OF THE SENATE.**—It is the sense of the Senate that the Senate should act to stop companies from avoiding paying their fair share of United States taxes by—

(1) addressing the problem of corporations that have renounced their United States citizenship (“inverted”) by relocating their headquarters to tax haven jurisdictions while maintaining their primary offices and production or service facilities in the United States; and

(2) addressing the problem of Bermuda-based insurance companies that are using reinsurance agreements with their subsidiaries to direct property and casualty insurance premiums out of the United States into Bermuda to reduce their United States taxes in a way that places United States property and casualty insurance companies at a competitive disadvantage.

SEC. 317. SENSE OF SENATE ON PHASED-IN CURRENT RECEIPT OF RETIRED PAY AND VETERANS’ DISABILITY COMPENSATION FOR VETERANS WITH SERVICE-CONNECTED DISABILITIES RATED AT 60 PERCENT OR HIGHER.

It is the sense of the Senate that the new budget authority and outlays for fiscal years 2004 through 2013 for National Defense (050) specified in section 103(1) are adequate to provide, and should provide, for the phased-in of concurrent receipt of retired pay and veterans’ disability compensation by veterans with service-connected disabilities rated 60 percent or higher as if section 1414 of title 10, United States Code, were amended to read as follows:

“§ 1414. Members eligible for retired pay who have service-connected disabilities: payment of retired pay and veterans’ disability compensation for disabilities rated at 60 percent or higher

“(a) **PAYMENT OF BOTH RETIRED PAY AND COMPENSATION.**—A member or former member of the uniformed services described in subsection (b) is entitled to be paid retired pay, up to the amount determined for such member or former member under subsection (d), in addition to any entitlement to veterans’ disability compensation, without regard to sections 5304 and 5305 of title 38.

“(b) **COVERED MEMBERS.**—A member or former member described in this subsection is any member or former member who is entitled to retired pay (other than as specified in subsection (c)) and who is also entitled to veterans’ disability compensation for a service-connected disability rated at 60 percent or higher, as determined under laws administered by the Secretary of Veterans Affairs.

“(c) **EXCEPTION.**—Subsection (a) does not apply to a member retired under chapter 61 of this title with less than 20 years of service otherwise creditable under section 1405 of this title at the time of the member’s retirement.

“(d) **MAXIMUM AMOUNT OF RETIRED PAY.**—The maximum amount of retired pay to which a member or former member is entitled under subsection (a) is as follows:

“(1) For months beginning with January 2004 and ending with December 2004, the amount equal to 45 percent of the amount of retired pay to which the member or former member would be entitled if the member or former member were paid retired pay without regard to sections 5304 and 5305 of title 38 for such months.

“(2) For months beginning with January 2005 and ending with December 2005, the amount equal to 60 percent of the amount of retired pay to which the member or former member would be entitled if the member or former member were paid retired pay without regard to sections 5304 and 5305 of title 38 for such months.

“(3) For months beginning with January 2006 and ending with December 2006, the amount equal to 80 percent of the amount of retired pay to which the member or former member would be entitled if the member or former member were paid retired pay without regard to sections 5304 and 5305 of title 38 for such months.

“(4) For months beginning after December 2006, the amount equal to the full amount of retired pay to which the member or former member would be entitled if the member or former member were paid retired pay without regard to sections 5304 and 5305 of title 38 for such months.

“(e) **DEFINITIONS.**—In this section:

“(1) The term ‘retired pay’ includes retainer pay, emergency officers’ retirement pay, and naval pension.

“(2) The term ‘service-connected’ has the meaning given that term in section 101(16) of title 38.

“(3) The term ‘veterans’ disability compensation’ has the meaning given the term ‘compensation’ in section 101(12) of title 38.”

(2) **COORDINATION WITH SPECIAL COMPENSATION AUTHORITY.**—Section 1413 of such title is amended—

(1) in subsection (a)—

(A) by inserting “, for months in 2002 and 2003,” after “Secretary concerned shall”; and

(B) by striking the last sentence; and

(2) in subsection (b)—

(A) in paragraph (2), by striking “September 2004” and inserting “December 2003”; and

(B) by striking paragraph (3).

(3) **ADDITIONAL CONFORMING AMENDMENTS.**—

(A) Effective on December 31, 2003, section 1413a of such title is repealed.

(B) Effective on the date of the enactment of this Act, subsection (d) of section 641 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107-107; 115 Stat. 1150; 10 U.S.C. 1414 note) is repealed.

(4) **CLERICAL AMENDMENTS.**—(A) Effective on the date of the enactment of this Act, the table of sections at the beginning of chapter 71 of title 10, United States Code, is amended by striking the item relating to section 1414 and inserting the following new item:

“1414. Members eligible for retired pay who have service-connected disabilities: payment of retired pay and veterans’ disability compensation for disabilities rated at 60 percent or higher.”

(B) Effective December 31, 2003, the table of sections at the beginning of such chapter is amended by striking the item relating to section 1413a.

SEC. 318. SENSE OF THE SENATE CONCERNING NATIVE AMERICAN HEALTH.

It is the sense of the Senate that Congress has recognized the importance of Native American health. In 1997, Congress enacted a program to spend \$30,000,000 a year on research and treatment on diabetes in the Native American community. This amount was increased to \$100,000,000 a year in 2000 and further increased to \$150,000,000 a year in 2002. This is a 500 percent increase since 1997. This priority focuses on prevention and treatment for a major disease in the Native American community.

SEC. 319. RESERVE FUND TO STRENGTHEN SOCIAL SECURITY.

If legislation is reported by the Senate Committee on Finance, or an amendment thereto is offered or a conference report thereon is submitted that would extend the solvency of the Social Security Trust Funds, the Chairman of the Senate Committee on the Budget may revise the aggregates, functional totals, allocations, and other appropriate levels and limits in this resolution by up to \$396,000,000,000 in budget authority and outlays for the total of fiscal years 2003 through 2013.

SEC. 320. SENSE OF THE SENATE ON PROVIDING TAX AND OTHER INCENTIVES TO REVITALIZE RURAL AMERICA.

It is the sense of the Senate that if tax relief measures are passed in accordance with the as-

sumptions in the budget resolution in this session of Congress, such legislation should include tax and other financial incentives, like those included in the New Homestead Act (S. 602), to help rural communities fight the economic decimation caused by chronic out-migration by giving them the tools they need to attract individuals to live and work, or to start and grow a business, in such rural areas.

SEC. 321. SENSE OF THE SENATE CONCERNING HIGHER EDUCATION AFFORDABILITY.

(a) **FINDINGS.**—The Senate finds that—

(1) in our increasingly competitive global economy, the attainment of higher education is critical to the economic success of an individual, as evidenced by the fact that, in 1975, college graduates earned an average of 57 percent more than individuals who were only high school graduates, as compared to the fact that, in 2001, college graduates earned an average of 84 percent more than high school graduates;

(2) over the past 20 years, the average cost of college tuition has increased by over 250 percent and is increasing—

(A) at a faster rate than any consumer item, including health care; and

(B) at a rate that is more than twice as fast as the rate of inflation;

(3) despite increases in grant amounts contained in legislation recently enacted by Congress, the value of the maximum Pell Grant has declined 15 percent since 1975 in inflation-adjusted terms, forcing more students to rely on student loans to finance the cost of a higher education;

(4) from fiscal years 1990 to 2000, the demand for student loans rose by 41 percent and the average student loan amount increased by 48.2 percent; and

(5) according to the Department of Education, there is approximately \$150,000,000,000 in outstanding student loan debt and students borrowed more during the decade beginning in 1990 than during all of the decades beginning in 1960, 1970, and 1980.

(b) **SENSE OF THE SENATE.**—It is the sense of the Senate that economic stimulus legislation enacted pursuant to the instructions contained in this concurrent resolution on the budget should include provisions to make higher education affordable, including—

(1) a provision to make permanent the above-the-line deduction for the higher education expenses of a taxpayer and members of the taxpayer’s family and to increase such deduction to \$8,000 for taxable year 2003 and \$12,000 for taxable year 2004 and thereafter; and

(2) a credit against tax of up to \$1,500 for each taxable year (indexed for inflation) for interest paid during such taxable year on loans incurred for higher education expenses—

(A) during the first 60 months such payments are required; and

(B) paid by individuals who are not dependents.

SEC. 322. SENSE OF THE SENATE CONCERNING CHILDREN’S GRADUATE MEDICAL EDUCATION.

(a) **FINDINGS.**—The Senate finds that—

(1) children’s hospitals provide excellent care for children;

(2) the importance of children’s hospitals extends to the health care of all children throughout the United States;

(3) making up only 1 percent of all hospitals, independent children’s hospitals train almost 30 percent of all pediatricians and 50 percent of all pediatric specialists;

(4) children’s hospitals provide over 50 percent of the hospital care in the United States for children with serious illness, including needing cardiac surgery, children with cancer, and children with cerebral palsy; and

(5) children’s hospitals are important centers for pediatric research and the major pipeline for future pediatric researchers.

(b) **SENSE OF THE SENATE.**—It is the sense of the Senate that, for fiscal year 2004, children’s

graduate medical education should be funded at \$305,000,000.

SEC. 323. SENSE OF THE SENATE ON FUNDING FOR CRIMINAL JUSTICE.

(a) FINDINGS.—The Senate finds that—
(1) bipartisan efforts have led to success in the fight against crime and improvements in the administration of justice;

(2) Congress steadily increased funding for crime identification technologies between 1994 and 2003; and

(3) a strong commitment to improve crime identification technologies is still needed.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the funding levels in this resolution assume that the programs authorized under the Crime Identification Technology Act of 1998 to improve the justice system will be fully funded at the levels authorized for each of the fiscal years 2004 through 2007.

SEC. 324. SENSE OF THE SENATE CONCERNING FUNDING FOR DRUG TREATMENT PROGRAMS.

It is the sense of the Senate that the functional totals in this resolution assume that up to \$20,000,000 from funds designated, but not obligated, for travel and administrative expenses, from drug interdiction activities should be used for service-oriented targeted grants for the utilization of substances that block the craving for heroin and that are newly approved for such use by the Food and Drug Administration.

SEC. 325. FUNDING FOR AFTER-SCHOOL PROGRAMS.

(a) FINDINGS.—Congress finds that:

(1) Studies show that organized extra-curricular activities, such as after-school programs, reduce crime, drug use, and teenage pregnancy.

(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) 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.

(4) Current funding for after-school programs provide almost 1.4 million children across the country a safe and enriching place to go after school instead of being home alone.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution assume that funding for 21st Century Community Learning Centers is at least enough to ensure the number of children participating in after-school programs does not decrease.

SEC. 326. SENSE OF THE SENATE ON THE \$1,000 CHILD CREDIT.

It is the sense of the Senate that extending the \$1,000 child credit for 3 additional years (2011–2013) can be accommodated within the revenue totals and instructions of this resolution.

SEC. 327. SENSE OF THE SENATE CONCERNING FUNDING FOR DOMESTIC NUTRITION ASSISTANCE PROGRAMS.

(a) FINDINGS.—The Senate finds that—

(1) domestic nutrition assistance programs administered by the Secretary of Agriculture—

(A) have a long history of bipartisan support;

(B) have an accomplished record of preventing health problems for children and promoting the health, growth, and development of children;

(C) provide United States agricultural producers and food manufacturers with important and substantial markets through which they can obtain and sustain livelihoods; and

(D) are due to be reauthorized and improved during the 108th Congress; and

(2) the budget proposed by the President for fiscal year 2004—

(A) maintains current levels of funding for child nutrition;

(B) extends and improves nutrition assistance programs, including—

(i) the school breakfast program established by section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773);

(ii) the school lunch program established under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.); and

(iii) the child and adult care food program established under the section 17 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766); and

(C) renews and fully funds the special supplemental nutrition program for women, infants, and children established by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786).

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the final budget conference agreement should not take or propose any actions that reduce the level of funding provided for domestic nutrition assistance programs administered by the Secretary of Agriculture below current baseline spending levels for the programs.

SEC. 328. SENSE OF SENATE CONCERNING FREE TRADE AGREEMENT WITH THE UNITED KINGDOM.

It is the sense of the Senate that the President should negotiate a free trade agreement with the United Kingdom.

SEC. 329. RESERVE FUND FOR POSSIBLE MILITARY ACTION AND RECONSTRUCTION IN IRAQ.

(a) IN GENERAL.—Upon the favorable reporting of legislation by the Committee on Appropriations of the Senate making discretionary appropriations in excess of the levels assumed in this resolution for expenses for possible military action and reconstruction in Iraq in fiscal years 2003 through 2013, the Committee on the Budget of the Senate may, in consultation with the Chairman and Ranking Member of the appropriate committee, revise the level of total new budget authority and outlays, the functional totals, allocations, discretionary spending limits, and levels of deficits and debt in this resolution by up to \$100,000,000,000 in budget authority and outlays.

(b) APPLICATION.—Any adjustments of allocations and aggregates made pursuant to this resolution shall—

(1) apply while that measure is under consideration;

(2) take effect upon the enactment of that measure; and

(3) be published in the Congressional Record as soon as practicable.

(c) EFFECT OF CHANGED ALLOCATIONS AND AGGREGATES.—Revised allocations and aggregates resulting from these adjustments shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations and aggregates contained in this resolution.

(d) BUDGET COMMITTEE DETERMINATIONS.—For purposes of this resolution—

(1) the levels of new budget authority, outlays, direct spending, new entitlement authority, revenues, deficits, and surpluses for a fiscal year or period of fiscal years shall be determined on the basis of estimates made by the Committee on the Budget of the Senate; and

(2) the Chairman of that Committee may make any other necessary adjustments to such levels to carry out this resolution.

SMALL BUSINESS DROUGHT RELIEF ACT OF 2003

Mr. BENNETT. Mr. President, I ask unanimous consent that the Small Business Committee be discharged from further action on S. 318 and that the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 318) to provide emergency assistance to nonfarm-related small business con-

cerns that have suffered substantial economic harm from drought.

There being no objection, the Senate proceeded to consider the bill.

Mr. BENNETT. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid on the table, and any statements regarding this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 318) was read the third time and passed, as follows:

S. 318

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LOANS TO SMALL BUSINESS CONCERNS DAMAGED BY DROUGHT.

(a) SHORT TITLE.—This Act may be cited as the “Small Business Drought Relief Act of 2003”.

(b) FINDINGS.—Congress finds that—

(1) as of July 2002, more than 36 States (including Massachusetts, South Carolina, and Louisiana) have suffered from continuing drought conditions;

(2) droughts have a negative effect on State and regional economies;

(3) many small businesses in the United States sell, distribute, market, or otherwise engage in commerce related to water and water sources, such as lakes, rivers, and streams;

(4) many small businesses in the United States suffer economic injury from drought conditions, leading to revenue losses, job layoffs, and bankruptcies;

(5) these small businesses need access to low-interest loans for business-related purposes, including paying their bills and making payroll until business returns to normal;

(6) absent a legislative change, the practice of the Small Business Administration of permitting only agriculture and agriculture-related businesses to be eligible for Federal disaster loan assistance as a result of drought conditions would likely continue;

(7) during the past several years small businesses that rely on the Great Lakes have suffered economic injury as a result of lower than average water levels, resulting from low precipitation and increased evaporation, and there are concerns that small businesses in other regions could suffer similar hardships beyond their control and that they should also be eligible for assistance; and

(8) it is necessary to amend the Small Business Act to clarify that nonfarm-related small businesses that have suffered economic injury from drought are eligible to receive financial assistance through Small Business Administration Economic Injury Disaster Loans.

(c) DROUGHT DISASTER AUTHORITY.—

(1) DEFINITION OF DISASTER.—Section 3(k) of the Small Business Act (15 U.S.C. 632(k)) is amended—

(A) by inserting “(1)” after “(k)”;

(B) by adding at the end the following:

“(2) For purposes of section 7(b)(2), the term ‘disaster’ includes—

“(A) drought; and

“(B) below average water levels in the Great Lakes, or on any body of water in the United States that supports commerce by small business concerns.”.

(2) DROUGHT DISASTER RELIEF AUTHORITY.—Section 7(b)(2) of the Small Business Act (15 U.S.C. 636(b)(2)) is amended—

(A) by inserting “including drought, with respect to both farm-related and nonfarm-related small business concerns affected by drought,” before “if the Administration”; and

(B) in subparagraph (B), by striking "the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961)" and inserting the following: "section 321 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961), in which case, assistance under this paragraph may be provided to farm-related and nonfarm-related small business concerns, subject to the other applicable requirements of this paragraph".

(d) **PROMPT RESPONSE TO DISASTER REQUESTS.**—Section 7(b)(2)(D) of the Small Business Act (15 U.S.C. 636(b)(2)(D)) is amended by striking "Upon receipt of such certification, the Administration may" and inserting "Not later than 30 days after the date of receipt of such certification by a Governor of a State, the Administration shall respond in writing to that Governor on its determination and the reasons therefore, and may".

(e) **LIMITATION ON LOANS.**—From funds otherwise appropriated for loans under section 7(b) of the Small Business Act (15 U.S.C. 636(b)), not more than \$9,000,000 may be used during fiscal year 2003 to provide drought disaster loans to non-farm related small business concerns.

(f) **RULEMAKING.**—Not later than 45 days after the date of enactment of this Act, the Administrator of the Small Business Administration shall promulgate final rules to carry out this Act and the amendments made by this Act.

EXECUTIVE SESSION

NOMINATION OF HARRY DAMELIN TO BE INSPECTOR GENERAL FOR THE SMALL BUSINESS ADMINISTRATION

Mr. BENNETT. Mr. President, I ask unanimous consent that the Small Business Committee be discharged from further consideration of Harry Damelin, to be inspector general for the Small Business Administration; I further ask unanimous consent that the nomination be referred to the Governmental Affairs Committee as under a previous agreement, the nomination then be immediately discharged; further, the Senate proceed to its consideration, the nomination be confirmed, and the motion to reconsider be laid upon the table; finally, I ask unanimous consent that the President be notified immediately of the Senate's action and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination was confirmed.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

ACCEPTANCE OF STATUE OF PRESIDENT DWIGHT D. EISENHOWER

Mr. BENNETT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res 84, which was received from the House.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 84) providing for the acceptance of a statue of President Dwight D. Eisenhower, presented by the people of Kansas, for placement in the Capitol, and for other purposes.

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, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (H. Con. Res. 84) was agreed to.

The preamble was agreed to.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. BENNETT. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on today's Executive Calendar:

Calendar Nos. 46, 89, 93, 94, 95, 96, 97, and all nominations on the Secretary's desk.

I further ask unanimous consent that the nominations be confirmed en bloc, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

EXECUTIVE OFFICE OF THE PRESIDENT

Linda M. Springer, of Pennsylvania, to be Controller, Office of Federal Financial Management, Office of Management and Budget.

DEPARTMENT OF JUSTICE

McGregor William Scott, of California, to be United States Attorney for the Eastern District of California for the term of four years, vice Paul L. Seave, resigned.

ARMY

The following Army National Guard of the United States officers for appointment in the Reserve of the Army to the grades indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. Dennis M. Kenneally

To be brigadier general

Col. Oscar B. Hilman

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. Edwin H. Roberts, Jr.
The following named officer for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Col. Sheila R. Baxter

The following named officers for appointment in the Reserve of the Army to the grades indicated under title 10, U.S.C., section 12203:

To be major general

Brigadier General Jeffery L. Arnold
Brigadier General Robert M. Carrothers
Brigadier General Michael G. Corrigan
Brigadier General George R. Fay
Brigadier General John R. Hawkins, III
Brigadier General Michael K. Jelinsky
Brigadier General Terrill K. Moffett
Brigadier General Paul D. Patrick
Brigadier General Harry J. Philips, Jr.
Brigadier General Jerry W. Reshetar
Brigadier General Stephen B. Thompson
Brigadier General Stephen D. Tom
Brigadier General George W. Wells, Jr.
Brigadier General Robert J. Williamson

To be brigadier general

Colonel Charles J. Barr
Colonel David N. Blackledge
Colonel Brian J. Bowers
Colonel Edwin S. Castle
Colonel Oscar S. DePriest, IV
Colonel Mari K. Eder
Colonel Alan E. Grice
Colonel Paul F. Hamm
Colonel Philip L. Hanrahan
Colonel Christopher A. Ingram
Colonel Janis L. Karpinski
Colonel John F. McNeill
Colonel William Monk, III
Colonel Gary M. Profit
Colonel Douglas G. Richardson
Colonel Michael J. Schweiger
Colonel Richard J. Sherlock, Jr.
Colonel Charles B. Skaggs
Colonel Richard M. Tabor
Colonel Phillip J. Thorpe
Colonel Ennis C. Whitehead, III

NAVY

The following named officers for appointment in the United States Naval Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be rear admiral (lower half)

Capt. David O. Anderson
Capt. David J. Cronk
Capt. Dirk J. Debbink
Capt. Frank F. Rennie, IV

NOMINATIONS PLACED ON THE SECRETARY'S DESK

AIR FORCE

PN181 Air Force nominations (114) beginning COLBY D. * ADAMS, and ending ROBERT K. * YOUNG, which nominations were received by the Senate and appeared in the Congressional Record of January 13, 2003.

PN229 Air Force nominations (1597) beginning RAYMOND B. ABARCA, and ending MICHAEL A. ZROSTLIK, which nominations were received by the Senate and appeared in the Congressional Record of January 16, 2003.

PN358 Air Force nominations (14) beginning JOYCE A. ADKINS, and ending STEVEN A. WILSON, which nominations were received by the Senate and appeared in the Congressional Record of February 25, 2003.

PN361 Air Force nominations (1501) beginning JOHN J. ABBATIELLO, and ending MICHAEL P. ZUMWALT, which nominations were received by the Senate and appeared in the Congressional Record of February 25, 2003.

PN362 Air Force nominations (98) beginning CATHERINE M. AMITRANO, and ending CYNTHIA K. WRIGHT, which nominations were received by the Senate and appeared in the Congressional Record of February 25, 2003.

ARMY

PN364 Army nominations (6) beginning BRIAN K. BALFE, and ending JAMES H. TROGDON, III, which nominations were received by the Senate and appeared in the Congressional Record of February 25, 2003.

PN420 Army nomination of William O. Prettyman, II, which was received by the Senate and appeared in the Congressional Record of March 11, 2003.

PN421 Army nomination of Darrell S. Ransom, which was received by the Senate and appeared in the Congressional Record of March 11, 2003.

PN422 Army nomination of Frederick D. White, which was received by the Senate and appeared in the Congressional Record of March 11, 2003.

MARINE CORPS

PN423 Marine Corps nominations (2) beginning MICHAEL P. KILLION, and ending DOUGLAS S. KURTH, which nominations were received by the Senate and appeared in the Congressional Record of March 11, 2003.

PN365 Marine Corps nominations (377) beginning BRIAN T. ALEXANDER, and ending PHILLIP J. ZIMMERMAN, which nominations were received by the Senate and appeared in the Congressional Record of February 25, 2003.

NAVY

PN366 Navy nomination of Rosemarie H. O'Carroll, which was received by the Senate and appeared in the Congressional Record of February 25, 2003.

PN367 Navy nomination of John M. Hakanson, which was received by the Senate and appeared in the Congressional Record of February 25, 2003.

PN368 Navy nominations (28) beginning DANIEL P. ARTHUR, and ending WALTER C. WRYE, IV, which nominations were received by the Senate and appeared in the Congressional Record of February 25, 2003.

ORDERS FOR TUESDAY, APRIL 1, 2003

Mr. BENNETT. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9 a.m. Tuesday, April 1; I further ask that following the prayer and the pledge, the morning hour be deemed to have expired, the Journal of the proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and that notwithstanding the previous order, the Senate begin a period of morning business until 10 a.m., with the time equally divided between Senator HUTCHISON and the minority leader or his designee; provided that at 10 a.m. the Senate proceed to executive session to consider the nomination of Timothy Tymkovich to be a circuit judge for the Tenth Circuit as provided under the previous order. I further ask consent that the Senate stand in recess from 12:30 p.m. to 2:15 p.m. for the weekly party meetings.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BENNETT. Mr. President, for the information of all Senators, the Senate will be in a period of morning business

tomorrow until 10 a.m. Members who wish to make statements in support of our troops are encouraged to do so during that time.

At 10 a.m., the Senate will proceed to executive session to consider the nomination of Timothy Tymkovich, to be a circuit judge for the Tenth Circuit.

Under the previous order, there will be up to 6 hours for debate on the nomination. Following the use or yielding back of that time, the Senate will proceed to vote on the confirmation.

For the remainder of the week, the Senate is expected to complete action on several important issues, including the supplemental appropriations bill. Therefore, on behalf of the leader, I notify all Senators to expect a very busy week with rollcall votes each day.

ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mr. BENNETT. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:41 p.m., adjourned until Tuesday, April 1, 2003, at 9 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 31, 2003:

EXECUTIVE OFFICE OF THE PRESIDENT

LINDA M. SPRINGER, OF PENNSYLVANIA, TO BE CONTROLLER, OFFICE OF FEDERAL FINANCIAL MANAGEMENT, OFFICE OF MANAGEMENT AND BUDGET.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

SMALL BUSINESS ADMINISTRATION

HAROLD DAMELIN, OF VIRGINIA, TO BE INSPECTOR GENERAL, SMALL BUSINESS ADMINISTRATION.

THE JUDICIARY

THERESA LAZAR SPRINGMANN, OF INDIANA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF INDIANA.

DEPARTMENT OF JUSTICE

MCGREGOR WILLIAM SCOTT, OF CALIFORNIA, TO BE UNITED STATES ATTORNEY FOR THE EASTERN DISTRICT OF CALIFORNIA FOR THE TERM OF FOUR YEARS.

IN THE ARMY

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. DENNIS M. KENNEALLY

To be brigadier general

COL. OSCAR B. HILMAN

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

21BRIG. GEN. EDWIN H. ROBERTS, JR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. SHEILA R. BAXTER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIGADIER GENERAL JEFFERY L. ARNOLD
BRIGADIER GENERAL ROBERT M. CARROTHERS
BRIGADIER GENERAL MICHAEL G. CORRIGAN
BRIGADIER GENERAL GEORGE R. FAY
BRIGADIER GENERAL JOHN R. HAWKINS III
BRIGADIER GENERAL MICHAEL K. JELINSKY
BRIGADIER GENERAL TERRILL K. MOFFETT
BRIGADIER GENERAL PAUL D. PATRICK
BRIGADIER GENERAL HARRY J. PHILLIPS, JR.
BRIGADIER GENERAL JERRY W. RESHETAR
BRIGADIER GENERAL STEPHEN B. THOMPSON
BRIGADIER GENERAL STEPHEN D. TOM
BRIGADIER GENERAL GEORGE W. WELLS, JR.
BRIGADIER GENERAL ROBERT J. WILLIAMSON

To be brigadier general

COLONEL CHARLES J. BARR
COLONEL DAVID N. BLACKLEDGE
COLONEL BRIAN J. BOWERS
COLONEL EDWIN S. CASTLE
COLONEL OSCAR S. DEPRIEST IV
COLONEL MARI K. EDER
COLONEL ALAN E. GRICE
COLONEL PAUL F. HAMM
COLONEL PHILIP L. HANRAHAN
COLONEL CHRISTOPHER A. INGRAM
COLONEL JANIS L. KARPINSKI
COLONEL JOHN F. MCNEILL
COLONEL WILLIAM MONK III
COLONEL GARY M. PROFITT
COLONEL DOUGLAS G. RICHARDSON
COLONEL MICHAEL J. SCHWEIGER
COLONEL RICHARD J. SHERLOCK, JR.
COLONEL CHARLES B. SKAGGS
COLONEL RICHARD M. TABOR
COLONEL PHILLIP J. THORPE
COLONEL ENNIS C. WHITEHEAD III

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVAL RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral (lower half)

CAPT. DAVID O. ANDERSON
CAPT. DAVID J. CRONK
CAPT. DIRK J. DEBBINK
CAPT. FRANK F. RENNIE IV

AIR FORCE NOMINATIONS BEGINNING COLBY D. ADAMS AND ENDING ROBERT K. YOUNG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 13, 2003.

AIR FORCE NOMINATIONS BEGINNING RAYMOND B. ABARCA AND ENDING MICHAEL A. ZROSTLIK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 16, 2003.

AIR FORCE NOMINATIONS BEGINNING JOYCE A. ADKINS AND ENDING STEVEN A. WILSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 25, 2003.

AIR FORCE NOMINATIONS BEGINNING JOHN J. ABBATIello AND ENDING MICHEL P. ZUMWALT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 25, 2003.

AIR FORCE NOMINATIONS BEGINNING CATHERINE M. AMITRANO AND ENDING CYNTHIA K. WRIGHT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 25, 2003.

ARMY NOMINATIONS BEGINNING BRIAN K. BALFE AND ENDING JAMES H. TROGDON III, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 25, 2003.

ARMY NOMINATION OF WILLIAM O. PRETTYMAN II.

ARMY NOMINATION OF DARRELL S. RANSOM.

ARMY NOMINATION OF FREDERICK D. WHITE.

MARINE CORPS NOMINATIONS BEGINNING BRIAN T. ALEXANDER AND ENDING PHILLIP J. ZIMMERMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 25, 2003.

MARINE CORPS NOMINATIONS BEGINNING MICHAEL P. KILLION AND ENDING DOUGLAS S. KURTH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 11, 2003.

NAVY NOMINATION OF ROSEMARIE H. O'CARROLL.

NAVY NOMINATION OF JOHN M. HAKANSON.

NAVY NOMINATIONS BEGINNING DANIEL P. ARTHUR AND ENDING WALTER C. WRYE IV, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 25, 2003.

EXTENSIONS OF REMARKS

RECOGNIZING THE PRINCE WILLIAM CHAMBER OF COMMERCE 2003 BRONZE MEDAL VALOR AWARD RECIPIENTS

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 31, 2003

Mr. TOM DAVIS of Virginia. Mr. Speaker, every year, the Prince William County Chamber of Commerce recognizes individuals who have courageously demonstrated selfless dedication to public safety. These outstanding men and women have played an important role in building a better community. This hard work and determination has earned several citizens of Prince William County the highest honor bestowed upon county public safety officials—The Bronze Medal Valor Award.

The Bronze Medal is awarded to emergency service officers who demonstrate extraordinary judgment, ingenuity, or performance of their duties during an emergency. This may also include the saving of a life threatened by physical or medical reasons.

It is with great honor that I recognize Police Officer Second Class H. Booth III of the Prince William County Police Department, Firefighter Christine Connally of the OWL Volunteer Fire Department, and Firefighter Lawrence Kearnes of the Dale City Volunteer Fire Department as the recipients of the 2003 Bronze Medal Valor Award. The service they provide to the community is tremendous and is deserving of such acclaim.

Mr. Speaker, in closing, I would like to take this opportunity to thank all the men and women who serve Prince William County. The events of September 11th served as a reminder of the sacrifices our emergency service workers make for us every day. Their constant efforts on behalf of Prince William County citizens are paramount to preserving security, law, and order throughout our neighborhoods; and their individual and collective acts of heroism deserve our highest praise. I ask that my colleagues join me in congratulating these outstanding individuals.

CONCERNING U.S. AND ALLIED ARMED FORCES PERSONNEL KILLED, WOUNDED, OR TAKEN CAPTIVE

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 31, 2003

Mr. HASTINGS of Florida. Mr. Speaker, on March 26, 2003, I introduced a Resolution honoring U.S. and allied troops who have been killed in action. My resolution also honors those who are wounded, missing, or being held as prisoners of war.

Our men and women in uniform consistently reflect great honor upon this nation, whether

they are engaged in humanitarian assistance, peacekeeping, or war. Throughout our history, we have expected the very best from them. We expect them to be valiant, selfless, courageous, dependable, and dedicated, and they never disappoint us. It is a privilege and an honor to have them represent our nation, whether providing humanitarian assistance, conducting peacekeeping operations, or engaged in war.

Because of the very high regard in which we hold members of the armed services, it is especially disturbing to us when one of these fine young men or women is killed, wounded, or taken prisoner. By any measure, their contributions, in terms of human sacrifice, are immense. As a nation we share the sense of loss and fear and worry that their families are experiencing.

It is difficult to find words of comfort for their families—offering our deepest sympathy doesn't begin to express the anguish we experience when we see pictures of American and allied soldiers killed, wounded, or held captive, or when we learn that some are missing in action. These are truly images that bind us together in our thoughts and prayers.

We must never forget that the peace and prosperity that we enjoy are founded on the ultimate sacrifices made by those who have lost their lives in war throughout our nation's history. They have earned our gratitude and respect.

I encourage my colleagues and the citizens of this nation, to remember these inspiring men and women who have distinguished themselves with their gallantry and courage.

PERSONAL EXPLANATION

HON. ERNIE FLETCHER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, March 31, 2003

Mr. FLETCHER. Mr. Speaker, on Thursday, March 27, 2003, despite all my efforts, I was unavoidably detained. Had I been present for rollcall vote No. 91, on H. Con. Res. 118, Concerning the Treatment of Members of the Armed Forces Held as Prisoner of War by Iraqi Authorities, I would have voted as follows: rollcall vote No. 91—"aye."

As the United States Armed Forces and its international allies continue to liberate the oppressed Iraqi people from the tyranny of Saddam Hussein, we pause today to recognize their bravery and professionalism. In addition, Congress extends heartfelt sympathies to the families of servicemembers who have been injured, killed, or taken prisoner in Iraq.

For more than 50 years, the Third Geneva Convention has prescribed guidelines for the proper and humane treatment of prisoners of war. Sadly, Iraq—which has agreed to abide by the Third Geneva Convention—views these international standards with the same callousness and disregard for human life that Saddam Hussein's murderous regime has dem-

onstrated for decades. Iraqi troops unwilling to die for a corrupt, diabolical regime can be comforted by the fact that American and coalition forces will treat prisoners of war humanely, supplying them with food, shelter, and medical assistance—in other words, treating them in full compliance with the Third Geneva Convention.

Iraqi television recently has broadcast, in direct violation of the Third Geneva Convention, footage of American Prisoners of War. I join my colleagues in thanking America's brave men and women serving their country on the front lines. I also unequivocally condemn Iraq's mistreatment of prisoners of war and remind the Iraqi regime that, if it chooses to ignore America's demand to abide by its commitment to the Third Geneva Convention, then these war criminals will be prosecuted to the fullest extent of the law.

JOHN KEBLES HONORED BY PENNSYLVANIA CREDIT UNION LEAGUE

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 31, 2003

Mr. KANJORSKI. Mr. Speaker, I rise today to call the attention of the House of Representatives to the long record of service to the community of a constituent of mine, my good friend John Kebles. John is president and chief executive officer of Choice One Federal Credit Union in Wilkes-Barre and outgoing chairman of the board of the Pennsylvania Credit Union League for 2001–2002. The league will thank and honor him for his service at its annual convention, to be held from April 24 to 26, 2003.

I grew to know John well in 1998 during the fight to pass the Credit Union Membership Access Act, better known to many as H.R. 1151. The enactment of this law showed the power of average citizens to influence Congress, and, Mr. Speaker, I can tell you that John is an excellent example of those dedicated souls who exercised their Constitutionally guaranteed right to petition their government.

As chairman of the state credit union league, he has successfully urged credit union members to become more involved in their government, setting an example for other credit union members around the nation. Another example of the league's many accomplishments under his leadership is the enactment of a state credit union parity bill last year to expand opportunities for state-chartered credit unions. Also during his tenure, the league has launched CU BizSource, a new product and service to offer business loans to members. This is a fine example of the democratic—"little D"—access to capital that credit unions are intended to provide.

In the Wilkes-Barre area, John has been a leader in several community-minded initiatives, including spearheading the effort by several

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

credit unions to build a Habitat for Humanity house in Ashley and seeking a community charter, which has made Choice One better able to serve more lower-income people. I am proud to claim him as a constituent and to call him a friend.

Mr. Speaker, I am pleased to call to the attention of the House of Representatives the honor being accorded to John Kebles by the Pennsylvania Credit Union League, and I wish him and his family all the best.

RECOGNIZING THE PRINCE WILLIAM CHAMBER OF COMMERCE 2003 LIFESAVING VALOR AWARD RECIPIENTS

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 31, 2003

Mr. TOM DAVIS of Virginia. Mr. Speaker, every year, the Prince William County Chamber of Commerce recognizes individuals who have courageously demonstrated selfless dedication to public safety. These outstanding men and women have played an important role in building a better community. This hard work and determination has earned several citizens of Prince William County the highest honor bestowed upon county public safety officials—The Lifesaving Valor Award.

The Lifesaving Award is awarded to public safety officials in recognition of acts taken in a life-threatening situation in which an individual's life is in risk, either medically or physically. It is with great honor that I enter into the record the names of the 2003 Lifesaving Award recipients. OWL Volunteer Fire Department: Lt. James Dart; Prince William County Police Department: MPO W.A. Lawrence; MPO G.W. Motley; MPO K.A. Muehlauser; Arlington County Sheriff's Department: Deputy J. O'Keefe; USMC: Sergeant Daniel P. O'Mahoney. The service they provide to the community is tremendous and is deserving of such acclaim.

Mr. Speaker, in closing, I would like to take this opportunity to thank all the men and women who serve Prince William County. The events of September 11th served as a reminder of the sacrifices our emergency service workers make for us every day. Their constant efforts on behalf of Prince William County citizens are paramount to preserving security, law, and order throughout our neighborhoods; and their individual and collective acts of heroism deserve our highest praise. I ask that my colleagues join me in congratulating these outstanding individuals.

SECURING BLESSINGS OF PROVIDENCE FOR PEOPLE OF THE UNITED STATES AND OUR ARMED FORCES

SPEECH OF

HON. TODD TIAHRT

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 26, 2003

Mr. TIAHRT. Mr. Speaker, I rise today in support of H. Res. 153 and ask my colleagues to join me. This resolution declares the sense

of Congress that the President of the United States should designate a national day of prayer, fasting and humility. At a time when many of our young men and women are engaged in a global war on terrorism and a campaign to disarm the Iraqi regime, it is entirely appropriate we should humble ourselves before Almighty God.

Throughout American history, both the Congress and the President have called on the American people to acknowledge the Providence of God and to seek his divine wisdom. We have witnessed the benefits of national prayer and fasting in times past, and we are today asking the President to once again proclaim such a day. While the challenges we face in the 21st Century are new, we know the root causes of these difficulties are much the same as they have always been.

It is with the hope that good will ultimately triumph that we are asking for all people to collectively acknowledge God and seek guidance, strength and resolve through prayer and fasting.

Many families all across this great nation are praying for a quick resolve to the conflict in Iraq. It is fitting that we as a nation join with them in solidarity during this time of war and chaos.

As we hear new reports of those killed or missing in action, our hearts go out to the children and families of these brave men and women fighting overseas. Pfc. Patrick Miller, a constituent of mine, is among those Americans being held captive in Iraq. We are once again realizing the high cost of war and what it means to defend liberty.

In recent years I think most Americans have been made more aware of just how fragile peace can be, both at home and abroad. America and the world have witnessed the destruction of innocent life and the violation of universal human rights by brutal men. In a time when the President and other leaders are deciding how to respond to these situations, it is vitally important we recognize a higher power than ourselves.

Our Founding Fathers understood the necessity of seeking guidance from God, and today we are no less in need of that same Divine Counsel.

During the Civil War Abraham Lincoln was asked if God was on his side. His reply was, "Sir, my concern is not whether God is on my side. My great concern is to be on God's side."

In the same spirit of humility Abraham Lincoln exhibited during one of our nation's darkest hours, we are asking the President to call for a national day of prayer, humility and fasting.

As we examine ourselves before God, we will surely be shown our own failings and will learn how we can do better in our actions. I am confident that as in times past, God will once again provide assistance to our country in our time of need.

In 1787 Benjamin Franklin said, "We need God as our friend not our enemy. We need him to be our ally not our adversary. We need to make sure that we keep God's concurring aid."

As Mr. Franklin wisely affirmed our need for God more than two centuries ago, once again we need to join together as a country in asking for the "aid" of the Almighty.

KEEPING CHILDREN AND FAMILIES SAFE ACT OF 2003

SPEECH OF

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 26, 2003

Mr. HASTINGS of Florida. Mr. Speaker, I strongly support this bill. It provides states with Federal funds to train caseworkers in child protective service systems, an initiative that the State of Florida desperately needs.

Florida's Department of Children and Families has an abysmal record of monitoring the children entrusted to its care, and I am hopeful that an infusion of Federal funds, aimed at increasing both training and oversight of social workers, will alleviate this disgrace.

I am sure you will recall the story of 5-year-old Rilya Wilson, the young Florida child whose whereabouts are still unknown. Eight months after her disappearance, her social worker was still filing reports indicating that she had routinely conducted home visits and that the child was safe and well cared for.

Regrettably, investigations into Florida's child welfare system revealed that this was not an isolated case. Last September, in response to public outcry over the Rilya Wilson incident, Governor Bush replaced the secretary of Florida's Department of Children and Families.

He also created a governor's task force in an attempt to locate an additional 393 children missing from Florida's child welfare system.

After a 15-week effort, the Governor described the results "a success" even though only one-fourth of the 393 missing children had been located, and the task force was disbanded.

I am hopeful that an infusion of Federal funds, specifically geared towards training caseworkers, will improve the child welfare system in the State of Florida and the rest of the Nation.

PERSONAL EXPLANATION

HON. ERNIE FLETCHER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, March 31, 2003

Mr. FLETCHER. Mr. Speaker, on Thursday, March 27, 2003, despite all my efforts, I was unavoidably detained. Had I been present for rollcall vote No.'s 87, 88, and 90 I would have voted the following way:

Rollcall vote No. 87, Amendment offered by Rep. FEENEY of Florida—"aye"

Rollcall vote No. 88, Amendment offered by Rep. SMITH of Texas—"aye"

Rollcall vote No. 90—"aye"

RECOGNIZING THE PRINCE WILLIAM CHAMBER OF COMMERCE 2003 GOLD MEDAL VALOR AWARD RECIPIENT

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 31, 2003

Mr. TOM DAVIS of Virginia. Mr. Speaker, every year, the Prince William County Chamber recognizes individuals who have courageously demonstrated selfless dedication to

public safety. These outstanding men and women have played an important role in building a better community. This hard work and determination has earned several citizens of Prince William County the highest honor bestowed upon county public safety officials—The Gold Medal Valor Award.

The Gold Medal is the highest award for bravery and heroism. It is awarded to emergency service officers who have knowingly placed themselves in peril of death or extreme harm while saving or attempting to save the lives of others.

It is with great honor that I recognize Firefighter Carrie Wilson of the Stonewall Jackson Volunteer Fire Department as a recipient of the Gold Medal Valor Award. Firefighter Wilson helped to avert possible deaths and injuries at an apartment fire by acting quickly and professionally. A prime example of her bravery was when she came to the aid of an engine officer after a balcony railing collapsed, despite the burning debris pouring onto the crew. Firefighter Wilson also took part in the Red Cross Emergency Response Team, assisting the twenty-four displaced families find accommodations. The Chamber has made an excellent decision in awarding Carrie Wilson this prestigious honor.

Mr. Speaker, in closing, I ask that my colleagues join me in congratulating this extraordinary citizen. In addition, I would like to take this opportunity to thank all the men and women who serve Prince William County. The events of September 11th served as a reminder of the sacrifices our emergency service workers make for us every day. Their constant efforts on behalf of Prince William County citizens are paramount to preserving security, law and order throughout our neighborhoods, and their individual and collective acts of heroism deserve our highest praise.

RECOGNIZING THE SOCIAL PROBLEM OF CHILD ABUSE AND NEGLECT, AND SUPPORTING EFFORTS TO ENHANCE PUBLIC AWARENESS OF THE PROBLEM

SPEECH OF

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 26, 2003

Mr. CAMP. Mr. Speaker, I rise today in strong support of H.R. 113, the Child Abuse and Neglect Bill of 2003. This bill will support efforts to enhance public awareness of child abuse and neglect.

In the state of Michigan, where I am proud to represent the 4th District, the number of child abuse and neglect related fatalities have been steadily increasing since 1998. Again, in my state, there are 2.4 identified victims of child abuse per 1,000 Michigan residents. I emphasize, that statistic encapsulates identified victims only. I implore my fellow members of the House to think of the number of unreported cases. This sad fact proves that the American public is not fully aware of the problem presented by child neglect and abuse. Thus, a challenge lies before us. This is a challenge of committing every possible effort towards the elimination of child neglect and abuse.

Behind every number is a person, a child. Some of these children die because of child

neglect and abuse. Some of them simply never experience the love of a parent. Either situation is abominable and the American people need to be made aware of it.

The mission of this bill is to break the cycle of violence, especially with emphasis on the important first step of awareness. This bill intends to achieve a maximum awareness of child abuse and neglect.

Mr. Speaker, this is a worthy bill and an important step in the right direction. As a long time advocate for the oppressed children of our nation, I urge support for this bill. I yield back the balance of my time.

THE DEMOCRACY DAY ACT OF 2003

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 31, 2003

Mr. CONYERS. Mr. Speaker, today I am introducing the "Democracy Day Act of 2003," legislation that would provide a day off of work so that more of our citizens can vote. I am joined by Representatives CUMMINGS, RODRIGUEZ, WU, RANGEL, MCGOVERN, FROST, KILPATRICK, WOOLSEY, KAPTUR, CARSON (IN), and DAVIS (IL).

The United States is the greatest democratic republic in the history of civilization, and at the foundation of our democracy is the right to vote. This right was not simply handed to Americans; rather, it was hard won by many of our Nation's citizens. Today, active citizenship demands that Americans cast a vote to have their "say" in the political arena.

Despite this privilege, voter turnout has been declining since the 1960s in both Presidential and mid-term elections. Less than half of the voting age population (49.5 percent) voted in the 1996 Presidential election, and only 51.2 percent voted in the 2000 presidential election. The 1998 midterm elections saw the lowest voter turnout since 1942 at 36.1 percent. Of the 163 democracies worldwide, the United States ranks 139th in voter participation.

Among several factors causing this decline in voter turnout is the fact that many people do not have time to vote on election day. In fact, according to a recent Census Bureau study, nearly 25 percent of eligible voters cited time constraints or busy work or school schedules as the primary reason for failing to vote in the 2000 Presidential election.

The Democracy Day Act of 2003 addresses this problem by providing many hardworking Americans with the necessary time off from work so they can vote. In addition, the bill would have the added benefit of increasing the number of available election day judges, poll workers and suitable polling places. It would also serve to decrease long lines and the overcrowding that occurs during peak times on election day, as well as reinforcing the notion that voting is an important civic duty.

The movement to ensure that citizens have time to exercise their democratic right to vote has gained significant momentum in various states. According to the Federal Election Commission, 12 states designate election day as a state holiday, some of which close the schools in addition to excusing employees from work. In addition, 20 states provide state employees

time off to vote, and in 26 states, private sector employees may take time off to vote. It is time the Federal Government acts to solidify and coordinate this very important movement.

The right to vote is at the foundation of our democracy, and we must do everything we can to ensure that every eligible American has equal access to the polling booths. I am hopeful that Congress can move quickly to enact this worthwhile and timely legislation.

APPLAUDING ELSIE P. BROWN FOR HER COMMITMENT TO INCREASED HEALTH CARE ACCESS FOR UNDERSERVED POPULATIONS OF GEORGIA

HON. CHARLIE NORWOOD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 31, 2003

Mr. NORWOOD. Mr. Speaker, Elsie P. Brown has had a remarkable career in public health and primary health care that spans over thirty years. Few Georgians have worked as diligently for so long to address the need for providing quality health care access to Georgia's underserved populations.

Elsie is soon retiring from her current role as the Director of Government Affairs and Membership Services, for the Georgia Association For Primary Health Care, Inc. During Elsie's tenure, she has provided critical leadership and unwavering commitment in bringing to the forefront at the state and national levels the need to improve access to primary care. While Elsie can give you the facts, it has been her ability to work with everyone, from patients to Governors, from physicians to Congressmen that has made her a unique force in this movement. It is largely through her single-minded effort that the state of Georgia has made its very first state appropriation for Federally Qualified Health Centers in Georgia from its portion of the tobacco settlement.

There is no one who has served in Congress from Georgia over the last thirty years who has not had Elsie and her "troops" make the case increased emphasis on access to care for everyone with vigor and persistence. Yet, Elsie has always seemed like a friend rather than an advocate. She understands the workings of government as well as she understands the delivery of primary care. Her work has contributed directly to the creation of Community Health Centers in 37 Georgia counties. This has resulted in access for over 100,000 quality primary care visits for the poor and underserved.

Elsie's retirement will leave a void in the Health center community, but the legacy she leaves as a result of her thirty year commitment to making Georgia a better and healthier state will stand as an example to all who follow her.

PERSONAL EXPLANATION

HON. ERNIE FLETCHER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, March 31, 2003

Mr. FLETCHER. Mr. Speaker, on Thursday, March 27, 2003, despite all my efforts, I was

unavoidably detained. Had I been present for rollcall vote No. 89, on final passage of H.R. 1104, The Child Abduction Prevention Act, I would have voted as follows: rollcall vote No. 89—"aye."

Protecting our children is a top priority of this Congress. Child abduction and exploitation cannot and should not be tolerated. The Child Abduction Prevention Act not only creates new methods for finding and recovering abducted children, but it also takes steps to prevent them from happening in the first place.

To help recover abducted children, it establishes a national AMBER Alert communications network and doubles the annual grant to the National Center for Missing and Exploited Children to \$20 million through 2005.

To get tough on perpetrators and bring justice to sexual predators, it eliminates the statute of limitations for child abductions and sex crimes, denies pretrial release for child rapists or child abductors, requires a mandatory life sentence for twice-convicted child sex-offenders and a minimum 20-year prison sentence for the kidnapping of a person under 18 by a nonfamily member. It also punishes persons who travel to foreign countries to engage in illicit sexual relations with minors and criminalizes the actions of sex tour operators.

To provide law enforcement officers the tools they need, it authorizes COPS funding for a Sex Offender Apprehension Program, so local law enforcement may track sex offenders that violate the terms of their release.

I fully support this strong measure, "The Child Abduction Prevention Act," that will help protect America's children.

CHILD ABDUCTION PREVENTION ACT

SPEECH OF

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 27, 2003

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1104) to prevent child abduction, and for other purposes:

Mr. MOORE. Mr. Chairman, I rise in support of H.R. 1104, legislation that would improve our capacity to recover missing children with implementation of a national AMBER Alert program.

The safe recovery of 15-year-old Elizabeth Smart in Utah recently brought this important issue to national attention. I am well aware of how important AMBER Alert systems can be to helping bring abducted children home safely, which is why I am an original cosponsor of H.R. 412, the National AMBER Alert Network Act included in this bill, and supported the legislation introduced by Representatives MARTIN FROST and JENNIFER DUNN in the 107th Congress.

As Johnson County District Attorney for 12 years, I have seen child abduction cases that ended with the most horrible result—the death of a child. I helped bring AMBER Alert to Kansas City in 1999 and the system so far has contributed to the safe return of a 16-month-

old child and a 4-year-old child. As a result, the state of Kansas implemented a statewide AMBER Alert program in October of 2002. I have since actively worked to bring the AMBER system nationwide.

Earlier this month, I hosted a news conference in Kansas City, Missouri, with my colleague Representative KAREN MCCARTHY, to raise awareness about AMBER procedures and the need for a national program. We joined with local police to publicize AMBER Alert and expressed our support for immediate passage of this bill. Cases like Elizabeth Smart demonstrate the urgency for recovering missing children, and although the Smart family was incredibly lucky, many others are not.

Mr. Chairman, I am disappointed that we have not seen the AMBER Alert legislation come to the floor as a stand alone bill, as I called for many months ago. I believe that saving children should be above partisan politics and that Congress should be able to unite in favor of increasing measures to help our kids. While I rise in support of H.R. 1104, I do want to express my dissatisfaction that we could not follow the model of our Senate counterparts who passed AMBER Alert without additional provisions that likely will delay enactment.

I hope that you will join with me to pass H.R. 1104, however, to improve the safety of our children.

HONORING PAUL H. BETANCOURT

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 31, 2003

Mr. RADANOVICH. Mr. Speaker, I rise today to recognize Paul H. Betancourt on the occasion of the Annual Banquet of the Fresno County Farm Bureau on April 4, 2003. A diversified row crop farmer, Paul completed his two-year term as Fresno County Farm Bureau president in 2002.

Born on the East Coast, Paul was raised in San Diego, California, and became a farmer after marrying into a farming family. Mr. Betancourt earned a Bachelor of Arts degree in religious studies from Westmont College, and a second degree in agriculture business from California State University, Fresno. He is a graduate of Class XXV of the California Agriculture Leadership Program.

The Fresno County Farm Bureau represents over 6,000 members, which includes over 4,500 farmers and ranchers, on trade, land use, water, labor, and all agricultural related issues. Mr. Betancourt has held several positions within Farm Bureau, including director-at-large, secretary-treasurer, and second and first vice presidents. Through his Farm Bureau activities, Paul served on the board of directors of the Fresno Chamber of Commerce, and represented the Farm Bureau at many industry and community forums and events.

Paul currently serves on the Kerman Unified School Board of Trustees and is involved in the Fresno Area Collaborative Regional Initiative. In addition, he farms 765 acres of cotton and almonds in the Kerman and Cantua Creek

areas of Fresno County. Besides farming, Mr. Betancourt is a noted columnist for a local business publication and also enjoys teaching Sunday School class at Kerman Covenant. Paul and his wife, Sheryl, have two children, Heidi and Jonathan, and live near Kerman, California.

Mr. Speaker, I rise today to recognize Paul H. Betancourt for his dedication and commitment to the Fresno County Farm Bureau and to the broader California agriculture community. I invite my colleagues to join me in commending Paul for his service and hard work and in wishing him many years of continued success.

THE PRINCE WILLIAM CHAMBER OF COMMERCE 2003 MERIT VALOR AWARD RECIPIENTS

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 31, 2003

Mr. TOM DAVIS of Virginia. Mr. Speaker, every year, the Prince William Chamber of Commerce recognizes individuals who have courageously demonstrated selfless dedication to public safety. These outstanding men and women have played an important role in building a better community. This hard work and determination has earned several citizens of Prince William County the highest honor bestowed upon county public safety officials—The Merit Valor Award.

The Merit Award recognizes public service officials for acts involving personal risk. The award may also be presented to those who demonstrate judgment, zeal, or ingenuity above what is non-nally expected in the performance of duty.

It is with great honor that I enter into the record the names of the 2003 Merit Award recipients. Prince William County Police Department: Police Officer Second Class R.A. Arce; Police Officer Second Class R.W. Minnick; Police Officer Second Class B.K. Oxendine; Sr. First Sergeant J.B. Wheeler; Prince William County Department of Fire & Rescue: Technician II Michelle Butler; Technician I Scott Calder; Technician II Stephen Horvath; Technician I Landon Timbers, Jr.; Virginia State Police: Trooper Darrel D. Estess; Senior Trooper Mark C. Wilkinson; USMC: Corporal Amber V. Kephart; Prince William County Office of the Sheriff: Deputy Sheriff Heath Stearns; OWL Volunteer Fire Department: EMT Robert W. Warner. The service they provide to the community is tremendous and is deserving of such acclaim.

Mr. Speaker, in closing, I would like to take this opportunity to thank all the men and women who serve Prince William County. The events of September 11th, served as a reminder of the sacrifices our emergency service workers make for us every day. Their constant efforts on behalf of Prince William County citizens are paramount to preserving security, law, and order throughout our neighborhoods; and their individual and collective acts of heroism deserve our highest praise. I ask that my colleagues join me in congratulating these outstanding individuals.

EXPRESSING SUPPORT AND APPRECIATION FOR THE PRESIDENT AND MEMBERS OF THE ARMED FORCES PARTICIPATING IN OPERATION IRAQI FREEDOM

SPEECH OF

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 20, 2003

Mr. HUNTER. Mr. Speaker, based on the misleading and erroneous statement made by the gentleman from Maryland, Mr. HOYER, I feel compelled to correct the record. In an effort to suggest inconsistencies in my historical support and commendation of the troops, Mr. HOYER stated that on December 13, 1995, I voted against a resolution regarding Armed Forces deployment to Bosnia that resolved, "That the House of Representatives unequivocally supports the men and women of the United States Armed Forces who are carrying out their mission in support of peace in Bosnia and Herzegovina with professional excellence, dedicated patriotism, and exemplary bravery." However, a simple examination of the record tells a different story.

What the gentleman from Maryland failed to note, is that on December 13, 1995, the House considered two competing resolutions on the deployment of the United States Armed Forces to Bosnia—House Resolution 302 sponsored by Mr. BUYER and House Resolution 306 sponsored by Mr. Hamilton. If the Hamilton resolution had consisted of only the resolved clause, which my colleague quoted, I would have supported it. However, H. Res. 306 was compiled mostly of whereas clauses that justified the deployment of our Armed Forces to the former Yugoslavia. Had my colleague thoroughly researched this, he might have noticed that, also on December 13, 1995, I opposed this deployment by voting for Mr. Dornan's bill, H.R. 2770, which would have prohibited federal funds from being used for peacekeeping operations or any implementation force in the Republic of Bosnia and Herzegovina.

I, instead, voted for the Buyer resolution, which expressed dissatisfaction with the President's policy of deployment and his disregard of the action taken by the House on two separate occasions to disallow the use of United States Armed Forces for these purposes. Nonetheless, this resolution also declared that the House of Representatives, "... is confident that the members of the United States Armed Forces, in whom it has the greatest pride and admiration, will perform their responsibilities with professional excellence, dedicated patriotism, and exemplary courage. . . ."

Incidentally, the Buyer resolution passed the House by a vote of 287 to 141, with one voting present. The resolution Mr. HOYER criticized me for voting against, the Hamilton resolution, failed by a vote of 190 to 237, also with one voting present.

It is truly unfortunate that Mr. HOYER made such a misleading statement and questioned my unfailing dedication to the young men and women of our Armed Forces.

HONORING SENATOR CHARLES POOCHIGIAN

HON. DEVIN NUNES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 31, 2003

Mr. Speaker, I rise today in recognition of an extraordinary Californian, whom I have the privilege of Representing in Congress, California State Senator Charles S. Poochigian. I am proud to have the opportunity to spend a few minutes of my time in the House to share with the people of the United States how wonderful Chuck is and what a great asset he is to the people he serves.

Chuck Poochigian is an outstanding public servant but more importantly, he is a wonderful husband, father and member of his community. Anywhere you go in Chuck's hometown, you will find adoring friends, supporters and, of course, the many members of his extended family. He and his wife, Debbie, have worked to achieve a balanced life of faith, family and community service and are blessed with three outstanding children, Mark, Kirk and Laura.

Chuck has been a member of the California State Senate for four years and had previously served in the California State Assembly. In addition, he spent time in the Administration's of two California Governors. However, the more important measure of his outstanding service can be found in his commitment to the people he represents and to his proud heritage as an Armenian American.

Chuck has managed to achieve the meritorious recognition of many prominent organizations, ranging from the California State Sheriff's Association to the California State Student's Association. Throughout his career in public service, Chuck Poochigian has tempered his political ambition with a strong belief in family, faith and an understanding of the founding principals of our democracy. Demonstrating the high esteem to which he is held, The California Journal commended Chuck for his integrity, intelligence and problem solving abilities rating him as "Rookie of the Year" during his freshman term in office. Mr. Speaker, these accolades could not have been bestowed on a more worthy public servant.

It is also fitting at this time to express how important Chuck has been to the cause of advocating the special concerns of the Armenian Community in the California Legislature and I wish to publicly commend him on his pending receipt of the Armenian National Committee of Central California's Man of the Year Award, which is to be presented on April 12th in Fresno, California.

INTRODUCING THE VOTER OUTREACH AND TURNOUT EXPANSION ACT OF 2003

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 31, 2003

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to introduce the Voter Outreach and Turnout Expansion Act of 2003. The VOTE Act encompasses the best state voting practices in the country and is a progressive ap-

proach toward further reforming the way we run our elections.

Last year, in passing the Help America Vote Act, Congress made the historic statement that the federal government does in fact play a role in establishing minimum standards in federal elections. Today, as the fight to fund the Help America Vote Act continues in the 108th Congress, it is also appropriate for Congress to consider legislation that expands voting opportunities for all Americans far beyond those of current law.

Many states across the country have already taken steps to expand accessibility to the polls and encourage its citizens to vote. Now, riding the coattails of the Help America Vote Act, Congress must do the same.

To accomplish this important task, Mr. Speaker, the VOTE Act takes aim at combating voter apathy through same day voter registration, early voting, no excuse absentee voting, improved registration by mail procedures, the establishment of an Election Day holiday, and guaranteed leave on election day to allow employees to vote. Specifically, the legislation does the following:

The VOTE Act requires states to establish same-day voter registration procedures. Under the legislation, voters who have not previously registered to vote will be permitted to register on election day at the appropriate polling location and vote in that election. To address concerns over voter fraud that in the past so many of my colleagues have suggested occurs, voters are required to present proof of residence and written confirmation pursuant to the Help America Vote Act. Title I of the bill is linked to the enforcement provisions of the Help America Vote Act to ensure states' compliance.

Further, the VOTE Act requires local elections supervisors to establish early voting polling locations within the jurisdiction where registered voters will be able to vote prior to election day. Early voting must commence no less than 22 days, or three weeks, prior to election day and shall be made available to voters during normal business hours each weekday. Additionally, elections supervisors must make early voting available to voters on no less than two weekend days during the three weeks.

The bill also prohibits states and local supervisors from requiring voters to provide a reason for voting absentee. All too often, voters become discouraged from voting absentee, or just voting at all, because they are required to provide a reason. This is just plain wrong. Voting should not be a test where excuses are not permitted. On the contrary, absentee voting should be an option—and an easy one to take advantage of at that.

The VOTE Act also amends the Help America Vote Act to require that election supervisors provide voters with adequate time and opportunity to complete their mail-in voter registration form. In instances where the state registration deadline has already passed, supervisors are required to inform the voter of same-day voter registration opportunities that exist.

Further, my legislation requires that federal employees be given the day off on Election Day and encourages states to make Election Day a legal holiday and provide paid leave for state government employees.

Finally, the VOTE Act requires private companies with 25 or more employees to allow their staff to take up to 2 hours of paid or unpaid leave time to vote. Employees who live

more than 25 miles away from their workplace are allowed to take up to three hours of leave. Enforcement of these provisions is tied into the Family Medical Leave Act. By and large, Americans who do not vote cite employment as the top reason for not voting. The VOTE Act allows them to work and vote without the fear of losing their jobs in the process.

My legislation, Mr. Speaker, is not the silver bullet to improving our election system. However, it draws upon the best practices in the country in an effort to maximize voter turnout and participation in the democratic process. Congress cannot and will not drive up participation in elections without the progressive minded approach that is embedded in the VOTE Act.

If we do not make it easier for people to vote, then they just won't. Congress must provide voters with more opportunities to vote. If it does not, then national turnout percentages will rarely exceed 50 percent, and we will never be able to call ourselves a true democracy.

I urge my colleagues to support the VOTE Act and call on the Leadership to bring it to the floor for its immediate consideration.

HAPPY BIRTHDAY, ALBANY
STATE!

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 31, 2003

Mr. BISHOP of Georgia. Mr. Speaker, I rise today to congratulate one of our country's truly great institutions of higher learning, Albany State University—which this year is celebrating its 100th birthday.

Albany State, located in Albany, Georgia in the heart of our state's Second Congressional District, opened its doors in 1903 as a privately funded institution as the Albany Bible and Manual Training Institute, serving young African American men and women in an area where few educational opportunities were then available.

Today, the university, now a part of the state system, serves an increasingly diverse student body while continuing to fulfill its historic mission in reaching out to our region's underserved populations.

Albany State's first job is to provide an excellent education to its students, offering a wide range of undergraduate and graduate degrees and a variety of non-degree educational programs.

But Albany State also does much more.

This highly committed, creative, vibrant educational complex has made, and is making, a major contribution to the growth of the whole community and region through its research, outreach and public service activities.

The history of Albany State is one of steady growth and success.

In the early years, the school provided much needed teacher and vocational training. In 1917, the school became a two-year state-supported college with a new name, the Georgia Normal and Agricultural College, with programs in teaching and agriculture. In 1943, the growing institution again acquired a new name, Albany State College. Over the ensuing years, Albany State added more and more undergraduate and eventually graduate degrees, and university status was granted in 1996.

Albany State has been blessed with outstanding leadership. Dr. Joseph Winthrop Holley was the first President, and he served in that capacity for 40 years. He was succeeded by Dr. Aaron Brown; Dr. William H. Dennis; Dr. Thomas Miller Jenkins; Dr. Charles L. Hayes, and Dr. Billy C. Black. Albany State's current president is among the country's leading educational figures, Dr. Portia Holmes Shields, whose sister is our own Eleanor Holmes Norton.

Mr. Speaker, I would like to place in the Record part of Albany State's Centennial Resolution, which says:

Whereas, Albany State University's tradition of excellence has been the result of dedicated service by faculty, staff, students and community;

Whereas, Albany State University is a progressive institution fostering the growth and development of the region, state and nation through teaching, research, creative expression and public service;

Whereas, Albany State University embraces the concept of 'students first' as a core institutional value, promotes global learning, and is committed to educational excellence with special emphasis on the underserved while continuing to serve the educational needs of an increasingly diverse student population;

Whereas, Albany State University celebrates throughout the year of our Lord two thousand and three the centennial theme, "A Glorious Past to Cherish, An Infinite Future to Fulfill";

Whereas, Albany State University is recognized for its unwavering commitment to graduating empowered leaders, building better communities and making the difference.

Now therefore be it resolved That April 4, 2003 is recognized as Albany State University Day in the City of Albany in recognition of the Centennial Founders Day celebration of Albany State University.

Happy Birthday, Albany State!

PERSONAL EXPLANATION

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 31, 2003

Ms. SOLIS. Mr. Speaker, during rollcall vote No. 87 on H.R. 1104, Feeney of Florida amendment, I was unavoidably detained. Had I been present, I would have voted "no."

WOMEN'S HISTORY MONTH

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 31, 2003

Mr. DAVIS of Illinois. Mr. Speaker, the great issues of war and peace have rightfully dominated the news and the focus of our attention as a people and as a legislative body during the month of March. Nevertheless, other events must continue on.

March, of course, is Women's History Month. It is not designated Women's History Month because we may ignore the role and history of women for the other eleven months of the year. Quite the opposite. We have designated March as Women's History Month to highlight, for on-going consideration, the status, condition and progress of women.

The Congress established Women's History Week in 1981 and expanded it to Women's History Month in 1987. In that short period Women's History Month has become a time when men and women learn about the history of more than half of our population, much of which is not recorded in standard history books. The rediscovery of our "missing" history has been a beneficial thing for America.

As for the status of women, this year we note with satisfaction that women have made progress toward equality. At the same time, we remain deeply concerned about how far women need to go before they achieve what simple fairness and justice would demand: full equality.

Mr. Speaker, just a few numbers to highlight the current status of women:

The median earnings of women age 15 and older who worked full time, year around, after adjustment for inflation, increased 3.5 percent in 2001, the fifth consecutive increase. Women in this group earn \$0.76 for every dollar their male counterparts earn. This ratio represents an all-time high according to the census bureau.

The gap between men and women with college degrees has not closed completely, but the percentages are close: 25 percent of women age 25 and over now have a bachelor's degree or higher compared with 29 percent of men. For younger women, age 25 to 34, 33 percent hold a bachelor's degree or higher compared to 29 percent of their male counterparts of the same age. Young women also have a higher high school completion rate than young men: 89 percent v. 85 percent.

The percentage of women who cast a ballot in the last Presidential election was 61 percent compared with 58 percent of men. Women have voted at higher rates than men in every Presidential election since 1984.

There are now 10 million single mothers up from 3 million in 1970. Overall about 26 percent of all parent-child situations consist of a single mother and her own children up from 12 percent in 1970.

Women are far more likely than men to live in poverty, especially seniors. According to the census bureau 12 percent of women age 65 and older lived in poverty compared with 7 percent of men.

Nearly 16 percent of men age 15 and older who worked full time in 2001 earned \$75,000 per year compared with 6 percent of women. About 20 percent of men earned \$50,000 to \$75,000 compared to 12 percent of women.

Mr. Speaker, there are especially troubling increases in the number of women who are in prison and there remain significant disparities between men and women in health care and other vital social indices.

Mr. Speaker, women may not have had their history fully recorded, but they have always assumed their full share and more in the building of our nation, in creating and protecting America's families, in developing art, culture and science, public policy, health care, education and any other field one can name. However, it has required constant struggle on the part of women.

Thus, women have always played an important part in shaping public opinion but it was not until 1916 that Jeanette Rankin of Montana became the first woman elected to the U.S. House of Representatives and not until 1992 that Carol Moseley Braun became the first African American woman elected to the U.S. Senate.

Anne Bradstreet became the first published American writer in 1650 and in 1993 Toni Morrison became the first African American woman to win the Nobel prize in literature.

Over the course of our history we have seen an unending string of "firsts." The first woman to receive her M.D. degree: Elizabeth Blackwell—1849. The first female professional chemist: Ellen Swallow Richards—1873. First American woman in Space: Sally Ride—1983. First woman U.S. Surgeon General; Antonia Novello—1900.

Mr. Speaker, the history of American women is an inexhaustible subject. No one can reduce it to a single sound byte or a single notion. One thing is clear: the march to equality is irresistible and unrelenting.

The Equal Rights Amendment was first drafted by Alice Paul in 1923. The message was simple and clear: "Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex."

The Congress did not pass, and send to the states, the ERA until March 22, 1972. The states failed to ratify. But our responsibility as a people and as a legislative body remains. Women demand and deserve equality in every sphere of life, beginning with the law. It is high time for us to recognize and ratify that most just and basic demand.

CHATARD WINS INDIANA STATE BOYS BASKETBALL CHAMPIONSHIP

HON. JULIA CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 31, 2003

Ms. CARSON of Indiana. Mr. Speaker, I rise to congratulate Bishop Chatard High School, Indianapolis, IN, on winning the Indiana State Boys Basketball Championship (Class 3A). Chatard's Trojans triumphed over Fort Wayne Elmhurst by a score of 78–44.

The Chatard Trojans won their first state basketball title ever on Saturday night to complete an outstanding season record of 22–2.

Congratulations to Coach Dan Archer and the Chatard Trojan players: John Loughery, Jamaal Wade, Dray Mason, Marques Presley, Ryan Baker, Mike Dury, Frank Halliburton, Greg Cage, Dan Cage, Tony Barnes, Jimmy Scheidler, and Jonas Coleman.

The Indiana State Boys Basketball Championship was played at Conseco Fieldhouse in Indianapolis, IN.

The Trojans competitive spirit and remarkable sportsmanship contributed to an excellent season for the team. I applaud their skilled teamwork and hope next year's season will bring them another state final championship.

Again, an outstanding example of perfect teamwork.

Congratulations to the Trojans! Job well done. You've made us proud!

TRIBUTE TO MRS. ARLINE SCHWARTZMAN

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, March 31, 2003

Mr. PALLONE. Mr. Speaker, I would like to take this opportunity to congratulate Mrs.

Arline Schwartzman who is being honored by the Highland Park Conservative Temple and Center. I am proud to have Mrs. Schwartzman as one of my constituents and I commend her for the dedication and devotion she has exhibited to her community over the past four decades.

Mrs. Schwartzman's passion for humanitarian, civic, and philanthropic undertakings are a direct reflection of her character. Arline Schwartzman has been an active member of the Highland Park Temple for almost 40 years and her extraordinary record has been displayed as she has shared her time, talent, and expertise with tremendous commitment.

Born in Jersey City, Mrs. Schwartzman moved to Highland Park shortly after her marriage to her late husband, Mr. Henry Schwartzman. Ever since then she has been vibrantly active in the community. Upon joining Highland Park Temple, she and Henry became involved in temple events where she continues to be an energetic member of the community by participating in programs, classes, and activities.

Mrs. Schwartzman has also had an impact on communities outside of her Temple. Her strong commitment to the health care field is evident by her 50 years of volunteer service at Robert Wood Johnson University Hospital. Presently she serves as Secretary of the Board of Directors and has been a member of the Board since 1965. In that time, she was instrumental in the Hospital's transformation from a small community hospital to one of the nation's leading academic health centers.

Mrs. Schwartzman is also a life member of Hadassah and Brandeis and an active member of the Jewish Federation of Greater Middlesex County. She is also a member of the temple's Board of Trustees, the Sisterhood Board, and is active on the Refurbishment Committee. Recently Arline presented the Temple with a beautiful Sefer Torah in memory of her husband.

Other honors that Mrs. Schwartzman has received in her tenure of community service include the Torch of Liberty Award of the Anti-Defamation League, the National Volunteer Award of the Center for Volunteer Action, the Testimonial of Appreciation of the American Hospital Association, and the Community Leader of Distinction Award of the Middlesex County Regional Chamber of Commerce.

Arline Schwartzman is still a resident of Highland Park, with her mother Beatrice. She has been blessed with a wonderful family: Paula and Larry Melz, Roberta and Jeffrey Kirsch, Terri and Richard Beck, and Shelia and Richard Weber. She is also proud of her 8 grandchildren: Stacy, Steven, Lauren, Daniel, Julie, Jerry, David and Michael.

Mr. Speaker, I ask that my colleagues join me in honoring this extraordinary individual for her invaluable and enthusiastic commitment to her community.

BANKRUPTCY ABUSE PREVENTION AND CONSUMER PROTECTION ACT OF 2003

SPEECH OF

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 19, 2003

The House in Committee of the Whole House on the State of the Union had under

consideration the bill (H.R. 975) to amend title 11 of the United States Code, and for other purposes:

BANKRUPTCY ABUSE PREVENTION AND CONSUMER PROTECTION ACT OF 2003

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 31, 2003

Ms. McCOLLUM. Mr. Chairman, I rise in opposition to H.R. 975, a bill to modify our nation's bankruptcy system. I support holding individuals responsible for paying debts that they can reasonably afford. Our banks, credit unions and other responsible financial institutions should not have to foot the bill for individuals who take advantage of the system to avoid their debts. I support efforts to curb the overwhelming number of bankruptcies filed each year, which strain our responsible financial institutions and their ability to provide low-cost services to consumers. Unfortunately, I cannot support this very unbalanced legislation.

I have spoken with bankruptcy judges from Minnesota who share my concern that this bill will be particularly harmful to working families. The bill before us today will make it harder for custodial parents to collect child support. Further, it does nothing to hold credit card companies accountable for using risky business practices to extend thousands of dollars of credit to those individuals already deep in debt. Despite significant pressure from Democratic members to implement meaningful disclosure requirements, this bill does not go nearly far enough in requiring that credit card companies provide information that consumers need to practice good financial planning.

Supporters of this legislation claim that it puts children first by making child support claims the number one priority when assets are distributed in bankruptcy cases. But bankruptcy judges have told me that by forcing debtors to pay off more of their credit card debt after bankruptcy, this bill will directly impair their ability to make child support payments. It is wrong to make custodial parents and children who are owed support compete with the lawyers of credit card companies with deep pockets for the debtor's limited resources.

This bill also fails to hold credit card companies accountable for extending thousands of dollars in credit to college students using questionable marketing tactics. College students and their parents tell me that students find almost unlimited credit readily available. Credit card companies are setting up shop on campus, offering easy credit with free gifts such as T-shirts, flashlights, pens or water jugs. Students are offered "teaser" interest rates of 5 to 7 percent, while failing to realize that their rates can later hit 20 percent. As a result, 10 percent of all college students owe \$7,000 or more to credit card companies. Because financial aid has failed to keep pace with inflation, these students also owe an average of \$17,000 to the federal government upon graduation. We must do more to help our students.

We must do something to curb the number of personal bankruptcies that strain our banks,

credit unions and responsible financial institutions. But we must not do so at the expense of children receiving court-ordered child support and college students who are targeted by lures of easy credit and already facing thousands of dollars in student financial aid debt.

COLLEGIATE HOUSING AND
INFRASTRUCTURE ACT OF 2003

HON. PAUL RYAN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 31, 2003

Mr. RYAN of Wisconsin. Mr. Speaker, I am today introducing legislation, along with my colleague Congressman BEN CARDIN, that would allow charitable and educational organizations to make grants to fraternities, sororities, and other collegiate organizations to provide housing and student facilities to the same extent that tax-exempt colleges and universities may provide such facilities for students.

By way of background, taxpayers may generally deduct contributions to non-profit educational organizations (i.e., educational organizations described in section 501(c)(3) of the Internal Revenue Code ("Code")) such as colleges or universities. These colleges and universities may expend their funds (including donated funds) on student facilities such as dormitories, dining halls, study areas, libraries, computers, laundry facilities, physical fitness facilities, and social or recreational areas without jeopardizing their tax-exempt status.

State and private colleges and universities do not, and cannot, provide all of the housing and related student facilities necessary for their student bodies. Collegiate organizations such as fraternities, sororities, and other student associations (e.g., Muslim Students Association, Fellowship of Christian Athletes, and Hillel) fill a large part of the collegiate housing gap. Fraternities and sororities alone provide housing for more than 250,000 students each year. These student associations take on significant financial burdens in order to provide student housing without cost to affiliated colleges and universities.

Fraternities, sororities, and student associations provide collegiate housing through tax-exempt organizations, but their exemption comes under Code section 501(c)(7), with the result that direct contributions to these organizations are not deductible. However, educational organizations established to benefit these fraternities, sororities, and other student associations may qualify under Code section 501(c)(3) to receive deductible contributions.

The current IRS position is that it will not give a tax-exemption ruling to these educational organizations unless they limit student facility grants to those that are solely for educational use (with exceptions for minor social or recreational use). According to this IRS position, a fraternity foundation, for example, may make grants to a fraternity for the construction (or for annual operating expenses) in a fraternity house of a library, study area, computer area, or instructional area. The fraternity foundation may also make grants, for computers, computer desks, and chairs, if similar to what is provided by the specific college with which the fraternity is associated, and for internet wiring, if the specific college also provides internet wiring. However, the

IRS says that fraternity foundations may not make student facility grants for the construction or operation of sleeping quarters, dining areas, laundry facilities, or dedicated social or recreational areas (such as physical fitness facilities or equipment), or hallways or rooms used for both educational and other purposes.

Under the current IRS position, a charitable organization could not make a grant to a section 501(c)(7) collegiate housing organization (or to an affiliated section 501(c)(2) or (c)(7) organization) to provide fire safety upgrades unless those upgrades were limited to areas that are solely for educational use. However, fire safety upgrades will not provide necessary protection unless they are made throughout an entire building. It has been estimated that just the cost of installing sprinklers in fraternity and sorority housing is over \$300 million nationwide.

There is no policy reason for distinguishing between the types of student facilities that may be provided by a tax-exempt college and those that may be provided by another tax-exempt charitable or educational organization to a collegiate organization for the benefit of individuals who are full-time college students. The current IRS position, which we believe is an incorrect interpretation of the law, puts collegiate organizations at a significant disadvantage in obtaining the funds necessary to provide or maintain housing and infrastructure, including the funds necessary to provide fire safety upgrades.

I believe that clarifying that tax-exempt charitable or educational organizations may make collegiate housing and infrastructure grants will encourage private sector contributions to address student housing needs, thus relieving a burden that would otherwise fall on financially strapped colleges and universities. Accordingly, this bill provides that charitable and educational organizations may make grants to collegiate housing organizations (including affiliate organizations holding title to property) for the construction or operation of collegiate housing and infrastructure facilities that are of the type tax-exempt colleges are permitted to provide for their students, including, but not limited to, sleeping quarters, fire safety equipment and upgrades, dining areas, social and recreational areas, study areas, libraries, and computers and related furniture and wiring.

I urge our colleagues to support this worthy legislation.

HONORING THE 20TH ANNIVERSARY OF VOLUNTEERS FOR OUTDOOR COLORADO

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 31, 2003

Mr. UDALL of Colorado. Mr. Speaker, I rise today to commemorate the 20th anniversary of Volunteers for Outdoor Colorado, and to congratulate VOC for its two decades of working to enhance the beauty, accessibility and integrity of Colorado's parks, greenways and public lands.

The work of VOC and its countless volunteers has benefited the entire state. Through countless thousands of hours of strenuous yet rewarding work, trails have been repaired, wheelchair ramps installed, trees planted and

facilities constructed. The results have enhanced the outdoor experiences of visitors to Colorado's public lands splendor.

Poll after poll shows that Americans believe that environmental protection and quality of life are high priorities. And just as many people believe themselves to be "environmentalists." But too often, people lack a way to give practical expression to these views. VOC provides that opportunity.

Participating in VOC activities is fun, easy and user-friendly. You don't need to be an expert, you don't need to know how to drive a tractor or a backhoe. All you need is a passion for the beauty and health of our surroundings—urban, suburban, in the mountains or on the plains—to participate. That, and a healthy willingness to get your hands and feet dirty.

I am especially appreciative of VOC's legacy of active volunteerism because the values it engenders are needed now more than ever.

Since I was first elected to Congress, I have visited high schools throughout Colorado's Second Congressional District. What I've heard from the young people I've met on these visits has reinforced my conviction that we need to provide them with opportunities to develop self-respect and a sense of accomplishment—because those experiences can be antidotes to much of the anger and alienation that can erupt into violence.

Before entering public life, I headed the Colorado Outward Bound school. It provides challenging adventures, such as rappelling down a mountain, fording a rushing river and surviving alone in the wilderness. Outward Bound, not unlike Volunteers for Outdoor Colorado, aims at teaching people to take care of themselves and then to work together. This allows each individual to develop self-reliance and in turn enables each team to accomplish their collective goals.

I think these time-tested principles are very relevant to our search for ways to help our young people and our society. They aren't new—ask any good coach, teacher or VOC project leader—but they do work.

Along those lines, I think we should try to afford more young people the chance to confront challenges, tap into personal reservoirs of resourcefulness, and pull together as a group. And in the West as nowhere else we have a way to provide those experiences—outdoors, on the public lands.

That's why VOC and its projects benefit not only our young people, but people of all ages to get closer to the land and develop stronger ties to their communities, their families and themselves. That's also a major reason why I am a strong supporter of VOC and also why I have introduced legislation in the Congress to promote more volunteerism like the work of VOC—especially on our public lands.

In just a couple of weeks, we will be celebrating Earth Day. VOC, and the work it does every day, demonstrates the very principles that Earth Day was designed to celebrate and encourage. Earth Day gives us a chance to take stock of where we are and where we are going in our relationship with this planet. In this spirit and in recognizing the continuing work of VOC and all its participants, I'd like to read something that was written by my uncle, Stewart Udall.

As many of you know, Stewart was Secretary of the Interior under Presidents Kennedy and Johnson. His book, *The Quiet Crisis*, was considered by many to be a precursor to

the environmental beliefs that lead to the creation of the first Earth Day over 30 years ago. His book, like the work of VOC, opened the eyes of many as to what we are doing to the environment that sustains and enriches our lives. One passage that I think applies to the values of VOC reads:

Each generation has its own rendezvous with the land, for despite our fee titles and claims of ownership, we are all brief tenants on this planet. By choice, or by default, we will carve out a land legacy for our heirs. We can misuse the land and diminish the usefulness of resources, or we can create a world in which physical affluence and affluence of the spirit go hand in hand.

These words reflect the ethic that VOC invokes everyday—and I can think of no better way to mark its 20th anniversary. I wish VOC continued success for the next 20 years and beyond.

CONGRATULATIONS WOODBURY
ROYALS' GIRLS BASKETBALL
TEAM

HON. MARK R. KENNEDY

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 31, 2003

Mr. KENNEDY of Minnesota. Mr. Speaker, I rise today to congratulate the Woodbury Royals' Girls Basketball team on their Class 4A Minnesota State High School Girl's Basketball championship. The Royals finished a perfect 29–0 with their 61–42 victory over the Eastview Lightning, in a game that showcased the number 1 and number 2 ranked teams in the State. This is the first State girls basketball title for the Royals in their 10th trip to the tournament. Coached by Dave Preller, the Royals capitalized on their scoring opportunities, sinking 25 of 29 free throws. Woodbury placed four players on the all tournament team: Sophomore Amanda Nisleit, junior Katie Tacheny and seniors Lacy Gram and Katie Kirley. Mr. Speaker, I congratulate the fine students and coaches from Woodbury High School on their championship season. I know the citizens of Woodbury and all of Minnesota are proud of their accomplishment.

PIKE WINS INDIANA STATE BOYS
BASKETBALL CHAMPIONSHIP

HON. JULIA CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 31, 2003

Ms. CARSON of Indiana. Mr. Speaker, I rise to congratulate Pike High School, Indianapolis, IN, on winning the Indiana State Boys Basketball Championship (Class 4A). Pike's Red Devils defeated the DeKalb Barons 65–52, to claim the championship and end the season with a perfect record of 29–0.

Congratulations to Coach Larry Bullington and the Pike Red Devils players: David Barlow, Dominic Collins, Michael Russell, Adrian Rosales, Torrian Bluit, Robert Vaden, Darren Yates, Courtney Lee, Devin Thomas, Michael McCoy, Sydney McDaniel, Keith Davney, Justin Cage, and Parnell Smith.

The Indiana State Boys Basketball Championship was played at Conseco Fieldhouse in

Indianapolis, IN. This is the third title the Red Devils have won in the past six years.

It has been an outstanding year for the Red Devils whose hardwork and dedication has led the team to a victorious season. Although the Red Devils were runner's up during last years State Finals, their perseverance and desire to win has allowed them ultimate success in 2003.

Again, an outstanding example of perfect teamwork.

Congratulations to the Red Devils! Job well done. You've made us proud!

IN RECOGNITION OF MRS. HELEN
WISE SCOTT

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, March 31, 2003

Mr. PALLONE. Mr. Speaker, I would like to call the attention of my colleagues to a friend of the Sixth District of New Jersey. Mrs. Helen Wise Scott, is an outstanding individual, who is being honored by the National Association of Negro & Professional Women's Club of Central New Jersey for her unselfish service to others and community involvement.

Mrs. Scott is this year's Recipient of the Sojourner Truth Award, which is presented annually to an individual whose life is devoted to community enrichment, active involvement to improve social and economic conditions, and a strong courageous character. Mrs. Helen Scott's life truly parallels the life of Sojourner Truth, as evidenced by her commitment to helping those less fortunate.

Helen Scott is the youngest daughter of the late Louis and Annabelle Wise of Cape May, N.J. Helen Scott's commitment to education was evident early on. She graduated from Cape May High School and went on to receive her bachelor's degree from Combs College of Music in Philadelphia. Later she attended Monmouth University where she was awarded a Master's in Education. Afterwards, Mrs. Scott felt the need to share her joy of learning with those around her and accepted a position with the Asbury Park School District to teach music. She was the first African American music teacher to be hired in the district. It was there that she presented numerous musicals and choral programs, exposing many African American youths to music and the theatre.

As a child advocate Mrs. Scott has been actively involved with many organizations and boards that are concerned with the education and welfare of children. She has served on the Board of Monmouth Day Care Center for over three decades and is presently on its Advisory Board. Mrs. Scott was a member of the Community Coordinated Child Care Committee of Monmouth County for several years. Most recently, she was appointed to serve on the Presidential Roundtable by President George W. Bush.

Mrs. Scott's other community service activities have been wide and varied even though she is a child advocate at heart. You may see her, along with her daughter, delivering bagels to the homeless shelter in Fort Monmouth or to the Mercy Center in Asbury Park. Mrs. Scott is also a longtime member of St. Augustine's Episcopal Church in Asbury Park where she formally served as choir director.

Recently, she was elected to the vestry, which is the governing body of the church.

Through her tireless efforts Helen Scott has fostered a sense of community in her area and strived to help those less fortunate than herself. Mrs. Scott, like Sojourner Truth, is an extraordinary individual who is dedicated to enriching the lives of those around her. On this day I would like to ask my colleagues to join me in honoring the distinguished Helen Wise Scott.

COMMENDING MR. DON NOVEY

HON. JOHN T. DOOLITTLE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 31, 2003

Mr. DOOLITTLE. Mr. Speaker, today I wish to commend and thank Mr. Don Novey who recently retired as president of the California Correctional Peace Officers Association (CCPOA) for his many years of dedication to improving public safety in the State of California.

A sixth-generation Californian born in Sacramento, Don Novey earned an Associate of Arts degree from American River College. After concluding counterintelligence service with the U.S. Army in 1971, Don followed in his father's footsteps by becoming a correctional officer at Folsom State Prison. This decision was one that not only shaped his own future, but eventually resulted in dramatic changes for the entire profession in California. Although he was promoted to sergeant in 1977 and became a lieutenant in 1984, Don's most significant professional advancement took place within the leadership ranks of CCPOA.

Because of his discouragement over the generally negative perception and portrayal of "prison guards" at the time, Don ran to become the union's statewide vice president in 1979. Although unsuccessful in that bid, he was elected to the state presidency in 1980, thus beginning a 22-year tenure at the organization's helm. During that time, he transformed the CCPOA from a union with little political clout to one that today is arguably the most powerful and influential organization involved in state government policymaking. Under his leadership, the level of public respect for correctional officers increased substantially. At the same time, he succeeded in winning broad support from state leaders to improve training, safety, compensation, and working conditions for his colleagues.

While helping his association's membership, Don was equally responsible for helping to shape a wide array of policies dealing with public safety that have greatly benefited the people of California. Due in part to his efforts, the state strengthened its penalties for criminal behavior, especially violent crime. Don and his colleagues encouraged the California State Legislature and the governor to enact no-nonsense laws to address criminal recidivism, namely the "Three Strikes, You're Out" law.

It is important to note that Don's firm sense of justice is matched by his deep compassion for those who suffer injustice. In 1992, he helped establish the Crime Victims United of California; an organization which has aided those victimized by criminal behavior and their families. The group has elevated their plight in

the consciousness of elected officials and the general public, which has led to greater respect and protection for crime victims.

Don has also served in a number of other important capacities. He has been a member of the International Narcotics Law Enforcement Association, the National Intelligence Board, Governor George Deukmejian's Blue Ribbon Commission on Public Safety, the California Industrial Welfare Commission, the California Athletics Commission, and the board of the Kevin Collins Foundation, which works to locate missing and abducted children.

Don's own children and grandchildren are a high priority in his life. He and his wife, Carol, are the proud parents of Donald, Brandy, and Shanon. They also enjoy spending time with their five grandchildren. In short, his life so far has been one of hard work and achievement, patriotism and service, family and friendship. The people of California and the United States are better off for his efforts.

Now as he enjoys retirement from his career in corrections, I thank him for his service, support, and friendship. As a friend and fellow resident of my hometown of Rocklin, I wish him well in his future endeavors. I have no doubt that we have not heard the last from Don Novey.

HONORING CÉSAR E. CHÁVEZ

HON. LINDA T. SANCHEZ

CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 31, 2003

Ms. LINDA T. SANCHEZ of California. Mr. Speaker, the history of the United States is filled with heroes who, through personal sacrifice and a strong commitment to their cause, have left their mark on society. Today, I am proud to honor the life and accomplishments of California's own, the late, talented union organizer, César E. Chávez.

Born on March 31, 1927 to a farming family in Yuma, AZ, César learned early that life is filled with challenges. He was ten years old when his family lost their farm during the Depression. By 1938, the Chávez family joined thousands of others following the crops throughout the Southwest, eventually making it to California. It was during this period that César began to realize that he and the other migrant workers not only lived in deplorable conditions but also were treated as second-class citizens.

After his tour of duty in the U.S. Navy at the end of World War II, César returned to California with his wife Helena to continue farming. In 1952, he met Fred Ross, an organizer for the Community Service Organization (CSO). César flourished as an active member of this organization, conducting voter registration drives, battling racial and economic discrimination, and organizing new CSO chapters across California and Arizona. During the late 1950s and early 1960s, César became the national director of CSO. But no matter how hard he worked, he continued to have trouble persuading workers to fight for their rights because they were afraid of losing their jobs.

In order to fulfill his desire to create a union for farm workers, César left his position with the CSO in 1962. He traveled from camp to camp recruiting workers. With the assistance of his family, he managed to organize 300

members into the National Farm Workers Union, NFWA, later changed to the United Farm Workers, UFW. Through César's leadership, the UFW gained the national support of unions, church groups, students, minorities, and consumers.

César's commitment brought dignity and respect to the farm workers who organized themselves and became an inspiration and a resource to other Americans and people engaged in human rights struggles throughout the world. His fast in 1968 for 25 days prompted the late Senator Robert F. Kennedy to call him "one of the most heroic figures of our time".

From 1965 through the 1980s, César led numerous strikes, boycotts, and protests—not only to increase wage earnings at the time, but also to increase public awareness to the plight of the migrant workers. During the 1980s, the number of farm workers working under UFW contacts rose tremendously, allowing them to enjoy higher pay, family health coverage, pension benefits and other contract protections.

César E. Chávez worked until his death on April 23, 1993, defending the rights of farm workers to the end. Even now, his spirit and legacy continue to be studied and rewarded.

On August 8, 1994, Chávez became only the second Mexican-American to receive the Presidential Medal of Freedom, the highest civilian honor in the United States. Also, in that same year, his family and officers of the UFW created the César E. Chávez Foundation to inspire current and future generations by promoting the ideals of César's life, work, and vision.

The State of California honored his life and work in 2000 by proclaiming March 31 as César E. Chávez Day. California dedicates the remainder of the week to paying tribute to the great union leader by teaching elementary and secondary school children about his work. I am also honored to announce that I am an original cosponsor of House Resolution 112, which will establish a national legal public holiday in honor of the great social justice leader.

Today, César E. Chávez would have celebrated his 76th birthday. I am proud to celebrate his life and work. May his spirit and dedication continue to be an inspiration to those engaged in human rights struggles throughout the world.

CELEBRATING THE 70TH ANNIVERSARY OF THE CIVILIAN CONSERVATION CORPS

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 31, 2003

Mr. UDALL of New Mexico. Mr. Speaker, I rise to recognize the seventieth anniversary of the Civilian Conservation Corps, and to pay tribute to the commendable service its members offered our nation. Created by President Franklin Roosevelt on March 31, 1933, the Civilian Conservation Corps had a profound impact on this nation, helping to sustain the United States through the depths of the Depression, and setting a precedent for other federal agencies to carry on the diverse missions of the Civilian Conservation Corps.

Within days after his presidential inauguration, Franklin Roosevelt initiated plans for the

Civilian Conservation Corps, citing the need for an organization that would provide jobs for hundreds of thousands of unemployed young men aged 18 to 25. President Roosevelt declared that the Civilian Conservation Corps would "conserve our precious natural resources and pay dividends to the present and future generations. More important, we can take a vast army of the unemployed out into healthful surroundings." The Civilian Conservation Corps' intention was not only to provide services to the United States but also to give the unemployed an opportunity to live in healthful surroundings with steady pay, room, board, and clothing.

During the nine years the Civilian Conservation Corps was in operation, more than 3 million men were involved in the program nationally, working on projects like dam improvement, tree planting, laying telephone lines, and creating trails. Almost 55,000 men served on projects throughout New Mexico. More than 32,000 of them were residents of New Mexico.

By July 1, 1933, a quarter of a million enrollees had enlisted in the Civilian Conservation Corps, making it the fastest large-scale mobilization of men in U.S. history. The enrollees enlisted for six months with the option to reenroll for another six months or a maximum of two years. They worked forty-hour weeks and received thirty dollars a month. Each month, they required the men to send twenty-five dollars to their families to help them through the difficulties of the Depression. The Civilian Conservation Corps provided members with the opportunity to learn a new skill and allowed them to attend classes to further their education. More than 100,000 men were taught to read and write with the aid of the Civilian Conservation Corps's education classes.

The accomplishments the Civilian Conservation Corps achieved in its nine-year existence are impressive. Historical areas in Jamestown, Williamsburg, Yorktown, Fredericksburg and Spotsylvania were restored and developed by the Corps members. At the program's peak, there were over 500 Civilian Conservation Corps camps in national, state, and local parks. Civilian Conservation Corps workers cleared trails, built buildings and shelters, fought forest fires, planted trees, and made other improvements to parks in all the states, territories, and possessions. The three million men planted a total of 2.3 billion trees, spent 6.4 million days fighting forest fires and eradicated diseases and pests. These accomplishments contributed to the Civilian Conservation Corps' lasting environmental legacy. Today, agencies such as Americorps, the Park Service, the Bureau of Reclamation, the Forest Service and the Natural Resources Conservation Service are continuing the tradition of the Civilian Conservation Corps by instilling a sense of value for our natural environment as well as for national service.

Because of its major presence in New Mexico, the Civilian Conservation Corps worked on several projects throughout the state, including Rattlesnake Springs and Bandelier National Monument, aimed at benefiting both its members and residents of New Mexico. The men of the Civilian Conservation Corps also developed Hyde, Elephant Butte, Conchas, Bottomless Lake, and Santa Fe River Parks, among others.

Communities across the country benefited from the hard toil of the Civilian Conservation Corps. The camps helped local economies,

bringing large numbers of consumers to the towns' stores and industries. More importantly, they aided the communities in times of crisis, searching for missing persons, fighting fires, and offering assistance to residents during snow and ice storms.

Today, the legacy of the Civilian Conservation Corps lives on in the New Mexico Youth Conservation Corps Act, which was adopted by the state Legislature in 1992. YCC provides employment for young people in projects that conserve the state's natural resources. The YCC provides a \$1,000 tuition voucher as additional compensation for those who serve. The voucher may be used at any institution of higher education in the state of New Mexico.

Besides offering the members an opportunity to work, the Civilian Conservation Corps provided long-lasting friendships and ties that have endured over the seventy years since the Corps' inception. This sense of loyalty and pride extended to an unquestionable sense of pride for our country that is almost unparalleled. The work of the Civilian Conservation Corps remains as a monument to the young men who dedicated their lives to mending and preserving our natural resources. These men have earned the respect and honor of our nation. I offer my heartfelt thanks to the members of the Civilian Conservation Corps and congratulations on their seventieth anniversary.

RECOGNIZING THE CONTRIBUTIONS OF TIMOTHY T. WILLIAMS

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, March 31, 2003

Mr. CARDIN. Mr. Speaker, I rise today to recognize the contributions of Timothy T. Williams, a resident of my district who has worked tirelessly for Baltimore's homeless citizens.

For the past 12 years, Mr. Williams has demonstrated outstanding service as Executive Director of the South Baltimore Homeless Shelter, where he led the development of a therapeutic community for homeless men with substance abuse problems, and skillfully managed comprehensive emergency services for homeless women and children. He has designed a community recovery model, through which graduates of the South Baltimore transitional shelter services provide counseling to homeless residents at South Baltimore Station and affiliated agencies, such as Carrington House.

Mr. Williams will now expand his work in the continuum of care for Baltimore's homeless and addicted by joining Jobs, Housing and Recovery, Inc., where he will develop supportive housing facilities and vocational services as the next step to recovery for Baltimore residents transitioning out of homelessness.

Mr. Williams received a bachelor's degree from Wheeling Jesuit University and a Juris Doctor from the University of Baltimore School of Law. Mr. Williams also served as a VISTA volunteer in Texas, where he provided legal aid services to the rural poor.

I commend and thank Timothy Williams for his outstanding contributions to Baltimore and its citizens, and I wish him continued success in all future endeavors.

CLARIFYING THE ENFORCEMENT PROVISIONS OF THE HATCH ACT

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 31, 2003

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today to introduce a bill on behalf of myself as chairman of the Committee on Government Reform and Representative FRANK WOLF. This legislation will clarify the intent of Congress regarding the enforcement of the Hatch Act.

The Hatch Act is a critical component of the system of laws designed to maintain the public's confidence in the professionalism of our nation's civil servants. The Act proscribes the types of political activity covered civil servants may engage in. The Act is intended to protect civil servants from political coercion by politically appointed supervisors. It is also intended to assure the impartial administration of Federal laws.

Since 1993 the general posture of the Hatch Act has been permissive, allowing civil servants wide latitude to be involved in non-partisan political activities in their communities. Federal employees are restricted from using their official authority to interfere in an election, and from soliciting or receiving political campaign contributions as well as several other activities relating to the use of their public authority for partisan effect. Covered employees also may not run for elective office in most partisan elections. The Act states that the penalty for violating the Act is a 30-day suspension without pay or, for egregious violations, termination from the civil service.

The Hatch Act is investigated and prosecuted by the United States Office of Special

Counsel (OSC). This office is primarily charged with protecting civil servants from prohibited personnel practices, especially reprisal for whistleblowing activities. The OSC also investigates and prosecutes, when appropriate, violations of the Hatch Act.

Unfortunately, recent activities of the OSC have raised questions about the Office's interpretation of their prerogatives under the Hatch Act. Specifically, the OSC is attempting to prosecute an individual who is no longer an employee of the Federal government for an alleged Hatch Act violation. This action is clearly outside of the authority Congress granted under the 1993 Amendments to the Hatch Act since the only penalties are suspension or termination.

The bill accomplishes two goals.

First, it clarifies that a Federal employee who voluntarily separates from the civil service may not be penalized under the provisions of the Hatch Act. The bill also states that if that person rejoins the federal service the OSC may reopen that investigation should they so choose.

Second, this bill strikes two regulations promulgated by the OSC as routine use exceptions to the Privacy Act. These two exceptions allow the OSC to release private information for almost any reason as long as the records are used to defend the Office of the Special Counsel. The Privacy Act describes a routine use under 5 U.S.C. § 552a (7) as "the use of such record for a purpose which is compatible with the purpose with which it is collected." Since the OSC does not collect and develop its investigation files for the purpose of defending its reputation, these regulations are clearly inappropriate.

54,000 federal employees live in my district. These women and men provide much of the talent and energy that makes the local community work. In 1993, Congress amended the Hatch Act to create a very simple standard for behavior with very limited proscriptions for political behavior. The hope was to create an environment where these citizens would feel free to fully express themselves in the non-partisan political arena.

The zealous prosecution by the OSC is beginning to erode this framework of limited proscriptions. At a time when fewer and fewer people bother to participate in local government the Congress should re-affirm its commitment to local communities and to its own employees by reinforcing the limited, permissive character of the Hatch Act.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, April 1, 2003 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

APRIL 2

9:30 a.m.

Environment and Public Works

To hold oversight hearings to examine issues relating to military encroachment.

SD-406

Foreign Relations

To resume hearings to examine foreign assistance oversight.

SD-419

10 a.m.

Appropriations

Defense Subcommittee

To hold hearings to examine an overview of the fiscal year 2004 Navy Budget.

SD-192

Appropriations

District of Columbia Subcommittee

To hold hearings to examine the status of foster care in the District of Columbia.

SD-138

Finance

Business meeting to consider original legislation entitled "Energy Tax Incentives Act of 2003", "Clean Diamond Trade Act", and "Tax Court Modernization Act", the nominations of Mark W. Everson, of Texas, to be Commissioner of Internal Revenue, Diane L. Kroupa, of Minnesota, Harry A. Haines, of Montana, Robert Allen Wherry, Jr., of Colorado, and Joseph Robert Goeke, of Illinois, each to be a Judge of the United States Tax Court, and Raymond T. Wagner, Jr., of Missouri, to be a Member of the Internal Revenue Service Oversight Board for the remainder of the term expiring September 14, 2004.

SD-215

Governmental Affairs

To hold hearings to examine the nominations of Clay Johnson III, of Texas, to be Deputy Director for Management, Office of Management and Budget, Albert Casey, of Texas, to be a Governor of the United States Postal Service, and James C. Miller III, of Virginia, to be a Governor of the United States Postal Service.

SD-342

Health, Education, Labor, and Pensions

Business meeting to consider S. 231, to authorize the use of certain grant funds

to establish an information clearinghouse that provides information to increase public access to defibrillation in schools, proposed legislation entitled "Genetics Information Nondiscrimination Act of 2003", "Smallpox Emergency Personnel Protection Act of 2003", "The Improved Vaccine Affordability and Availability Act", "Caring for Children Act of 2003", and pending nominations.

SD-430

Indian Affairs

To hold hearings to examine S. 556, to amend the Indian Health Care Improvement Act to revise and extend that Act.

SR-485

Armed Services

Strategic Forces Subcommittee

To hold hearings to examine proposed legislation authorizing funds for fiscal year 2004 for the Department of Defense, focusing on the Department of Energy Office of Environmental Management and Office of Legacy Management.

SR-222

10:30 a.m.

Appropriations

Transportation Subcommittee

To hold hearings to examine aviation's safety and security issues, and financial challenges facing the aviation industry.

SD-124

2:30 p.m.

Commerce, Science, and Transportation

Science, Technology, and Space Subcommittee

To hold hearings to examine NASA manned space flight.

SR-254

Commission on Security and Cooperation in Europe

To hold hearings to examine arming rogue regimes, focusing on the role of OSCE participating states.

334 Cannon Building

APRIL 3

9:15 a.m.

Finance

To hold hearings to examine health care services.

SD-215

9:30 a.m.

Judiciary

Business meeting to consider pending calendar business.

SD-226

10 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings to examine proposed legislation authorizing funds for child nutrition programs.

SR-328A

Banking, Housing, and Urban Affairs

To hold oversight hearings to examine the Federal Reserve Board proposal on check truncation; to be followed by a business meeting to consider the nominations of Thomas Waters Grant, of New York, Noe Hinojosa, Jr., of Texas, Thomas Waters Grant, of New York, and William Robert Timken, Jr., of Ohio, each to be a Director of the Securities Investor Protection Corporation, and Alfred Plamann, of California, to be a Member of the Board of Directors of the National Consumer Cooperative Bank.

SD-538

Foreign Relations

To hold hearings to examine the nominations of Lino Gutierrez, of Florida, to be Ambassador to Argentina, James B.

Foley, of New York, to be Ambassador to the Republic of Haiti, and Roland W. Bullen, of Virginia, to be Ambassador to the Co-operative Republic of Guyana.

SD-419

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2004 for the National Science Foundation and the Office of Science Technology Policy.

SD-138

2 p.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2004 for the Department of State.

SD-192

2:30 p.m.

Armed Services

Airland Subcommittee

To hold hearings to examine Navy, Marine Corps, and Air Force aviation and air-launched weapons programs in review of the Defense Authorization request for fiscal year 2004 and the Future Years Defense Program.

SR-232A

Foreign Relations

To resume hearings to examine NATO enlargement, focusing on qualifications and contributions.

SD-419

APRIL 7

1:30 p.m.

Appropriations

Energy and Water Development Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2004 for the Department Energy's Office of Environmental Management and Office of Civilian Radioactive Waste Management.

SD-124

APRIL 8

9:30 a.m.

Governmental Affairs

Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee

To hold joint hearings with the House Subcommittee on Civil Service and Agency Organization to examine the federal government's strategic human capital management and consider pending legislation on the federal workforce.

SD-342

Rules and Administration

To hold oversight hearings to examine the operations of the Sergeant at Arms, the Library of Congress and the Congressional Research Service.

SR-301

10 a.m.

Energy and Natural Resources

Business meeting to consider comprehensive energy legislation.

SD-366

Health, Education, Labor, and Pensions

To hold hearings to examine the Mammography Quality Standards Act.

SD-430

2:30 p.m.

Foreign Relations

International Economic Policy, Export and Trade Promotion Subcommittee

To hold hearings to examine global energy security issues.

SD-419

APRIL 9

10 a.m.
 Energy and Natural Resources
 Business meeting to consider comprehensive energy legislation.
 SD-366

Health, Education, Labor, and Pensions
 Business meeting to consider pending calendar business.
 SD-430

2:30 p.m.
 Armed Services
 Readiness and Management Support Subcommittee
 To hold hearings to examine proposed legislation authorizing funds fiscal year 2004 for the Department of Defense, focusing on the readiness of the military services to conduct current operations and execute contingency plans.
 SR-222

3:30 p.m.
 Foreign Relations
 To hold hearings to examine the nominations of Joseph LeBaron, of Oregon, to be Ambassador to the Islamic Republic of Mauritania, Gregory W. Engle, of Colorado, to be Ambassador to the Togolese Republic, Wayne E. Neill, of Nevada, to be Ambassador to the Republic of Benin, and Helen R. Meagher La Lime, of Florida, to be Ambassador to the Republic of Mozambique.
 SD-419

4:30 p.m.
 Foreign Relations
 To hold hearings to examine the nominations of Reno L. Harnish, of California, to be Ambassador to the Republic of Azerbaijan, Heather M. Hodges, of Ohio, to be Ambassador to the Republic of Moldova, Eric S. Edelman, of Virginia, to be Ambassador to the Republic of Turkey, and Ralph Frank, of Washington, to be Ambassador to the Republic of Croatia.
 SD-419

APRIL 10

9 a.m.
 Health, Education, Labor, and Pensions
 To hold hearings to examine the teaching of American history and civics in the classroom.
 SD-430

9:30 a.m.
 Governmental Affairs
 To hold hearings to examine the nomination of Peter Eide, of Maryland, to be General Counsel of the Federal Labor Relations Authority.
 SD-342

10 a.m.
 Banking, Housing, and Urban Affairs
 To hold hearings to examine recent developments in Hedge Funds.
 SD-538

Energy and Natural Resources
 Business meeting to consider comprehensive energy legislation.
 SD-366

1:30 p.m.
 Appropriations
 Legislative Branch Subcommittee
 To hold hearings to examine proposed budget estimates for fiscal year 2004 for the Library of Congress and the Open World Leadership Center.
 SD-116

APRIL 29

10 a.m.
 Energy and Natural Resources
 Business meeting to consider comprehensive energy legislation.
 SD-366

APRIL 30

10 a.m.
 Energy and Natural Resources
 Business meeting to consider comprehensive energy legislation.
 SD-366

MAY 1

10 a.m.
 Energy and Natural Resources
 Business meeting to consider comprehensive energy legislation.
 SD-366

Appropriations
 Legislative Branch Subcommittee
 To hold hearings to examine proposed budget estimates for fiscal year 2004 for the U.S. Capitol Police Board and the Sergeant-at-Arms.
 SD-124

MAY 8

1:30 p.m.
 Appropriations
 Legislative Branch Subcommittee
 To hold hearings to examine proposed budget estimate for the Secretary of the Senate and the Architect of the Capitol.
 SD-124

CANCELLATIONS

APRIL 2

10 a.m.
 Energy and Natural Resources
 Business meeting to consider comprehensive energy legislation.
 SD-366

APRIL 3

10 a.m.
 Energy and Natural Resources
 Business meeting to consider comprehensive energy legislation.
 SD-366

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S4541–S4591

Measures Introduced: Six bills and one resolution were introduced, as follows: S. 743–748, and S. Res. 101. **Page S4557**

Measures Reported:

Special Report entitled “Report on the Activities of the Committee on Finance of the United States Senate During the 107th Congress”. (S. Rept. No. 108–31)

Special Report entitled “Report on the Activities of the Committee on Armed Services”. (S. Rept. No. 108–32) **Page S4556**

Measures Passed:

Small Business Drought Relief Act: Committee on Small Business was discharged from further consideration of S. 318, to provide emergency assistance to nonfarm-related small business concerns that have suffered substantial economic harm from drought, and the bill was then passed. **Pages S4589–90**

Dwight D. Eisenhower Statue Acceptance: Senate agreed to H. Con. Res. 84, providing for the acceptance of a statue of President Dwight D. Eisenhower, presented by the people of Kansas, for placement in the Capitol. **Page S4590**

Nomination Considered: Senate resumed consideration of the nomination of Miguel A. Estrada, of Virginia, to be United States Circuit Judge for the District of Columbia Circuit. **Page S4553**

A fourth motion was entered to close further debate on the nomination and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on cloture will occur on Wednesday, April 2, 2003. **Page S4553**

Nominations Confirmed: Senate confirmed the following nominations:

By unanimous vote of 93 yeas (Vote No. Ex. 112), Theresa Lazar Springmann, of Indiana, to be United States District Judge for the Northern District of Indiana. **Pages S4552–53**

Harold Damelin, of Virginia, to be Inspector General, Small Business Administration (Prior to this ac-

tion, Committee on Small Business was discharged from further consideration of the nomination, which was then referred to the Committee on Governmental Affairs, discharged from its consideration, and the nomination was then confirmed.) **Pages S4590, S4591**

Linda M. Springer, of Pennsylvania, to be Controller, Office of Federal Financial Management, Office of Management and Budget.

McGregor William Scott, of California, to be United States Attorney for the Eastern District of California for the term of four years.

39 Army nominations in the rank of general.

4 Navy nominations in the rank of admiral.

Routine lists in the Air Force, Army, Marine Corps, Navy. **Pages S4590–91**

Additional Cosponsors: **Pages S4557–58**

Statements on Introduced Bills/Resolutions: **Pages S4558–79**

Additional Statements: **Page S4556**

Authority for Committees to Meet: **Page S4579**

Text of H. Con. Res. 95, as Previously Agreed To: **Pages S4579–89**

(Senate companion measure, S. Con. Res. 23, adoption on March 26, 2003 was vitiated):

Record Votes: One record vote was taken today. (Total—112) **Page S4553**

Adjournment: Senate met at 3 p.m., and adjourned at 6:41 p.m., until 9 a.m., on Tuesday, April 1, 2003. (For Senate’s program, see the remarks of the Acting Majority Leader in today’s Record on page S4591.)

Committee Meetings

(Committees not listed did not meet)

DEFENSE AUTHORIZATION: DOD LABORATORIES

Committee on Armed Services: Subcommittee on Emerging Threats and Capabilities to hold hearings to examine proposed legislation authorizing funds for the Department of Defense for fiscal year 2004, focusing

on the science and technology program and the role of the Department of Defense laboratories, after receiving testimony from Michael W. Wynne, Deputy Under Secretary of Defense for Acquisition and Technology; General Paul J. Kern, USA, Commanding General, U.S. Army Materiel Command; General Lester L. Lyles, USAF, Commander, Air Force Materiel Command; and Vice Admiral Joseph W. Dyer, USN, Commander, Naval Air Systems Command.

AIR FORCE ACADEMY ALLEGATIONS

Committee on Armed Services: Committee concluded hearings to examine allegations of sexual assault at the United States Air Force Academy and related recommendations, after receiving testimony from James G. Roche, Secretary of the Air Force; and General John P. Jumper, USAF, Chief of Staff of the Air Force.

House of Representatives

Chamber Action

Measures Introduced: 18 public bills, H.R. 1508–1525; 1 private bill, H.R. 1526; and; 5 resolutions, H.J. Res. 44; H. Con. Res. 130–132, and H. Res. 167, were introduced. **Pages H2514–15**

Additional Cosponsors: **Page H2515**

Reports Filed: Reports were filed today as follows:

Oversight Plans for all House Committees (H. Rept. 108–52); and H.R. 758, to allow all businesses to make up to 24 transfers each month from interest-bearing transaction accounts to other transaction accounts, to require the payment of interest on reserves held for depository institutions at Federal reserve banks, amended (H. Rept. 108–53).

Page H2514

Speaker Pro Tempore: Read a letter from the Speaker wherein he appointed Representative Aderholt to act as Speaker Pro Tempore for today.

Page H2475

Recess: The House recessed at 12:48 p.m. and reconvened at 2:00 p.m.

Page H2477

Suspensions: The House agreed to suspend the rules and pass the following:

Honoring the City of Fayetteville, North Carolina for the Festival of Flight: H. Con. Res. 5, honoring the City of Fayetteville, North Carolina, and its many partners for the Festival of Flight, a celebration of the centennial of Wilbur and Orville Wright's first flight, the first controlled, powered flight in history (agreed to by $\frac{2}{3}$ yeas-and-nays vote of 393 yeas with none voting "nay", Roll No. 93);

Pages H2494–97, H2505–06

Jim Richardson Post Office Building, Charlotte, North Carolina: H.R. 1505, to designate the facility of the United States Postal Service located at

2127 Beatties Ford Road in Charlotte, North Carolina, as the "Jim Richardson Post Office;"

Page H2497

Northern Ireland Peace and Reconciliation Support Act: H.R. 1208, amended, to authorize appropriations for fiscal years 2004 and 2005 for United States contributions to the International Fund for Ireland; and

Pages H2497–H2500

Small Business Development Centers Expanded Assistance to Indian tribe members, Native Alaskans, and Native Hawaiians: H.R. 1166, to amend the Small Business Act to expand and improve the assistance provided by Small Business Development Centers to Indian tribe members, Native Alaskans, and Native Hawaiians (agreed to by $\frac{2}{3}$ yeas-and-nays vote of 378 yeas to 14 nays, Roll No. 94).

Pages H2500–04, H2506

Suspension Failed—Small Pox Vaccination Compensation Fund Act: The House failed to agree to suspend the rules and pass H.R. 1463, to provide benefits for certain individuals with injuries resulting from administration of a smallpox vaccine by $\frac{2}{3}$ yeas-and-nays vote of 184 yeas to 206 nays, Roll No. 92).

Pages H2478–94, H2504–05

Recess: The House recessed at 3:57 p.m. and reconvened at 6:30 p.m.

Page H2504

Additional Conferees to Child Abduction Prevention Act: The following additional conferees to S. 151, Child Abduction Prevention Act, were appointed from the Committee on Education and the Workforce for consideration of section 8 of the Senate bill and sections 222, 305, and 508 of the House amendments and modifications committed to conference: Representatives Hoekstra, Gingrey, and Hinojosa. And from the Committee on Transportation and Infrastructure, for consideration of section 303 and title IV of the House amendments, and

modifications committed to conference: Chairman Young of Alaska and Representatives Petri and Matheson.

Pages H2506–07

Senate Messages: Message received from the Senate today appears on page H2477.

Referrals: S. 330, was referred to the Committees on the Judiciary and Transportation and Infrastructure and S. Con. Res. 30 was referred to the Committee on International Relations.

Page H2512

Quorum Calls—Votes: Three yea-and-nay votes developed during the proceedings of the House today and appear on pages H2504–05, H2505–06, and H2506. There were no quorum calls.

Adjournment: The House met at 12:30 p.m. and adjourned at 7:55 p.m.

Committee Meetings

DOD—BUSINESS SYSTEMS MODERNIZATION—STRENGTHENING OVERSIGHT

Committee on Reform: Subcommittee on National Security, Emerging Threats and International Relations and the Subcommittee on Technology, Information Policy, Intergovernmental Relations and the Census held a joint hearing on Strengthening Oversight of DOD Business Systems Modernization. Testimony was heard from the following officials of the GAO: Randolph Hite, Director, Information Technology Architecture and Systems Issues; Gregory Kutz, Director, Financial Management and Assurance; and Darby Smith, Assistant Director, Financial Management and Assurance; and the following officials of the Department of Defense: JoAnn Boutelle, Deputy Chief Financial Officer; John R. Landon, Principal Director, Deputy Assistant Secretary, Command, Control, Communications, and Intelligence Surveillance, Reconnaissance, Space and IT Programs; and Thomas Bloom, Director, Defense Finance and Accounting Service (DFAS).

HOMELAND SECURITY TECHNICAL CORRECTIONS ACT

Select Committee on Homeland Security: Ordered reported, as amended, H.R. 1416, Homeland Security Technical Corrections Act of 2003.

On March 28, the Committee held a hearing on H.R. 1416. Testimony was heard from Michael Dorsey, Director of Administration, Department of Homeland Security.

COMMITTEE MEETINGS FOR TUESDAY, APRIL 1, 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 Alzheimer's Disease, 9:30 a.m., SH-216.

Subcommittee on Commerce, Justice, State, and the Judiciary, to hold hearings to examine proposed budget estimates for fiscal year 2004 for the Department of Justice, 10 a.m., SD-192.

Full Committee, business meeting to mark up the fiscal year 2003 Supplemental Request, 2 p.m., S-128, Capitol.

Committee on Armed Services: Subcommittee on Readiness and Management Support, to resume hearings to examine proposed legislation authorizing funds for fiscal year 2004 for the Department of Defense, focusing on impacts of environmental laws on readiness and the related Administration Legislative Proposal, 9 a.m., SD-106.

Subcommittee on SeaPower, to hold hearings to examine proposed legislation authorizing funds for fiscal year 2004 for the Department of Defense for Navy and Marine Corps development, procurement priorities, and the Future Years Defense Program, 2:30 p.m., SR-232A.

Committee on Environment and Public Works: to hold hearings to examine the nominations of Ricky Dale James, of Missouri, and Rear Adm. Nicholas Augustus Pahl, National Oceanic and Atmospheric Administration, both to be a Member of the Mississippi River Commission, and Richard W. Moore, of Alabama, to be Inspector General, Tennessee Valley Authority, 9:30 a.m., SD-406.

Committee on Finance: to hold hearings to examine tax payer issues, focusing on public accountants and charitable car donations; to be followed by hearings on the nominations of Mark Van Dyke Holmes, of New York, to be a Judge of the United States Tax Court, Diane L. Kroupa, of Minnesota, to be a Judge of the United States Tax Court, Robert Allen Wherry, Jr., of Colorado, to be a Judge of the United States Tax Court, and Harry A. Haines, of Montana, to be a Judge of the United States Tax Court, 10 a.m., SD-215.

Committee on Foreign Relations: to hold hearings to examine NATO enlargement, focusing on Brussels, 9:30 a.m., SD-419.

Full Committee, business meeting to consider the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management, done at Vienna on September 5, 1997 (Treaty Doc.106-48), 9:45 a.m., SD-419.

Committee on the Judiciary: to hold hearings to examine the nominations of Carolyn B. Kuhl, of California, to be United States Circuit Judge for the Ninth Circuit, Cecilia M. Altonaga, to be United States District Judge for the Southern District of Florida, and Patricia Head Minaldi, to be United States District Judge for the Western District of Louisiana, 9 a.m., SD-226.

Select Committee on Intelligence: to hold closed hearings to examine intelligence matters, 2:30 p.m., SH-219.

House

Committee on Appropriations, to mark up the Supplemental Appropriations for Fiscal Year 2003, 10 a.m., 2359 Rayburn.

Subcommittee on Transportation and Treasury, and Independent Agencies, on Cost Controls and Cost Drivers in Federal Transit Investments Panel, 2 p.m., 2358 Rayburn.

Committee on Armed Services, hearing on all major Department of Defense acquisition programs, and review the Department's plans for acquisition reform and future acquisition programs, 4 p.m., 2118 Rayburn.

Subcommittee on Terrorism, Unconventional Threats and Capabilities, hearing on the fiscal year 2004 national defense authorization budget request for the Special Operations Command, 2 p.m., 2212 Rayburn.

Subcommittee on Total Force, hearing on the U.S. Air Force report on sexual assault at the academy, 1 p.m., 2118 Rayburn.

Committee on Education and the Workforce, Subcommittee on Select Education, hearing on the "Performance, Accountability, and Reforms at the Corporation for National and Community Service," 2 p.m., 2175 Rayburn.

Committee on Energy and Commerce, to mark up the Energy Policy Act of 2003, 9:30 a.m., 2123 Rayburn.

Committee on Financial Services, Subcommittee on Domestic and International Monetary Policy, Trade, and Technology, hearing entitled "Opening Trade in Financial Services—The Chile and Singapore Examples," 10 a.m., 2128 Rayburn.

Subcommittee on Housing and Community Opportunity, hearing entitled "The National Flood Insurance Program: Review and Reauthorization," 2 p.m., 2128 Rayburn.

Committee on Government Reform, Subcommittee on Civil Service and Agency Organization, oversight hearing "Compensation Reform: How Should the Federal Government Pay Its Employees?" 1 p.m., 2247 Rayburn.

Subcommittee on Government Efficiency and Financial Management, oversight hearing entitled: "Performance, Results, and Budget Decisions," 2 p.m., 2154 Rayburn.

Committee on International Relations, hearing on U.S. Response to East African Families and the Future Outlook for Food Aid in Africa, 10:15 a.m., 2172 Rayburn.

Committee on the Judiciary, Subcommittee on Commercial and Administrative Law, hearing on H.R. 49, Internet, Tax Nondiscrimination Act, 10 a.m., 2141 Rayburn.

Subcommittee on Courts, the Internet, and Intellectual Property, hearing on H.R. 1417, Copyright Royalty and Distribution Reform Act, 2 p.m., 2141 Rayburn.

Committee on Resources, Subcommittee on Water and Power, hearing on the following bills: H.R. 135, Twenty-First Century Water Commission Act of 2003; H.R. 495, Zuni Indian Tribe Rights Settlement Act of 2003; H.R. 901, to authorize the Secretary of the Interior to construct a bridge on Federal land west of and adjacent to Folsom Dam in California; and H.R. 1284, to amend the Reclamation Projects Authorization and Adjustment Act of 1992 to increase the Federal share of the costs of the San Gabriel Basin Demonstration project, 2 p.m., 1324 Longworth.

Committee on Rules, to consider the following: H.R. 735, Postal Civil Service Retirement System Funding Reform Act of 2003; and H.R. 522, Federal Deposit Insurance Reform Act of 2003, 1 p.m., H-313 Capitol.

Committee on Science, to mark up H.R. 238, Energy Research, Development, Demonstration, and Commercial Application Act of 2003, 10 a.m., 2318 Rayburn.

Committee on Small Business, Subcommittee on Workforce, Empowerment and Government Programs and the Subcommittee on Regulatory Reform and Oversight, joint hearing to Improve and Strengthen the SBA Office of Advocacy, 2 p.m., 2360 Rayburn.

Committee on Transportation and Infrastructure, Subcommittee on Coast Guard and Maritime Transportation, oversight hearing on the Coast Guard's Move to the Department of Homeland Security, 10 a.m., 2360 Rayburn.

Subcommittee on Highways, Transit, and Pipelines, hearing on Member Policy Initiatives and Project Requests for Reauthorization of Federal Highway and Transit Programs, 10 a.m., 2167 Rayburn.

Permanent Select Committee on Intelligence, executive, briefing on Sensitive Program, 2 p.m., H-405 Capitol.

Next Meeting of the SENATE

9 a.m., Tuesday, April 1

Senate Chamber

Program for Tuesday: After the transaction of any morning business (not to extend beyond 10 a.m.), Senate will consider the nomination of Timothy M. Tymkovich, of Colorado, to be United States Circuit Judge for the Tenth Circuit, with 6 hours for debate, to be followed by a vote on confirmation of the nomination.

(Senate will recess from 12:30 p.m. until 2:15 p.m. for their respective party conferences.)

Next Meeting of the HOUSE OF REPRESENTATIVES

10:30 a.m., Tuesday, April 1

House Chamber

Program for Tuesday: Consideration of Suspensions:

H.R. 1412, The Higher Education Relief Opportunities for Students (HEROES) Act;

H.R. 622, Coconino/Tonto National Forest Land Exchange Act;

H.R. 762, Reasonable Right-of-Way Fees Act;

H.R. 289, Ottawa National Wildlife Refuge Complex and the Detroit River International Wildlife Refuge Boundary Adjustments; and

H. Con. Res. 109, Support for the Display of the Blue Star Banner and the Gold Star.

Extensions of Remarks, as inserted in this issue

HOUSE

Bishop, Sanford D., Jr., Ga., E622
Camp, Dave, Mich., E619
Cardin, Benjamin L., Md., E627
Carson, Julia, Ind., E623, E625
Conyers, John, Jr., Mich., E619
Davis, Danny K., Ill., E622
Davis, Tom, Va., E617, E618, E619, E620, E627

Doolittle, John T., Calif., E625
Fletcher, Ernie, Ky., E617, E618, E619
Hastings, Alcee L., Fla., E617, E618, E621
Hunter, Duncan, Calif., E621
Kanjorski, Paul E., Pa., E617
Kennedy, Mark R., Minn., E625
McCollum, Betty, Minn., E623, E623
Moore, Dennis, Kansas, E620
Norwood, Charlie, Ga., E619

Nunes, Devin, Calif., E621
Pallone, Frank, Jr., N.J., E623, E625
Radanovich, George, Calif., E620
Ryan, Paul, Wisc., E624
Sanchez, Linda T., Calif., E626
Solis, Hilda L., Calif., E622
Tiahrt, Todd, Kans., E618
Udall, Mark, Colo., E624
Udall, Tom, N.M., E626



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