The House met at 10 a.m.

The Reverend Steven M. Torrence, Chaplain, Key West Police Department, Key West, Florida, offered the following prayer:

Almighty God, I thank You for the privilege and the honor to be here this morning in these hallowed halls on this, our Nation’s National Day of Prayer. We as a people of many faiths and religions and backgrounds come together in a sign of unity to ask for Your guidance and blessings on this very important day.

We not only remember those who have given their lives to protect our great country in military service, but we also remember the men and women in law enforcement who risk daily and give their lives to protect each and every one of us.

As a Nation, let us remember that all people have one common origin. Fill our hearts with compassion for our neighbors and the desire to ensure justice for all. Help us share all the blessings You give us, and help us to secure justice and equality for every human being.

O God, help us bring an end to division and to continue to build our country on peace and love. Let us always remember that despite our differences, we are one human family.

Almighty God, bless our leaders with vision and forethought and with a clarity of purpose as they lead our country. Help our country on this very special day of prayer. In Your name we pray. Amen.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from New York (Mr. McNulty) come forward and lead the House in the Pledge of Allegiance.

Mr. McNULTY 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 without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 156. Concurrent resolution extending congratulations to the United States Capitol Police on the occasion of its 175th anniversary and expressing gratitude to the men and women of the United States Capitol Police and their families for their devotion to duty and service in safeguarding the freedoms of the American people.

The message also announced that the Senate has passed a bill of the following title in which the House is requested:

S. 196. An act to establish a digital and wireless network technology program, and for other purposes.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. There will be 10 1-minute extensions on each side after that of the gentleman from Florida (Ms. Ros-Lehtinen).

INTRODUCTION OF LEGISLATION

Mr. FOLEY. Mr. Speaker, today at 12:30 p.m., along with my Democratic co-sponsor, the gentleman from New York (Mr. Israel), and Minnesota Senator Norm Coleman will introduce our legislation to help Holocaust survivors and their families collect on Holocaust-era insurance policies.

Mr. Speaker, I am fed up watching insurance companies thumb their noses at Holocaust survivors. I urge the Supreme Court to rule in favor of the survivors and their heirs in a case pending before the Supreme Court.
Holocaust survivors and their heirs are being denied what is rightfully theirs. This is nothing more than white collar theft, and it is morally reprehensible. These heirs and survivors deserve what is rightfully theirs, and we will not give up until they are fully compensated.

AMERICA MUST REMAIN ENGAGED TO TAKE HOLD IN THE MIDDLE EAST

Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.

Ms. JACKSON-LEE of Texas. Mr. Speaker, on this day of focusing on national prayer for those who wish to express their faith in their different ways, I think it is an appropriate time to reinforce the importance of peace throughout this world. Particularly as the road map for Mideast peace has been unveiled, it is important to reinforce the key element of that process.

Two years ago, approximately, in February of 2001, I rose to the floor of the House to indicate that the only way we can have peace in the Middle East is if the United States remained engaged. Unfortunately, that did not occur for a number of months, but I believe that we are now on the road to peace.

The key element again will be, even if there are difficulties, we must remain engaged. Even as we work with the Palestinians to cease immediately the violence, to break up the terrorist groups, to remove the illegal weapons, we must work with the Israelis as it relates to the road map in stopping the expanding of the settlements, and, as well, the attacks on Palestinians.

These are not easy challenges, and we cannot be daunted by failure. We must continue to work for peace, because it is worth it for all of the people of that region.

THE JUDICIAL NOMINATION OF PRISCILLA OWENS

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

Mr. HENSARLING. Mr. Speaker, I rise today to express my outrage with the treatment of Justice Priscilla Owen, a fellow Texan and a highly qualified nominee for the Fifth Circuit U.S. Court of Appeals.

Mr. Speaker, despite unanimously receiving the highest possible rating from the American Bar Association, despite appearing before the Senate Committee on the Judiciary twice to answer every single question posed to her, despite the fact that the bench to which she has been nominated has been designated a judicial emergency, despite bipartisan support of former Texas supreme court judges and 15 past presidents of the state bar of Texas, Justice Priscilla Owen has still not received an up-or-down vote in the Senate for almost 2 years.

When Republicans held the majority during President Clinton's term, no judicial nominee was ever deprived of a vote due to a filibuster. Now Democrats wish to amend our Constitution and change the rules.

Mr. Speaker, the President has a right to get a vote on his nominee.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LATOURRETTE). The Chair would remind all Members that it is not appropriate to characterize the action or inaction of the other body.

TELECOMMUNICATIONS AND THE ECONOMY

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

Mr. ENGEL. Mr. Speaker, I would like to comment on telecommunications and the economy. The telecommunications industry, Mr. Speaker, is in a state of crisis. Telecom jobs continue to shrink and capital continues to flow away from the industry. When given the opportunity to help lead the telecommunications industry back on the road to health and fitness, the Federal Communications Commission failed miserably. I completely agree with the Communication Workers of America that the FCC "missed an opportunity to set out an effective national policy that would promote facilities-based competition in telecommunications."

Instead, the FCC left in place rules that require carriers to lease their network, or pieces of it, to competitors for below-cost rates. This policy has had a disastrous effect on the industry. Over half a million telecom jobs have been lost and investors have lost billions of dollars. The industry is in crisis, and so is that crisis can be traced directly to bad policy at the FCC. It is clear to me that the FCC did not adopt the right rules to promote telecommunications investment.

I sincerely hope that the FCC fixes this mess, or Congress will have to fix it.

FAITH-BASED ORGANIZATIONS AND THE AIDS EPIDEMIC

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

Mr. PENCE. Mr. Speaker, there is an epidemic of AIDS and HIV in Africa. It is heartbreaking to report this pandemic is affecting 42 million souls, 8,300 deaths every day, and entire villages without a single adult.

Earlier this week we heard the President describe a compassionate vision of moral obligation for the American people addressing this crisis that would bring not only $15 billion, but would put a priority on the values of the American people, namely, abstinence and faithfulness to marriage, over condom distribution.

Sadly, Mr. Speaker, unless the House amends the bill today and adopts the Hyde-Pittman amendment that specifies that 33 percent of the prevention money will be spent on abstinence and monogamy programs for above condom distribution, the global AIDS bill will not reflect the values of the American people or the vision of the President of the United States of America.

The timeless values of abstinence and marital faithfulness before condom distribution are the cure for what ails the families of Africa. It is important that we not just send them money, but we must send them values that work.

AMERICAN PRIORITIES

Mr. BROWN of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks.

Mr. BROWN of Ohio. Mr. Speaker, perhaps some of us on our side of the aisle have been a little bit too critical of President Bush. After all he has in his budget a universal health care plan for 23 million people. He has in his budget money for school construction, 25,000 new schools, renovated schools, repaired schools.

The problem, Mr. Speaker, that is the President's budget for Iraq. Universal health coverage for 23 million Iraqis, school construction of 25,000 and renovation of 25,000 schools, but not a penny in the President's budget for school construction in this country, in spite of the fact that our school buildings, many of them are in awful shape, and not a penny in the President's budget for health care in Iraq. No money for school construction and health care in the United States and tax cuts for the most privileged. It is the wrong priorities.

ISRAELI AND PALESTINIAN PEACE

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

Mr. INSLEE. Mr. Speaker, I rise to note an encouraging sign that yesterday, the President of the United States extended a willingness to become an active player in seeking a peaceful resolution of the Israeli/Palestinian conflict. And I do so because it is clear
that the United States of America is the only world force that has the ability to offer both peoples meaningful hope in this region. And as such, it is very important that our President of whatever party be engaged in that process. This President evinced some reluctance to do so early in his term. But I believe now has, by issuing this road map, stated an interest to become personally involved in trying to find a resolution of this dispute.

Both Democrats and Republicans have noted that this is a positive step at a very difficult time. Ending the violence by the Palestinians is paramount. And there is going to be daunting challenges working with our Israeli allies involving settlement issues; but the American President has to stay engaged. This is a first step. We welcome it. We look forward to its successes.

PROVIDING FOR CONSIDERATION OF H.R. 1298, UNITED STATES LEADERSHIP AGAINST HIV/AIDS, TUBERCULOSIS, AND MALARIA ACT OF 2003

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, by the direction of the Committee on Rules, I call up House Resolution 210 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 210

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause (2)(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1298) to provide assistance to foreign countries to combat HIV/AIDS, tuberculosis, and malaria, and for other purposes. The first reading of the bill or amendment is to be accomplished in accordance with section 1(a) of the Committee Rules of the House. The debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the proponent and opponent, shall not be subject to a demand for division of the question, and shall be in order at any time during the calendar day on which the resolution is adopted.

MODIFICATION TO AMENDMENT NO. 8 OFFERED BY MR. LINCOLN DIAZ-BALART OF FLORIDA

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I ask unanimous consent that during consideration of H.R. 1298, pursuant to House Resolution 206, it shall be in order to consider the amendment that I have placed at the desk as amendment No. 8 in House Report 108-80.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Page 83, line 22, add the following new subsection:

(b) ORPHANS AND VULNERABLE CHILDREN.—For fiscal years 2006 through 2008, not less than 10 percent of the amounts appropriated pursuant to the authorization of appropriations under section 401 for HIV/AIDS assistance for each fiscal year shall be expended for assistance for orphans and vulnerable children with HIV/AIDS of which such amount at least 50 percent shall be provided through non-profit, nongovernmental organizations, including faith-based organizations, that implement programs on the community level.

Mr. LINCOLN DIAZ-BALART of Florida (during the reading). Mr. Speaker, I ask unanimous consent that the modification be considered as read and printed in the record.

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

There was no objection.

The SPEAKER pro tempore. Without objection, the modification is agreed to.

There was no objection.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, House Resolution 210 is a structured rule providing for the consideration of H.R. 1298, the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003. The rule provides 1 hour of general debate evenly divided and controlled by the chairman and ranking minority member of the Committee on International Relations.

Additionally, this rule makes 11 out of 13 amendments submitted to the Committee on Rules in order. Nearly 65 percent of the 12 committee management amendments made in order were sponsored by members of the minority party. This is a fair rule that will allow all Members ample opportunity to debate the important issues associated with this bill.

The underlying legislation is crucial as I think it is timely. The AIDS pandemic has affected the world like no other in recent history. The epidemic has claimed, just in the year 2002 alone, more than 3 million lives. I think we need to pause for a second and think about what that means, 3 million lives in one year. Also, an estimated 5 million people acquired the virus, the human immunodeficiency virus, HIV, in 2002, according to the best estimate, bringing the number of people globally living with the virus to over 40 million.

This is, by all means, by every conceivable estimation, a catastrophe. However, this is not just a moral question, this critical situation has begun to threaten the policies of the developing world, especially the developing world. The fragile governments often do not have the resources or the capability to handle threats as dangerous and as growing as this one. If states in the developing world begin to collapse, the effects on the United States' national security and on the security of the international community could be absolutely disastrous.

A state absent of all order makes for a perfect climate for terrorists and drug traffickers to grow their enterprises to develop their enterprises. For example, Mr. Speaker, in key states in Africa, including Nigeria, South Africa and Kenya, it has been reported that thousands of the children may be infected with this deadly virus. This is an inconceivable catastrophe.

The pandemic of AIDS also threatens on the prospects for democracy and economic prosperity, especially in Africa. According to the U.S. National Intelligence Council, “AIDS and the health problems associated with AIDS will hurt prospects for transition to democratic regimes as these problems undermine civil society, hamper the growth of sound political and economic institutions, and intensify the struggle for power and resources.”

The National Intelligence Council also estimates that the disease could reduce gross domestic product in some sub-Saharan African countries by 20 percent or more by the year 2010. We should consider the following fact from the most recent U.N. aids epidemic update, “In 4 southern African countries national adult HIV prevalence has risen higher than thought possible, exceeding 30 percent.”

If the necessary investments, Mr. Speaker, to combat this pandemic is not made today, there will undoubtedly
be significantly higher costs for all, including for the United States in the future. It is time for the Congress to act.

At the podium before you, Mr. Speaker, the President, President George W. Bush, laid before Congress a bold vision in his State of the Union address. This legislation will make President Bush's vision a reality.

The underlying legislation authorizes $3 billion for the executive branch, for the President under his leadership to combat the worldwide epidemic of the next 5 years for a total of $15 billion. Additionally, this legislation will create the position of coordinator for HIV/AIDS assistance at the State Department to administer the Global AIDS Initiative Fund. Response to the AIDS crisis cannot come too soon when one considers the far reaching effects of this horrible disease.

A fact that gives us all pause is that, for example, in Malawi alone, some 470,000 children under the age of 15 have been orphaned by AIDS. The underlying bill supports United States participation in the global fund and specifically authorizes up to $1 billion in fiscal year 2004 and such sums as may be necessary through 2008.

The legislation was reported favorably out of committee by a bipartisan vote of 37 to 8. I would like to thank the gentleman from Illinois (Mr. HYDE) for his extraordinary leadership on this issue, as well as the distinguished ranking member, another extraordinary leader, the gentleman from California (Mr. LANTOS).

Mr. Speaker, this bill provides crucial relief for those directly as well as indirectly affected by this crippling disease. This has been a bipartisan effort throughout the consideration of the bill, from consideration in the Committee on International Relations to the very balanced rule that has been reported out of the Committee on Rules. As I stand here today, I am astounded by the genuine, heartfelt debate by allowing nearly every Democrat amendment in order. I repeat that this process has been bipartisan, Mr. Speaker.

Accordingly, I urge my colleagues to support both the rule and the underlying bill, which continues this constructive debate by allowing nearly every Democrat amendment in order. I repeat that this process has been bipartisan, Mr. Speaker.

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

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

Mr. HASTINGS of Florida asked and was given permission to revise and extend his remarks.

In the Caribbean, the AIDS epidemic does not compare to the severity of the pandemic in Africa, but it has reached alarming levels. There are an estimated 420,000 people living with AIDS in Caribbean countries. Moreover, the HIV/AIDS adult prevalence rate in several countries in the Caribbean is among the highest outside of sub-Saharan Africa. Haiti, the Dominican Republic, and Guiana are the countries crying out for assistance.

Every day AIDS claims the lives of thousands of innocent people. According to the latest United Nations AIDS report, roughly 600,000 people die of AIDS on a daily basis. While this legislation directs action toward the AIDS problem in Africa and the Caribbean, the disease wreaks havoc in other regions of the world, including the United States. The alarming HIV/AIDS epidemic is in Eastern Europe and Eurasia. Further, Asia and the Pacific may also face a huge growth in this epidemic.

The impact of AIDS can extend beyond the direct losses of life. It has indirect effects on life and health costs not normally associated directly with the disease. Recently, for example, AIDS fueled deadly famines in east and southern Africa. The HIV/AIDS pandemic is a global human challenge that demands a global comprehensive response, and I am proud that the United States has signified that it is going to take the lead. This legislation authorizes $2 billion for the Global Fund as a way to show our international leadership in the fight against the HIV/AIDS pandemic and to leverage funds out of other countries to reach the levels needed annually to address this problem.

I had the good fortune during the break to meet with the executive director of the Global Fund and our own Secretary of Health and Human Services and the minister for health in Italy when they signed an agreement indicating the Italian-American understandings with reference to approaching this problem. And I assured, and I am sure many of my colleagues can as well, the director of the Global Fund that we would do everything that we can to ensure appropriate resources are in the Global Fund to fight HIV/AIDS and malaria and tuberculosis.

This is a good bill. In fact, it mirrors the provisions that I introduced on Tuesday. Mr. Speaker, the toll of this disease has brought unspeakable sorrow and distress to Africa, the Caribbean and other areas of the world. Our government has not done enough to address this disease in Africa and elsewhere. We should be proud of this effort and view it as a new start on the road to eradicating AIDS. That is the purpose of this legislation, Mr. Speaker. With the additional resources, and the United States, provided for in this legislation, we can begin to stem the tide of this disease. We know what works in the effort to combat HIV and AIDS, and we need to get on about the business of doing it. Mr. Speaker, America is a great country in many ways. In the long history of humankind, our greatness will be measured as much by what we do for the needy and the less fortunate in our own country as it is by the quality of life we achieve right here in America. The real measure of our humanity as a Nation is our ability to
Mr. PAUL. Mr. Speaker, I thank the gentleman for yielding me this time.

I find it interesting here because there is a lot of social engineering going on. I think if we are going to do any social engineering or social suggestions, it ought to be here and we ought not be naive enough to think we can change habits that exist in Africa.

But the point I wanted to bring up is the authority for doing programs like this. We have a rule in the House that we have to cite the constitutional authority, for the legislation we're dealing with. The committee report cites the authority from a very important section of the Constitution, article I, section 8, because literally we, the Congress, get our marching orders from article I, section 8, which is the section of the Constitution relating to making all laws necessary and proper for carrying into execution the powers vested by the Constitution.

Well, that is where the shortcoming comes because if we read the Constitution, at the end of article I, section 8, it says, “To make all Laws which shall be necessary and proper for carrying into execution the foregoing Powers.” Therefore, the “necessary and proper” clause is explicitly designed to give the authority to write the laws for the foregoing powers. Believe me, we will not find any authority in article I, section 8, for dealing with medical care problems in Africa.

I find it interesting here because quite often one side of the aisle when they do not like legislation will use my
argument in this case, and other times it is the other side of the aisle. So everybody makes my argument one time or the other. My suggestion is if the Constitution means anything, and if article I, section 8 means anything, it ought to be applicable across the board. I think we ought to change the Constitution and say this is a mandate from the American people that we should pursue missionary work in Africa.

But most likely nobody is going to propose a change in the Constitution, the Constitution will not be changed, so the Congress chooses to ignore the Constitution when it feels like it; therefore, we have reduced the Constitution to something that has very little value anymore.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. WYNN) who has stood out on this issue for all the time he and I have served here in Congress.

Mr. WYNN. Mr. Speaker, let me begin by thanking the gentleman from Florida for yielding me this time and for his leadership on this issue.

It is very good to stand here in support of a bipartisan bill that addresses some of the largest problems in the world today. Particularly in the wake of the situation in Iraq, it is important for the United States to show the world that we care about the big problems that affect other people in other countries as well as issues that affect American interests.

Let me take a moment to thank the gentlewoman from California (Ms. LEE) for her leadership. If anyone in this body has stood up on this issue, it is the gentlewoman from California (Ms. LEE), as well as the gentleman from California (Mr. LANTOS), and the gentleman from Illinois (Mr. HYDE).

This is truly a bipartisan bill. I would also like to applaud the President because he has pushed this issue $5 billion to fight AIDS in Africa. I think that is a very good thing.

I hasten to note that many of these programs started under the Clinton administration, and for years, Democratic activists have been fighting for additional money to fight AIDS in Africa. I intend to support this bill; however, the rule allows amendments which I believe are problems.

Some of my conservative brethren come and argue that we ought to give more priority to abstinence. In a tone of some self-righteousness they suggest that abstinence ought to be the preferred method, and that this reflects American values. I think on the issue of fighting AIDS, the American value is saving as many lives as we possibly can. And for that reason when later today we have this amendment to prioritize and single out abstinence, I am going to oppose it.

The SARS epidemic provides the most recent, graphic, current example of the need to address epidemics at a global level before they affect us here in America. I hope we can reflect not just on the hard work of the administration, our chairman, the gentleman from Illinois (Mr. HYDE), the gentleman from California (Mr. LANTOS), active leaders like the gentlewoman from California (Ms. LEE), but reflect on how when the legislative process works when we put the imperative of problem solving ahead of political concerns.

We have more at stake these days than just dealing with the AIDS epidemic. I hope that this will be a template not just moving forward in this critical area, important as it is, but this is the way that we can solve homeland security issues, economic issues, and the great issues on the international arena as well.

Mr. Speaker, I commend our friends who were there, and I urge adoption of the rule and moving forward with approval of this and then going home this weekend thinking about what we have accomplished, how we have done it and where we can take it from here.

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

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from Florida (Mr. HASTINGS). I reiterate and strongly believe there are few things that we could do more important than what we are going to do today. I am very proud to have been able to bring forward this rule to provide for consideration of this extraordinarily important legislation.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered. The resolution was agreed to. A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HYDE. 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. 1296, which we are about to consider.

Mr. SPEAKER pro tempore (Mr. LINCOLN DIAZ-BALART of Florida). Is there objection to the request of the gentleman from Illinois?

There was no objection.
UNITED STATES LEADERSHIP AGAINST HIV/AIDS, TUBERCULOSIS, AND MALARIA ACT OF 2003

The SPEAKER pro tempore. Pursuant to House Resolution 210 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1298.

Mr. HYDE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, not since the bubonic plague swept across the world in the last millennium killing more than 250 million people has our world confronted such a horrible, unspeakable curse as we are now witnessing with the growing HIV/AIDS pandemic. In this day and time that we will spend today considering this legislation, thousands of people around the world will die of HIV/AIDS. The number of dead or dying is grotesquely high: 25 million already dead worldwide and each day at the rate of 8,500 every day, with the horror of entire villages populated only by orphans because the adults are dead or dying from AIDS.

I do not mean to demean the work of this House, but so much of what we do is really unimportant and trivial: but not today. Today we have an opportunity, the opportunity to do something significant and of lasting importance. Today we have an obligation, the obligation to do something reflecting our commitment to human solidarity. We have a privilege today, the privilege of doing something truly compassionate.

It is no exaggeration to compare the AIDS pandemic in Africa to the bubonic plague of medieval Europe. This plague took one-third of Europe's entire population, creating political chaos and set the course of civilization back for decades, perhaps centuries. AIDS in Africa is well on its way to doing something terribly similar, and similarly terrible. Tuesday's Wall Street Journal tells us 42 million people are infected with HIV/AIDS, 30 million in sub-Saharan Africa alone.

Today we need to consider H.R. 1298, the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003. We would not be here today with this bill, that I think is an excellent one, without the sincere and heartfelt and invaluable assistance of the gentleman from California (Mr. LANTOS), which makes this a truly bipartisan effort.

This legislation authorizes the President's 5-year $15 billion emergency plan for treatment and prevention of AIDS in those countries already facing crisis. This legislation creates a more responsive, coordinated, and effective approach among the various agencies of the U.S. Government involved in this global fight. The legislation promotes an approach that provides funds for antiretroviral therapy for more than 2 million people living with HIV.

It encourages a strategy that extends palliative care for people living with AIDS. It supports efforts to find vaccines for HIV/AIDS and malaria. It emphasizes the need to keep families together with a focus on the assistance needs of children and young people with HIV. It endorses prevention programs that stress sexual abstinence and monogamy as a first line of defense against the spread of this disease and collaborative bilateral and multilateral initiatives that leverage the funds of other donor nations.

The HIV/AIDS pandemic is more than a humanitarian crisis. Increasingly, it is a threat to the security of the developed world. Unchecked, this plague will further rip the fabric of developing societies, pushing fragile governments and economies to the point of collapse. So to those who suggest the U.S. has no stake in this pandemic, let me observe that the specter of failed states across the world certainly is our concern.

Africa is a central concern. Today radical Islam is spreading in several African countries, especially Nigeria. This threatens to undermine democracy and make Nigeria a failed state. It is in our interest to counter this movement by doing what we can to build democracy and a growing economy in Nigeria and elsewhere. The spread of HIV/AIDS threatens this important mission. We also have a strong interest in seeing the development of professional African militaries, militaries capable of maintaining stability in their country, but also capable of contributing to peacekeeping operations elsewhere in Africa. Yet an examination of the HIV/AIDS rates among the armed forces of key African countries, including Nigeria, South Africa, and Kenya, reveals infection rates between 30 and 40 percent. HIV/AIDS is a national security issue for those countries and for us.

The President's proposal is based on America's deep conviction about the dignity of every human life, and these proposed remedies for the AIDS crisis in Africa recognize that dignity. In adopting this proposal, we show the world that conviction and compassion go together as we demonstrate that compassion is not a sign of weakness but of strength. America does not have to take on the African AIDS crisis alone; but as is often the case, American leadership, political or financial, is necessary if our friends around the world are to bear their fair share of the burden. That is what the President's proposal does. It sets a pattern of American leadership that others we believe will follow.

This bill is a compromise, a deliberately arrived at, painstakingly negotiated compromise between various factions interested in this legislation; but it hangs together, and it works and it will advance the cause that we so desperately need to support. AIDS is a mortal challenge to our civilization. Let us today be animated by compassion and a vision that always have defined what it means to be an American.

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

The SPEAKER pro tempore. Pursuant to the unanimous consent, Mr. LANTOS, Mr. Chairman, I yield myself such time as I may consume.

I rise in strong support of this grand humanitarian legislation, and I urge all of my colleagues to make history today by securing its passage.

Mr. Chairman, we have not reached this day had it not been for the heroic efforts of the gentleman from Illinois (Mr. HYDE), my distinguished chairman and good friend. His leadership on this issue has been a true profile in courage, and also I want to identify myself with his powerful and eloquent opening statement. Our colleagues on the Committee on International Relations, the gentleman from California (Ms. LEE) and the gentleman from Iowa (Mr. LEECH) on the Republican side, have also been critically instrumental to our success thus far as have many other members of the committee. With the support of every single Democrat and most Republicans on the Committee on International Relations, we crafted a bipartisan piece of legislation worthy of this body's support.

Mr. Chairman, the $15 billion authorized in this legislation to combat HIV/AIDS, tuberculosis and malaria worldwide is an enormous sum by any measure. It is five times the amount we considered authorizing for this cause just last year. For those of us who have long called for a real commitment of resources to address the HIV/AIDS crisis, this day has arrived. As impressive as these amounts are, they are no more than the crisis demands. Every day AIDS claims the lives of thousands of innocent men, women, and, yes, children, old and young, sick and able-bodied, destitute and affluent, unemployed and professional, African, Asian, and American. This disease, Mr. Chairman, does not discriminate. It targets us all; and in doing so, it ruins families, decimates communities, and fuels the violence and bloodshed that destroys whole nations. The political, economic, social, and humanitarian impact of this scourge cannot be contained to one region or to one population. It is a
global humanitarian response with the United States in the lead. The tragic history of this disease has shown that there are no silver bullets. We must use every means at our disposal. All legislation bears witness to a significant extent upon Uganda's success in curbing the spread of AIDS through a combination of abstinence, monogamy, and condom use. In lending his support to this bill earlier this week, President Bush endorsed this three-pronged approach. In the President's words, spreading prevention of HIV/AIDS requires a strategy emphasizing abstinence, marital fidelity, as well as condoms. Each element is crucial. Uganda's success in combating HIV/AIDS required not only abstinence and marital fidelity education programs but the distribution of nearly 80 million condoms per year. Countless lives will be lost if we fail to learn this lesson and undermine the balanced approach exquisitely negotiated and embodied in this bill.

Mr. Chairman, in his State of the Union address earlier this year, the President issued a challenge to Congress to join him in a new global campaign against HIV/AIDS. Today we take up the President's challenge and seek to fully fund this bold initiative. An overwhelming vote by the House of Representatives today to pass H.R. 1298 without crippling amendments will bring the President's vision, a vision most of us share, close to reality. The time for words has passed and the time for action has arrived in our struggle against HIV/AIDS. I urge my colleagues to join me today to pass this historic legislation.

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

Mr. HYDE. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Iowa (Mr. LEACH).

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

Perspective is the most important and most difficult thing to apply to issues of the day. If one were to look at the 14th century, clearly the seminal event was the Bubonic plague in which some 20 million people died. Now, as many have died from AIDS as of the plague. Within a decade it will be a multiple of that figure. If sitting on the fence suggests that the most important public policy issue of our day is dealing with disease control, most particularly AIDS. In a very moral sense, it is probably the deepest philosophical issue of our time. Indeed, the global AIDS epidemic might be considered an epidemic of Biblical proportions.

Everyone in this Congress understands that foreign assistance is controversial, but we are, after all, our brethren. All must be concerned for our own families. To the degree AIDS is not thwarted abroad, it threatens our own shores. As a Congress, obviously we have to be concerned with the allocation of the people's resources. This bill is a lot of money, but it is an extraordinarily sparse amount compared with the need; and I think of all the bills we are going to vote on in the near future, this is going to be the most justified financial expense the United States Congress has undertaken.

In conclusion, let me just say we are all indebted to a lot of people from the outside, the President of the United States; the President's great secretary; and our colleagues, the gentleman from California (Mr. LANTOS), the gentlewoman from California (Ms. LEE), and from a distinct perspective the gentleman from Pennsylvania (Mr. PITTS) for raising concerns of America's faith-based community. But most of all I want to simply express my appreciation for the gentleman from Illinois (Mr. HYDE). This is the most important bill he has ever shepherded through Congress. It is going to be a seminar mark in his career, and we are all in his debt.

Mr. LANTOS. Mr. Chairman, I yield myself such time as I may consume.

Before yielding to our distinguished whip, let me also underscore the important contribution to the fight against HIV/AIDS of Bono who has worked with us on all aspects of this problem and whose leadership worldwide is deeply appreciated by all of us concerned with this issue.

Mr. Chairman, I yield 3 minutes to the gentleman from Maryland (Mr. HOYER), the distinguished Democratic whip, a leader on this and all issues in this body.

Mr. HOYER. Mr. Chairman, I thank my friend for yielding me this time.

Mr. Chairman, I thank the gentleman from Iowa (Mr. LEACH) in congratulating the gentleman from Illinois (Mr. HYDE) and the gentleman from California (Mr. LANTOS), ranking member, as well as the extraordinary work that has been done by the gentlewoman from California (Ms. LEE) as a Member of Congress and before she got to Congress.

Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Florida (Mr. WELDON) who, as an original cosponsor of this legislation, has made an invaluable contribution.

Mr. WELDON of Florida. Mr. Chairman, I rise today in strong support of this legislation, and I want to commend the chairman and ranking member for their open-mindedness in allowing me to be a part of this process.

The bill before us today is a demonstration of the American people extending the hand of compassion and hope to millions of people suffering worldwide from AIDS.

The level of commitment to end HIV/AIDS demonstrated in this bill before us today is long overdue. Previous attempts to address the issue of global HIV/AIDS channeled millions of dollars into unaccountable multilateral efforts
and programs that showed little effectiveness and did little to stem the death toll.

H.R. 1298 reforms the status quo, ensures the most effective use of every dollar and puts new policies in place to help combat the disease. This bill sets the stage for an effective course by focusing on real solutions, such as the model provided by Uganda.

The bill requires financial accountability and opens doors to programs that have been effective in countries with little. H.R. 1298 features a strong abstinence education component that has been proven to save lives by eliminating risky sexual behavior.

This is a very important point. One of the key components of H.R. 1298 is a clear focus on prevention through education. The bill promotes primary prevention by funding activities that help individuals avoid HIV infection. Instead of just working toward reducing the prevalence of HIV/AIDS, this bill seeks to help young people adopt behaviors where the risk of HIV/AIDS can be eliminated. No longer do we just seek to manage the sure death toll. This bill empowers young people to participate in a future free from the behavioral risks of contracting HIV/AIDS.

The bill distinguishes between true primary prevention efforts, such as abstinence education, from intervention activities that promote condoms under the guise of prevention. The bill distinguishes between prevention services that are appropriate for everyone and preventive intervention that helps a segment of the population engaging in risky behavior. As a physician who previously cared for AIDS patients, I know that encouraging this primary prevention approach will save lives, and save money.

Another key component of the bill is bringing faith-based organizations into full participation with efforts to combat HIV/AIDS. Local churches and faith-based groups promote behavior change and education about the dangers of HIV/AIDS, and empower young people to participate in a future free from the behavioral risks of contracting HIV/AIDS.

The Catholic Church alone currently cares for one in four people being treated by HIV/AIDS worldwide. Mission organizations already possess much of the infrastructure, experience, knowledge, and compassion necessary to combat AIDS. They also have a history of respecting the culture and values of indigenous communities and peoples so that lasting relationships and change can occur. And faith-based groups are doing this in the most remote areas with the greatest need.

Up until now, resources that could have helped the efforts of churches and faith-based approaches have been soaked up by large international special interests. My missionary friends in Africa tell me about the many hats, T-shirts, and lives. These USAID resources help provide support to combat HIV/AIDS awareness. Unfortunately, few real resources are provided to help prevent HIV/AIDS infection.

I am personally aware of faith-based organizations that have been in-country for years, that have the support of the community, that have the support of the government and have brought people of different faiths together around the issues that are culturally and age-appropriate, but yet have been refused resources through USAID and UN-funded programs. Or they have been given a deal to promote condoms or get nothing.

H.R. 1298 would open up new avenues to fund powerful faith-based efforts that save lives in the poorest and most remote places. I strongly encourage all of my colleagues on both sides of the aisle to support this legislation.

Mr. Chairman, I am delighted to be an original cosponsor of the bill, and I again commend the chairman, the ranking member and their staff for crafting what I feel is a very, very good piece of legislation.

Mr. LANTOS. Mr. Chairman, I am delighted to yield 5 minutes to my good friend, the distinguished gentlewoman from California (Ms. Lee), who has brought boundless energy and bold passion to this legislation. She has been the leader on the side of this entire matter.

Ms. LEE. Mr. Chairman. Let me first thank our ranking member, the gentleman from California (Mr. Lantos), for those very kind and generous remarks, and let me thank the gentleman for his leadership in helping to ensure that our Democrats really saw the goal and understood our mission, and helped us to make sure that this was a bipartisan bill.

I want to thank the gentleman from Illinois (Chairman Hyde) for his leadership, and for, again, I think, setting an example that on issues of common concern the ground that are making a difference with minimal resources, like the Zanmi Lasante Clinic, run by Dr. Paul Farmer and the dedicated people at Partners in Health.

And we also know from the indication of Uganda that when a country unites in the battle against AIDS, the leadership, through its president, members of the government and civil society, and when everyone really engages in open dialogue about sex and AIDS, the power of abstinence, faithfulness and safe sex through the use of condoms, the HIV/AIDS rate can be reversed. In this case, it came down from 15 percent in 1991 to 5 percent 10 years later. But it took all three strategies. No preference is given to one over the other.

This bill we have before us today really recognizes these possibilities. But, more importantly, it sends a message to the world that the United States will not sit idly by and allow AIDS to wreak havoc on the human family.

By committing $3 billion a year to fighting global HIV/AIDS and the two largest opportunistic infections that feed off of AIDS, tuberculosis and malaria, we will virtually double our global AIDS budget in the next year.

Several years ago when we won a $40 million increase in global AIDS spending in 2000 under the leadership of the Democratic floor leader, the gentleman from California (Ms. Pelosi), we felt that that was a major victory and a major accomplishment. This legislation now puts those living with
Mr. HYDE. Mr. Chairman, I am delighted to yield 1 1⁄2 minutes to the distinguished gentleman from New Jersey (Mr. PAYNE), the ranking member of the Subcommittee on Africa of the Committee on International Relations, my good friend who has been one of the strongest leaders on this whole issue in the Congress.

Mr. PAYNE. Mr. Chairman, let me express my strong support for this legislation and begin by commending the Bush administration for this initiative of 15 billion new dollars. I would like to also commend the gentleman from Illinois (Mr. Hyde), the chairman of the Committee on International Relations, for standing up to criticism primarily from his own friends. In spite of the criticism, the gentleman from Illinois showed that he still has the competitive drive that he had as an outstanding basketball player, that when the game got close, when it got tough, when it was needed, that last push, he stayed the course; and I would like to certainly commend him for that.

We appreciate the work of the gentleman from California (Mr. Lantos) and the gentleman from California (Ms. Lee) and the gentleman from Iowa (Mr. Leach). We have all come together.

Mr. HYDE. Mr. Chairman, I am pleased to yield 3 minutes to the learned gentleman from Wisconsin (Mr. Green).

Mr. GREEN of Wisconsin. Mr. Chairman, I thank the gentleman from Illinois (Mr. Hyde) for yielding me this time.

During the course of the debate today, we will hear a lot of numbers, thousands and millions of percentiles. We will hear a lot of platitudes. Platitudes are important, numbers are important; but they are just lines on a page.

Let me give my colleagues an image that may help us put this all into perspective. Not so very long ago, I met a missionary who had served in the very area where I taught high school in Africa some 15 years ago, and I asked her what the changes were that she had seen over her time. I thought she would say things, electrical running water, which we did not have; and she said, no, that is not it. She said, now as you walk down that mud path, you will stop and suddenly say to yourselves, my God, there are no adults here. There are children and there are grandparents, but there is an entire generation missing.

Mr. Chairman, so many here are talking about why we must do this for the sake of the impoverished and the needly around the world, and it is true. I would also suggest we need to pass this legislation for our sake. Two reasons: number one, it makes us more human. Every one of the great faiths in this world calls upon its followers to care for their neighbor. I know my faith does. My faith requires me to take up issues like this. Secondly, it is a matter of national security. If we do not get our arms around this pandemic, this plague, entire regions of the world will be destabilized; and when they are destabilized, we will see openings for radicalism, and where radicalism grows, dangers emerge, dangers to us and our way of life.

So yes, we must do this for the impoverished and the needy around the world, but we do this for us too. We are Americans. It is in our nature. It is the thing that we should do. This is important legislation. It is historic legislation. I commend the chairman. I agree with the gentleman from California (Mr. McCotter), one of our Nation's seminal principles holds that all human beings have a right to life, liberty, and the pursuit of happiness. Inherent in this principle, in this promise, rests the belief that to truly and fully live, every human heart needs hope.

National borders neither define nor diminish this need. And today, millions of our fellow human beings throughout the world have no hope, for they suffer under the perceived certainty of an AIDS death sentence. For years they have done so with no hope for relief or reprieve until our Nation brought them this proposal's promising ray of hope.

Mr. LANTOS. Mr. Chairman, I am delighted to yield 1 minute to my good friend, the gentleman from New York (Mr. Crowley), a distinguished member of the Committee on International Relations and a leader on this issue.

Mr. CROWLEY. Mr. Chairman, I thank the gentleman from California (Mr. Lantos) for yielding me this time. I want to applaud the gentleman from California (Mr. Hyde) for his outstanding work on this bill. I want to voice my strong support for the United States Leadership Against the HIV/AIDS, Malaria, and Tuberculosis Act of 2003. Make no mistake, this bill is a big step in the right direction. This bill means more help for those infected with HIV/AIDS. It means more hope and help for children who are dying from malaria. It means that fewer families will live in fear of tuberculosis.

This bill is a true victory. But we must take the steps to ensure that what this bill stands for, protecting the health of individuals around the world, is also protected. And that is why we must see that this bill is not the end of the debate, but rather a step in the right direction.

The prevention and treatment of these diseases requires funding; but, of course, it requires even more. It requires accurate information, cultural sensitivity, rapid response. It requires real dedication.

Mr. Chairman, $15 billion over 5 years is real assistance for some of the world's most vulnerable, but only if it is allowed to be spent as those on the ground see fit. This bill can mean real hope for countless people around the world. I only hope that what this bill stands for survives as well.

Mr. HYDE. Mr. Chairman, I am pleased to yield 3 minutes to the gentleman from Michigan (Mr. McCotter).

Mr. MCCOTTER. Mr. Chairman, one of our Nation's seminal principles holds that all human beings have a right to life, liberty, and the pursuit of happiness. Inherent in this principle, in this promise, rests the belief that to truly and fully live, every human heart needs hope.

AIDS and those at greatest risk of getting infected ahead of ideological and political differences, and that is why the Pitts amendment does such a dis-service to the bill and to those who desperately need our help. This bill attempts to create a comprehensive strategy to deal with the AIDS pandemic. Comprehensive.

Finally, let me just say how important it is that this be new money. The President said that this was new money. We must make sure that this is new money. We face many challenges as this bill moves forward, but we hope that the President will receive the bill on his desk intact and sign it before Memorial Day, as he said he wanted to do.

Mr. Chairman I want to thank again the chairman of our committee and the gentleman from California (Mr. Lantos) for their leadership, and once again hope that we can pass this bill intact and out of committee.

Mr. HYDE. Mr. Chairman, I am pleased to yield 3 minutes to the gentleman from Wisconsin (Mr. Green).
Mr. CASTLE. Mr. Chairman, I want to commend the administration as well, as a lot of others have spoken to today. The leadership of this House, and particularly the gentleman from Illinois (Chairman Hyde) and the ranking member, the gentleman from California (Mr. Lantos), have been extraordinary Members who really care about issues such as this.

This is an important legislation that will dramatically increase the United States commitment and role in combating HIV/AIDS. The HIV/AIDS scourge is not only an international health threat killing millions and spreading each year, but it is also a major detriment to the economic security and well-being of our Nation and many countries around the world. As we have seen with the current SARS virus, economic partners as close as Canada have been seriously impacted in just a very short time period. While SARS is a new major health risk that experts to halt it required in just a very short weeks, we must not forget that HIV/AIDS is a killer disease that continues to plague the entire world.

Specifically, the legislation before us today will authorize more than $15 billion in combating HIV/AIDS globally over the next 5 years. In President Bush's State of the Union address he called for an increase in the U.S. commitment to combat the global AIDS pandemic. I am pleased that today we are debating a holistic approach to combat such a destructive disease. The legislation creates a more responsive, coordinated, and effective approach among the various agencies of the United States Government involved in the war against HIV/AIDS and approves up to $1 billion for the Global Fund for AIDS, Tuberculosis, and Malaria for fiscal year 2004.

I have seen firsthand the devastation that AIDS has had on the people of Africa, and believe that the United States and the rest of the developed world must act now to help end the suffering and hardship caused by this terrible disease. When I visited Zimbabwe, Nigeria, and South Africa several years ago, I saw the overwhelming impact that AIDS was having, not only on those adults afflicted with the disease, but also on thousands of orphans that the disease creates. In some countries, one-fifth to one-third of the children have already been orphaned by the disease. I am pleased that today's measure authorizes the President to establish pilot programs to create and treat orphans and young children.

The work of my constituent, Jeff Busch, have learned about and supported the work of the Safe Blood for Africa Corps. This small, not-for-profit company has the goal of safeguarding the blood supply in sub-Saharan Africa from infectious diseases such as HIV, Hepatitis B, and Hepatitis C.

I have supported their efforts to fund a first-strike program of HIV/AIDS prevention in sub-Saharan Africa that would immediately begin to save between 350,000 and 500,000 lives by utilizing rapid blood testing to provide for the transfusion of safe blood. The President has cited Uganda as the model country for putting together an effective plan to combat HIV/AIDS. Uganda has been very aggressive in their approach, and it is important to note that they first addressed the problem of cleaning the blood supply.

In conclusion, the Bush administration has dedicated the war on HIV/AIDS in developing countries a top priority, and I strongly believe that this important legislation will push this goal forward. Mr. Chairman, 40 million people are currently infected and 25 million have died of AIDS worldwide, including more than 3 million people last year alone. Now is the time for our Nation to step up and halt this most deadly disease.

Mr. LANTOS. Mr. Chairman, I am delighted to yield 1 minute to my good friend, the gentleman from Pennsylvania (Mr. Hoeftel), a distinguished member of the Committee on International Relations and a strong leader on this and on so many other issues.

Mr. HOEFFEL. Mr. Chairman, I rise in strong support of H.R. 1298. I want to salute the great work of the gentleman from Illinois (Chairman Hyde); the ranking member, the gentleman from California (Mr. Lantos); and President Bush for coming together to make this $15 billion commitment over 5 years to help curb the spread of AIDS around the world.

One of the best parts of this bill is its balanced approach that treats equally importantly abstinence, marital fidelity, and the use of condoms to fight the spread of AIDS. I salute that balanced approach, and that is why it is so important to defeat the Pitts amendment and the Smith amendment. The Smith amendment would allow faith-based organizations that can be funded under this bill under the terms of the legislation to actively discourage the use of condoms. That makes no sense, and that destroys the balance that is currently in this legislation. The Pitts amendment would allow a particular amount of funding to go specifically and only for programs that only promote abstinence.

Listen, abstinence works perfectly if it is used perfectly, but it is not. Not everybody abstains. We need to pass this bill as is. It is balanced and it is very good.

Mr. HYDE. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Iowa (Mr. King).

Mr. KING. Mr. Chairman, our Nation is greatly blessed. We have a responsibility to our fellow man. When rampaging machete mobs began massacring Rwandans, I believed then and I believe now that we should have deployed troops. I agree with the principles expressed by President Bush in this very Chamber in his State of the Union speech when he said: “We exercise power without conquest and we sacrifice for the liberty of strangers. Americans are a free people who know that freedom is a right of every person and the future of every nation. The liberty we prize is not America’s gift to the world; it is God’s gift to all humanity.”

Now we face an AIDS crisis in Africa. It is severe. We have the unique opportunity to help save and extend the lives of Africans. However, we must ensure that our efforts to fight AIDS in Africa do not infringe upon their liberty, their freedom, and the right to life of unborn Africans.

The travesty of family planning and population control funding being used to subsidize abortion providers and counseling is not new to Congress. In fact, in 1970, Congressman John Schmitt of California accurately predicted the consequences of providing funding without restrictions.

I know the results of that. He said on that day: "The bill before us today . . . would commit the U.S. Government to the life prevention business at an annual cost of a quarter of a billion dollars." As we know, the rise in the cost of the program is under way, with no end in sight. Congressman Schmitt was right. In 1999, Planned Parenthood received $51 million. Effectively, we are subsidizing abortion services.

Today we are poised to distribute AIDS assistance to those who are currently without hope in Africa. Hopefully, a large portion will go to proven abstinence, medical treatment, and as a last resort, condom distribution. However, none of the billions for relief in Africa should be used to fund abortions. No United States taxpayer money should fund groups that provide abortion services or counseling. We will not allow the lives of the people of Africa to be the victims of humanitarians' AIDS relief to Africa. No lives are as innocent as those lives of babies taken by abortion.

We must show compassion for Africans and ensure that the words of Congressman Schmitt when we committed the United States to the life prevention business do not come true with this excellent bill.

Mr. LANTOS. Mr. Chairman, I am very pleased to yield 1 minute to my good friend and distinguished colleague, the gentlewoman from California (Mrs. Capps).

Mrs. CAPPs. I thank my colleague for yielding time to me, Mr. Chairman.

Mr. Chairman, I rise in support of the bill and in opposition to the Pitts amendment. Devoting significant resources to the biggest health threat in the world, the global HIV/AIDS pandemic, is an excellent use of taxpayer dollars, as long as we focus on preventing that threat.

For example, the people of Uganda have had great success controlling the spread of HIV/AIDS, and they did it with a comprehensive program that did
stress abstinence and fidelity, but also emphasized the importance of using condoms.

The Pitts amendment would move significant dollars away from that proven model by providing $5 billion to strictly abstinence-only programs. It will push aside proven comprehensive programs in favor of questionable models designed to appease a right-wing constituency.

Let us not miss the opportunity to do good work in legislation which addresses the need for abstinence-only programs. We should not condemn more people to death by AIDS by tying hands with ideology. I urge my colleagues to vote "no" on the Pitts amendment and strongly support H.R. 1298.

Mr. HYDE. Mr. Chairman, I am pleased to yield 3 minutes to the distinguished gentleman from Arizona (Mr. KOLBE).

Mr. KOLBE. Mr. Chairman, I thank the gentleman for yielding time to me. Mr. Chairman, I rise in my capacity as chairman of the Subcommittee on Foreign Operations, Export Financing and Related Programs on the Committee on Appropriations to discuss this bill, H.R. 1298. It is our subcommittee that is called upon to fund this authorization.

The legislation has three critical elements that are important to the issue of funding: first, the requirement for the establishment of an additional months a comprehensive 5-year strategy to combat AIDS; second, within the Department of State the establishment of a new coordinator of U.S. activity to combat HIV/AIDS; and, third, providing statutory authority and sufficient authorization for additional United States contributions to the Global Fund to fight AIDS, tuberculosis, and malaria.

There are many other provisions, some of which appear unnecessary to this bill. Some of which are clearly contradictory; but I want to address these three core provisions in the time that I have available.

I commend the gentleman from Illinois (Chairman HYDE) and the ranking member, the gentleman from California (Mr. LANTOS), for their work in crafting legislation that could bring a proven model by providing $5 billion to strictly abstinence-only programs. It will push aside proven comprehensive programs in favor of questionable models designed to appease a right-wing constituency.

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There are many other provisions, some of which appear unnecessary to this bill. Some of which are clearly contradictory; but I want to address these three core provisions in the time that I have available.
take this moment to rise in strong support of H.R. 1298, and to thank my friends and colleagues for the many years of struggle and hard work that has brought us to this point of getting President Bush to support this effort.

Thanks to the AIDS activists, the development activists. Thanks to the work of the gentlewoman from California (Ms. Pelosi) when she served on the Committee on Appropriations; and the gentlewoman from California (Ms. Lee) for the leadership she has provided; and the gentleman from New Jersey (Mr. Payne) and all the other Members of Congress.

Thanks to President Bill Clinton for establishing the Global AIDS Fund we are putting the money in today. Thanks for the trip that he made to Africa, where we all had the opportunity to visit what was going on, the clinics in Uganda and other countries of Africa. It has been a lot of hard work. I am pleased and delighted that we are here today working in a bipartisan way to put money into this Global Fund, but it did not happen overnight. Again, I thank Members for all the years of work and struggle.

Mr. LANTOS. Mr. Chairman, I am very pleased to yield 1½ minutes to my good friend and distinguished colleague, the gentleman from New York (Mr. Engel), a valued member of the Committee on International Relations.

Mr. Engel. Mr. Chairman, I thank my friend for yielding time to me.

I want to congratulate the gentleman from California (Mr. Lantos) and the gentleman from Illinois (Mr. Hyde) and the gentleman from Iowa (Mr. Leach) for their strong support and leadership on this bill. I particularly want to single out my colleague, the gentlewoman from California (Ms. Lee), who has led a good, long fight for so many years. This is truly something all of us can take pride in. The gentlemens standing in the clinic in California (Ms. Lee) has certainly led the way.

Mr. Chairman, this is a bipartisan, middle-of-the-road bill, a good bill. We should allow no ideological fights in this bill. This is not a fight about abortion; it is a fight about saving lives. The Uganda approach, which has abstinence and marital fidelity and condoms, and we have to have condoms if we are going to fight this battle, is a very good approach.

Let us look at AIDS. AIDS has killed over 20 million people since the epidemic began. Another 8,000 people die each day, with 68,000,000 deaths predicted by 2020 unless the world takes action. Experts say strong global response is needed to prevent near two-thirds of those new infections, saving tens of millions of lives.

What this bill does is respond to this crisis. It authorizes the bold initiative announced by President Bush 2 days ago with President Clinton when he announced this initiative. The Global Fund to fight AIDS, tuberculosis and malaria represents the best tool we have to provide relief on a scale that matters. Some of my colleagues want to eliminate the U.S. commitment to the Global Fund. They will say it is not effective when it only began disbursing funds in the past year. They will say it is a blow to bureaucracy, when, in fact, it is a model of efficiency in coordination. They will say that evidence shows that it does not work, and then fail to produce any evidence.

The Global Fund stresses accountability. Each proposal is reviewed by 22 physicians and health experts from a variety of nations. Forty percent only of the applications are accepted. Only the best are approved. Each proposal is for 5 years. After 2 years a major audit of the program is done. If it is not effective funding is cut off.

Both the House and the Senate supported its creation unanimously. It is transparent. The Global Funds Web site contains downloads of every single country's proposal that is approved.

Fifty million people in the last 25 years have died of malaria, tuberculosis and AIDS, 35 million people. The Global Fund will help history's worst epidemic.

Mr. LANTOS. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Indiana (Mr. Pence) for the purposes of a colloquy.

Mr. PENCE. Mr. Chairman, I want to thank the gentleman for his tireless efforts in crafting this HIV/AIDS relief bill.

I have, as the gentleman knows personally, the utmost respect for him and for his distinguished career and leadership of this committee in particular. I appreciate him granting me this colloquy.

Many of us have learned, Mr. Chairman, that there are a number of foreign countries that actually use abortion as a means of preventing mother to child transmission of HIV/AIDS. It is my hope that the distinguished chairman would today confirm that in carrying out this foreign assistance program, that it is the policy of the United States not to promote abortion or the treatment of mother to child transmission of HIV/AIDS.

Mr. HYDE. Mr. Chairman, will the gentlemen yield?

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

Mr. HYDE. The gentleman is correct. Nothing this in this legislation should suggest it is United States' policy that abortion is a proper and appropriate method for prevention of or treatment of mother to child transmission of HIV/AIDS.

Mr. PENCE. Mr. Chairman, I thank the gentleman.

Mr. LANTOS. Mr. Chairman, I yield 1 minute to my good friend, the gentlewoman from California (Ms. Pelosi), for her leadership.

The proposed bill will help prevent 7 million new infections, provide care and support for 10 million HIV-infected individuals and AIDS orphans, and offer retroviral therapy for 2 million of those in need.

H.R. 1298 is only an authorization bill. We need to fight in the appropriation process for real resources to match the promises made in H.R. 1298.

Mr. LANTOS. Mr. Chairman, I am delighted to yield to my good friend, the gentlewoman from New York (Mrs. Maloney), a distinguished member of this body.

Mrs. MALONEY. Mr. Chairman, I thank the gentleman for yielding time to me, and for his leadership.

I rise in strong support of the bill and in opposition to the Pitts amendment. We must remember that HIV/AIDS is preventable. That is why I support the ABC approach to prevention, which encourages a balanced approach to preventing the spread of HIV/AIDS.

While we all believe that abstinence and fidelity are important methods of prevention, a full, balanced, and comprehensive range of options, including condoms, is the responsible plan of attack, and attack is what we must do.

We must attack this rampant epidemic with full force, full funding, and full freedom of information.

I remember when Ambassador Richard Holbrooke first brought the issue of HIV/AIDS as a national security crisis to the U.N. Security Council. We quickly learned that HIV/AIDS is not only a public health crisis; it is an economic crisis, an international security crisis, and a moral crisis.

In Africa the need and the will to combat the spread of AIDS is there. What is missing is the resources. That is what this bill brings in. No country should struggle to rise out of poverty while fighting a disease that can cut life expectancy by as much as 30 years.

I strongly support this bill and commend the gentleman from Illinois (Mr. Hyde) and the gentleman from California (Mr. Lantos), the ranking member, and the gentlewoman from California (Ms. Lee) and the gentleman from Iowa (Mr. Leach) for their leadership.

Mr. HYDE. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Indiana (Mr. Pence) for the purposes of a colloquy.

Mr. PENCE. Mr. Chairman, I want to thank the gentleman for his tireless efforts in crafting this HIV/AIDS relief bill.

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

Mr. HYDE. The gentleman is correct. Nothing this in this legislation should suggest it is United States' policy that abortion is a proper and appropriate method for prevention of or treatment of mother to child transmission of HIV/AIDS.

Mr. PENCE. Mr. Chairman, I thank the gentleman.
American commitment to the international fight against HIV/AIDS and is vital for gaining funds from other donor countries. In his State of the Union address President Bush announced his 5-year plan to fight HIV/AIDS but he only allotted $200 million each year to the Global Fund. This bill greatly increases the U.S. commitment to the Global Fund.

As HIV/AIDS ravages Africa, the Caribbean and now explodes in Asia and the former Soviet Union, clearly no single nation has the ability to prevent the spread of AIDS or to adequately treat its victims. This international disease must be stopped with international and multi-lateral action.

Mr. Speaker, we must support this bill and the Global Fund to fight AIDS, TB, and malaria. It is the least we can do.

Mr. LANTOS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is a historic moment in dealing with global humanitarian legislation. What we were doing today on a bipartisan basis will save the lives of tens of millions of innocent people across the globe. We are doing it on a bipartisan basis with the typical generosity and humanitarian instincts of the American people.

This is legislation we must all be proud of. It should pass with an overwhelming majority. We are supportive of the legislation. We are grateful for the President's support and we fully anticipate that lives around the globe will be improved as a result of our efforts.

Mr. Chairman, I yield back the balance of our time.

Mr. HYDE. Mr. Chairman, I yield the balance of our time to the distinguished gentlewoman from Florida (Ms. HARRIS).

(Ms. HARRIS asked and was given permission to revise and extend her remarks.)

Ms. HARRIS. Mr. Chairman, I thank the gentlewoman from Illinois (Mr. HYDE) for yielding me this time.

Mr. Chairman, as our Nation confronts the threats of terrorism, tyranny, and weapons of mass destruction, we must not forget the ethical and practical imperative to fight nature's weapons of mass destruction which manifests themselves in the form of global epidemics, such as AIDS.

President Bush has demonstrated extraordinary courage and moral leadership in focusing our Nation's attention on this critical matter of national security. H.R. 1298, the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act, implements the President's visionary proposal to combat AIDS and other infectious diseases in Africa as well as on a global scale. This legislation models programs that have experienced tremendous success throughout the world, most notably programs that have proven effective in Uganda.

Such programs work with existing cultural dynamics to combat the existing humanitarian crisis, while promoting the essential long-term societal changes that will stop the spread of these dreadful diseases.

As a freshmember of Congress, I am heartened to note the bipartisan support that has accompanied our consideration of this vital legislation. The speed and effectiveness with which we have joined the fight against the global scourge of AIDS tuberculosis, and malaria shows the American people that we can indeed work together as the world's freer, safer, healthier and more just.

I thank the gentleman from Illinois (Mr. HYDE) for his extraordinary vision and leadership in this momentous bill.

I urge the passage of the legislation.

Mr. LARSON of Connecticut. Mr. Chairman, I rise today in support of H.R. 1298, the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003. While much of our focus over the past two years has been on the eradication of terrorist threats from radical and evil dictators, we must not forget the threat posed by a non-human terrorist: HIV/AIDS. More than 42 million people in the world are living with HIV/AIDS. Nearly 30 million of those people live on the continent of Africa and that includes 3 million children under the age of 15. As many of us in Congress have worked hard over the years to strengthen HIV/AIDS programs, I was particularly pleased to hear the President acknowledge this threat during his State of the Union address in January. Today Congress has a chance to address this global pandemic.

Specifically, this bill would authorize $15 billion over five years to fight the HIV/AIDS pandemic, including up to $1 billion for the Global Fund to Combat HIV/AIDS, Tuberculosis, and Malaria in Fiscal Year 2004. It would also create a five-year comprehensive, integrated, global strategy to strengthen the U.S. capacity to respond to the HIV/AIDS pandemic. Additionally, an HIV/AIDS Response Coordinator within the Department of State would be created to oversee this plan.

I am particularly pleased by the bipartisan support that this legislation has garnered. I thank the gentlewoman from Illinois (Mr. HYDE) for introducing this bill and working with both sides of the aisle to bring to the floor today a bill that can be widely supported. Our goal should not be to impose our values on another culture, but to exhibit our values by showing care and compassion for our global neighbors. By supporting programs like the successful Ugandan ABC campaign (which says Abstain; if you can’t abstain, Be Faithful; if you can’t be faithful, use a Condom) we can effectively address this crisis.

Again, I support this legislation and encourage my colleagues to join me. We have the opportunity today to make a commitment to improve the lives of millions of people and ease the suffering of an entire continent. However, the fight against HIV/AIDS is far from over and we must live up to the commitment we make today by fully funding these programs in the future.

Mr. TOWNS. Mr. Chairman, I support the attempt in this bill to provide medical assistance to prevent and treat HIV/AIDS. To understand the importance of this assistance, we must get a firm grasp on the enormity of this problem. AIDS is truly a global killer. The virus respects no national boundaries, no religious affiliation, no race, no gender, and no age. In Sub-Saharan Africa, the region of the world most severely affected by HIV and AIDS, there are an estimated 25.3 million persons infected with the virus. In 7 African countries, 20 percent of the population is affected. In Botswana, its estimation of the adult population is infected with HIV.

Other regions of the world have equally alarming statistics. In Asia, the world’s most populous continent, 3.5 million people are infected with HIV. Eastern Europe has the most rapid rate of growth in HIV in history. In 20 short months, the number of infected persons in the Russian Federation rose from 10,000 to 70,000. In Latin America, an estimated 1.9 million people are infected with HIV. In the Caribbean, HIV has impacted about 400,000 people.

HIV and AIDS is the leading cause of death in Africa and the fourth leading cause of death worldwide. In the countries most affected in Africa, life expectancy has declined by 10 years and the infant death rates have doubled.

This disease has ravaged families. In the developing world, the loss of one parent can result in a near total loss of income, the end of educational opportunities for children and an increase in child labor. The loss of both parents can be devastating. It has been estimated that by 2010 there will be 40 million children in Africa who have been orphaned because of the AIDS virus. That is equivalent to every child living east of the Mississippi River in this country.

I know this is a grim picture, but to paint a rosy scenario would be inappropriate. Compassion and concern are not enough. We must take concrete action, and now. This epidemic can be stabilized and reversed. We must work effectively with leaders of the world to achieve these outcomes. Africa’s tragedy can be reversed and a similar cataclysm can be avoided in other countries. This legislation is a good step forward in addressing this issue. But we must be prepared to take the next step and assist countries impacted by these diseases.

Mr. SCHIFF. Mr. Chairman, I rise in support of this important legislation that will enable us to effectively combat the global scourges of HIV/AIDS, tuberculosis, and malaria. I am grateful for the bipartisan leadership of my colleagues who authored and were original co-sponsors of this bill especially Chairman HYDE, Ranking Member LANTOS, Mr. WELDON, Ms. LEE, and Mr. LEACH.

This legislation enables the United States to take strong leadership role to ameliorate, and, ultimately to eradicate, one of the most devastating diseases that man has ever encountered. We count the victims of HIV/AIDS in the tens and hundreds of millions, worldwide. It is a disease that affects men and women, adults and children. Its impact is most devastating on the poorest, those with the least capacity to deal with the ravages of this disease or to act effectively to prevent its spread. By affecting so many millions across societal cross-sections, this disease presents a humanitarian crisis of unprecedented magnitude. Furthermore, the HIV/AIDS pandemic is a potentially destabilizing force that presents a grave threat to international security.

The African nations have been especially hard hit by the epidemic of HIV/AIDS and
other diseases. Together, HIV/AIDS, tuberculosis, malaria, and related diseases are undermining agriculture production throughout Africa—aggravating disease with hunger. This bill will address these global problems by authorizing $15 billion to combat HIV/AIDS, tuberculosis, and malaria through a comprehensive five-year integrated strategy. This legislation will use these funds effectively by promoting inter-agency coordination, supporting the expansions of public/private partnerships, and using targeted programs that will especially benefit children and families affected by HIV/AIDS.

Of course we must continue to work aggressively to combat the spread of this disease here in the United States and to continue our efforts to research a cure and to aid our own countrymen afflicted with this terrible illness. I am proud to be a co-sponsor of this vital legislation to attack one of the most significant threats to global health. I am pleased with the bill that the International Relations Committee passed, and I urge my colleagues to support his bill.

Mr. PAUL. Mr. Chairman, as a physician I am particularly concerned about terrible diseases like AIDS. I have great sympathy for those—in increasing numbers—who suffer and die around the world. The question is not whether we should do something about this horrible disease, but whether we are concerned or would like to do something about this terrible problem. The question is whether yet another massive government foreign aid program will actually do anything at all to solve the problem. The United States has been sending billions and billions of dollars overseas for decades, and has done fine-sounding things like “build democracy” and “fight drugs” and “end poverty.” Yet decades later we are told that in every category these things have actually gotten worse rather than better. Our money has disappeared into bank accounts of dictators and salaries for extremely well-paid consultants and U.S. Government employees. Yet we refuse to learn from these mistakes; we are about to make another multi-billion dollar mistake with this bill.

Though I have not been in favor of Federal Government funding of healthcare, if this money is going to be spent why shouldn’t it be spent in this country, on American citizens? One legitimate function of government is to determine agriculture production throughout Africa—aggravating disease with hunger.

According to a study by UNAIDS, if the AIDS epidemic in Africa is not controlled, AIDS related deaths will make 40 million children orphans by the year 2010. Presently, there are more children orphaned in Africa due to parental AIDS deaths than there are children in America’s public school system. In Botswana, there are 600,000 children annually from AIDS than there are childbirths.

I have had the opportunity to see for myself the devastating effect of HIV/AIDS, TB, and malaria on the citizens of African countries. I was a member of one of the first presidential missions to Africa. I have visited Zaire, Zambia, Uganda, and South Africa and seen the physical and emotional damage caused by infectious diseases. I have supported programs to change personal behaviors like the ABC Program which encourages youth to practice Abstinence, Be faithful, and use Condoms.

Congressional trips to Africa and support of initiatives are positive steps in the fight against aids. However, we can do much more to provide funding, actively participate in developing programs, conduct studies, and disburse monies to the victims of HIV/AIDS, tuberculosis, and malaria in sub-Saharan Africa.

I reiterate my unwavering support for H.R. 1298. I encourage every member of the House of Representatives to also support H.R. 1298, as well as give serious consideration to the numerous amendments that have been offered to the bill. We must take swift and decisive action to prevent the further spread of infectious diseases. Each day that we delay the passage of H.R. 1298, thousands of people worldwide will die or be infected with HIV/AIDS, tuberculosis, and malaria.

Mr. LANTOS, Mr. WELDON, Ms. LEE, and Mr. LEACH's efforts to prevent further infectious disease deaths. I support H.R. 1298, and I urge my colleagues to do the same.

Mr. CHRISTENSEN. Mr. Chairman, I rise today to urge the passage of H.R. 1298, and I want to commend my colleagues BARBARA LEE and TOM LANTOS, as well as Chair- ma HYDE and the entire CBC for getting us to where we are today.

The White House has also come a long way.

And so I am pleased to support this bill, which now provides $1 billion for the global Fund where it can be leveraged to greater levels of funding through contributions from other sources.

Hopefully as we see its success, the U.S. will increase its contribution to the global Fund where I am convinced we can do the most good.

This bill wisely builds on the program in Uganda, where the three pronged approach of abstinence, being faithful to one partner, and condom use has seen much success.

This is a major victory, not for those of us who have urged this approach but for the people whose lives will be saved.

Lastly, I am very pleased that the Caribbean is included, specifically Haiti and Guyana, but here too, I hope that we can see this funding expanded to other countries in the region, which also bear a heavy burden of HIV and AIDS.

We have come a long way in these two years of the war since the announcement of the $15 billion in the President’s State of the Union Address this year. Although we can still improve upon this effort, passage of H.R. 1298 will mark a great
weaken it.

Mr. HYDE. Mr. Chairman, I yield back the balance of my time. The CHAIRMAN. All time for general debate has expired. Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read. The text of the committee amendment in the nature of a substitute is as follows:

H.R. 1298

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS. (a) SHORT TITLE.—This Act may be cited as the "United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003." (b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Definitions.
Sec. 4. Purpose.
tuberculosis to others. Tuberculosis, in turn, accelerates the onset of AIDS in individuals infected with HIV.

(14) Malaria, the most deadly of all tropical parasitic diseases, has been undergoing a dramatic resurgence in recent years due to increasing resistance of the malaria parasite to inexpensive and effective drugs. At the same time, increasing resistance to prophylactic measures like insecticides makes control of transmission difficult to achieve. The World Health Organization estimates that between 300,000,000 and 500,000,000 cases of malaria occur each year, and annual deaths from the disease number between 2,000,000 and 3,000,000. Persons infected with HIV are particularly vulnerable to the manifestations of malaria. HIV infection reduces the body's ability to fight off the disease, and malaria contributes to the difficulties of controlling resurgence of the drug-resistant malaria parasite.

(15) HIV/AIDS is first and foremost a health problem. Successful strategies to stem the spread of the HIV/AIDS pandemic will require clinical medical interventions, the strengthening of health care delivery systems and infrastructure, and determined national leadership and increased budgetary allocations for the health sector in affected countries. In the epidemic, as well as measures to address the social and behavioral causes of the problem and its impact on families, communities, and societal sectors.

(16) It is essential to prevent new HIV infections and to bring care and treatment to people living with AIDS, such as voluntary counseling and testing and mother-to-child transmission. Existing programs are achieving positive results and are cost-effective. The challenge is to expand these interventions from a pilot program basis to a national basis in a coherent and sustainable manner.

(17) Appropriate treatment of individuals with HIV/AIDS can prolong the lives of such individuals, prevent transmission, prevent the sad consequences of being orphans, and increase productivity of such individuals by allowing them to lead active lives and reduce the need for costly hospitalization for treatment of opportunistic infections caused by HIV.

(18) Nongovernmental organizations, including faith-based organizations, with experience in health care and HIV/AIDS counseling, have proven effective in combating the HIV/AIDS pandemic and can be a resource in assisting indigenous organizations in severely affected countries to provide care and support for individuals infected with HIV/AIDS.

(19) Faith-based organizations are making an important contribution to HIV prevention and AIDS treatment programs around the world. Successful HIV prevention programs in Uganda, Jamaica, and elsewhere have included local churches and faith-based groups in efforts to promote behavior changes to prevent HIV, reduce stigma associated with HIV, to treat those afflicted with the disease, and to care for those left behind. The Catholic Church alone currently cares for one in four people being treated for AIDS worldwide. Faith-based organizations possess infrastructure, experience, and technical expertise, and training, particularly of national community's response by—

(a) promoting healthy lifestyles, including abstinence, delaying sexual debut, monogamy, and nongovernmental organizations, faith-based organizations, private and voluntary organizations, scientific communities, charitable foundations, professional associations, religious institutions, business, and labor to combat HIV/AIDS.

(b) encouraging active involvement of the private sector in the fight against HIV/AIDS;

(c) coordinating efforts between international organizations such as the Global Fund to Fight AIDS, Tuberculosis and Malaria, the Joint United Nations Programme on HIV/AIDS (UNAIDS), the World Health Organization (WHO), national governments, and private sector organizations, including faith-based organizations;

(d) The United States has the capacity to lead and enhance the effectiveness of the international community's response by—

(A) fostering the implementation of national and community-based strategies that address the impact of HIV/AIDS on the individual, family, community, and nation and increase the ability of organizations and communities to deal with the range of consequences of the HIV/AIDS crisis;

(B) development of health care infrastructure and delivery systems through cooperative and coordinated public efforts and public and private partnerships;

(C) the development and implementation of national and community-based multisector strategies that address the impact of HIV/AIDS on the individual, family, community, and nation and increase the ability of organizations and communities to deal with the range of consequences of the HIV/AIDS crisis;

(D) coordination of efforts between international organizations such as the Global Fund to Fight AIDS, Tuberculosis and Malaria, the Joint United Nations Programme on HIV/AIDS (UNAIDS), the World Health Organization (WHO), national governments, and private sector organizations, including faith-based organizations;

(E) international and nongovernmental organizations, faith-based organizations, private and voluntary organizations, scientific communities, charitable foundations, professional associations, religious institutions, business, and labor to combat HIV/AIDS.

(20) Uganda’s successful AIDS treatment and prevention program is referred to as the ABC model: “Abstain, Be faithful, use Condoms”, in order of priority. Jamaica, Zambia, Ethiopia, and Senegal have also successfully used the ABC model. Beginning in 1986, Uganda brought about a fundamental change in sexual behavior by developing a low-cost program with the message that “Sex is for marriage, be faithful, Teenagers, wait until you are married before you begin sex.”

(21) By 1995, 95 percent of Ugandans werereporting initial sexual activity. Uganda is one of the few African countries where the proportion of sexually active youth declined significantly from the late 1980s to the early 1980s. The greatest percentage decline in sexual behavior occurred in those aged 15 to 19 years old. Uganda’s success shows that behavior change, through the use of the ABC model, is a very successful way to prevent the spread of HIV.

(22) The magnitude and scope of the HIV/AIDS crisis demands a comprehensive, long-term, international response focused upon addressing the causes, reducing the spread, and ameliorating the consequences of the HIV/AIDS pandemic. The United States has the capacity to lead and enhance the effectiveness of the international community’s response by—

(a) prevention and education, care and treatment, basic and applied research, and training of health care workers, particularly at the community level, and of community workers and leaders needed to cope with the range of consequences of the HIV/AIDS crisis;

(b) development of health care infrastructure and delivery systems through cooperative and coordinated public efforts and public and private partnerships;

(c) the development and implementation of national and community-based multisector strategies that address the impact of HIV/AIDS on the individual, family, community, and nation and increase the ability of organizations and communities to deal with the range of consequences of the HIV/AIDS crisis;

(d) coordination of efforts between international organizations such as the Global Fund to Fight AIDS, Tuberculosis and Malaria, the Joint United Nations Programme on HIV/AIDS (UNAIDS), the World Health Organization (WHO), national governments, and private sector organizations, including faith-based organizations;

(e) The United States has the capacity to lead and enhance the effectiveness of the international community’s response by—

(A) fostering the implementation of national and community-based strategies that address the impact of HIV/AIDS on the individual, family, community, and nation and increase the ability of organizations and communities to deal with the range of consequences of the HIV/AIDS crisis;

(B) development of health care infrastructure and delivery systems through cooperative and coordinated public efforts and public and private partnerships;

(C) the development and implementation of national and community-based multisector strategies that address the impact of HIV/AIDS on the individual, family, community, and nation and increase the ability of organizations and communities to deal with the range of consequences of the HIV/AIDS crisis;

(D) coordination of efforts between international organizations such as the Global Fund to Fight AIDS, Tuberculosis and Malaria, the Joint United Nations Programme on HIV/AIDS (UNAIDS), the World Health Organization (WHO), national governments, and private sector organizations, including faith-based organizations;

(23) Prostitution and other sexual victimization are degrading to women and children and it should be the policy of the United States to eradicate such practices. The sex industry, the sex trade, and vice is a global activity, and sexual violence are additional causes of and factors in the spread of the HIV/AIDS epidemic. One in nine South Africans is living with AIDS, and South Africa reports the highest rate of increase of HIV infection in the world. Women in Africa and elsewhere have included local communities, and societal sectors.

(24) One in nine South Africans is living with AIDS, and South Africa reports the highest rate of increase of HIV infection in the world. Women in Africa and elsewhere have included local communities, and societal sectors.
sec. 101. development of a comprehensive, five-year strategy. 

(a) strategy.—the president shall establish a comprehensive, integrated, five-year strategy to combat global hivaids that strengthens the capacity of countries to be the leaders of the international campaign against hivaids. such strategy shall maintain sufficient flexibility and remain responsive to the ever-changing nature of the hivaids pandemic and shall—

(1) include specific objectives, multisectoral approaches, and specific strategies to treat individuals infected with hivaids and to prevent the further spread of hiv infections, with a particular focus on the needs of families with children (including the prevention of mother-to-child transmission), women, young people, and children (such as unaccompanied minor children and orphans); 

(2) as part of the strategy, implement a tiered approach to direct delivery of care and treatment through a system based on central facilities augmented by expanding circles of local delivery systems and capacity; 

(3) assign priorities for relevant executive branch agencies; 

(4) recognize that the reduction of hivaids behavioral risks shall be a priority of all prevention efforts in terms of funding, educational messages, and activities by promoting abstinence from sex and facilitating the prevention of mother-to-child transmission, monogamy, and faithfulness, promoting the effective use of condoms, and encouraging prostitution, the sex trade, rape, sexual assault and sexual exploitation of women and children; 

(5) improve coordination among relevant executive branch agencies, international organizations, and multilateral organizations (including faith-based and community-based organizations) and relevant executive branch agencies as may be necessary and appropriate to support specified in this act. the president may, in his discretion and notwithstanding any other provision of this act, consolidate or combine any of the functions described in subsection (a) required by section 101 of this act, so long as the required elements of each report are addressed and reported within a 90-day period from the original request or submission of the report specified in this act. the president may also enter into contracts with organizations with relevant expertise to develop, originate, or contribute to any of the reports required by this act to be submitted by the president.

title i—policy planning and coordination 

sec. 101. development of a comprehensive, five-year strategy.

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(2) as part of the strategy, implement a tiered approach to direct delivery of care and treatment through a system based on central facilities augmented by expanding circles of local delivery systems and capacity; 

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(4) recognize that the reduction of hivaids behavioral risks shall be a priority of all prevention efforts in terms of funding, educational messages, and activities by promoting abstinence from sex and facilitating the prevention of mother-to-child transmission, monogamy, and faithfulness, promoting the effective use of condoms, and encouraging monogamy and faithfulness, promoting the effective use of condoms, and eradicating prostitution, the sex trade, rape, sexual assault and sexual exploitation of women and children; 

(5) improve coordination among relevant executive branch agencies, international organizations, and multilateral organizations; 

(6) project general levels of resources needed to achieve the stated objectives; 

(7) expand public partnerships and the leveraging of resources; and 

(8) maximize United States capabilities in the areas of technical assistance and training and research, including vaccine research. 

(b) report.—

(1) in general.—not later than 270 days after the date of enactment of this act, the president shall submit to the appropriate congressional committees a report setting forth the strategy described in subsection (a). 

(2) report contents.—the report required by paragraph (1) shall include a discussion of the elements described in paragraph (3) and may include a discussion of additional elements relevant to the strategy described in subsection (a). such discussion may include an explanation as to why a particular element described in paragraph (3) is not relevant to such strategy. 

(3) report elements.—the elements referred to in paragraph (2) are the following: 

(A) the objectives, general and specific, of the strategy. 

(B) a description of the criteria for determining success of the strategy. 

(C) a description of the manner in which the strategy will address the fundamental elements of prevention and education, care, and treatment (including increasing access to pharmaceuticals and to vaccines); the promotion of abstinence, monogamy, avoidance of substance abuse, and use of condoms; research (including incentives for vaccine development and new protocols); training of health care workers; the development of health infrastructure and delivery systems, and avoidance of substance abuse. 

(D) a description of the manner in which the strategy will promote the development and implementation of national and community-based multisectoral strategies and programs, including those designed to enhance leadership capacity particularly at the community level. 

(E) a description of the specific strategies developed to meet the unique needs of women, including the empowerment of women in interpersonal situations and in emergencies; and children, including those orphaned by hivaids and those who are victims of the sex trade, rape, sexual abuse, assault, and exploitation. 

(F) an analysis of the emigration of critically important medical and public health personnel, including physicians, nurses, and supervisors from sub-saharan african countries that are acutely impacted by hivaids, including a description of the causes, effects, and the impact on the stability of health infrastructures, as well as a summary of incentives and programs that the united states could provide in concert with other private and public sector partners and international organizations, to stabilize health institutions by encouraging critical personnel to remain in the workforce. 

(G) a description of the specific strategies developed to promote sustainability of hivaids pharmaceuticals (including antiretrovirals) and the effects of drug resistance on hivaids patients. 

(H) a description of the specific strategies to ensure that the extraordinary benefit of hivaids pharmaceuticals (especially antiretrovirals) are not diminished through the illegal counterfeiting of pharmaceuticals and black market sales of such pharmaceuticals. 

(I) an analysis of the prevalence of human papilloma virus (hpv) in sub-saharan africa and the impact that condom usage has upon the spread of hpv in sub-saharan africa. 

(j) a description of the manner in which the strategy will provide support to the global response to hivaids, including a description of the type of partnerships that will be created to maximize the capabilities of these private sector entities and to leverage resources. 

(k) a description of the ways in which the united states leadership will be used to enhance the overall international response to the hivaids pandemic and particularly to heighten the engagement, leadership, and support needed to strengthen key financial and coordination mechanisms such as the global fund and unaids. 

(l) a description of the manner in which the united states strategy for combating hivaids relates to and supports other united states assistance strategies in developing countries. 

(P) a description of the programs to be carried out under the strategy that are specifically targeted at women and girls to educate them about the spread of hivaids. 

(Q) a description of the efforts being made to address the unique needs of families with children with respect to hivaids, including efforts to preserve the family unit. 

(R) an analysis of the emigration of critically important medical and public health personnel, including physicians, nurses, and supervisors from sub-saharan african countries that are acutely impacted by hivaids, including a description of the causes, effects, and the impact on the stability of health infrastructures, as well as a summary of incentives and programs that the united states could provide in concert with other private and public sector partners and international organizations, to stabilize health institutions by encouraging critical personnel to remain in the workforce. 

(S) a description of the specific strategies developed to promote sustainability of hivaids pharmaceuticals (including antiretrovirals) and the effects of drug resistance on hivaids patients. 

(T) a description of the specific strategies to ensure that the extraordinary benefit of hivaids pharmaceuticals (especially antiretrovirals) are not diminished through the illegal counterfeiting of pharmaceuticals and black market sales of such pharmaceuticals. 

(U) an analysis of the prevalence of human papilloma virus (hpv) in sub-saharan africa and the impact that condom usage has upon the spread of hpv in sub-saharan africa.

sec. 102. hivaids response coordinator.

(a) establishment of position.—section 1 of the state department basic authorities act of 1952 (22 u.s.c. 265a) is amended—

(I) by redesignating subsection (f) as subsection (g); and 

(II) by inserting after subsection (e) the following:

"(I) HIV/AIDS RESPONSE COORDINATOR.—

(1) in general.—there shall be established within the department of state in the immediate office of the secretary of state a coordinator of united states government activities to combat hivaids globally, who shall be appointed by the president, by and with the advice and consent of the senate. the coordinator shall report directly to the secretary. 

(2) authorizes and duties; definitions.—

(A) authorizes.—the coordinator, acting through such nongovernmental organizations (including faith-based and community-based organizations) and relevant executive branch agencies as may be necessary and appropriate to effect the purposes of this section, is authorized—

(I) to operate internationally to carry out prevention, care, treatment, support, capacity
establish and maintain the duties and supporting activities assigned to the Coordinator by this Act and the amendments made by this Act.

(c) ESTABLISHMENT OF SEPARATE ACCOUNT.—There shall be established in the Treasury a separate account which shall be known as the "Activities to Combat HIV/AIDS Globally Fund" and which shall be administered by the Department of State, with the advice and assistance of the Coordinator of United States Government Activities to Combat HIV/AIDS Globally, established in section 1(f)(1) of the Tuberculosis Relief Act of 2000—

(1) AWARD OF FUNDS.—Not later than 1 year after the date of enactment of this Act, the President shall make awards from funds available under section 401 for HIV/AIDS assistance, that shall be made available for United States Government contributions to the Global Fund.

(b) RESOURCES.—Not later than 90 days after the date of enactment of this Act, the President shall establish in the executive branch an interagency committee consisting of representatives of the Department of State and the Agency for International Development, the National Institutes of Health, the Centers for Disease Control and Prevention, the Treasury, and the Departments of Agriculture, Commerce, Labor, Health and Human Services, Energy, Transportation, Housing and Urban Development, and the Environmental Protection Agency. The President shall establish in the executive branch an interagency committee consisting of representatives of the Department of State and the Agency for International Development, the National Institutes of Health, the Centers for Disease Control and Prevention, the Treasury, and the Departments of Agriculture, Commerce, Labor, Health and Human Services, Energy, Transportation, Housing and Urban Development, and the Environmental Protection Agency.

(c) ESTABLISHMENT OF SEPARATE ACCOUNT.—There shall be established in the Treasury a separate account which shall be known as the "Activities to Combat HIV/AIDS Globally Fund" and which shall be administered by the Department of State, with the advice and assistance of the Coordinator of United States Government Activities to Combat HIV/AIDS Globally. There shall be deposited into the Fund all amounts appropriated pursuant to the authorization of appropriations under section 401 for HIV/AIDS assistance, except for amounts appropriated for United States contributions to the Global Fund.

(b) RESOURCES.—Not later than 90 days after the date of enactment of this Act, the President shall establish in the executive branch an interagency committee consisting of representatives of the Department of State and the Agency for International Development, the National Institutes of Health, the Centers for Disease Control and Prevention, the Treasury, and the Departments of Agriculture, Commerce, Labor, Health and Human Services, Energy, Transportation, Housing and Urban Development, and the Environmental Protection Agency.

(c) E STABLISHMENT OF SEPARATE ACCOUNT.—There shall be established in the Treasury a separate account which shall be known as the "Activities to Combat HIV/AIDS Globally Fund" and which shall be administered by the Department of State, with the advice and assistance of the Coordinator of United States Government Activities to Combat HIV/AIDS Globally. There shall be deposited into the Fund all amounts appropriated pursuant to the authorization of appropriations under section 401 for HIV/AIDS assistance, except for amounts appropriated for United States contributions to the Global Fund.

(b) RESOURCES.—Not later than 90 days after the date of enactment of this Act, the President shall establish in the executive branch an interagency committee consisting of representatives of the Department of State and the Agency for International Development, the National Institutes of Health, the Centers for Disease Control and Prevention, the Treasury, and the Departments of Agriculture, Commerce, Labor, Health and Human Services, Energy, Transportation, Housing and Urban Development, and the Environmental Protection Agency.

(c) E STABLISHMENT OF SEPARATE ACCOUNT.—There shall be established in the Treasury a separate account which shall be known as the "Activities to Combat HIV/AIDS Globally Fund" and which shall be administered by the Department of State, with the advice and assistance of the Coordinator of United States Government Activities to Combat HIV/AIDS Globally. There shall be deposited into the Fund all amounts appropriated pursuant to the authorization of appropriations under section 401 for HIV/AIDS assistance, except for amounts appropriated for United States contributions to the Global Fund.

(b) RESOURCES.—Not later than 90 days after the date of enactment of this Act, the President shall establish in the executive branch an interagency committee consisting of representatives of the Department of State and the Agency for International Development, the National Institutes of Health, the Centers for Disease Control and Prevention, the Treasury, and the Departments of Agriculture, Commerce, Labor, Health and Human Services, Energy, Transportation, Housing and Urban Development, and the Environmental Protection Agency.

(c) E STABLISHMENT OF SEPARATE ACCOUNT.—There shall be established in the Treasury a separate account which shall be known as the "Activities to Combat HIV/AIDS Globally Fund" and which shall be administered by the Department of State, with the advice and assistance of the Coordinator of United States Government Activities to Combat HIV/AIDS Globally. There shall be deposited into the Fund all amounts appropriated pursuant to the authorization of appropriations under section 401 for HIV/AIDS assistance, except for amounts appropriated for United States contributions to the Global Fund.

(b) RESOURCES.—Not later than 90 days after the date of enactment of this Act, the President shall establish in the executive branch an interagency committee consisting of representatives of the Department of State and the Agency for International Development, the National Institutes of Health, the Centers for Disease Control and Prevention, the Treasury, and the Departments of Agriculture, Commerce, Labor, Health and Human Services, Energy, Transportation, Housing and Urban Development, and the Environmental Protection Agency.

(c) E STABLISHMENT OF SEPARATE ACCOUNT.—There shall be established in the Treasury a separate account which shall be known as the "Activities to Combat HIV/AIDS Globally Fund" and which shall be administered by the Department of State, with the advice and assistance of the Coordinator of United States Government Activities to Combat HIV/AIDS Globally. There shall be deposited into the Fund all amounts appropriated pursuant to the authorization of appropriations under section 401 for HIV/AIDS assistance, except for amounts appropriated for United States contributions to the Global Fund.

(b) RESOURCES.—Not later than 90 days after the date of enactment of this Act, the President shall establish in the executive branch an interagency committee consisting of representatives of the Department of State and the Agency for International Development, the National Institutes of Health, the Centers for Disease Control and Prevention, the Treasury, and the Departments of Agriculture, Commerce, Labor, Health and Human Services, Energy, Transportation, Housing and Urban Development, and the Environmental Protection Agency.

(c) E STABLISHMENT OF SEPARATE ACCOUNT.—There shall be established in the Treasury a separate account which shall be known as the "Activities to Combat HIV/AIDS Globally Fund" and which shall be administered by the Department of State, with the advice and assistance of the Coordinator of United States Government Activities to Combat HIV/AIDS Globally. There shall be deposited into the Fund all amounts appropriated pursuant to the authorization of appropriations under section 401 for HIV/AIDS assistance, except for amounts appropriated for United States contributions to the Global Fund.

(b) RESOURCES.—Not later than 90 days after the date of enactment of this Act, the President shall establish in the executive branch an interagency committee consisting of representatives of the Department of State and the Agency for International Development, the National Institutes of Health, the Centers for Disease Control and Prevention, the Treasury, and the Departments of Agriculture, Commerce, Labor, Health and Human Services, Energy, Transportation, Housing and Urban Development, and the Environmental Protection Agency.

(c) E STABLISHMENT OF SEPARATE ACCOUNT.—There shall be established in the Treasury a separate account which shall be known as the "Activities to Combat HIV/AIDS Globally Fund" and which shall be administered by the Department of State, with the advice and assistance of the Coordinator of United States Government Activities to Combat HIV/AIDS Globally. There shall be deposited into the Fund all amounts appropriated pursuant to the authorization of appropriations under section 401 for HIV/AIDS assistance, except for amounts appropriated for United States contributions to the Global Fund.
the technical efficacy, suitability, and appropriateness of the proposals, and ensuring that such persons are fully informed of technical inadequacies or other aspects of the proposals that are inadequate for the purposes of this or any other Act relating to the provision of foreign assistance in the area of AIDS.

(3) Membership.—The interagency technical review panel shall consist of qualified medical and development experts who are officers or employees of the Department of Health and Human Services, the Department of State, and the United States Agency for International Development.

(4) Chair.—The Coordinator referred to in paragraph (1) shall chair the interagency technical review panel.

(e) Monitoring by Comptroller General.—(1) Monitoring.—The Comptroller General shall monitor and evaluate projects funded by the Global Fund.

(2) Report.—The Comptroller General shall on a biennial basis prepare and submit to the appropriate congressional committees a report that contains the results of the monitoring and evaluation described in paragraph (1) for the preceding 2-year period.

SEC. 203. VOLUNTARY CONTRIBUTIONS TO THE MALARIA VACCINE FUND

(a) Vaccine Fund.—Section 302(k) of the Foreign Assistance Act of 1961 (22 U.S.C. 2222(k)) is amended by—

(1) by striking "$50,000,000 for each of the fiscal years 2001 and 2002" and inserting "such sums as may be necessary for each of the fiscal years 2004 through 2008"; and

(2) by adding at the end the following new sub- section:

"(m) In addition to amounts otherwise available under this subsection, there are authorized to be appropriated to the President such sums as may be necessary for each of the fiscal years 2004 through 2008 for the Global Alliance for Vaccines and Immunizations and the Vaccine Fund.

(b) International AIDS Vaccine Initiative.—Section 302(l) of the Foreign Assistance Act of 1961 (22 U.S.C. 2222(k)) is amended by striking "$10,000,000 for each of the fiscal years 2001 and 2002" and inserting "such sums as may be necessary for each of the fiscal years 2004 through 2008".

(c) Support for the Development of Malaria Vaccine.—Section 302 of the Foreign Assistance Act of 1961 (22 U.S.C. 2222(k)) is amended by adding at the end the following new subsection:

"(m) In addition to amounts otherwise available under this subsection, there are authorized to be appropriated to the President such sums as may be necessary for each of the fiscal years 2004 through 2008 for the Global Alliance for Vaccines and Immunizations and the Vaccine Fund."

TITLE III—BILATERAL EFFORTS

Subtitle A—General Assistance and Programs

SEC. 301. ASSISTANCE TO COMBAT HIV/AIDS.

(a) Amendment of the Foreign Assistance Act of 1961.—Chapter 1 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) is amended—

(1) in section 104(c) (22 U.S.C. 2151b(c)), by striking paragraphs (4) through (7); and

(2) by inserting after section 104 the following new section:

"SEC. 104A. Assistance to Combat HIV/AIDS.

(a) Finding.—Congress recognizes that the alarming spread of HIV/AIDS in countries in sub-Saharan Africa, the Caribbean, and other developing countries, as a major health, national security, development, and humanitarian crisis.

(b) Policy.—It is a major objective of the foreign assistance program of the United States to provide assistance for the prevention, treatment, and control of HIV/AIDS. The United States and other developed countries should provide assistance to countries in sub-Saharan Africa, the Caribbean, and other countries and areas to control this crisis through HIV/AIDS prevention, treatment, monitoring, and related activities, particularly activities focused on women and youth, including strategies to protect women and prevent mother-to-child transmission of HIV/AIDS.

"(c) Authorization.—

(1) In General.—Consistent with section 104(c), the President is authorized to furnish assistance to combat HIV/AIDS, including to prevent, treat, and monitor HIV/AIDS, and carry out related activities, in countries in sub-Saharan Africa, the Caribbean, and other countries and areas.

(2) Role of NGOs.—It is the sense of Congress that the President should provide an appropriate level of assistance under paragraph (1) through nongovernmental organizations (including faith-based and community-based organizations) in sub-Saharan Africa, the Caribbean, and other countries and areas affected by the HIV/AIDS pandemic.

(c) Coordination of Assistance Efforts.—The President shall coordinate the provision of assistance under paragraph (1) with the provision of related assistance by the Joint United Nations Programme on HIV/AIDS (UNAIDS), the United Nations Children's Fund (UNICEF), the World Health Organization (WHO), the United Nations Development Programme (UNDP), the Global Fund to Fight AIDS, Tuberculosis and Malaria (GFATM), and other appropriate international organizations (such as the International Bank for Reconstruction and Development), relevant regional multilateral development institutions, and local and national governments of foreign countries, appropriate governmental and nongovernmental organizations, and relevant executive branch agencies.

(4) Activities Supported.—Assistance provided under subsection (c) shall, to the maximum extent practicable, be used to carry out the following activities:

(1) Prevention of HIV/AIDS through activities including—

(A) programs and efforts that are designed or intended to impart knowledge with the exclusive purpose of helping individuals avoid behaviors that place them at risk of HIV infection, including integration of such programs into health programs and the inclusion in counseling programs of information on methods of avoiding infection of HIV, including delaying sexual debut, abstinence, fidelity and monogamy, reduction of casual sexual partnering, and where appropriate, use of condoms;

(B) assistance to establish and implement culturally appropriate HIV/AIDS education and prevention programs that focus on helping individuals avoid behaviors intended to impart knowledge with the exclusive purpose of helping individuals avoid behaviors that place them at risk of HIV/AIDS, including programs that utilize faith-based and community-based organizations, particularly those organizations that utilize both professionals and volunteers with appropriate skills, experience, and community presence;

(C) assistance in the purpose of providing voluntary testing and counseling (including the incorporation of confidentiality protections with respect to such testing and counseling);

(D) assistance to prevent mother-to-child transmission of the HIV infection, including medications to prevent such transmission and access to infant formula and other alternatives for breastfeeding;

(E) assistance to ensure a safe blood supply and sterile medical equipment; and

(F) assistance to help avoid substance abuse and intravenous drug use that can lead to HIV infection.

(2) Treatment.—The treatment and care of individuals with HIV/AIDS, including—

(A) assistance to establish and implement programs to strengthen and broaden indigenous health care delivery systems and the capacity of such systems to provide HIV/AIDS pharmaceuticals and otherwise provide for the treatment of individuals with HIV/AIDS, including clinical training for indigenous organizations and health care providers;

(B) assistance to strengthen and expand hospital and palliative care programs to assist patients infected by HIV/AIDS and their families, and the primary caregivers of such patients, including programs that utilize faith-based and community-based organizations; and

(C) assistance for the purpose of the care and treatment of individuals with HIV/AIDS through the provision of pharmaceuticals, including antiretrovirals and other appropriate medicines, and pharmaceutical and technologies.

(C) Distribution.—The distribution of such HIV/AIDS pharmaceuticals, antiretroviral therapies, and other appropriate medicines (including vaccines and other appropriate medical treatments designed to care for orphaned children in a family environment which rely on extended family members; improved infrastructure and institutional capacity to develop and manage education, prevention, and treatment programs, including..."
training and the resources to collect and maintain accurate HIV surveillance data to target programs and measure the effectiveness of interventions; and

(2) engage in research and development partnership programs with specific plans of action to develop a safe, effective, accessible, preventive HIV vaccine for use throughout the world, and in Africa and other regions hardest hit by the AIDS pandemic; and

(3) engage in comprehensive HIV/AIDS public-private partnerships. —The establishment and operation of public-private partnerships will achieve the following objectives:

(a) support the development, implementation, and evaluation of comprehensive HIV/AIDS plans in support of the national HIV/AIDS strategy;

(b) operate at all times in a manner that emphasizes efficiency, accountability, and results-driven programs;

(c) engage both local and foreign development partners and donors, including businesses, government agencies, academic institutions, nongovernmental organizations, foundations, multilateral development agencies, and faith-based groups to assist the countries in coordinating and implementing HIV/AIDS prevention, treatment, and monitoring programs in accordance with their national HIV/AIDS strategies;

(d) provide assistance, including comprehensive public health services, financial planning, monitoring and evaluation, and research in support of the national HIV/AIDS strategy; and

(e) establish local human resource capacities for the national HIV/AIDS strategy through the transfer of medical, managerial, leadership, and technical skills.

(6) ANNUAL REPORT.—

(1) IN GENERAL.—Not later than January 31 of each year, the President shall submit to the Committees on Appropriations of the Senate and the House of Representatives a report on the implementation of this section for the prior fiscal year.

(2) REPORT ELEMENTS.—Each report shall include:

(A) a description of efforts made by each relevant executive branch agency to implement the policies set forth in this section, section 104B, and section 104C; and

(B) a description of the implementation of the programs established pursuant to such sections; and

(3) a detailed assessment of the impact of programs established pursuant to such sections, including—

(i) the effectiveness of such programs in reducing the spread of the HIV infection, particularly in women and girls, in reducing mother-to-child transmission of the HIV infection, and in reducing mortality rates from HIV/AIDS; and

(ii) the number of patients currently receiving treatment for AIDS in each country that receives assistance under this Act.

(iii) the progress made toward improving health systems (including the training of adequate numbers of staff) and infrastructure to ensure increased access to care and treatment;

(iv) the progress made toward improving health systems (including the training of adequate numbers of staff) and infrastructure to ensure increased access to care and treatment;

(v) the progress made toward improving health systems (including the training of adequate numbers of staff) and infrastructure to ensure increased access to care and treatment;

(vi) the progress made toward improving health systems (including the training of adequate numbers of staff) and infrastructure to ensure increased access to care and treatment;

(vii) the progress made toward improving health systems (including the training of adequate numbers of staff) and infrastructure to ensure increased access to care and treatment;

(viii) the progress made toward improving health systems (including the training of adequate numbers of staff) and infrastructure to ensure increased access to care and treatment;

(ix) the progress made toward improving health systems (including the training of adequate numbers of staff) and infrastructure to ensure increased access to care and treatment;

(x) the progress made toward improving health systems (including the training of adequate numbers of staff) and infrastructure to ensure increased access to care and treatment;

(xi) the progress made toward improving health systems (including the training of adequate numbers of staff) and infrastructure to ensure increased access to care and treatment;

(xii) the progress made toward improving health systems (including the training of adequate numbers of staff) and infrastructure to ensure increased access to care and treatment;

(xiii) the progress made toward improving health systems (including the training of adequate numbers of staff) and infrastructure to ensure increased access to care and treatment;

(xiv) the progress made toward improving health systems (including the training of adequate numbers of staff) and infrastructure to ensure increased access to care and treatment;

(xv) the progress made toward improving health systems (including the training of adequate numbers of staff) and infrastructure to ensure increased access to care and treatment;

(xvi) the progress made toward improving health systems (including the training of adequate numbers of staff) and infrastructure to ensure increased access to care and treatment;

(xvii) the progress made toward improving health systems (including the training of adequate numbers of staff) and infrastructure to ensure increased access to care and treatment;

(xviii) the progress made toward improving health systems (including the training of adequate numbers of staff) and infrastructure to ensure increased access to care and treatment;

(xix) the progress made toward improving health systems (including the training of adequate numbers of staff) and infrastructure to ensure increased access to care and treatment;

(xx) the progress made toward improving health systems (including the training of adequate numbers of staff) and infrastructure to ensure increased access to care and treatment;

(2) RECORD ELEMENTS.—Each report shall include—

(A) a description of efforts made by each relevant executive branch agency to implement the policies set forth in this section, section 104B, and section 104C; and

(B) a description of the impact of programs established pursuant to such sections, including—

(i) the effectiveness of such programs in reducing the spread of the HIV infection, particularly in women and girls, in reducing mother-to-child transmission of the HIV infection, and in reducing mortality rates from HIV/AIDS; and

(ii) the number of patients currently receiving treatment for AIDS in each country that receives assistance under this Act.

(7) COMPREHENSIVE HIV/AIDS PUBLIC-PRIVATE PARTNERSHIPS.—The establishment and operation of public-private partnerships will achieve the following objectives:

(A) support the development, implementation, and evaluation of comprehensive HIV/AIDS plans in support of the national HIV/AIDS strategy;

(B) provide assistance, including comprehensive public health services, financial planning, monitoring and evaluation, and research in support of the national HIV/AIDS strategy; and

(C) establish local human resource capacities for the national HIV/AIDS strategy through the transfer of medical, managerial, leadership, and technical skills.

(8) ANNUAL REPORT.—

(1) IN GENERAL.—Not later than January 31 of each year, the President shall submit to the Committees on Appropriations of the Senate and the House of Representatives a report on the implementation of this section for the prior fiscal year.

(2) REPORT ELEMENTS.—Each report shall include:

(A) a description of efforts made by each relevant executive branch agency to implement the policies set forth in this section, section 104B, and section 104C; and

(B) a description of the implementation of the programs established pursuant to such sections; and

(3) a detailed assessment of the impact of programs established pursuant to such sections, including—

(i) the effectiveness of such programs in reducing the spread of the HIV infection, particularly in women and girls, in reducing mother-to-child transmission of the HIV infection, and in reducing mortality rates from HIV/AIDS; and

(ii) the number of patients currently receiving treatment for AIDS in each country that receives assistance under this Act.

(3) DETERMINATION OF AIDS.—In determining, for the prevention, treatment, control, and elimination of tuberculosis, and the cure of at least 85 percent of the cases detected, not later than December 31, 2005, in those countries classified by the World Health Organization as the highest tuberculosis burden, and not later than December 31, 2010, in all countries in which the United States Agency for International Development has established development programs.

(4) AUTHORIZATION.—To carry out this section, and consistent with section 104C, the President is authorized to furnish assistance, on such terms and conditions as the President may determine, for the prevention, treatment, control, or elimination of tuberculosis, generally;

(4) DIRECTION.—In carrying out this section, the President shall coordinate with the World Health Organization, the Global Fund to Fight AIDS, Tuberculosis and Malaria, the Stop TB Partnership, and the Global Alliance for TB Drug Facility, and other organizations with respect to the development and implementation of a comprehensive tuberculosis control strategy.

(5) PRIORITY TO DOTS COVERAGE.—In furnishing assistance under subsection (c), the President shall give priority to activities that increase Directly Observed Treatment Short-course (DOTS) coverage and treatment of multi-drug resistant tuberculosis where needed using DOTS-Plus, including funding for the Global Tuberculosis Drug Facility, the Stop Tuberculosis Partnership, and the Global Alliance for TB Drug Facility. In order to meet the requirement of the preceding sentence, the President shall ensure that the percentage of the amount made available to carry out this section for a fiscal year should be expended for antituberculosis drugs, supplies, direct patient services, and training in diagnosis and treatment for Directly Observed Treatment Short-course (DOTS) coverage and treatment of multidrug resistant tuberculosis using where needed using DOTS-Plus, including funding for the Global Tuberculosis Drug Facility.
supplement to the standard DOTS strategy, and which takes into account specific issues (such as the need of second line anti-tuberculosis drugs) that must be addressed in areas where there is high prevalence of multi-drug resistant tuberculosis.

"(3) GLOBAL ALLIANCE FOR TUBERCULOSIS DRUG DEVELOPMENT.—The term 'Global Alliance for Tuberculosis Drug Development' means the public-private partnership that brings together leaders in health, science, philanthropy, and private industry to devise new approaches to tuberculosis drug development, ensuring that new drugs are available and affordable in high tuberculosis burden countries and other affected countries.

"(4) GLOBAL TUBERCULOSIS DRUG FACILITY.—The term 'Global Tuberculosis Drug Facility (GDF)' means the new initiative of the Stop Tuberculosis Partnership to increase access to high-quality tuberculosis drugs to facilitate DOTS expansion.

"(5) STOP TUBERCULOSIS PARTNERSHIP.—The term 'Stop Tuberculosis Partnership' means the partnership of the World Health Organization, donors including the United States, high tuberculosis burden countries, multilateral agencies, and non-governmental and technical agencies committed to short- and long-term measures required to control and eventually eliminate tuberculosis as a public health problem in the world.

(b) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—In addition to funds available under section 104(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b(c)) for such purpose or under any other provision of that Act, there are authorized to be appropriated to the President, from amounts authorized to be appropriated under section 401, such sums as may be necessary for each of the fiscal years 2004 through 2008 to carry out section 104(c) of the Foreign Assistance Act of 1961, as added by subsection (a), including for the development of anti-malarial pharmaceuticals by the Medicines for Malaria Venture.

"(2) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to paragraph (1) are authorized to remain available until expended.

"(3) TRANSFER OF PRIOR YEAR FUNDS.—Unobligated balances of funds made available for fiscal years 2004 through 2008 under section 104(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b(c)) (as in effect immediately before the date of enactment of this Act) and made available for the control of malaria shall be transferred to, merged with, and made available for the same purposes as funds made available for fiscal years 2004 through 2008 under paragraph (1).

"(c) ELIGIBILITY REQUIREMENTS.—To be eligible to receive assistance under this subsection, the President shall—

(1) be a national of the United States who is a trained health care professional who meets the educational and licensure requirements necessary to be such a professional such as physician, nurse practitioner, pharmacist, or other type of health care professional, or other individual determined to be appropriate by the President; or

(2) be an individual who is a member of the Public Health Service Corps.

"(d) REPORT.—The President shall ensure that information on the programs is widely distributed, including the distribution of information to schools for health professionals, hospitals, clinics, and non-governmental organizations working in the areas of international health aid.

"(e) PLACEMENT OF PARTICIPANTS.—

"(1) IN GENERAL.—To the maximum extent practicable, participants in the program shall serve in the poorest areas of the affected countries, where health care needs are likely to be the greatest. The decision on the placement of a participant should be made in consultation with relevant officials of the affected country at both the national and local level as well as with local community leaders and organizations.

"(2) PROCEDURE.—Placement of participants in the program shall be coordinated with the United States Agency for International Development in countries in which that Agency is conducting HIV/AIDS, tuberculosis, or malaria programs. Overall coordination of placement of participants in the program shall be made by the Coordinator of United States Government Foreign Assistance Programs as described in section 1(f) of the State Department Basic Authorities Act of 1956 (as added by section 102(a) of this Act).

"(3) INCENTIVES.—The President may offer such incentives as the President determines to be necessary to encourage individuals to participate in the program, such as partial payment of principal and interest, and repayment of government and commercial loans for educational expenses related to professional training and, where possible, deferment of repayments on such loans, the provision of retirement benefits that would otherwise be jeopardized by participation in the program, and other incentives.

"(g) REPORT.—Not later than 18 months after the date of enactment of this Act, the President shall submit to the congressional committees a report on steps taken to establish the program, including—

(1) the process of recruitment, including the venues for recruitment, the number of candidates recruited, the incentives offered, if any, and the cost of those incentives;

(2) the process, including the criteria used, for the selection of participants;

(3) the number of participants placed, the countries in which they were placed, and why those countries were selected; and

(4) the potential for expansion of the program.

"(h) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—In addition to funds otherwise available for such purpose, there are authorized to be appropriated to the President, from amounts authorized to be appropriated under section 401, such sums as may be necessary for each of the fiscal years 2004 through 2008 to carry out the purposes of this subsection.

"(2) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to the authorization of appropriations under paragraph (1) are authorized to remain available until expended.

SECT. 305. REPORT ON TREATMENT ACTIVITIES BY HEALTH PROFESSIONALS IN OVERSEAS AREAS SEVERELY AFFECTED BY HIV/AIDS, TUBERCULOSIS, AND MALARIA.

(a) IN GENERAL.—The President shall establish a program to demonstrate the feasibility of increasing the number of health care professionals who are serving in overseas areas severely affected by HIV/AIDS, tuberculosis, and malaria.

"(1) IN GENERAL.—The President shall—

(1) establish a program to demonstrate the feasibility of increasing the number of health care professionals who are serving in overseas areas severely affected by HIV/AIDS, tuberculosis, and malaria; and

(2) ensure that information on the programs is widely distributed, including the distribution of information to schools for health professionals, hospitals, clinics, and non-governmental organizations working in the areas of international health aid.

"(2) REQUIREMENTS.—In carrying out the program, there are authorized to be appropriated to the President, from amounts authorized to be appropriated under section 401, such sums as may be necessary for each of the fiscal years 2004 through 2008 to carry out the purposes of this subsection and such provisions of law that limit assistance to foreign countries, except for the provisions of this subsection, the provisions of law cited in this paragraph, subsection (f), section 634A of this Act, and provisions of law that limit assistance to organizations that support or participate in a program of coercive abortion or involuntary sterilization included under the Child Survival and Health Programs Fund heading in the Consolidated Appropriations Resolution, 2003 (Public Law 108–7).

SECT. 306. REPORTS ON COMPLIANCE WITH ACTIVITIES BY RELEVANT EXECUTIVE BRANCH AGENCIES.

(a) IN GENERAL.—Not later than 15 months after the date of enactment of this Act, the President shall submit to appropriate congressional committees a report on the programs and activities of the relevant executive branch agencies that are directed to the treatment of individuals in foreign countries infected with HIV or living with AIDS.
HIV/AIDS also targets young people between the ages of 15 to 24, particularly young women, many of whom carry the burden of caring for family members living with HIV/AIDS. An estimated 10,200,000 young people are now living with HIV/AIDS. One-half of all new infections are occurring among this age group.

SEC. 312. POLICY AND REQUIREMENTS.

(a) P O L I C Y .—The United States Government's response to the HIV/AIDS pandemic should place high priority on the prevention of mother-to-child transmission, the care and treatment of family members and caregivers, and the provision of assistance to AIDS orphans and other children affected by HIV/AIDS. To the maximum extent possible, the United States Government should seek to leverage its funds by seeking matching contributions from the private sector, other multilateral organizations, and international organizations.

(b) R E Q U I R E M E N T S .—The 5-year United States Government strategy required by section 101 of this Act shall—

(1) provide for meeting or exceeding the goal to reduce the rate of mother-to-child transmission of HIV by 20 percent by 2005 and by 50 percent by 2010;

(2) include programs to make available testing and treatment to HIV-positive women and their family members, including drug treatment and therapies to prevent mother-to-child transmission; and

(3) expand programs designed to care for children orphaned by HIV/AIDS.

SEC. 313. ANNUAL REPORTS ON PREVENTION OF MOTHER-TO-CHILD TRANSMISSION OF THE HIV INFECTION.

(a) I N G E N E R A L .—Not later than one year after the date of the enactment of this Act, and annually thereafter for a period of five years, the President shall submit to appropriate congressional committees a report on the activities of relevant executive branch agencies during the reporting period to assist in the prevention of mother-to-child transmission of the HIV infection.

(b) R E P O R T E M E N T S .—Each report shall include—

(1) a statement of whether or not all relevant executive branch agencies have met the goals described in section 312(b)(1); and

(2) a description of efforts made by the relevant executive branch agencies to expand these activities, including—

(A) information on the number of sites supported for the prevention of mother-to-child transmission of the HIV infection;

(B) the specific activities supported;

(C) the number of women tested and counseled; and

(D) the number of women receiving preventative drug therapies.

(c) R E P O R T I N G P E R I O D D E F I N E D .—In this section, the term "reporting period" means, in the case of the initial report, the period since the date of enactment of this Act, and in the case of any subsequent report, the period since the date of submission of the most recent report.

SEC. 314. PILOT PROGRAM ON ASSISTANCE FOR CHILDREN AND FAMILIES AFFECTED BY HIV/AIDS.

(a) I N G E N E R A L .—The President, acting through the United States Agency for International Development and the Centers for Disease Control are already supporting programs to prevent mother-to-child transmission in resource-poor nations and have the capacity to expand these programs rapidly by working closely with foreign governments and non-governmental organizations.

(b) P R O G R A M R E Q U I R E M E N T S .—The program should—

(1) build upon and be integrated into programs of the local health organization, an international organization, or a partnership of such organizations; and

(b) demonstrate to the awarding organization that such entity—

(i) is currently administering a proven intervention to prevent mother-to-child transmission...
of HIV in countries with or at risk for severe HIV epidemic with particular attention to resource-constrained countries, as determined by the President;

(ii) such demonstration received at least 55 percent of the amounts appropriated pursuant to the authorization of appropriations under section 401 for fiscal years 2006 through 2008; and

(iii) has demonstrated support for the proposed program from relevant government entities; and

(iii) is able to provide HIV care, including anti-retroviral treatment when medically indicated, to HIV positive women, men, and children with the support of the project funding.

(3) LOCAL HEALTH AND INTERNATIONAL ORGANIZATION.—In awarding subgrants under this subsection, the organization shall give priority to eligible applicants that are capable of developing a program with proven international program, local advisory board functions, and transportation necessary to ensure program participation.

(4) LOCAL HEALTH AND INTERNATIONAL ORGANIZATION.—In awarding subgrants under this subsection, the organization shall give priority to eligible applicants that are capable of developing a program with proven international program, local advisory board functions, and transportation necessary to ensure program participation.

(5) SELECTION OF SUBGRANT RECIPIENTS.—In awarding subgrants under this subsection, the organization should—

(A) consider applicants from a range of health care settings, program approaches, and geographic locations; and

(B) in general, award not less than 1 grant to an applicant to fund a national system of health care delivery to HIV positive families.

(6) USE OF SUBGRANT FUNDS.—An eligible entity, an award recipient under this section, shall use subgrant funds to expand activities to prevent mother-to-child transmission of HIV by providing medical treatment and care and support services to parents and their children, which may include—

(A) providing treatment and therapy, when medically indicated, to HIV-infected women, their children, and their families;

(B) the hiring and training of local personnel, including physicians, nurses, other health care providers, counselors, social workers, outreach personnel, health information technicians, data managers, and administrative support personnel;

(C) paying laboratory costs, including costs related to necessary equipment and diagnostic testing and monitoring (including rapid testing), complete blood counts, standard chemistries, and liver function testing for infants, children, and parents, as costs related to the purchase of necessary laboratory equipment;

(D) purchasing pharmaceuticals for HIV-related conditions, including antiretroviral therapies;

(E) funding support services, including adherence and psychosocial support services;

(F) operational support services; and

(G) conducting community outreach and capacity building activities, including activities to raise the awareness of individuals of the program carried out by the subgrantee, other communications activities, and transportation necessary to ensure program participation.

(7) REPORTS.—The President shall require that each organization award a grant under subsection (b)(1) to submit an annual report that includes—

(1) the progress of programs funded under this section;

(2) the benchmarks of success of programs funded under this section; and

(3) recommendations of how best to proceed with the programs funded under this section upon the expiration of funding under subsection (e).

(f) FUNDING.—There are authorized to be appropriated to the President, from amounts authorized to be appropriated under section 401, such sums as may be necessary for each of the fiscal years 2004 through 2008 to carry out the program.

(g) LIMITATION ON ADMINISTRATIVE EXPENSES.—An organization shall ensure that not more than 7 percent of the amount of a grant received under this section by the organization is used for administrative expenses.

(h) FUNDING.—There are authorized to be appropriated under section 401, such sums as may be necessary for each fiscal year 2004 through 2008 to carry out the program.

(i) FUNDING.—There are authorized to be appropriated under section 401, such sums as may be necessary for each of the fiscal years 2004 through 2008 to carry out the program.

(j) FUNDING.—There are authorized to be appropriated under section 401, such sums as may be necessary for each of the fiscal years 2004 through 2008 to carry out the program.

(k) FUNDING.—There are authorized to be appropriated under section 401, such sums as may be necessary for each of the fiscal years 2004 through 2008 to carry out the program.

(l) FUNDING.—There are authorized to be appropriated under section 401, such sums as may be necessary for each of the fiscal years 2004 through 2008 to carry out the program.

(2) SEC. 402. SENSE OF CONGRESS.

(a) INCREASE IN HIV/AIDS ANTIRETROVIRAL TREATMENT.—It is the sense of the Congress that an urgent priority of United States assistance programs to fight HIV/AIDS is the rapid increase in the number of people who are being treated for antiretroviral treatment. It is the sense of the Congress that—

(1) by the end of fiscal year 2004, at least 500,000 individuals with HIV/AIDS are receiving antiretroviral treatment through United States assistance programs;

(2) by the end of fiscal year 2005, at least 1,000,000 such individuals are receiving such treatment; and

(3) by the end of fiscal year 2006, at least 2,000,000 such individuals are receiving such treatment.

(b) EFFECTIVE DISTRIBUTION OF HIV/AIDS FUNDS.—It is the sense of Congress that the distribution of resources under the strategy described in subsection (a) of this section shall result in the effective distribution of such amounts.

(1) 55 percent of such amounts for treatment of individuals with HIV/AIDS;

(2) 15 percent of such amounts for palliative care of individuals with HIV/AIDS;

(3) 20 percent of such amounts for HIV/AIDS prevention consistent with section 104A(d) of the Foreign Assistance Act of 1961 (as added by section 301 of this Act); and

(4) 10 percent of such amounts for orphans and vulnerable children.

(c) STUDY; DISTRIBUTION OF RESOURCES.—Not later than 3 years after the date of enactment of this Act, the Institute of Medicine shall publish findings comparing the success rates of the various programs and methods used under the strategy described in subsection (a) to reduce, prevent, and treat HIV/AIDS, tuberculosis, and malaria.

(2) DISTRIBUTION OF RESOURCES.—In all cases, the instituting of distribution of resources under the strategy described in subsection (a) of this section shall be based on the findings published by the Institute of Medicine under the strategy described in subsection (a).
withheld by reason of subparagraph (A)"; and insert "(B)(i) Any amount made available under this subsection that is withheld by reason of subparagraph (A)(i))."

Page 39, after line 9, insert the following:

(1) Information to Congress.—The Coordinator of United States Government Activities to Combat HIV/AIDS Globally shall make available to the Congress copies of the reports provided to the Global Fund by organizations contracted to audit recipients of funds.

(2) Project proposals submitted by applicants shall be transferred to the Global Fund and the Activities to Combat HIV/AIDS Globally Fund by organizations contracted to audit recipients of funds.

(3) Project proposals submitted by applicants shall be transferred to the Global Fund and the Activities to Combat HIV/AIDS Globally Fund but which were not funded.

(4) Project proposals shall be submitted to the Global Fund and the Activities to Combat HIV/AIDS Globally Fund by grantees.

Page 49, after line 3, insert the following:

SEC. 306. STRATEGIES TO IMPROVE INJECTION SAFETY.

Section 307 of the Public Health Service Act (42 U.S.C. 242f) is amended by adding at the end the following: "(d) In carrying out immunization programs and other programs in developing countries for the prevention, treatment, and control of infectious diseases, including HIV/AIDS, tuberculosis, and malaria, the Director of the Centers for Disease Control and Prevention, in coordination with the Coordinator of United States Government Activities to Combat HIV/AIDS Globally, the National Institutes of Health, national and local government, and other organizations, such as the Health Organization and the United Nations Children’s Fund, shall develop and implement effective strategies to improve injection safety, including eliminating unnecessary injections, promoting sterile injection practices and technologies, strengthening the procedures for proper needle and syringe disposal, and improving the education and information provided to the public and to health professionals."

SEC. 307. STUDY ON ILLEGAL DIVERSIONS OF PRESCRIPTION DRUGS.

Not later than 180 days after enactment of this Act, the Secretary of Health and Human Services, in coordination with other agencies, shall report to the Congress that includes the following:

(1) A thorough accounting of evidence indicating illegal diversion into the United States of prescription drugs donated or sold for humanitarian efforts, and an estimate of the extent of such diversion.

(2) Recommendations to increase the administration and enforcement powers of the Global Fund and the Activities to Combat HIV/AIDS Globally Fund and shall remain available under the same terms and conditions as funds appropriated pursuant to the authorization of appropriations under section 401 for HIV/AIDS assistance.

Page 39, after line 9, insert the following:

(1) The CHAIRMAN. Pursuant to House Resolution 210 the gentleman from Louisiana (Mr. Tauzin) and a Member opposed each will control 10 minutes. Does the gentleman from California (Mr. Lantos) claim the time in opposition?

Mr. LANTOS. Mr. Chairman, I rise today to urge all Members of the House to support the passage of the Tauzin-Brown amendment to H.R. 1298, the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003. I want to commend my colleagues from the Committee on Energy and Commerce, the gentleman from Ohio (Mr. Brown) for his assistance and support and advocacy of this amendment.

First, the Tauzin-Brown amendment strengthens our program by adding additional accountability measures to ensure that our fight against HIV/AIDS and TB and malaria has a greater chance of success. That is what we all want.

Our amendment establishes priorities to be followed by the global AIDS coordinator for the distribution of resources based on factors such as size and demographics of specific nations to ensure that the countries who need assistance the most receive it first.

Next, our amendment utilizes an independent third party to examine the success of strategies implemented by the global AIDS coordinator. The Institutes of Medicine, the IOM, will be responsible for examining the achievements of the programs funded by the global AIDS coordinator and then comparing the success rates of various methods that have been used by the coordinator.

Second, the Tauzin-Brown amendment also strengthens the existing authority and the accountability measures in H.R. 1298. Our amendment specifically states that if at any point administrative expenses within the Global Fund exceed 10 percent of total expenditures in any 2-year period, then the U.S. will withhold an equal amount from its contribution the following year. This is to ensure that this fund does not get gobbled up in bureaucratic and administrative expenses. We believe this is fair and, at the same time, will ensure that the Global Fund remains fiscally responsible to its purposes. That is, getting dollars in to actually combat AIDS, malaria, and tuberculosis in the world.

These two accountability measures represent improvements to our approach to this problem is not only morally responsible, it is fiscally responsible as well.

Finally, the amendment requires that the HIV/AIDS coordinator make available to Congress basic information on the Global Fund. Specifically, the coordinator is required to submit to Congress a detailed report outlining all financial and accounting statements, copies of the reports provided to the Global Fund by organizations contracted to audit recipients, and project proposals submitted by applicants and grantees. In the past we have had great difficulty getting this information from the Global Fund. I believe the coordinator will do a wonderful job in delivering this information to Congress. I urge my colleagues to support the Tauzin-Brown amendment.

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

Mr. LANTOS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to thank my good friend from Louisiana (Mr. Tauzin) and my good friend from Ohio (Mr. Brown) for their bipartisan contribution to our legislation. Their amendment includes a number of complex initiatives, many of which reflect improvements to the bill. For example, I believe that the amendment’s efforts to ensure priorities are authorized by this Act to countries based on the size and demographics of the HIV/AIDS populations and the needs of those populations is a wise measure.

I am concerned about several other provisions in the amendment. For example, the limitation on administrative expenditures of the Global Fund is well meaning, but when the fund may be going through a massive expansion of operations, there may be a need for some significant investments to make sure that the Global Fund can properly administer its programs.

I was pleased that the sponsors added a waiver, and I believe that the President should consider the actual operational needs of the fund as he applies this provision.

Finally, Mr. Chairman, I remain concerned regarding the provision requiring numerous reports to be provided to Congress within 30 days of the request. I am uncertain whether any Member could make this request or whether it must be a relevant committee or by resolution. Moreover, my experience with international organizations is that some of the documents may be considered confidential, sent for unfunded proposals, and it may not be possible to get these documents within the time frame provided in the amendments. Nevertheless, Mr. Chairman, I am prepared to accept the amendment, and I look forward to working with the sponsors to clarify and further refine these provisions.

Mr. Chairman, I ask unanimous consent to yield the balance of my time to my friend, the gentleman from Ohio (Mr. Brown) for the purposes of continuing the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from California?
TB infects one-third of the world’s population. Two million people carry the TB bacteria, and it is the leading killer of women and men with HIV worldwide.

HIV and TB form a lethal combination, each speeding the other’s progress. HIV promotes rapid progression of primary TB infection to active disease. It is the most powerful known risk factor for reactivation of latent TB infection to active disease. Most HIV patients, in fact, will actually die of TB before they succumb to AIDS. The intersection of AIDS and TB is like a [cancer].

The Global Fund is a public-private partnership which draws contributions from governments, from private corporations, from faith-based organizations and foundations. The Global Fund has shown signs that it works. Government entities, in coordination with nongovernment organizations, submit 5-year plans. Each plan is unique to each country, not a one-size-fits-all that comes from Washington or Geneva or any other center. The Global Fund recognizes cultural differences. What works in Christian Uruguay may not work the same in Muslim Bangladesh.

No overriding, international political agenda is attached to the Global Fund’s assistance. No litmus test, only a judgment by the Global Fund, in collaboration with local citizens and health workers of what works best for each country. And it demands results, quantifiable results. The money supports activities, including access to health care services, purchasing of drugs, training of personnel, and training of community workers. If a country fails or an NGO fails to show results within 2 years, the money is cut off.

About 60 percent of the Global Fund’s money goes to HIV/AIDS, about 20 to TB, about 20 to malaria. Fighting these diseases separately is not cost-effective. The Global Fund does, is a cost-effective approach. For example, the infrastructure created in the treatment of TB, having health workers in place who sit with patients every day for about 6 months, has been sufficient structure to help in the treatment of HIV/AIDS, of malaria and other public health issues.

If we can fully commit to the Global Fund, and fully commit means at least $1 billion every year, 2 million patients will be treated for TB, a half million AIDS orphans will receive support, and 16 million new malaria nets will be distributed over the next few years. Access to these lifesaving treatments means children will not be pulled out of school to work or to care for a sick parent. It means an HIV-positive father in the developing world has a few more years of life to provide for his family. It means children, which the Global Fund does, are cost-effective. It means children do not face a virtual death sentence, will live.

What AIDS and TB experts know, but policymakers consistently underestimate, is that preventing and treating HIV/AIDS without preventing and treating TB is a virtual death sentence for the developing world. If HIV does not kill you, TB might or malaria might. The Global Fund is the best tool for dealing with these infectious diseases together.

Our investment in the Global Fund, rather than a unilateral or bilateral U.S.-waged effort, will help leverage support from other countries. Funding U.S. dollars through U.S. programs alone will do nothing to promote a united global front against these killers. If we put money into the Global Fund, will so other nations and so will major philanthropists.

In a short time, the Global Fund has shown it is capable of tremendous progress. In just two rounds of grants, the fund has approved 160 proposals in 94 low-income countries. With significant U.S. funding, the Global Fund will continue to support countries committed to addressing the epidemic killing their people. Without U.S. leadership, it will be a fund in name only. AIDS, TB, and malaria will remain a virtual death sentence in the developing world.

Mr. Chairman, I reserve the balance of my time.
proposals are gathered and voted upon by an advisory body that represent government, civil society, the private sector, faith-based groups, and non-governmental organizations. Proposals that are submitted to the Global Fund then undergo a technical review by an independent body composed of leading global health experts. And now our own Secretary of Health and Human Services Tommy Thompson is leading this effort.

So I believe this amendment will help further strengthen the Global Fund system of accountability, and I encourage Members to vote for its inclusion. And also, with regard to the comments of the gentleman from California (Mr. Lantos), I hope we can move forward, as he has so eloquently outlined, and fix what he thinks needs to be fixed in it.

Mr. TAUZIN. Mr. Chairman, I yield 2 minutes to the gentleman from the State of Michigan (Mr. Upton), the chairman of the subcommittee on Telecommunications and the Internet.

Mr. UPTON. Mr. Chairman, I rise for many reasons in support of this amendment. One of the main reasons that I rise in support of this amendment is because of language that I was able to get inserted as part of it, and I thank my chairman, the gentleman from Louisiana (Mr. Tauzin), and the gentleman from Ohio (Mr. Brown) for accepting this language. I did not want to change the amendment but make this as part of a comprehensive amendment.

Part of this amendment reads, the language I was able to insert, says this: “In carrying out immunization programs and other programs in developing countries for the prevention, treatment, and control of infectious diseases, including HIV/AIDS, TB, and malaria, the director of the CDC and Prevention, in coordination with the coordinating U.S. Government to combat AIDS globally, the National Institutes of Health, national and local government, and other organizations such as the World Health Organization, and the United Nations Children's Fund, shall development and implement effective strategies to improve injection safety, including eliminating unnecessary injections.”

Now, why is this important? A couple of years ago I participated in a bipartisan task force in the Capitol that they talked about many villages in Africa that are really led by children because there are no more adults there. It became quite clear that for many of these injections they used syringes that were used over and over again. As a consequence, if one person had HIV/AIDS in that community, they all got it. They all died. They all got this terrible disease.

In fact, we know from data provided by the global network, Global Network is an organization affiliated with the WHO, that unsafe injection practices in developing countries cause 8 to 16 million hepatitis B infections, 2 to almost 5 million Hepatitis C infections, and the original 1976 Ebola epidemic in Zaire was traced to the reuse of three syringes.

This language that was included will prevent that. I look forward to its adoption and again, compliment the gentleman from Louisiana (Mr. Tauzin) and the gentleman from Ohio (Mr. Brown) for including the language.

Mr. BROWN of Ohio. Mr. Chairman, I thank the gentleman from Michigan (Mr. Upton) for his comments, and I yield the balance of my time to the gentleman from Minnesota (Mr. Gutknecht).

The CHAIRMAN. The gentleman from Minnesota (Mr. Gutknecht) is recognized for 30 seconds.

Mr. GUTKNECHT. Mr. Chairman, with 30 seconds, I will be very brief.

Mr. Chairman, there is a term “illegal diversion” used twice in section 307. I just want to make clear that the authors have their intent to keep us from reimporting drugs that are being donated for AIDS in central Africa; that this will not be used to block what we may do in the future in terms of allowing Americans to have access to drugs from other countries.

Mr. TAUZIN. Mr. Chairman, will the gentleman yield?

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

Mr. TAUZIN. Mr. Chairman, the intent of the language is to study the question of the illegal diversion of drugs for improper purposes, that is, for resale and that sort of thing. We describe the purposes within that amendment. So the gentleman is accurate in his statement.

Mr. Chairman, I yield myself such time as I may consume.

I simply wanted to thank the gentleman from Ohio (Mr. Brown) and the members of the Committee on Energy and Commerce who worked on this. As we move forward, as he has so eloquently outlined, and fix what he thinks needs to be fixed in it.

Mr. BROWN of Ohio. Mr. Chairman, I appreciate the efforts of the gentleman from Louisiana (Mr. Tauzin) and appreciate his offer. And I think the work we are doing with the gentleman from Illinois (Mr. Hyde), the gentleman from Louisiana (Mr. Tauzin), the gentleman from California (Mr. Lantos), the gentleman from Minnesota from California (Ms. Lee), and the gentleman from Iowa (Mr. Leach) today is outstanding, especially because with the Global Fund and with all of these efforts we can address all of these diseases, we can encourage philanthropic foundations and, of course, other governments to contribute and make a difference in people’s lives.

Mr. TAUZIN. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas (Mr. Green).

Mr. GREEN of Texas asked and was given permission to revise and extend his remarks.

Mr. GREEN of Texas. Mr. Chairman, I thank the chairman and the ranking member on our subcommittee, and I rise in support of this legislation.

Mr. Chairman, I rise today in support of H.R. 1298, the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003.

The global devastation caused by these three diseases cannot be understood. The HIV/AIDS pandemic has killed more than 25 million of the 65 million individuals affected by this disease worldwide.

More than 14 million children have been orphaned because of this awful disease. Tuberculosis, as the leading killer of individuals with HIV/AIDS, is an equally serious threat. An estimated 2 billion persons—one third of the world’s population—are infected with the bacteria that cause TB, and approximately 2 million persons die each year from TB.

This isn’t just a problem overseas—after years of decline in the United States, the number of reported TB cases increased 20 percent during 1985–1992.

It is particularly problematic in my home State of Texas. According to the Centers for Disease Control and Prevention, we rank 5th in the country in TB case rates. Disease Control and Prevention, we rank 5th in the country in TB case rates.

With approximately 264 million persons crossing the United States-Mexico border northbound annually, and 23 percent of all
U.S. foreign-born tuberculosis, TB, patients in
the United States originating from Mexico, the
implications are clear—we have to act on a
global level if we are going to win the battle
against this killer.

That is why I am pleased to support H.R.
1298, important legislation which will provide
$3 billion annually for global AIDS, TB and

The legislation provides up to $1 billion spe-
cifically for the Global Fund to Fight AIDS, TB
and Malaria in 2004—a key multilateral mech-
anism for expanding prevention and treatment.

This bill also allows the U.S. share of total
contributions to the Global Fund of up to 33
percent, which solidifies our commitment to
eradicating these diseases worldwide.

This legislation is carefully crafted, bipar-
isan, and will be truly effective in our efforts
to combat HIV/AIDS, Tuberculosis and Mal-
aria.

I urge my colleagues to support this bill, and
oppose any efforts to weaken or amend it.

Mr. TAUTZIN. Mr. Chairman, I yield myself
such time as I may consume, and let me again
offer my sincere thanks to the chairman and to the
gentleman from California (Mr. LANTOS)
for accepting this legislation and urge
adoption of it.

Mr. Chairman, I yield back the
balance of my time.

The CHAIRMAN. All time on this
amendment has expired. The question
is on the amendment offered by the
gentleman from Louisiana (Mr. TAU-
zin).

The amendment was agreed to.

The CHAIRMAN. It is now in order
to consider amendment No. 2 printed in

AMENDMENT NO. 2 OFFERED BY MR. CROWLEY

Mr. CROWLEY. Mr. Chairman, I offer
an amendment.

The CHAIRMAN. The Clerk will des-
ignate the amendment.

The text of the amendment is as fol-
lows:

Amendment No. 2 offered by Mr. CROWLEY:
Page 22, after line 22, insert the following
(and redesignate subsequent paragraphs ac-
cordingly):

(F) a description of the specific strategies
developed to encourage men to be respon-
sible in their sexual behavior, child rearing
and to respect women including the reduc-
tion of sexual violence and coercion;

(G) a description of the specific strategies
developed to increase women’s access to em-
ployment opportunities, income, productive
resources, and microfinance programs;

Page 43, line 10, after “sexual partnering,”
insert “reducing sexual violence and coer-
cion, including child marriage, widow inher-
itance, and polygamy.”

Page 43, after line 21, insert the following
(and redesignate subsequent paragraphs ac-
cordingly):

(C) assistance for the purpose of encour-
aging men to be responsible in their sexual
behavior, child rearing, and to respect women;

Page 44, line 7, strike “and” at the end
of “insert”

Page 44, after line 10, insert the following:

archive for the purpose of increasing
women’s access to employment opportuni-
ties, income, productive resources, and
microfinance programs, where appropriate.

The CHAIRMAN. Pursuant to House
Resolution 210, the gentleman from
New York (Mr. CROWLEY) and a Mem-
ber opposed each will control 5 min-
utes.

The Chair recognizes the gentleman
from New York (Mr. CROWLEY).

Mr. CROWLEY. Mr. Chairman, I
yield myself such time as I may consume.

Mr. Chairman, I rise in support of my
amendment on preventing women’s vul-
nerability. The social empowerment
of women and girls is critical to reduc-
ing the spread of HIV worldwide.

Today, heterosexual sex is the primary
factor in HIV transmission worldwide.

Women and girls now make up more than
50 percent of those infected with
HIV worldwide and more than 58 per-
cent of those in sub-Saharan Africa.

Women and girls often are not able to
control when and with whom they have
sex, or to influence the behavior of their
partners. In fact, each year millions
of monogamous married women are
infected by their husbands or their
partners.

Irrefutable evidence now links a range
of discriminatory practices that
violate the fundamental human rights
of women and lead to high rates of
HIV infection. These include,
but are not limited to, sexual violence
and coercion, child marriage, widow
inheritance in which male relatives of
the deceased gain sexual access to the
widow, and the practice in which men
engage in sex with virgins as a “cure” for
HIV-AIDS.

During a visit to Malawi, I personally
saw some of the horrific realities con-
fronting women and girls today. I know
many of us have heard the awful sto-
rYies of babies raped in South Africa to
cure themselves of AIDS. U.S. pro-
grams must work at every level to
change the beliefs that support these
life-threatening traditions and behav-
iors.

My amendment would begin to ad-
dress this appalling problem and re-
quire a curriculum of gender equity in
HIV/AIDS training, so that adolescent
boys and men learn to respect wom-
en and not just view them as sex partners.

While men and boys learn about HIV/
AIDS prevention, including abstinence,
being faithful and using condoms, ABC
as it is called, they also learn what we
call the big R, respect, respect for girls
and women as co-equals.

This is a great bill. My amendment
may make it better by adding this cur-
culum to HIV/AIDS prevention edu-
cation programs under the Global
Fund. I urge passage of the Crowley
amendment.

Mr. LANTOS. Mr. Chairman, will the
gentleman yield?

Mr. CROWLEY. I yield to the gen-
tleman from California.

Mr. LANTOS. Mr. Chairman, I
strongly support this amendment in-
troduced by the gentleman from New
York (Mr. Crowley).

There is no question that the HIV/
AIDS pandemic is disproportionately
affecting women and compounding the
egregious inequalities poor women live
with all over the world. It is absolutely
necessary that we deal with both gen-
ders if we are to reduce the impact
of this disease on women’s life and offer
them opportunities to live with respect
dignity, free from sexual violence and coer-
cion.

The Crowley amendment requires
that we include in the 5-year strategy
a plan to make sure that men take re-
ponsibility for their sexual behavior
and that they do respect women. It will
also increase opportunities for women
seeking access to employment. I urge
Members to support this amendment.

Mr. CROWLEY. Mr. Chairman, I re-
serve the balance of my time.

Mr. HYDE. Mr. Chairman, I claim the
time in opposition; however, I do not
oppose the amendment.

The CHAIRMAN pro tempore (Mr.
SWEENEY). Without objection, the gen-
tleman from Illinois (Mr. HYDE) is rec-
ranged for 3 minutes.

There was no objection.

Mr. HYDE. Mr. Chairman, I yield my-
self such time as I may consume.

This is a good amendment, a
thoughtful amendment. It adds to the
bill, so we are pleased to accept this
amendment.

Mr. Chairman, I yield back the
balance of my time.

Mr. CROWLEY. Mr. Chairman, I
yield 3½ minutes to the gentleman
from New York (Mrs. LOWEY).

Mrs. LOWEY. Mr. Chairman, I rise in
strong support of the Crowley amend-
ment, and I commend my colleague for
his leadership on this important issue.

The amendment addresses one of the
core issues driving HIV/AIDS infection
rates in the hardest hit countries: The
disproportionate vulnerability of
women to contracting HIV.

The facts speak for themselves. 

women and adolescent girls make up
more than 50 percent of those infected
with HIV worldwide, more than 58 per-
cent of those infected in sub-Saharan
Africa. The reasons for this are clear,
gender violence and sexual coercion
make it difficult, and even impossible,
for women to say no to sex with an in-
fected person. Widespread poverty has
turned many younger women to having
sex with older men in return for the
food and shelter their families cannot
provide. Poverty, as well, is a factor
in the prevalence of early marriage, sub-
jecting adolescent girls to marriages
with unhappily marrieds who often
bring HIV home.

The Crowley amendment would
provide a solution requiring U.S. pro-
grams to prevent HIV/AIDS to work toward
empowering women and girls negotiate
their sexual activity, and working with men
to understand and respect women’s
rights. I urge adoption of this amend-
ment.

Mr. CROWLEY. Mr. Chairman, I
yield 2 minutes to the gentleman
from California (Ms. LEE).

Ms. LEE. Mr. Chairman, I thank the
gentleman from New York (Mr. CROW-
LEY) for yielding me this time, and
thank the gentleman for his amendment. It is very important to this bill. I thank the gentleman from Illinois (Chairman HYDE) for accepting the amendment.

The empowerment of women is critical in developing an AIDS strategy that is effective. In many parts of the developing world, women are still treated as second-class citizens. They lack basic protections of civil rights laws in their own country, and often times are left at a disadvantage when it comes to accessing resources, owning land and in their general relationships to men.

The Crowley amendment would fix this by encouraging men to develop a healthy relationship that treats women with respect. That is so important as we address this pandemic. In addition, it supports the development of specific strategies to increase women's access to employment, land and financial resources like microfinance programs that, in many instances, have encouraged women to set up their own small businesses and avoid having to turn to a life of prostitution in order to make ends meet.

I urge all Members to thank the gentleman from New York (Mr. CROWLEY) for his wisdom in moving forward with this amendment. I thank the gentleman from Illinois (Mr. HYDE) for accepting this very important amendment.

The amendment was agreed to.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from New York (Mr. CROWLEY).

The amendment was agreed to.

The CHAIRMAN pro tempore. The amendment is now in order to consider amendment No. 3 printed in House Report 108-80.

AMENDMENT NO. 3 OFFERED BY MRS. BIGGERT

Mrs. BIGGERT. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mrs. Biggert: Page 33, after line 20, insert the following: (a) FINDINGS.—The Congress finds as follows:

(1) The establishment of the Global Fund in January 2002 is consistent with the general principles for an international AIDS trust fund outlined by the Congress in the Global AIDS and Tuberculosis Relief Act of 2000 (Public Law 106-264).

(2) Section 2, Article 5 of the bylaws of the Global Fund states that the Global Fund provides for the International Bank for Reconstruction and Development to serve as the initial collection trustee for the Global Fund.

(3) The trustee agreement signed between the Global Fund and the International Bank for Reconstruction and Development narrows the range of duties to include receiving and investing funds from donors, disbursing the funds upon the instruction of the Global Fund, reporting on trust fund resources to donors, and preparing an annual external audit report to the Global Fund.

Page 33, line 14, strike "(c)" and insert "(d)". Page 37, line 18, strike "(d)" and insert "(e)". Page 38, line 25, strike "(e)" and insert "(f)".

Page 39, after line 9, insert the following: (g) SENSE OF THE CONGRESS REGARDING ENCOURAGEMENT OF PRIVATE CONTRIBUTIONS TO THE GLOBAL FUND.—It is the sense of the Congress that the President should—

(1) conduct an outreach campaign that is designed to—

(A) inform the public of the existence of—

(i) the Global Fund; and

(ii) any entity that will accept private contributions intended for use by the Global Fund;

(B) encourage private contributions to the Global Fund; and

(2) encourage private contributions intended for use by the Global Fund by—

(A) establishing and operating an Internet website and publishing information about the website; and

(B) making public service announcements on radio and television.

The CHAIRMAN pro tempore. Pursuant to section 2, line 22, the gentlewoman from Illinois (Mrs. BIGGERT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, first of all, let me thank the gentleman from Illinois (Mr. HYDE) for all of his work on this necessary initiative. I also applaud the bipartisan manner in which he and the ranking member, the gentleman from California (Mr. LANTOS), have completed this difficult task.

In addition, the gentleman from Iowa (Mr. LEACH) and the gentlewoman from California (Ms. LEE) should be commended for the groundwork that they laid with their previous efforts in creating a World Bank/AIDS Trust Fund.

This amendment does two things: First, it states that the World Bank, or the IBRD, the International Bank for Reconstruction and Development, is the trustee for contributions made by sovereign nations. This makes the underlying bill consistent with both the charter of the Global Fund and with legislation previously passed and signed into law concerning the global fight against HIV/AIDS. This amendment in no way restricts the movement of the trustee role to any other financial institution. If the board of the Global Fund deems it necessary some time down the road.

Second, it expresses the sense of Congress that we wish to encourage individuals and private entities to make contributions to the Global Fund. The President, in his State of the Union address, specifically requested that $1 billion of emergency relief for AIDS go towards the Global AIDS Fund over a 5-year period. The Hyde bill has authorized $1 billion in the first year alone and more authority in subsequent years, if necessary.

While we all agree that government contributions on a multilateral level should be the main source of funding for the Global Fund, we also must agree that individual and private entity donations should not be discounted, discouraged, or dismissed. They should be encouraged. Governments alone cannot concur this enemy. There is so much money that may be leveraged and charitable foundations can and will do if we give them the avenue, the information and the opportunity.

To illustrate my point, we are all aware of the $100 million contribution made by the two very well known and generous Americans from the Bill and Melinda Gates Foundation. This single contribution from an American-based foundation is roughly half the amount that was pledged by the governments of Italy and Japan combined to this Global Fund.

The amendment seeks to encourage and enable other foundations and generous individuals, even those who might be thinking more in the neighborhood of a $1 or $2 billion contribution to contribute to the Global AIDS Fund to combat the HIV/AIDS pandemic. These funds promote expansion of public-private partnerships.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mrs. BIGGERT. I yield to the gentleman from Illinois.

Mr. HYDE. Mr. Chairman, we certainly accept the amendment. It is an excellent addition to the bill, and congratulates the gentlewoman from Illinois (Mrs. BIGGERT).

Mr. LANTOS. Mr. Chairman, will the gentlewoman yield?

Mrs. BIGGERT. I yield to the gentleman from California.

Mr. LANTOS. Mr. Chairman, we are in complete agreement with the gentlewoman on the value of the Global Fund and on the importance of private contributions to the fund. Contributions from the Gates Foundation and others significantly enhance the functioning of the fund, and we agree that the President should do even more to encourage private donations here.

I am not aware of any objections to the gentlewoman's amendment on this side of the aisle. We would be pleased to accept it. I commend the gentlewoman from Illinois (Mrs. Biggert) for her important initiative.

Ms. LEE. Mr. Chairman, will the gentlewoman yield?

Ms. BIGGERT. I yield to the gentlewoman from California.

Ms. LEE. Mr. Chairman, I want to thank the gentlewoman from Illinois (Mrs. Biggert) for this amendment. I think it strengthens the bill. It strengthens the fund.

One point I would like to make about the Global Fund which has been mentioned is the leveraging ability of the fund. $1 billion could leverage up to $4 to $5 billion. It has been estimated that $1 billion could be leveraged just to begin to scratch the surface on this pandemic. The importance of the fund cannot be overstated, and I thank the gentlewoman for this amendment. Now
that Secretary Tommy Thompson is chair of the executive board, both sides should feel confident that he will move forward. And once we insist that our side put $1 billion in, at least we know that should lead to $4 to $5 billion immediately, I offer my support of the amendment.

Mrs. BIGGERT. Mr. Chairman, I thank the gentlewoman from California (Ms. Lee) and thank the chairman and the ranking member for their support of this amendment. I urge its passage.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on amendment offered by the gentlewoman from Florida (Mr. Stearns).

The amendment was agreed to.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 4 printed in House Report 108–80.

AMENDMENT NO. 4 OFFERED BY MR. STEARNS

Mr. STEARNS. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. Stearns: Page 36, after line 13, insert the following:

(ii) any amount made available under this subparagraph (A) is authorized to be made available to carry out section 304A of the Foreign Assistance Act of 1961 (as amended by section 301 of this Act). Amounts made available under the preceding sentence are in addition to amounts appropriated pursuant to the authorization of appropriations under section 402 of this Act for HIV/AIDS assistance.

The CHAIRMAN pro tempore. Pursuant to House Resolution 210, the gentleman from Florida (Mr. Stearns) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida (Mr. Stearns) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida (Mr. Stearns) and a Member opposed each will control 5 minutes.

The CHAIRMAN pro tempore. The question is on amendment offered by the gentleman from Florida (Mr. Stearns).

The amendment was not agreed to.

The CHAIRMAN pro tempore announced that the ayes appeared to have it.

Mr. STEARNS. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVII, further proceedings on the amendment offered by the gentleman from Florida (Mr. Stearns) will be postponed.

It is now in order to consider amendment No. 5 printed in House Report 108–80.

AMENDMENT NO. 5 OFFERED BY MR. BALLANCE

Mr. BALLANCE. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Chair will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. Ballance: Page 55, after line 10, insert the following:

(g) SENSE OF CONGRESS RELATING TO FOOD ASSISTANCE FOR INDIVIDUALS LIVING WITH HIV/AIDS.—

(1) FINDINGS.—Congress finds the following:

(A) The United States provides more than 60 percent of all food assistance worldwide.

(B) According to the United Nations World Food Program and other United Nations agencies, food insecurity of individuals infected or living with HIV/AIDS is a major problem in countries with large populations of such individuals, particularly in African countries.

(C) Although the United States is willing to provide food assistance to these countries in need, a few of the countries object to part of the assistance because of fears of benign genetic modifications to the foods.

(D) Healthy and nutritious foods for individuals infected or living with HIV/AIDS are important, because HIV/AIDS medicines for such individuals.

(E) Individuals infected with HIV have higher nutritional requirements than individuals who are not infected with HIV, particularly with respect to the need for protein. Also, there is evidence to suggest that the full benefit of therapy to treat HIV/AIDS may not be achieved in individuals who are malnourished, particularly in pregnant and lactating women.

(2) SENSE OF CONGRESS.—It is therefore the sense of Congress that United States food assistance should be accepted by countries with large populations of individuals infected or living with HIV/AIDS, particularly African countries, in order to help feed such individuals.

Page 69, line 19, strike "The drug nevirapine reduces" and insert "Certain antiretroviral drugs reduce"
The Chair recognizes the gentleman from North Carolina (Mr. BALLANCE).  

Mr. BALLANCE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am thankful for this opportunity to offer this amendment to the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003. I would like to commend the efforts of my friends and colleagues on both sides of the aisle. I thank the gentleman from Illinois (Chairman HYDE) and the gentleman from California (Mr. LANTOS), ranking member, for their leadership; but I also want to take a moment to point my finger at the honorable gentlewoman from California (Ms. Lee), our good friend and long-time leader in this effort who has stood tall on this issue for so many years, and I would like to take this opportunity to commend our President for continuing to recognize this crisis as a crisis.

I have been in this Congress now for about 4 months, and there have not been many issues that have touched me. This one has. So I have come today to address an issue on behalf of a growing problem compounding the HIV/AIDS crisis in many African nations. America’s standards remain to help provide food assistance to our brothers and sisters in Africa suffering from this devastating disease, HIV/AIDS. We already provide more than 60 percent of all food aid around the world, and yet some parts of the world question the quality of our foods on the basis of unscientific concerns. Thus it is that some nations object to our food aid; and one I would point out, Zambia, has completely rejected our help.

There are many countries in Africa dealing with HIV/AIDS, their leaders are hesitant to introduce any item into the food supply that they suspect might further complicate health problems. Without adequate information, it is no wonder many of these countries have come to different conclusions about food products they allow into their country.

Mr. Chairman, if we asked most HIV/AIDS victims in Africa what they need most, I would venture to say that they will tell us that they need food. More than any medication, providing proper nutrition without adequate food can prolong lives. The most at risk in this debilitating crisis are women and children. The links between malnutrition and AIDS deaths is undeniable. Malnutrition accelerates the progression from HIV to AIDS and leaves those with HIV/AIDS vulnerable to opportunistic infections that often are fatal.

The devastation that this disease causes in Africa, the hundreds of thousands of orphans, the decimated communities and the economic damage can be alleviated with a combined program of medical aid and good nutrition. Food is much less expensive than antiretroviral drugs, and good nutrition can prolong the lives of AIDS victims for many years and sometimes decades. According to the recently published Demographic Health Survey and the 2000 Census of Population and Housing by the United Nations, children born between 1970 and 1975 in Zambia could expect to live 47.2 years. That same study now has shown that their life expectancy has decreased to 40.5 years.

Unfounded fears should not hold up food aid. This amendment I believe will go a long way to alleviate those concerns, and I would urge my colleagues to adopt this amendment.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. BALLANCE. I yield to the gentleman from California.

Mr. LANTOS. Mr. Chairman, I strongly support the amendment introduced by the gentleman from North Carolina (Mr. BALLANCE), and I want to commend him for his initiative. We think this is a significant improvement to the underlying bill. We have no objections, and we strongly support it.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

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

Mr. HYDE. Mr. Chairman, I am delighted to associate myself with the remarks of the distinguished gentleman from California (Mr. LANTOS). This is an excellent amendment, and I urge all of our colleagues to support it.

Mr. BALLANCE. Mr. Chairman, reclaim my time. The point here was wanted to say which was not in my prepared remarks was we grow a lot of corn in North Carolina.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The amendment was agreed to.

Mr. LANTOS. Mr. Chairman, I offer an amendment as the designee of the gentleman from California (Mr. MILLENDER-MCDONALD).

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. LANTOS. Mr. Chairman, I offer an amendment as the designee of the gentleman from California (Ms. MILLENDER-MCDONALD).

The amendment was agreed to.

Mr. HYDE. Mr. Chairman, I thank the gentleman for yielding. I am pleased to say that the majority accepts the amendment. It is an excellent addition to what I think is an excellent bill. So we are pleased to accept it.

Mr. MILLENDER-MCDONALD. Mr. Chairman, I want to take this time to thank Chairwoman HYDE and Ranking Member LANTOS for being the driving force behind such an important bill, H.R. 1298, United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003. This bill provides true leadership on the part of the United States, dramatically increasing the U.S. participation in addressing the pandemic that is ravaging whole regions and millions upon millions of people. This unprecedented bill acknowledges our moral responsibilities to address the pandemic that has already resulted in the deaths of millions. I am so proud to be a part of this legislation, this distinguished body and this country.
The bill as reported out of the International Relations Committee contains a provision of mine included in the Committee markup which my good friend, Congresswoman NAPOLITANO, offered for me as a member of that Committee. While much attention is being paid to prevention of mother-to-child transmission (MTCT) of HIV/AIDS, we must also be addressing the needs and rights of that child to grow up with parents, so that millions more are not orphaned before he or she can even walk. My language gives priority preference for federal funds to groups that are currently administering a program with non-federal funds to: prevent mother-to-child transmission; and provide life-long care and treatment in family-centered programs so that children do not grow up as orphans.

This would benefit programs such as the MTCT-Plus Initiative, which is supported by United Nations Secretary General Kofi Annan and the First Ladies of Africa, and which has $50 million in funding from several private philanthropic foundations including the Bill and Melinda Gates, the William and Flora Hewlett, the Rockefeller and other foundations. Such family-survival programs are critical to address the issues of millions of children orphaned by HIV/AIDS on a scale unrivaled in history. In sub-Saharan Africa, family and societal structures are breaking down because of the deaths of a generation of parents. The number of children in the developing world who have been orphaned by the AIDS pandemic will nearly double from 13.4 million to 25.4 million by the end of this decade. Today, 5.5 million children in Africa have lost both parents and in most cases, at least one other relative. We know that number could be inflated to 7.9 million by 2010. Older women are also profoundly affected since the responsibility for caring for and supporting grandchildren orphaned by AIDS infected parents often falls on the shoulders of the elderly.

Thank you again, Chairman HYDE and Ranking Member LANTOS, for agreeing to include my amendment in the bill as reported, and to Congresswoman NAPOLITANO for agreeing to offer my amendment during the Committee markup.

Mr. Chairman, my amendment today concerns Section 314 which calls for a pilot program to address the issue of inheritance rights for women, increased risk of contracting and spreading HIV. For example, there are areas in Kenya where the wife inheritance and cleansing practices have created an alarmingly high rate of HIV/AIDS infection. Fully 22 percent of the population between ages 15 and 49 in the Nyanza province are infected, and 35 percent of ante-natal women in one district within that province are infected. Girls and young women in the Nyanza province are infected at six times the rate of their male counterparts.

The underlying bill calls for the President to report on this pilot program, as described under Section 314(c). My amendment calls for that report to include in it a description of any activities undertaken to ensure that the inheritance rights of women as just described are part of this program.

Finally, in the last Congress, Rep. Eva Clayton and I introduced H. Con. Res. 421, recognizing the importance of inheritance rights of women and the link between AIDS and the HIV/AIDS pandemic. I have also chaired two briefings on this issue. Our resolution was very strongly supported by this body. It had 90 original cosponsors with bipartisan support. My amendment today to the underlying bill includes the crux of H. Con. Res. 421. Thank you so much and I hope you support my amendment to H.R. 1298.

Mr. LANTOS. Mr. Chairman, we have no further requests for time, and we yield back the balance of our time.

The CHAIRMAN pro tempore. The amendment was agreed to.

The CHAIRMAN pro tempore (Mr. Sweeney). It is now in order to consider Amendment No. 8 printed in House Report 108-80, as modified by the order of the House of earlier today. AMENDMENT NO. 8 OFFERED BY MS. MCCOLLUM

Ms. MCCOLLUM. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment. The text of the amendment is as follows:

Amendment No. 8 offered by Ms. McCollum:

Page 83, line 14, strike “For” and insert “(a) THERAPEUTIC MEDICAL CARE.—For” Page 83, after line 22, add the following new subsection:

(b) ORPHANS AND VULNERABLE CHILDREN.—For fiscal years 2006 through 2008, not less than 10 percent of the amounts appropriated pursuant to the authorization of appropriation under section 401 for HIV/AIDS assistance for each such fiscal year shall be expended for assistance for orphans and vulnerable children affected by HIV/AIDS, of which such amount at least 50 percent shall be provided through non-profit, nongovernmental organizations, including faith-based organizations, that implement programs on the community level.

The CHAIRMAN pro tempore. Pursuant to House Resolution 210, the gentleman from Minnesota (Ms. McCollum) and a Member opposed each will control 5 minutes.

Ms. McCollum. Mr. Chairman, I yield myself of such time as I may consume.

Mr. Chairman, I want to begin by thanking once again the gentleman from Illinois (Chairman HYDE) and the ranking member, the gentleman from California (Mr. LANTOS), for their hard work on this critical legislation. President Bush should also be congratulated for his leadership on this important legislation. This bill is a huge step forward in our global leadership to respond to the AIDS pandemic.

The gentleman from Illinois (Chairman HYDE) and the gentleman from California (Mr. LANTOS) have recognized AIDS orphans and vulnerable children and have included them in this historic bill expressing the sense of Congress that they receive a portion of funding. Nonetheless, I believe we can do more to ensure that some of our planet’s most vulnerable children are protected.

The amendment I am offering today would ensure that 10 percent of the appropriated funds in this bill be expended for HIV—AIDS assistance for millions of orphans and vulnerable children affected by AIDS.

As we prepare to authorize this groundbreaking legislation, I urge my colleagues to join me in committing this funding for children who are being left behind to survive on their own as a result of the AIDS pandemic.

This funding will go far in providing the most basic health, education and economic needs to millions of children throughout the work of community and faith-based groups, as well as NGOs and host country governments.

Today there are more than 12 million children, 12 million children in Africa, that have lost one or both parents to HIV—AIDS. By the year 2005, there will be more than 20 million AIDS orphans around the world.

Children in Africa are suffering the loss of parents, extended family members, teachers, health care providers and peers. Every community affected by AIDS is being robbed of a generation of adults in their most productive years, leaving behind children to be raised by relatives, left on their own in households headed by other children, worse, to be totally left alone to forage in rural villages and on the streets of cities across the continent of Africa.
The scope and complexity of the challenges facing children affected by AIDS cannot be overstated. Children become responsible for their own survival while providing care for dying parents. They are forced to abandon school and assume the stigma and isolation far too frequently associated with AIDS. Tragically, orphan children who are the most vulnerable are often forced into labor, sexual exploitation, and the hopelessness of a life of mere survival.

This amendment can help transform the future of communities filled with AIDS orphans by committing to reinvigorate communities that have faith-based organizations and other groups that are committed to working with orphans. We are ensuring by doing this that an entire generation of children in Africa will not be lost.

We have the responsibility today to make a firm commitment to ensure that the resources in this bill go to the most basic needs of every child: food, shelter, safety, medicine, education, and, most importantly of all, hope for the future.

I urge my colleagues to join me today in supporting the millions of children orphaned by AIDS. I respectfully ask my colleagues to support this amendment far too frequently associated with AIDS. Orphan children who are the most vulnerable are often forced into labor, sexual exploitation, and the hopelessness of a life of mere survival.

Mr. HYDE. Mr. Chairman, will the gentleman from Illinois?

Ms. MCCOLLUM. I yield to the gentleman from Illinois.

Mr. HYDE. Mr. Chairman, the children and orphans who are affected by this scourge could have no better champion than the gentleman from Minnesota, and we are very pleased to accept her excellent amendment.

Mr. LANTOS. Mr. Chairman, will the gentleman yield?

Ms. MCCOLLUM. I yield to the gentleman from California.

Mr. LANTOS. Mr. Chairman, I want to congratulate and commend my friend from Minnesota for offering this most important amendment, which dramatically improves the underlying bill. On this side we are proud and pleased to accept her amendment.

Ms. MCCOLLUM. Mr. Chairman, reclaiming my time, I am very honored to have this amendment accepted, and I thank both my mentors for their help in proposing this amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from California (Mr. SMITH).

Mr. SMITH of California. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. Pursuant to House Resolution 210 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H. R. 1298.

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

There was no objection.

The CHAIRMAN pro tempore. The motion was agreed to.

Mr. SMITH of Michigan. Mr. Chairman, I move the amendment. The amendment was agreed to.

Mr. HYDE. Mr. Chairman, I move that the Committee do now rise.

Mr. HYDE. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, this amendment brings back the level of funding for the first year to the level recommended by the President, the amount of $2 billion, which is the amount that is also in our budget resolution.

The third reason is I would like to document and persuade to my colleagues, expert witnesses from Africa that are suggesting that it is going to be much more effective to start gradually and then increase the spending over the year.

My amendment does not decrease the total 5 year commitment of $15 billion, but, rather, is consistent with what the President has requested, starting at $2 billion and then growing each year.

I would like to read a letter from a former United States ambassador to several of those African countries.

"As the son of a medical missionary to Africa, a career State Department diplomat with over 28 years of service, mainly in Africa, and as the former United States Ambassador to Rwanda and Mali, I am well aware of the problems making foreign aid genuinely benefit the populations it was intended to impact. Throughout my career, I have been involved in rural health initiatives in Africa, and while there is great need to meet the challenge of AIDS in Africa, front-loading a program might well do more harm than good. There is great risk in squandering precious funds when expenditures are made without adequate controls or accountability. We also risk big-ticket solutions on Africans who may need more modest help in finding local solutions and building up their own capacity to deal with the challenge in the early years."

"Accordingly, I support the original emergency plan for AIDS relief proposed by the President that would launch this new initiative to $2 billion in 2004 and steadily escalate spending over 5 years."

Again, because we can maximize this money over the 5-year period, because it would be consistent with the President and the budget resolution, I hope Members support the amendment.

Mr. LANTOS. Mr. Chairman, I claim the time in opposition to this amendment.

The CHAIRMAN pro tempore. The gentleman from California (Mr. LANTOS) is recognized for 5 minutes.

Mr. LANTOS. Mr. Chairman, I am delighted to yield such time as he may consume to my distinguished friend the gentleman from California (Mr. HYDE).

Mr. HYDE. Mr. Chairman, I yield the distinguished gentleman from California for yielding me time.
Mr. Chairman, it is with extreme regret that I must oppose the amendment offered by my good friend, the gentleman from Michigan (Mr. SMITH). He never offers an amendment, but what it is not well thought out, and this is a prime example. But, unfortunately, it disturbs the balance that we have carefully, and as I have said, painstakingly negotiated with the many different elements of our body who have particular points of view.

The $2 billion limitation which the gentleman from Michigan would impose is indeed what the President said in his budget, but I hasten to point out that the President supports our bill, and our bill authorizes, and I stress the word “authorizes,” $3 billion for 5 years.

The gentleman from Michigan's formula does not, in any way, deduct this money, the total is still $15 million over 5 years, but it is a question of how much for the first year and how much for the succeeding years.

Mr. Chairman, I thank the gentleman for his contribution. We considered the gentleman's amendment in committee and it was defeated, and he said that he would not reoffer the amendment, and he has issued a statement this morning doing so.

Mr. CHAIRMAN pro tempore (Mr. MAY). Mr. SMITH of Michigan. Mr. Chairman, I yield myself such time as I may consume.

Mr. SMITH. Mr. Chairman, our distinguished chairman, the gentleman from Illinois (Mr. HYDE), expressed my views. In order to save time, I merely concur with his comments. I also oppose the amendment.

Mr. Chairman, I yield 1 minute to the gentleman from California (Ms. LEE).

Ms. LEE. Mr. Chairman, I rise in strong opposition to this amendment. As our chairman indicated, we did defeat this amendment in committee. Several days ago at the White House, the President illustrated quite well the cost of delaying these funds to those who are so desperately in need. As President Bush said, time is not on our side. Since the State of the Union address and that an estimate of 760,000 people have died from AIDS, 12 million people have become infected and more than 175,000 babies have been born with the virus.

Imagine how many more will die and become infected if we accept this amendment and deny the $1 billion in funding this year to those who desperately need this help? Clearly we cannot wait. There are programs out there that can use our funding immediately. The executive director of UNAIDS, Dr. Piot, has said that Africa could absorb $6.57 billion in AIDS funding without any improvements toward infrastructure.

Therefore, I urge all my colleagues to vote against this bill and to maintain the compromise that we worked so hard to negotiate with the gentleman from Illinois (Chairman HYDE). Mr. SMITH of Michigan, Mr. Chairman, I rise today in support of the amendment offered by my colleague, the gentleman from Michigan (Mr. SMITH), and, in deference to my chairman, for whom I have great respect, I am still speaking. I think that this would ensure that we stay within the President's plan originally and within the budget. He did say on the 29th of April that, with the approval of Congress, this plan will direct $15 billion to fight AIDS abroad over the next 5 years, but beginning with $2 billion in 2004.

Mr. MYRICK. Mr. Chairman, I rise today in support of the amendment offered by my good friend, the gentleman from North Carolina (Mrs. MYRICK).

Mrs. MYRICK. Mr. Chairman, I rise today in support of the amendment offered by my good friend, the gentleman from Michigan (Mr. SMITH), and, in deference to my chairman, for whom I have great respect, I am still speaking. I think that this would ensure that we stay within the President's plan originally and within the budget. He did say on the 29th of April that, with the approval of Congress, this plan will direct $15 billion to fight AIDS abroad over the next 5 years, but beginning with $2 billion in 2004.

The reason I find it important to stay within our budget is because due to the war and the economic downturn we, unfortunately, are running the largest budget deficits in American history this year and next. We cannot continue to just overspend every year, piling debt on our children and grandchildren. It does not mean this program is not important. I support it. But there are many important programs, and there is a limited amount of money.

Mr. LTOSTOS. Mr. Chairman, I rise in opposition to this amendment. I understand the good heart of the gentleman from Michigan (Mr. SMITH) and where he is coming from. But, Mr. Chairman, this is money that is needed now.

Mr. SHAYS. Mr. Chairman, I rise in opposition to this amendment. I understand the good heart of the gentleman from Michigan (Mr. SMITH) and where he is coming from. But, Mr. Chairman, this is money that is needed now.

The President has stated, "Seldom has history offered a greater opportunity to do so much for so many." This year, the President made an unprecedented commitment to fight HIV/AIDS on a global scale, and we must not thwart that momentum by cutting this year's authorization by a third. The President has stated that his HIV/AIDS initiative is intended to prevent 7 million new infections, treat 2 million HIV-infected people, and care for 10 million HIV-infected individuals and AIDS orphans. There is no reason I can think of to limit the immediate flow of money. There are children in Africa going to school without teachers and then going to a home without parents, and we have to deal with that.

Mr. Chairman, I commend President Bush for taking such a bold step in committing these funds and the gentleman from Illinois (Chairman HYDE) and the ranking member, the gentleman from California (Mr. LANTOS), and the Members of the Committee on International Relations. Might I remind this body that the Global Fund was implemented in 2000, signed by President Clinton, and worked on very hard by Members of this body, Democrats, and certainly we were joined by members of the Republican Conference.

Mr. Chairman, 40 million children will be orphaned in sub-Saharan Africa on the basis of losing their parents to
Mr. Chairman, I yield myself the remaining time.

Let me conclude by simply saying that this is what the President suggested, starting at $2 billion. It is consistent with our budget resolution that we passed just 2 weeks ago. It still maintains the $15 billion over 5 years. So there is no disagreement; there is no reduction in total funding.

I quote from Ambassador Rawson who says, “While there is great need and the challenge of AIDS in Africa, front-loading a program might well do more harm than good,” and he recommends that we support the Smith amendment, which is the President’s suggestion, to launch this new initiative at $2 billion in 2004 and steadily escalating that spending.

Mr. Chairman, I also am reluctant to go against my chairman on this amendment, but I thought sure that the gentleman from Illinois would support this amendment with all of the good, rational, logical reasons that I have. I yield my remaining time to the gentleman from Illinois (Mr. HYDE).

Mr. HYDE. Mr. Chairman, it is always a pleasure to engage with the gentleman from Michigan in debates, but the gentleman keeps citing the President. That has been overtaken by events.

At the Smith amendment, there is no net saving. There is a reshuffling of money within the 5-year framework, but it still adds up to $15 billion. With respect, I hope the gentleman loses the amendment.

The CHAIRMAN pro tempore. The time of the gentleman from Michigan (Mr. SMITH) has expired.

Mr. SMITH of Michigan. Mr. Chairman, I ask unanimous consent for 5 additional seconds.

The CHAIRMAN pro tempore. That request may not be entertained.

All time has expired. The question is on the amendment offered by the gentleman from Michigan (Mr. SMITH).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mr. SMITH of Michigan. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Michigan (Mr. SMITH) will be postponed.
The Chair pro tempore (Mr. Sweeney) during the vote.

The Chair pro tempore. Pursuant to clause 6 of rule XVIII, the remaining question will be a 5-minute vote.

The Chair pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Michigan (Mr. Smith) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Chair redesignate the amendment.

The Chair pro tempore. A recorded vote was ordered.

The Chair pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 130, noes 288, not voting 16, as follows: [Roll No. 156]
Mr. HYDE. Mr. Chairman, I thank the gentlewoman for yielding. We are very pleased to accept this amendment which adds to the quality of bill. I thank the gentlewoman and we are pleased to accept it.

Ms. JACKSON-LEE of Texas. I yield to the gentleman from California.

Mr. LANTOS. Mr. Chairman, I want to commend the gentlewoman from Texas (Ms. JACKSON-LEE) for her excellent amendment. We are delighted to accept it on this side.

Ms. JACKSON-LEE of Texas. Reclaiming my time, I thank both the chairman and the ranking member.

I close by simply saying that this language squarely places a very firm hand of encouragement on our business community and a firm hand toward the assistance to sub-Saharan communities that will hopefully grow or might maybe grow towards stamping out this terrible devastation of HIV/AIDS, along with tuberculosis and malaria. I ask my colleagues to support it.

Mr. Chairman, I offer this amendment to the “United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003” to encourage American businesses to help sub-Saharan African governments and communities fight the spread of HIV/AIDS in their countries. Many U.S. corporations operate in sub-Saharan Africa. From my home State of Texas, the oil industry conducts business operations in Africa. Businesses such as pharmaceutical companies, computer companies, food companies, and businesses from practically every economic segment of the country operate in Africa.

These companies earn substantial profits from their operations in Africa. Accordingly, they should be encouraged to provide financial support to the sub-Saharan African population and participate in fighting the spread of HIV/AIDS.

I fully support and applaud the efforts of the Global Fund. My amendment, which establishes a Response Fund, will neither conflict with the Global Fund nor create unnecessary bureaucracy. The Global Fund was established by the United Nations Secretary General in April of 2001. The stated purpose is to, “attract, manage and disburse additional resources through a new public-private partnership that will make a sustainable and significant contribution to the reduction of infections, illness and death, thereby mitigating the impact caused by HIV/AIDS, tuberculosis, and malaria in countries in need.

The Response Fund that I propose in my amendment will work in conjunction with the Global Fund to improve the effectiveness of both the Fund established in my amendment and the Global Fund. My amendment, which establishes a Response Fund, will neither conflict with the Global Fund nor create unnecessary bureaucracy. The Global Fund was established by the United Nations Secretary General in April of 2001. The stated purpose is to, “attract, manage and disburse additional resources through a new public-private partnership that will make a sustainable and significant contribution to the reduction of infections, illness and death, thereby mitigating the impact caused by HIV/AIDS, tuberculosis, and malaria in countries in need.

The Response Fund that I propose in my amendment will work in conjunction with the Global Fund not in opposition to it. My Response Fund will create more flexibility for corporations to contribute to the fight against HIV/AIDS, and give corporations more options. My Response Fund will be a vehicle to getting funds to sub-Saharan communities, medical facilities and patients with utmost speed.

The Response Fund and the Global Fund will share the same goal, and they will certainly have opportunities to collaborate and work together in the fight against infectious diseases.

The Response Fund will not create an extra step in getting funds to sub-Saharan Africans suffering from HIV/AIDS.

I encourage U.S. businesses to contribute to both the Response Fund established in my amendment and also to the United Nations Global Fund.

Mr. Chairman, I offer this amendment because the fight against HIV/AIDS should be waged by the Congress, the sub-Saharan African community, and the American business community as well. I encourage the American business community to contribute needed funds to both the Response Fund in my amendment and The United Nations Global Fund.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Texas (Ms. JACKSON-LEE).

The amendment was agreed to.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 10 printed in House Report 108-80.

AMENDMENT NO. 10 OFFERED BY MR. SMITH OF NEW JERSEY

Mr. SMITH of New Jersey. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Mr. SMITH of New Jersey.

Page 54, line 21, insert before the period the following: “, or to endorse, utilize, or participate in a prevention method or treatment program to which the organization has a religious or moral objection.”

The CHAIRMAN pro tempore. Pursuant to House Resolution 210, the gentleman from New Jersey (Mr. SMITH) and a Member opposed each will control 10 minutes.

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

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

First of all, let me begin by thanking the gentleman from Illinois (Mr. HYDE), our chairman, for the extraordinary job he as done in this legislation. This has been a work in progress as we all know for several months, over last year and into this year. This legislation, in the end, is something that will save millions of lives and something we can be proud of.

I have an amendment that is co-sponsored by the gentleman from Illinois (Mr. HYDE), the gentleman from Michigan (Mr. STUPAK) and the gentleman from Arizona (Mr. GOPEN). I think it is a critical clarification needed to make sure that the many successful and compassionate organizations are not inadvertently disqualified from participating in our international HIV/AIDS prevention and treatment efforts.

The amendment is a one-phrase all-important clarification of the existing language in the bill. It will ensure that a qualified grantee that does not want to participate in all aspects of a treatment or prevention strategy is not disqualified for participating in our HIV/AIDS efforts. For example, if a Muslim or Catholic organization is excellent in abstinence education or
AIDS testing, they should not be disqualified from U.S. funding because they have a moral objection to condoms.

The bill already says, I would point out, that organizations shall not be required to endorse or promote condom use or hand out condoms or endorse abstinence to be effective in combating the spread of HIV/AIDS. In other words, a group receiving funds under this act shall not be required to endorse or utilize a multisectoral approach to combating HIV/AIDS. In other words, a group does not need to endorse condom use to receive funds under this act. The amendment before us today builds upon language already in H.R. 1298.

Mr. Chairman, I greatly respect the work of faith-based organizations around the world, which are playing a critical role in battling HIV/AIDS; but until we clarify these questions, I cannot support the amendment in its current form.

Mr. Chairman, I would like to ask my good friend, the gentleman from New Jersey (Mr. SMITH), whether he would be willing to add the words at the end of his amendment by unanimous consent: “Except that such organization may not undermine interventions that it does not endorse, utilize or participate in.”

Mr. SMITH of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. LANTOS. I yield to the gentleman from New Jersey.

Mr. SMITH of New Jersey. Mr. Chairman, I thank my friend for his support of H.R. 1298, but I will not support the amendment in its current form.

Mr. Chairman, the sponsor’s unwillingness to make this clarification makes me even more concerned about the amendment as it is drafted. I believe that this amendment could be used by some organizations to undermine and denigrate the effective use of condoms and other HIV prevention strategies overseas.
Mr. Chairman, use of condoms is an effective way to prevent HIV/AIDS. If we allow this clause, conceivably scientific misinformation could be disseminated and it would undermine a proven prevention strategy, which prevents people from getting infected. Therefore, reluctantly oppose the passage of the Smith amendment and ask all of my colleagues to join me in voting "no."

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

Mr. SMITH of New Jersey. Mr. Chairman, I yield 1 minute to the gentleman from Arizona (Mr. RENZI), one of the sponsors of the amendment.

Mr. RENZI. Mr. Chairman, I thank the gentleman from New Jersey for yielding me this time, and I am grateful for his leadership on this important amendment.

It is said to those that have been given much, much will be expected. It is with this sense of duty and obligation to the President that has turned the Nation's attention, America's attention, to the realization that our Nation can use a portion of its wealth to help eradicate the devastating effects of AIDS in some of the most impoverished portions of our world.

Yet without passage of the Smith amendment, certain worthy organizations, who have proven themselves successful in taking on this fight, organizations who have been there from day one of this pandemic, who have turned the Nation's attention, America's attention, to the realization that our Nation can use a portion of its wealth to help eradicate the devastating effects of AIDS in some of the most impoverished portions of our world.

While it has been said they undermine, the fact is, again, reiterating, these organizations, particularly the Catholic-based organizations, care for one out of every four AIDS sufferers in the world. I urge support of the amendment.

Mr. LANTOS. Mr. Chairman, I yield the balance of my time to the gentlewoman from California (Ms. LEE), and I ask unanimous consent that she be allowed to control that time.

The CHAIRMAN pro tempore. The gentleman has turned the balance of his time.

Ms. LEE. Mr. Chairman, I yield myself such time as I may consume, and I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in opposition to this amendment offered by my colleague, the gentleman from New Jersey (Mr. SMITH). Early on in the drafting of this bill, we decided really not to let ideological passions drive the contents of this bill. I believe, as our ranking member said, that the language we worked on and negotiated in committee addresses the issues and concerns raised in this amendment, and it addresses it quite well.

Now, it seems to me, quite frankly, that social conservatives are looking at a way to carve out a specific exemption. All of us support faith-based organizations, but it appears now that this amendment would carve out for religious organizations a specific exemption. The amendment looks tame on its face, but I really think there is another motive behind this amendment. I do not believe that we should subject this very important piece of legislation to the ideological whims of either side. The compromise that we negotiated in the bill was specifically intended to avoid this. Both sides made some major concessions with an understanding that the needs of those who are living and dying with AIDS would trump our political differences. It appears now that this amendment would give an organization the ability to affirmatively tell those suffering and dying of AIDS not to use one method over another. This could be deadly.

Now, there were several amendments that I would have offered to shape the bill more to my liking, more to many of my colleagues' liking on our side; but we refrained from doing this because we felt quite strongly that the delicate balance established in the bill should not be upset. So I would encourage Members to oppose this amendment. This is very clear with regard to faith-based organizations, and I ask the gentleman to withdraw his amendment.

Mr. SMITH of New Jersey. Mr. Chairman, will the gentlewoman yield?

Ms. LEE. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN pro tempore. The gentlewoman has 2 minutes remaining.

Ms. LEE. Mr. Chairman, I yield 1 minute to the gentlewoman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Chairman, first of all, I just want to make it very clear, and I wish the gentlewoman had not gone the route of saying there is another motive here. The motive—my motive—is to say that there are a vast array of other people who are very competent in mitigating this crisis called AIDS, and maybe even ending it some day who are on the ground providing the services that are there. Others—if the wherewithal exists—will soon join them.

I mentioned Catholic Relief Services earlier in the debate. Catholic Relief Services, today, provides HIV/AIDS services to 2 million people. They do it without a brass band or self promoting press releases and are very much under heralded. These saints who care for the afflicted are on the ground, village after village, heavily embedded in Africa, helping people with this horrible scourge. Helping the people who are trying to cope with it and prevent it. Catholic Relief Services is made up of the most caring and compassionate people on earth. Let's hope they apply for more funding.

I mentioned earlier the one case of a diocese, five dioceses in Uganda in the 1990s that had hoped to develop an AIDS plan with some funding augmenting the U.S. Government. And because the organization said they did not want to embrace the condom part, they were precluded from U.S. funding. So there is a real world tragedy and dark consequence as a direct result of not having an air-tight conscience clause.

Again, we can fund condoms till the cows come home in this bill; but we are saying there are providers among the best an earth—the CRS—who are deeply respected in the community, with access to the at risk populations, yet who would not get funding without real conscience clause protection. Catholic and Muslim groups are the ones we are mostly talking about, and it seems to me that it is counterproductive in the extreme to everything we are trying to do here—to prevent their full participation. I thank the gentlewoman for yielding to me.

Ms. LEE. Mr. Chairman, I yield my self the balance of my time, and I thank the gentleman for his comments, but let me just say that the language that was negotiated that is in the base bill, in the bill before us today, takes care of all of the issues that we care about. It terms of allowing for a multi-faceted, multi-sectoral approach to addressing this pandemic.

What we do not want to do, and what I believe will happen with the gentleman's amendment, is that organizations now will be able to say "do not use one method versus the other." We crafted the language in a way that would allow organizations, if for whatever reasons decided that they were not going to promote abstinence, to be faithful, or condom use, that they would not necessarily have to promote it.

But what I believe the gentleman's amendment will do will be to allow organizations to tell individuals that one approach is not going to work, or there is danger in an approach that allows for the distribution of condoms. I think that is downright wrong. The ABC approach is the approach that works. Organizations can choose whichever approach they want to address.

Mr. SMITH of New Jersey. Mr. Chairman, I yield 1 minute to the gentleman from Indiana (Mr. PENCE).

Mr. PENCE. Mr. Chairman, I rise in strong support of the Smith amendment.

Mr. Chairman, in Congress we talk. It is what we do. But in Africa at this very hour, as the gentleman from New Jersey stated, there is a national crisis, and the United States Government, there are Catholic Relief workers and Christian missionaries in medical missions elbow deep in a crisis that has struck 42 million souls and rising, the
AIDS pandemic. Only by passing the Smith amendment will we make certain that not only those who would be willing to come to the aid of people, but the overwhelming majority of those who are thankfully, and without the klieg lights of publicity or public support are coming to their aid at this very hour.

Only by creating a conscience exception for faith-based organizations to say that they can accept some of this $15 billion that will avalanche from Washington, D.C., into Africa without violating their own moral conscience, will we ensure that those who do the work continue.

Mr. Smith of New Jersey. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. Stupak).

Mr. Stupak. Mr. Chairman, I am on the floor here today to support an amendment that will simply clarify existing language in this bill. Our amendment is short and simple. It says that other religious organizations shall not be required as a condition of receiving assistance to endorse, utilize or participate in a prevention method or treatment program to which the organization has a religious or moral objection.

We should all be working together, Muslims and Catholics, to fight AIDS. In fact, Catholic organizations alone are caring for one in every four AIDS victims in the world. It makes no sense to disqualify those organizations that have proven to fight the pandemic. This provision will make sure that we do not arbitrarily disqualify organizations that have proven their ability to provide excellent care to those afflicted with this dreaded disease. I congratulate my colleagues for joining together to address this tragedy that can no longer be ignored.

Mr. Smith of New Jersey. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania (Mr. Pitts).

Mr. Pitts. Mr. Chairman, I rise to support this conscience protection amendment. Faith-based organizations are often the most effective in preventing the spread of HIV; and despite their effectiveness in caring for millions with the disease and working to prevent the spread of it, many relief organizations continue to disregard the right of faith-based organizations to object to condom distribution.

In the hearing we had, we cited the quotations from the U.N. representatives in this regard. This amendment will provide protection for faith-based groups, like the Catholic Church, who apply for federal funds but who object to distributing condoms as a form of HIV prevention. It is meant to make sure that we do not arbitrarily disqualify any organization from one part of the plan that they do best.

We should have the best organizations working within our overall plan on parts of the plan that they do best. We should not discriminate against organizations that are saving lives. I urge Members to support the amendment.

Mr. Smith of New Jersey. Mr. Chairman, I yield the balance of my time to the gentleman from Illinois (Mr. Rho) to close debate on this bill.

The CHAIRMAN pro tempore (Mr. Duncan). The gentleman from Illinois (Mr. Hyde). Mr. Chairman, this is an effort to make the army in opposition, the army fighting AIDS as inclusive as possible. I just think for a moment, put biases aside. Here is an organization that takes care of 1 in 4 people afflicted with AIDS, the Catholic Relief Services. Without this amendment, they stand very much in jeopardy of being excluded from this program. Why should we hobble ourselves as we are attacking the deadly scourge of AIDS?

There are religious people who do not believe in condoms who can teach, who can go from village to village administering medicines. There are so many things that need to be done on the human level, and why should we exclude them because they have moral scruples against condoms? This is a big attack. Why exclude people from this force that is going to attack AIDS? I think it is irrational. The purpose of the bill is to get as many forces together to attack AIDS. If we exclude people because they do not believe in condoms, we are tearing our hands and it is a big mistake. I hope this amendment passes. It is no way at this time.

Mr. Stupak. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania (Mr. Pitts).

Mr. Pitts. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows: Amendment No. 11 offered by Mr. Pitts.

Mr. Pitts. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The amendment is agreed to.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 11 offered by Mr. Pitts.

Mr. Pitts. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The amendment is agreed to.

Mr. Pitts. Mr. Chairman, I offer a 3-minute amendment.

The amendment is now in order.

The amendment makes sure that there is a provision that is going to attack AIDS. If we exclude people because they do not believe in condoms, we are tearing our hands and it is a big mistake. I hope this amendment passes. It is no way at this time.

Mr. Stupak. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania (Mr. Pitts).

Mr. Pitts. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, H.R. 1298 endorses Uganda’s ABC model that focuses on Abstinence first; “B” for being faithful to one partner and “C” for condom use, and this focus on abstinence first lowered HIV infection rates from 21 percent in 1991 to 6 percent in 2000. The ABC model saves lives, and this amendment will ensure that these funds move more money to life-saving strategies that have been proven to work.

It mandates a percentage: 33 percent of the prevention funds disbursed under the bill for abstinence and that is not all of the bill, that is just prevention funds, and one-third of those other countries have begun implementation of the ABC model and are already showing great success, as they did dramatically in Uganda. But countries like Kenya, which have stuck mainly to the social marketing of condoms, are experiencing huge increases in HIV prevalence rates, and this amendment takes that fact seriously.

It makes sense to guarantee that this money will fund what works. This amendment makes sure that there is sufficient flexibility for the AIDS coordinator. It is not only mandate that 33 percent of the prevention funds go to abstinence. It leaves the remaining 67 percent of prevention money to be disbursed as the coordinator sees fit.

Opponents claim that abstinence just is not possible. Dr. Edward Green, a researcher at Harvard University was an opponent of the ABC model, in particular abstinence, until he saw what happened in Uganda. He testified before the Committee on Energy and Commerce, and he said, of many of us in the AIDS and public health communities did not believe that abstinence, or delay, and faithfulness, were realistic goals. It now seems we were wrong.

In Uganda the proportion of young males ages 15 to 24 reporting premarital sex decreased from 60 percent in 1989 to 23 percent in 1995. For females, the decline was 53 percent to 16 percent. The program actually changed the behavior of both women and men. It is fact I hope my colleagues take seriously.

This amendment will make sure that funds get to what works. It maintains through 2008, not less than 33 percent of the amounts appropriated pursuant to the authorization of appropriations under section 401 for HIV/AIDS prevention consistent with section 1001(a) of the Impact AIDS Act of 1996 (as added by section 301 of this Act) for each such fiscal year shall be expended for abstinence- until-marriage programs. 

The Chair recognizes the gentleman from Pennsylvania (Mr. Pitts) and a Member opposed each will control 10 minutes.

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flexibility, makes the bill better. It will save lives. I urge Members to support this amendment.

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

Mr. LANTOS. Mr. Chairman, I claim the time.

The CHAIRMAN pro tempore. The gentleman from California (Mr. LANTOS) is recognized for 10 minutes.

Mr. LANTOS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I had the honor on Tuesday to join Senators LUGAR and BIDEN and the gentleman from Illinois (Chairman HYDE) at the White House as the President called for Congress to quickly approve comprehensive HIV/AIDS legislation. The President has since announced his strong support for our bill. When the President spoke to us, he asked that Congress make the ABC strategy used in Uganda and elsewhere as the model for our prevention efforts. I could not agree more with the President. He said, "The ABC strategy is effective by emphasizing abstinence, marital fidelity as well as condoms to prevent HIV transmission."

Mr. Chairman, I quote President Bush on the ABC strategy because there is some confusion in Washington as to what it means. Some Members of Congress attribute the dramatic success of Uganda's HIV/AIDS prevention program solely to abstinence and marital fidelity programs. While these components of the ABC strategy have been effective, Ugandans also use an average of 80 million condoms per year, and that figure is increasing.

While I certainly respect the fact that some religions may have moral objections to the use of condoms, many other faiths actively promote their use as a medically proven way to stop the transmission of HIV. The legislation before us explicitly authorizes the use of funds to promote programs which promote abstinence and marital fidelity. However, the Pitts amendment would require that one-third of the HIV/AIDS prevention funds be set aside for the exclusive use of abstinence before marriage programs.

Mr. Chairman, I agree with the President of the United States. The ABC approach works, but the Pitts amendment undermines the ABC approach by earmarking funds solely for the abstinence program. The Pitts amendment also raises a whole series of very disturbing questions to which we have been given no answers.

Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Mr. Chairman, I rise in strong support of the Pitts amendment. According to the World Health Organization data, abstinence education programs work to reduce the premartial sex rate for Ugandan males, as the gentleman from Pennsylvania earlier said, in 1999 60 percent to 23 percent. For females the decline was 53 percent to 16 percent. The proportion of males reporting three or more sexual partners fell from 29 percent to 13 percent. Each successive sexual partner one has, their probability of contracting HIV goes up proportionally and by reducing the income of sexual partners, increasing the age of sexual debut, by increasing the incidence of abstinence before marriage, faithfulness in marriage, the rate in Uganda declined by half.

I think this is a very modest amendment. I actually think we should be putting substantially more money than is in this amendment into abstinence education because it has been shown scientifically to be the most effective way and cost-effective way to prevent the spread of this disease. I strongly urge all of my colleagues on both sides of the aisle to support the Pitts amendment, a very well-thought-out amendment.

Mr. LANTOS. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. LEE), who has led this fight on our side.

Ms. LEE. Mr. Chairman, I thank the gentleman from California (Mr. LANTOS) for yielding me this time.

I rise in strong and very vigorous opposition to this amendment offered by the gentleman from Pennsylvania (Mr. PITTS) and the gentleman from Illinois (Mr. HYDE). Again, we see attempts to unravel the delicate compromise established by the ABC approach.

We have already dealt with this issue in another forum in the Committee on International Relations when the gentleman from Pennsylvania (Mr. PITTS) pushed for the prioritization of abstinence over condom use in the ABC approach to HIV/AIDS prevention and to oppose the Pitts amendment. I also want to call my colleagues' attention to the fact that today in an editorial, the Washington Times, no liberal publication, says, "The revision expected to be offered by Representative Joe Pitts, Pennsylvania Republican, which would set aside up to one third of the money specifically for abstinence and monogamy programs, seems less wise since such decisions should be made by the experts in the field."

I fully agree on this issue with the Washington Times, the President of the United States, and the experts working in the field; and I urge all of my colleagues to reject the Pitts amendment.

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

Mr. PITTS. Mr. Chairman, I yield 1 minute to the gentlewoman from Colorado (Mrs. MUSGRAVE).

Mrs. MUSGRAVE. Mr. Chairman, as we look at a disaster such as this, it is hard to comprehend the misery and the suffering. We look at women and the children and the men that are dying such horrible deaths, and it is hard to take it all in. But what we look for in Africa is a ray of hope, a ray of hope for these people; and we see this ray of hope in Uganda. And we see a ray of hope with abstinence education. Abstinence is not just a moral issue. It is an issue of whether or not we will teach people what the healthy life-style is. If we are compassionate about the people in Africa, if our hearts go out to the people that are dying, that are in incredible suffering and misery, we want to do something that works. We want to have something that will give people hope, that will give them life; and I am in strong support of this amendment.

Mr. LANTOS. Mr. Chairman, I yield 1 minute to the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN).

Mrs. CHRISTENSEN. Mr. Chairman, I rise in strong opposition to this amendment. My colleagues and the chairman have worked very hard to ensure a proven approach to HIV and we have been supported by the successful Ugandan model. The President himself has seen the wisdom of this approach and supports it. We agree that abstinence is a great approach,
but it cannot be used alone, and it cannot be dictated where it absolutely cannot work. And where it works best is in a comprehensive educational program. Our own CDC experience attests to this; and as a family physician who has worked in family planning and HIV and AIDS, I can say this is the best approach. It is the one that delays sexual activity, reduces partners, and more importantly saves lives.

I strongly urge all of my colleagues, no matter what their personal religious convictions might be, not to impose them on others but to allow these funds that are so very important to the lives of millions of people to be used how and where they can be most effective. And this needs to be done globally as well as in our domestic programs.

Mr. Chairman, I urge my colleagues to reject this amendment and do a great thing here today by passing H.R. 1298 with the good amendments that have already been passed.

Mr. Chairman, I yield 45 seconds to the gentleman from Indiana (Mr. PENCE).

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

Mr. PENCE. Mr. Chairman, I rise in strong support of the Pitts amendment, and along with the gentleman from California (Mr. LANTOS), ranking member, whom I have labored with on other and condoms use will last, still, I was there in the East Room of the White House when the President of the United States described a compelling and compassionate vision for addressing this pandemic AIDS crisis in Africa. The President insisted that we not just send billions of dollars to Africa, but we send values that work; and he encouraged us in this Congress to put a priority on the values of abstinence and monogamy before condom distribution in that room. In fact, in a statement of the administration policy, Mr. Chairman, the administration said they, quote, “support additional provisions that would prioritize the abstinence component of the ABC approach which has been successfully implemented in Uganda.”

The administration supports the Pitts amendment; and those who would embrace this vision of abstinence and endorsement of faithfulness in marriage and then condom distribution must, and by all means should, support the Pitts amendment. (Mr. RYUN of Kansas. Mr. Chairman, I yield 45 seconds to the gentleman from Kansas [Mr. RYUN].)

(Mrs. LOWEY asked and was given permission to revise and extend her remarks.)

Mrs. LOWEY. Mr. Chairman, I strongly oppose this amendment. Abstinence or monogamy or condom use, it just does not work. What worked in Uganda was abstinence and faithful and HIV negative partners. It is essential to pursue all approaches to prevention. Promote and value abstinence, encourage monogamy in both men and women, and teach that lifesaving use of condoms works. Using all three options, men and women can be approached differently according to the cultural values of a village or religion or a region. United States policy reflects that, by funding faith-based organizations as well as secular organizations that may focus on one area or health concern.

Abstinence, be faithful and condom use worked in Uganda. Each approach is different, and may be suitable at different stages in life. But each approach can and does work together.

Many of us believe that abstinence is most realistic in the years before sexual activity begins—because it can delay sexual activity, and that’s important. But abstinence may not be an appropriate message for a girl who has no say in the extent of her sexual activity.

Once sexual activity begins—keeping in mind that the sexual activity may not be consensual—it’s critical that accurate information about condoms and other prevention methods be available and education be conducted about sexually transmitted diseases, including HIV.

It is essential to pursue all approaches to prevention. Promote and value abstinence, encourage monogamy in both men and women, and teach the life saving use of condoms. And, if monogamy is both a cultural and a public health value, and it should be strongly promoted for both men and women.

Using all three options, men and women can be approached differently, according to the cultural values of a village, a religion, or a region. United States policy reflects that, by funding faith-based organizations as well as secular organizations, men and women can be approached to prevention, and that they can be approached differently, according to the cultural values of a village, a religion, or a region.

Mr. Chairman, I urge my colleagues to reject this amendment and do a great thing here today by passing H.R. 1298 with the good amendments that have already been passed.

Mr. RYUN of Kansas. Mr. Chairman, I yield 45 seconds to the gentleman from Kansas [Mr. RYUN].

Again, she’s married, she’s faithful . . . she’s dying. We can have it all—we can have monogamy and condoms, we can have abstinence before marriage and access to condoms too. It’s just a matter of deciding that saving lives matters more than how it’s done.

Because abstinence works. Monogamy works. Condom use works. Together.

Mr. PITTS. Mr. Chairman, I yield 45 seconds to the gentleman from Kansas (Mr. RYUN).

Mr. RYUN of Kansas. Mr. Chairman, the global HIV epidemic issue cannot and must not be ignored. People are dying from this disease, and we know how to help them. Our duty is to promote good public policy that saves lives, and we have an opportunity today to do that. As we look for the method of reducing HIV/AIDS infection rate, we have to look no further than to Uganda to find a very successful program. Uganda has led the way in drastically reducing its infection rate of HIV/AIDS from 21 percent in 1991 to 5 percent in 2001. This has been accomplished through the ABC program, a model of behavior that needs to follow. First of all, abstinence; second, be faithful; and, third, using a condom. The stunning drop in HIV proves that
the behavior can change and save lives, and I encourage my colleagues to support this Pitts amendment.

Mr. LANTOS. Mr. Chairman, I yield 45 seconds to the distinguished gentleman from Pennsylvania (Mr. GREENWOOD).

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

Mr. GREENWOOD. Mr. Chairman, I thank the gentleman for yielding me this time. I agree with my colleague from Pennsylvania on the value of abstinence. I would be opposed to a penny of this money going to any program that did not teach and preach abstinence. It is absolutely necessary. My concern with the amendment is it would allow money to go to programs that do abstinence only. The problem with that, and I have friends from Africa who are with us today who have just explained to us, if we take a woman whose husband has contracted HIV and she needs a condom and the only program in her community is a program that simply does abstinence and nothing else, then we have done nothing for her and it will cost her her life, and it will cost the lives of the children that she bears. If every program provided abstinence, I would be for the Pitts amendment completely. But the Pitts amendment, by allowing a third of the money to go to programs that provide abstinence, will allow programs that provide abstinence only and that certainly is insufficient, as everyone has agreed.

Mr. PITTS. Mr. Chairman, I yield 45 seconds to the gentleman from Missouri (Mr. AKIN).

Mr. AKIN. Mr. Chairman, I think we all serve here with the same purpose. Each of us in our own hearts would like somehow to make the world a better place and we have before us an amendment and the technology of this place and we have before us an amendment which detracts from this consideration.

Mr. LANTOS. Mr. Chairman, I yield 45 seconds to the distinguished gentleman from Maryland (Mr. CUMMINGS), chairman of the Congressional Black Caucus.

Mr. CUMMINGS. Mr. Chairman, I rise in opposition to the Pitts amendment which detracts from this consensus bill. This bill endorses the successful ABC Ugandan model of abstinence, be faithful, and condom. This system works, and it should be the only prevention program that receives funding. The Pitts amendments would devote 33 percent of precious prevention resources to disproportionately fund an abstinence-until-marriage model that has not proven to be effective.

Mr. Chairman, I do not have time to play Russian Roulette with millions of lives while testing politically charged prevention methods. In fact, a 2001 report issued by the National Institutes of Health concluded that beyond abstinence, mutual lifelong monogamy is the only prevention method. Condom use is the only method for reducing the risk of HIV infection and STDs available to sexually active individuals.

I urge my colleagues to oppose this amendment.

Mr. PITTS. Mr. Chairman, I yield 1 minute to the gentleman from Louisiana (Mr. TAUZIN), the distinguished chairman of the Committee on Energy and Commerce.

Mr. TAUZIN. Mr. Chairman, I rise in strong support of the Pitts amendment.

The Federal program on abstinence is not a mandated program on the States. In fact, States have to put up dollars to get into the abstinence program. And States that have those dollars have no reason to know why? Because it works. We have heard story after story after story before the Committee on Energy and Commerce that abstinence works. Not only does it help prevent the kinds of disease we are talking about, but it literally is the only way to make sure that other venereal diseases are not spread and other cases of awful calamity are avoided for young women as they are growing up.

Mr. LANTOS. Mr. Chairman, I yield 45 seconds to the distinguished gentleman from California (Mr. LANTOS).

Mr. DUNCAN. All time of the gentleman from Texas (Mr. DELAY), for his remarks.

Mr. LANTOS. Mr. Chairman, I yield 45 seconds to the gentleman from California (Mr. LANTOS), for their remarks.

The CHAIRMAN pro tempore (Mr. DUNCAN). All time of the gentleman from California (Mr. LANTOS) has expired.

Mr. PITTS. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas (Mr. DELAY), the distinguished majority leader.

We learned, for example, that condoms do not stop the spread of many new venereal diseases that are viral in nature, and nevertheless ruin a woman's chance of reproduction as they grow up and try to become young married women and have a family.

We learned a great deal in the Committee on Energy and Commerce. The most important thing we learned is that abstinence works. It works in our States, it works in this country, and it can work in this program.

The second thing to keep in mind is that every time we have promoted abstinence programs in this country, the argument on the other side is abstinence-only should not be the deal. This is not abstinence-only, this is abstinence as one-third of the program.

I urge Members to support the Pitts amendment. Mr. LANTOS. Mr. Chairman, I am delighted and honored to yield the balance of my time to my good friend and neighbor, the gentlewoman from California (Ms. PELOSI), the distinguished Democratic Leader.

Ms. PELOSI. Mr. Chairman, I rise in strong opposition to the Pitts amendment. First I want to commend the gentleman from Illinois (Chairman HYDE) and the ranking member, the gentleman from California (Mr. LANTOS), for the strong, and effective bipartisan bill they produced in the Committee on International Relations.

I also want to acknowledge the tireless efforts of the gentlewoman from California (Ms. HYDE), who has fought for years to strengthen our efforts in the fight against the AIDS pandemic, both domestically and internationally.

We know the statistics. They are staggering, and they call us to action. Every day, over 16,000 people become infected with HIV, primarily in the developing world. This crisis is too severe and our response is too important to let our efforts be undermined by politics.

We must support what works. We are talking about saving lives. If we do, experts say that a strong global response could prevent nearly two-thirds of the 45 million new infections that are projected by 2020, saving tens of millions of lives.

The successes are there for us to replicate. We can look to Uganda as a model and for inspiration. We can learn from their effort. In the past decade, Uganda's infection rates have dropped from 30 percent to 5 percent. It can be done. This success was achieved using the model of prevention that is a key component of the Hyde-Lantos bill, a model that gives equal weight to the full range of options and relies on the best scientific information.

H.R. 1298 is not anti-abstinence. It supports a balanced approach to HIV prevention. This is a debate about whether or not we use the model that has been effective in Uganda and that gives flexibility to those fighting this disease on the ground.

In July 2001, NIH confirmed the effectiveness of condoms in preventing HIV transmission. The Pitts amendment asks us to abandon what we know and has been proven to work.

H.R. 1298 is a bipartisan bill that we can proudly support from both sides of the aisle. It is a bill that President Bush supports. Why sacrifice that broad support in the name of politics, especially when so many lives are at stake?

Keeping information from people does not keep them safe. And when that information is about AIDS, it can be a death sentence.

I strongly urge my colleagues to oppose the Pitts amendment and to support the original Hyde-Lantos bill, and Hyde-Lantos amendment. This is a debate about whether or not we use the model that has been effective in Uganda and that gives flexibility to those fighting this disease on the ground.

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In July 2001, NIH confirmed the effectiveness of condoms in preventing HIV transmission. The Pitts amendment asks us to abandon what we know and has been proven to work.
Mr. DELAY. Mr. Chairman, I have heard a lot of speeches on this floor supporting the President's program and supporting ABC and the program of Uganda, yet being opposed to the Pitts amendment. The Pitts amendment is the President's program. It is the President's program. So we should support the Pitts amendment because it is what the President is asking us to do.

Every day, 2,000 more children are infected with the HIV/AIDS virus. Entire generations of communities in sub-Saharan Africa are being obliterated by a preventable disease.

AIDS in Africa is not just an epidemic, it is an emergency. But there is something we can do about it. President Bush, I wish Members on the other side of the aisle would listen, has called upon us to marshal the virtue and resources of the American people to help save a continent in crisis. This is his initiative, and, as such, our legislation should reflect his ideals for it.

Mr. Chairman, abstinence-based prevention programs work, and the President supports the Pitts amendment. After years of trial and error and re-searched, and the striking success of Uganda's abstinence program, are very clear. No other method has produced the success rates or saved as many lives as Uganda's ABC approach.

Before the discovery of a new and effective weapon in the war against AIDS, the President has endorsed the Uganda model. So have experts in the field, who were once skeptical of abstinence as a solution.

Despite the evidence, some still suspect proponents of abstinence-based prevention of simply being on a moral crusade. I would say in response that this entire bill is a moral crusade. Not to impose our values on anyone, but to save a continent of the Great Plague of our age.

This debate is not about supporting one political agenda over another. It is about supporting proven methods of AIDS prevention. The failed policies that have tragically contributed to the infection of 30 million Africans. The disease is running rampant across sub-Saharan Africa, and the only places returning encouraging news are those nations committed to abstinence-based prevention programs. It works, and we cannot let the fog of politics obscure that fact.

In Uganda, 10 years of the abstinence-based approach have slowed the march of the disease, and in Zambia recent results are showing similar success. To meet the moral responsibility of this crisis, we must promote policies that work, not ones that have been proven ineffective.

So, Mr. Chairman, I believe this amendment is a test of our seriousness about this issue. People are dying and politics will not save them. The United States has a real chance to do good in the world with this bill, but only if we do our job right.

Mr. PITTS. Mr. Chairman, I yield the balance of my time to the gentleman from Illinois (Chairman Hyde), the co-sponsor of this amendment, to close.

The CHAIRMAN pro tempore. All time of the gentleman from Pennsylvania has expired.

Mr. LANTOS. Mr. Chairman, I ask unanimous consent that the gentleman from Illinois (Mr. Hyde), the distinguished chairman of the Committee on International Relations, be granted such time as he may consume to make a concluding statement.

The CHAIRMAN pro tempore. The gentleman from Illinois (Mr. Hyde) has expired.

Mr. PITTS. Mr. Chairman, I yield myself such time as I may consume.

Needless to say, I am very moved by the generosity of my friend from California. Mr. Chairman, I have just a couple of simple thoughts in closing on the Pitts amendment. First of all, please note what the amendment actually does. It simply says 33 percent of the funds to be expended for prevention under this total program shall go to support abstinence. That is all it says. It does not outlaw and refuse to promote condom use.

The amendment sponsored by Mr. PITTS and Mr. HYDE is recognized for 2 minutes.

Mr. HYDE. Mr. Chairman, I yield my self such time as I may consume.

I hope those of you who are convinced with me that this is a bill that has to be made, will understand that this amendment does not distort the balance of ABC. This amendment reinforces the balance by saying abstinence, family fidelity and condoms, but to not forget abstinence. That is all it says.

I hope Members will support this so we can pass this bill this afternoon and say we did a great day's work.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The time of the gentleman from Illinois (Mr. Hyde) has expired.

All time of the gentleman from Pennsylvania (Mr. PITTS) has expired.

The gentleman from California (Mr. LANTOS) is recognized for 2 minutes under the unanimous consent request.

Mr. LANTOS. Mr. Chairman, I yield myself such time as she may consume to my friend, the gentlewoman from Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Chairman, with great respect for the chairman of this committee, I humbly oppose this amendment, because I do believe in abstinence and I believe in options, and I believe in options to save lives. We need to pass this legislation with the ABC in place and the flexibility in place in order to save lives.

Mr. Chairman, I rise in opposition to the amendment offered by Mr. PITTS and Mr. HYDE to H.R. 1298, the "United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003." I oppose this amendment because it severely diminishes the flexibility and choices available to those suffering from infectious diseases by allocating funds to organizations that promote abstinence until marriage programs.

I am a strong proponent of the ABC Model used in Uganda. The elements of the ABC Model are: Abstinence, Being Faithful, and Condom use. The ABC Model recognizes that in communities worldwide, whether in sub-Saharan Africa, India, China, or the United States, there are different approaches and different preferences for fighting HIV/AIDS and other infectious diseases. When the patient and the health care administrator cannot agree on the method of prevention, yet another life may be lost to HIV/AIDS.

The amendment offered by Mr. PITTS and Mr. HYDE will limit the prevention methods available to those suffering with infectious diseases. Organizations that only promote abstinence and refuse to promote condom use will deny those at risk with a reliable prevention tool. I agree with the sponsors of this amendment that abstinence is the only 100 percent effective means of preventing the transmission of infectious diseases, and should be fully endorsed by the House of Representatives as a prevention tool.

However, for many in sub-Saharan Africa and around the world, abstinence is not a reasonable option. In the cases of those individuals, health care advocates should present several prevention methods as options. The ABC Model provides those options, and the amendment sponsored by Mr. PITTS and Mr. HYDE does not.

I am a proponent of HIV/AIDS prevention. I am a proponent of abstinence, and I am a proponent of options. The amendment offered by Mr. PITTS and Mr. HYDE will allocate one-third of the funds allocated under H.R. 1298 to programs that do not promote condom use. By doing so, the amendment limits the infectious disease prevention options available to millions of people at risk to contract HIV/AIDS. I do not support limiting life-saving prevention methods to anyone at risk.

For that reason, Mr. Chairman, I oppose the amendment offered by Mr. PITTS and Mr. HYDE, and I urge my colleagues to do the same.

Mr. LANTOS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to thank my colleagues on all sides. Particularly I want to thank my friend, the gentleman from Illinois (Chairman Hyde), I want to thank the gentleman from Iowa (Mr. LEACH) on the other side, and I want to pay tribute to the gentlewoman from California (Ms. Lee), who has done an outstanding job.

We are on the verge of passing one of the most significant pieces of legislation in this session. I am deeply grateful for the contribution of all of my
friends on the Republican and the Democratic side.

Ms. SLAUGHTER. Mr. Chairman, I rise today to express my opposition to the Pitts/Hyde amendment to H.R. 1298, the Global AIDS bill. The President’s commitment to supporting Global AIDS outreach is commendable, and this bill, without amendments, has the approval of the Bush Administration. It is widely supported by Republicans and Democrats.

However, some of my colleagues want to “improve” this bill with a controversial amendment that would place a wedge against family planning and reproductive health. At the heart of my concern with the “abstinence-only” curriculum is its insistence on a “mutually faithful monogamous relationship in the context of marriage” as the expected standard of human sexual activity.” This program emphasizes that sex outside of marriage is physically and psychologically harmful and should be avoided for these reasons.

Abstinence-only education is simply not effective. Many of the women who are infected with HIV/AIDS are in monogamous marital relationships. Abstinence education that elevates the marital relationship as the only place where sex is appropriate would still leave these women vulnerable to infection. Abstinence education would also ignore the needs of women involved in the sex trade. Prostitutes are a reality in all parts of the world, and it is one of the most vicious vehicles for spreading diseases. The Pitts amendment would do nothing for these women and for the children they will bear.

Abstinence-only education has been proven to be ineffective time and time again, while prostitution that further wages war against family planning and reproductive health. This discussion is about more than pro-life or pro-choice; it is about hiring health-care professionals as they attempt to stop the spread of AIDS.

Mr. LANTOS. Mr. Chairman, I yield back the balance of my time. The CHAIRMAN pro tempore. The CHAIRMAN pro tempore. The CHAIRMAN pro tempore. The CHAIRMAN pro tempore. The CHAIRMAN pro tempore. The CHAIRMAN pro tempore. The CHAIRMAN pro tempore. The CHAIRMAN pro tempore.

The CHAIRMAN pro tempore (Mr. DUNCAN) (during the vote). The Chair announces that there are two minutes remaining in this vote.

The CHAIRMAN pro tempore. Mr. RYAN of Ohio changed his vote from “aye” to “no.” Mr. RAHALL changed his vote from “no” to “aye.” So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore. There being no further amendments in order, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN pro tempore. Under the rule, the Committee rises. Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SWEENEY) having assumed the chair, Mr. DUNCAN, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that the Committee, having heard and considered the bill (H.R. 1298) to provide assistance to foreign countries to combat HIV/AIDS, tuberculosis, and...
malaria, and for other purposes, pursuant to House Resolution 210, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered forth.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute or to the text of the bill as reported by the Committee on Education and the Workforce and the Committee on the Budget?

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes had it to have it.

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 375, noes 41.

The result of the vote was announced by the Clerk. The Speaker pro tempore announced that the bill was passed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SWEENEY) announced that the Bill had been presented to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore (Mr. SWEENEY) announced that the Bill had been presented to the House with an amendment adopted by the Committee of the Whole. The House voted Yes or No on the amendment. The bill was passed by the Yeas and Nays.

PERSONAL EXPLANATION

Ms. SLAUGHTER. Mr. Speaker, I was unable to be present for rollcall votes Nos. 155, 156, 157, and 158 due to medical reasons. Had I been present, I would have voted "yea" on rollcall votes Nos. 155, 156, 157, and 158.
amendments comply with the rules of the House.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1119

Mr. PETRI of Virginia. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 1119.

The Speaker pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

LEGISLATIVE PROGRAM

Mr. LEWIS of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.

Mr. LEWIS of Georgia. Mr. Speaker, I rise to inquire about the schedule for next week.

Mr. BLUNT of Missouri. Mr. Speaker, will the gentleman yield?

Mr. LEWIS of Georgia. I yield to the gentleman from Missouri.

Mr. BLUNT of Missouri. Mr. Speaker, I would like to respond to the gentleman that the House will convene on Tuesday at 12:30 p.m. and at 2 p.m. for legislative business. We will consider several measures under suspension of the rules. A final list of those bills will be sent to the Members’ offices by the end of this week. Any votes called on those measures will be rolled until 6:30 p.m.

On Wednesday we may consider additional bills under suspension of the rules, as well as H.R. 766, the Nanotechnology Research and Development Act. On Thursday and the balance of the week, we plan to consider H.R. 1261, the Workforce Reinvestment and Adult Education Act and the President’s economic growth and jobs package that the Committee on Ways and Means will mark up early next week.

Mr. LEWIS of Georgia. Mr. Speaker, I want to thank my friend for the information, but I would like to have additional information, and I will continue to yield for that information.

Our side would be interested in knowing will the tax bill come up next week? The gentleman is calling the economic growth proposal the tax bill, right?

Mr. BLUNT of Missouri. The President’s economic growth bill, which will do things that stimulate the economy and create jobs by reducing people’s tax burden, will come up next Friday. My understanding is that the chairman and the ranking member of the Committee on Ways and Means have reached an understanding and will be marking that bill up on Tuesday, file the report on Thursday, and we will have floor action on that bill on Friday.

Mr. LEWIS of Georgia. Mr. Speaker, could the gentleman tell us whether the minority side will be allowed to offer a substitute on the floor?

Mr. BLUNT of Missouri. Mr. Speaker, I appreciate my friend’s request. I think I should leave that up to the Committee on Rules, but tradition would certainly indicated that that would be normally the case.

Mr. LEWIS of Georgia. If we deal with the tax bill on Friday, does the gentleman think our work will be completed by 2 p.m. today?

Mr. BLUNT of Missouri. We would hope to be done by 2 p.m. I hope as the week progresses we may get agreement to start Friday an hour earlier, at 9, but that will be something we will work out with our friends on the other side during the week. If that is the case, I do not see any reason to believe that we would not be done by 2 o’clock or so on Friday.

Mr. LEWIS of Georgia. On the Workforce Investment Act, will you allow a substitute on this bill on the floor?

Mr. BLUNT of Missouri. Again, I think that will be left up to the Committee on Rules. I think an announcement was just made about that Act by a member of the Committee on Rules, and that will be a decision that they will make pursuant to the announcement that was just made.

Mr. LEWIS of Georgia. I will continue to yield to the gentleman for additional information for the body. I notice the comp time bill is not on the schedule for next week in your announcement, but we keep hearing that this bill is coming. Can you tell us when the bill might come to the floor?

Mr. BLUNT of Missouri. My friend, it is one of those many things that are out there on the Hill. Our committees are doing their work. There are several bills that are ready through the committee process. We are trying to find time on the floor for several bills and that is one of them.

Mr. LEWIS of Georgia. Mr. Speaker, I thank the Whip.

HOUR OF MEETING ON TUESDAY, MAY 6, 2003

Mr. BLUNT of Missouri. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 2 p.m. on Monday next.

The Speaker pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

SPECIAL ORDERS

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

Mr. Pallone. Under the House’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 Indiana (Mr. Burton) is recognized for 5 minutes.

Mr. Burton. Under a previous order of the House, the gentleman from North Carolina (Mr. Jones) is recognized for 5 minutes.

Mr. Jones. Under a previous order of the House, the gentleman from Indiana (Mr. Burton) is recognized for 5 minutes.

Mr. Burton. Mr. Speaker, today is the National Day of Prayer. On the first Thursday of each May, people across our Nation gather together to pray to the God who is the very foundation of this great country. Without any court challenge or liberal rulings to avoid God, Americans meet on courthouse steps, town squares, and in local parks to praise God for his blessing and ask God to continue to bless America.

This year I can assure my colleagues that millions of prayers will be offered in appreciation for our men and women in uniform who have paid the highest price for our freedom. Yet even as we stand today in prayer for our heroes, there are those who stand against the freedom that we enjoy.

Even though the Founding Fathers spoke of “Nature’s God” and of the “Creator” in the Declaration of Independence, the Federal courts are increasingly trying to drive every vestige of faith from public life. Yesterday, April 30, was the most recent example, coming from the Fourth Circuit Court of Appeals. And I will read from the Boston Globe, which said, “Judges bar prayer at public schools. In a precedent-setting ruling against prayer at a State college, a Federal appeals court has barred the Virginia Military Institute from writing and reciting a prayer before cadets eat their evening meals.”
In addition, Mr. Speaker, the Citadel, down in South Carolina, is reviewing its policy since that Federal court ruling. And also, Mr. Speaker, I hate to even mention this, but the academy in Annapolis is also reviewing its policy. The Academy of Military Science in Maryland is calling on the academy to review its practices of leading the students in prayer.

Mr. Speaker, let me also share with my colleagues that it was just a few months ago that the Ninth Circuit Court of Appeals ruled that the military has the right to pray in God’s name. But freedom without religion is completely detestable. And on this National Day of Prayer, let us honor our heroes, those who have returned home and those who sacrificed their lives, by standing against those liberals who would seek to challenge their God-given right to pray for a living Lord.

In closing, Mr. Speaker, I believe this quote says it best, and it comes from the days of Jefferson and Adams. And the quote is this, Mr. Speaker: “Religion can survive in the absence of freedom. But freedom without religion is dangerous and unstable.”

Mr. Speaker, I have three military bases in my district, Camp LeJeune, Cherry Point, and Seymour Johnson Air Force Base. I want to close by asking God to please bless our men and women in uniform and those who have lost loved ones defending freedom in this country. I close by asking three times, “God, please, God, please, God, please put our men and women in uniform and their families, and the families of those who have lost their loved ones defending freedom in this country, among the loved ones defending freedom in this country. I close by asking three times, “God, please, God, please, God, please continue to bless America.”

COMING HOME: WELCOMING OUR TROOPS WITH CUTS IN VETERANS PROGRAMS

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

Mr. Speaker, I rise to express my concern for the men and women of our armed services who will be returning and are returning from Iraq. My colleagues are aware that our troops were funded during the period of fighting last month at the rate of about $1 billion, $1 billion, every 2 or 3 days.

Now, we did not want our troops to go without everything that they needed for success, but if we have the money to fund troops to war, we must, Mr. Speaker, have the money for them when they return. To abandon them upon their return shows disrespect for those who have willingly risked all when their Nation called them to serve.

In the next few months, Congress will continue to bless America. I close by asking three times, “God, please, God, please, God, please continue to bless America.”
Every coach and athletic director that I know says this is a huge problem and that we need some type of uniform standards and regulations to govern sports agents. One of the biggest problems that we have is people come on the campus without knowing they are there. They see the players in the dorms; they harass them and call them on the phone. Some of the better players end up having to get unlisted phone numbers because of all the harassment.

Current law, there are only 15 States that have tough laws regulating actions by sports agents. There are 17 States, including my home State of Nebraska, that have no laws at all regulating sports agents, and there are 18 States remaining that have some laws. It is kind of a hodgepodge, a patchwork; and there is no consistency and no teeth in the regulations. So the majority of young people coming out of college really are not protected by any laws that would govern sports agents.

With this problem in mind, the gentleman from Tennessee (Mr. GORDON) and I have introduced H.R. 361, the Sports Agent Responsibility and Trust Act, which is also known as SPARTA. SPARTA would make it illegal for student athletes to entice student athletes with false or misleading information, promises, or representations in order to lure them into a contract. SPARTA would protect student athletes when they travel to other States.

Some student athletes are in States with some laws, but once they go home for the summer in another State or go to a bowl game, sometimes they are preyed upon by sports agents in those areas. So this provides a uniform Federal backstop. It does not supplant State laws, and we feel it is a very sound piece of legislation.

As of April 2002, the National Football Players Association reported 1,200 certified football agents. Eight hundred of those represent no clients. Now, those are the guys that are really not very well qualified, and they are particularly dangerous because they are desperate to represent somebody. So they will make almost any kind of a deal, any kind of a promise to get someone committed.

We think, of course, that this is obviously a huge problem. But let me just cite one story from my own experience. One: we were getting on the bus to go to the Orange Bowl, and I could not find my quarterback two hours before kickoff. I finally located him in one corner of the lobby corner by two agents that he had never seen before. I had never heard of them, and we are obviously unscrupulous; and they are hammering this guy to try to get him to sign a contract right before a kickoff. Well, of course, this did not do the quarterback any good, and it did not do me any good.

In one other case we had a young man who was contacted at his home during the summer and he signed a contract. He did not really understand what he signed, but buried in the fine print was a 13 percent commission for the agent. So the agent got several hundred thousand dollars from this young man. Fortunately, the agent was from a State that did have some laws governing agents, and this agent had not registered. So we were able to recover $300,000 of this young man’s money because of some sports agent legislation.

So what we are saying is we need this kind of protection for all athletes in all States. It is a Federal backstop. We think this is sound legislation, and I urge my colleagues to cosponsor H.R. 361, the Sports Agent Responsibility and Trust Act.

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.)

PEACE RETURNS TO VIEQUES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Puerto Rico (Mr. ACEVEDO-VILA) is recognized for 5 minutes.

Mr. ACEVEDO-VILA. Mr. Speaker, a couple of years ago, I met a young girl from Vieques by the name of Marakiani Olivencia. She came up to me with a small container of sand in her hand and shared with me her desire to return that sand to Vieques with me after the Navy bombing practices ended.

With passion and sincerity this girl represented what so many had felt for so long. I told her that sooner or later she would have her wish fulfilled. I promised that we would return that sand to Vieques together.

Indeed, such a day is upon us. As of today, Vieques is no longer a Navy bombing range, and has become the newest addition to the National Wildlife Refuge System. I have with me a copy of the letter and memorandum of agreement signed between the Navy and the Fish and Wildlife Service making official that land transfer and ask that it be made part of the Record.

For the first time in over 60 years, Vieques awoke this morning, their island not having been bombed last night, the island not to be bombed today, the island not ever to be bombed again. Now the shore of Vieques will be dominated only by the sound of the surf, the birds, and the wind. The thousands of Puerto Ricans living in Vieques achieved our long-sought peace.

Today “Pas para Vieques” is a reality. For generations, the Viequenses have known life without bombing. Thousands of families have lived their whole life with the concussion of bombs and shells upon their island at night, during the day, in the coastal waters. Vieques became a bombing and training range for the Navy in the 1940s during World War II. Without a doubt, this has been blot on their island.

While the bombing has continued, awareness of the island of Vieques has grown. Vieques and Puerto Ricans reached out, and shared what was happening to their island. Well, over a hundred Members of Congress actively supported bringing an end to the bombing. I must note a few of them, particularly the members of the Congressional Hispanic Caucus, my colleagues, from Illinois (Mr. GUTIERREZ), the gentlewoman from New York (Ms. VELAZQUEZ) and the gentleman from New York (Mr. SERRANO). I must also thank the gentleman from Missouri (Mr. MILLER), a member of the Committee on Armed Services, the Congressional Black Caucus, activists, and many common citizens of the United States and elsewhere who became involved in the effort to return peace and to end bombing of the island of Vieques.

Puerto Ricans also enjoyed strong leadership on this issue by President Bill Clinton and President Bush, who both realized that this was an issue of human rights and the right of Puerto Rico to live without bombing. Having worked with the White House and both Commanders-in-Chief on this issue, I know that our national security and the well-being of thousands of citizens in Vieques were taken into consideration when making this determination.

On behalf of Puerto Rico, I thank President Clinton and President Bush for ending the bombing of Vieques. Puerto Rico will never forget your resolute commitment. Today is a day of discovery, wonderment and joy.

Unfortunately, last night a small group of people rushed the fence of the Vieques range and recklessly overturned vehicles, set fires and destroyed government property. It is unfortunate that some have undermined the peaceful protest of the past. Prayers of thanks, fireworks, parades and excitement will accompany the joy of today. I strongly condemn those few who have shown disrespect to the United States, Puerto Rico and Vieques. All must know that the overwhelming majority of Puerto Ricans are proud of their bond with the United States, and our support for the common defense is resolute.

While we celebrate the end of the bombing, much work remains. Over 60 years of explosions, bombings, waste disposals and reckless disregard for Vieques range littered with a deadly combination of unexplored ordnance and toxic chemicals. I am confident that in cooperation with EPA, Fish and Wildlife, the Pentagon, the Puerto Rican government and Vieques, we will be able to reclaim this land.

So to Markiani, the young girl who brought me the sand from Vieques, I
say our day is upon us and we may return to the free shores of Vieques and take with us the sand to fulfill the dream you shared with me. But Markkian, you cannot yet play safely on all of the beaches until the cleanup is complete. Ultimately, we hope that the lands be returned finally to the people of Vieques. One day all of Vieques will be reclaimed, safe for the people to fully enjoy without fears of bombing or the residue of Naval training. As one era ends and another begins, we celebrate the long-awaited peace for Vieques.

The aforementioned letter is as follows:

DEPARTMENT OF THE NAVY,
OFFICE OF THE SECRETARY,
Hon. CRAIG MASON,
Assistant Secretary of the Interior for Fish, Wildlife and Parks, U.S. Department of the Interior, Washington, D.C.

Dear Mr. Mason:
Public Law 106-398, as amended by Public Law 107-107, directs that upon termination of Navy and Marine Corps operations on the Island of Vieques, the Secretary of the Navy shall transfer to the Secretary of the Interior, without reimbursement, approximately 14,572 acres located on the eastern end of Vieques Island, Puerto Rico. A description of the property is attached. Note that this transfer excludes the approximately 96-acre parcel known as Parcel C, which was acquired on April 29, 2003 by the Department of the Interior.

As agreed to by Mr. Sam Hamilton, Southeast Regional Director, Fish and Wildlife Service, all Navy and Marine Corps operations on the Island of Vieques will terminate at noon, April 30, 2003, and the Department of the Navy hereby transfers its interests in and jurisdiction over the approximately 14,572 acres of East Vieques to the Department of the Interior at that time.

The Commander, Atlantic Division, Naval Facilities Engineering Command is responsible for implementing this transfer on behalf of the Department of the Navy. He may be reached at the following address and phone number: Rear Admiral Michael K. Loose, CEC, USN, Commander, Atlantic Division, Naval Facilities Engineering Command, Naval Support Activity, Naval Base Guam, 3101 Africa Rd., Agana, Guam 96910-1200.

I request that you acknowledge the Department of the Interior's acceptance of jurisdiction, custody, and control for this property by signing and returning a copy of this letter. Please do not hesitate to contact my staff or me with any questions on this transfer.

Sincerely,
HANSFORD T. JOHNSON,
Secretary of the Navy Acting.

ATTACHMENT

Acknowledgement of the Acceptance of transfer for jurisdiction over, Custody of, and Control for approximately 14,572 acres located on the eastern end of Vieques Island, Puerto Rico. This transfer shall be effective at 11:59 A.M., EDT April 30, 2003.

CRAIG MASON,
Assistant Secretary of the Interior for Fish, Wildlife and Parks.

RECOGNIZING NATIONAL AUCTIONEERS DAY

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

Mr. GUTKNECHT. Mr. Speaker, I rise today as a proud lifetime Member of the National Auctioneers Association. We want to recognize today National Auctioneers Day and this day is annually held on the third Saturday of April. This year it fell on April 19. And I suppose some of my colleagues are wondering can he really do that? Yes, I do a lot of auctions even today: “And now 35, I’ll give you 40, now 5. Anybody bid 42? I’ll give you 45.”

I have had the privilege of auctioneering events to raise money for the American Cancer Society, the Boys and Girls Club, Safari Club, Ducks Unlimited, the list goes on and on. As a matter of fact, since I was elected to Congress, I have raised almost $2 million for charity. Every year billions of dollars are poured into our economy from auctions of estates, of vehicles, thoroughbred horses, antiques, whatever. And the auctioneering of homes and other real estate are increasingly more important as more and more realtors and homeowners see the advantages of selling by auction as their first choice.

On Auctioneers’ Day this year, auctioneers across the country held a special fund-raiser for the Saint Jude Children’s Hospital in Memphis, Tennessee, the chosen charity of the National Auctioneers Association. Auctioneers are generous and patriotic Americans, and I rise to salute their contributions to our great country.

HONORING STATE SENATOR CLARENCE W. BLOUNT

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

Mr. CUMMINGS. Mr. Speaker, I rise today to pay tribute to Maryland Senator Clarence W. Blount, a man whose life exemplified the greatness that lives within all of us.

I am saddened to inform this body that in the afternoon of April 12, 2003, State Senator Clarence Blount passed away from complications related to a stroke at the age of 81. He is survived by his wife Gordinie, and his two sons, Michael and Mark, and many more friends and family in Maryland who mourn the loss of this great statesman.

Mr. Speaker, W.E.B. DuBois once wrote that “the roots of the tree, rather than its leaves, are the source of its life.” Today I honor a man who devoted his life to that principle. The courage and dedication to duty that he demonstrated while removing mines from a river passage earned him a battlefield commission. After fighting for his country against both the enemy and the barriers of Jim Crow, Mr. Blount returned to Morgan State in 1946 and graduated in 1950. He became a teacher, earned a master’s degree in education from Johns Hopkins University, and eventually advanced to become the principal of Baltimore’s Dunbar High School.

Mr. Speaker, the education of children became Clarence Blount’s passion and mission in life. He used his own prior hardships and life experiences as a tool to help other young people improve their lives. As a teacher, principal, and later chairman of the Social Services Department of the Community College of Baltimore, Clarence Blount opened the doors to educational opportunities for thousands of young people in our community.

That same calling and that same determination, to address the inadequate funding of our public schools, led Mr. Blount into public life and won election to the Maryland Senate in 1971. He became the first African American to chair a Senate committee in 1987, and he became Maryland’s first African American majority leader in 1990, a post that he held until his retirement last year.

It was during that period of public service that Clarence Blount directly influenced the course of my life. When I was a young lawyer, seeking my second year in the Maryland House of Delegates, Senator Blount, then chair of the Maryland Legislative Black Caucus, encouraged me to run for and win
that position. He had seen something in me that I had not seen in myself. Our personal relationship became even closer when we traveled together to Israel in the 1980s. He became like a second father to me.

He later encouraged me to run for the second highest position in the State of Maryland House of Delegates, Speaker pro tempore. He was the first person to encourage me to run for Congress in 1996. I recount these personal influences because Clarence Blount’s impact on my life was not universal. He touched everybody he could. He never ceased being a teacher who found his greatest reward in the accomplishments of his students.

About a year and a half ago, Clarence Blount and I were both asked to speak at a neighborhood housing event in the Ashburton section of Baltimore. I thanked him for being such a magnificent and significant part of my life, for seeing qualities in me that I had not realized in myself. I also thanked him for fighting for our neighborhoods in Baltimore and for giving our communities a voice in Annapolis.

Mr. Speaker, I stand today to salute a great American who came up through difficult times, an ordinary man called to an extraordinary mission.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. TIAHRT) is recognized for 5 minutes. Mr. TIAHRT. addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

EXPANSION OF MANDATE OF DEPARTMENT OF DEFENSE-VETERANS AFFAIRS JOINT EXECUTIVE COMMITTEE

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

Mr. BOOZMAN. Mr. Speaker, I rise today to introduce a bill that would greatly expand the mandate of the Department of Defense-Veterans Affairs Joint Executive Committee. This committee would be tasked to oversee the realm of collaborative efforts of not just health, but also benefits and other areas of mutual interest. This would promote increased resource sharing between the two departments.

While statutory authority to allow resource sharing has existed for more than 20 years, the latest figures tell us that the level of sharing between the VA and DOD remains relatively low. The Federal Government can and must do more to increase resource sharing whenever and wherever feasible.

This bill would allow the Joint Executive Committee to identify changes in policies to improve services, efficiencies, and opportunities for collaboration in order to deliver benefits and services to beneficiaries of both departments. Inefficiencies and duplication not only waste taxpayer dollars, they shortchange military personnel, retirees and veterans seeking the services offered by VA and DOD.

I believe the expansion of this Joint Executive Committee would facilitate necessary decisions that will ultimately lead to greater efficiencies within and between the two departments. I would like to thank the gentleman from New Jersey (Mr. SMITH) of the Veterans Affairs Committee for his cooperation in developing this legislation. It is time that these departments seize the opportunity and take full advantage of the benefits that come from sharing their extensive resources.

EXTENDING THE TEMPORARY EMERGENCY UNEMPLOYMENT COMPENSATION PROGRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, I rise today to bring attention to the many hard-working families in our country who cannot meet their ends as this economy slows and the job market continues to weaken.

These families are the main reason we must absolutely extend the temporary emergency unemployment compensation program, TEUC; and they are the reason we must do it now. With the current high unemployment rate of 5.8 percent, unemployment benefits are the same as when the TEUC program was first established in March of 2002, over a year ago, and reextended in January of 2003. Just last week the Department of Labor reported that new applications for unemployment insurance hit the high number of 455,000 applicants for the week ending April 19. This is the highest level in more than a year. And it does not count families who have exhausted their benefits and still are not working.

Mr. Speaker, in March of this year, millions of workers had exhausted their regular unemployment benefits which continues the pattern of the past 24 months, where the numbers of unemployed workers receiving aid is absolutely staggering. Mr. Speaker, there is no question that there is a real need for unemployed worker relief in this Nation, but we do not need numbers and we do not need statistics to alert us to this growing problem. Just listen to the words from letters I have received from my constituents in the Sixth Congressional District of California. And when the Members hear their words, they will know that there is immediacy for additional unemployment insurance benefits, and they will know that it is important that people in districts like mine, Marin and Sonoma Counties, where the unemployment is not as dire as some other areas in the country, still have needs as well as the rest of the Nation.

One constituent writes: “I have a master’s degree and have not been able to find work. I also deal with a chronic illness. I find their heads aching for food stamps and soon will be unable to pay any bills. I’m not sure I will have a roof over my head before long. A lot of people are having a very difficult time. Please try to make unemployment benefits a top priority.”

Another writes: “I have been actively seeking work since the end of March, 2002, without success. I am a 55-year-old man who has never had a problem staying fully employed until this year. I have never before been affected by the reluctance of employers to hire older people. That, coupled with the stagnant economy, has made my ability to earn a living terrifyingly difficult. And find themselves keeping food on the table for my family, but I worry what will happen next month.”

These letters show how desperately workers need help. They need help just to keep their heads above water so their families can have the food and shelter they need to be healthy and safe, so their families can eat while their parents continue to search for work.

It is important that this Congress take action to make sure no family goes without basic needs like food or money for bills. That is why I support the gentleman from New York’s (Mr. RANGEL) the Unemployment Benefits Extension Act. This would provide 26 weeks of extended benefits through November, 2003. The consideration of this bill is critical as many unemployed workers are still struggling and may not have enough to eat, may be living in shelters, and still need help. It is time that Congress extend these benefits through November, 2003. This year will receive no further assistance. Extending these benefits will also give the economy a boost. Mr. Speaker, because unemployed workers would have money for purchases. Otherwise, without these benefits, these workers, unemployed workers, will have to cut their spending, which would weaken the economy and continue the domino effect, causing even more job loss.

Economy.com analysis found that extension of the Federal unemployment insurance benefits would be the single most effective action that Congress could take now to boost the economy and protect jobs.

TERRORISM

The SPEAKER pro tempore (Mr. FEENEY). Under a previous order of the House, the gentleman from New York (Mr. ENGEL) is recognized for 5 minutes.
Yesterday President Bush, the United States, and others in the so-called “quartet” presented a roadmap for Middle East peace. There has been a lot of talk about the roadmap, a lot of euphoria about a new Palestinian leadership with Abu Mazen; but I wanted to take some time to back up a bit and, in this rush to euphoria, talk about some very, very serious things.

Everyone wants peace in the Middle East, but everyone knows that ultimately the key to peace is having two states side by side, Israel as a Jewish state and a Palestinian state side by side with security. The question is how do we get there? Oslo, which many of us supported, ultimately was a failure; and in my opinion it was a failure because Yasser Arafat’s feet were never held to the fire. There were promises. There was empty rhetoric. There was saying one thing in English that sounded good and quite another thing in Arabic.

At the end of the Oslo process, there was a proposal put forth. The proposal was two states side by side and the Palestinians were offered 100 percent of Gaza, 97 percent of the West Bank, a state of their own, billions of dollars in international aid; and Yasser Arafat turned down the deal. Not only did he turn it down and not offer a counter-proposal, but he unleashed the intifada and thought he could use terrorism as a negotiating tool by the Palestinian side, there can never really be peace.

So what needs to happen here is that we get to a real recognition of the fact that there is no peace without peace. As long as there is no Palestinian crackdown on suicide bombers or on terrorism, as long as terrorism is still attempted to be used as a negotiating tool by the Palestinian side, there can never really be peace.

Let me also talk a little bit about Syria. I am the author of the Syria Accountability and Lebanese Sovereignty Restoration Act of 2003, and we call to the Syrian, to stop their support for international terrorism which is in Lebanon’s south Israel’s northern border, is used as a proxy by Syria to continue its support of terrorism. Hezbollah is the group which bombed U.S. Marines in 1983 and killed more than 200 of our Marines in Beirut. Syria must stop its support for international terrorism. Syria is on the list of countries of our State Department that supports international terrorism. Syria has been on that list since the inception of the list in 1979, and yet it is the only country with which we have normal diplomatic relations on that list. That makes no sense. So the Syria Accountability and Lebanese Sovereignty Restoration Act calls on Syria to stop its support for terrorism, to end its occupation of Lebanon, and to end the continuation of its production of weapons of mass destruction.

We also know that Syria is harboring some of the Saddam Hussein crowd which has fled Iraq and is in Syria, and we also know that during the war in Iraq the Syrians allowed all kinds of armaments and weapons and night goggles and other things to pass through Syria into Iraq to be used against U.S. forces.

President Bush has gotten tough with Syria. Colin Powell is visiting Syria. We hope he tells the Syrians to stop their support of terrorism.

WALL STREET ROBBER BARONS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, I have never met New York’s Attorney General Eliot Spitzer, but on behalf of the citizens of Ohio, I want to thank him. The people of New York should be very proud of the job that he is doing. Mr. Spitzer, for he is bringing to justice the robber barons of Wall Street who stole the money in our 401(k)s, who lied to our shareholders about the worth of various investments, who issued fraudulent reports about the value of stocks, and frankly destroyed a great deal of the confidence of our people in our so-called free markets. In fact, some might say they have been a free-for-all market. Some might say what these fellow fellows have done is a big heist, a big heist right out of people’s pocketbooks and a big heist right out of people’s dividends. Because of work that he did, and our Securities and Exchange Commission following behind, the regulators found fault with every single investment banking firm on Wall Street.

I want to include in the Record much of what they said: “Analysts willingly duped investors to curry favor with certain corporate executives. Investment houses received secret pay- ments from companies they gave strong recommendations to buy. And for top executives whose companies were clients, stock underwriters offered special access to hot initial public offerings.”

It really is staggering, when we think about the recession that we are in, about the malfunctioning of our own stock markets which lie at the heart of this free enterprise system that has been hijacked time and again.

It started with Enron. Then we saw WorldCom. Then it was Tyco. Now it is every single money manager on Wall Street that has your money.

So far, they have been fined as follows: $400 million is to be paid by Citigroup; $200 million each by Credit Suisse and Merrill; and, in 2002, an earlier Merrill settlement of $100 million in fines; $100 million in fines by Goldman Sachs; $80 million in fines by Bear Stearns; $60 million by J.P. Morgan; and, in the same year to Lehman, and Paine Webber; $32.5 million in fines by Piper Jaffray. These are names we see advertised in our newspapers. They have got enough money to buy ads all over the country, yet they take your hard-earned money and they gamble it away.

I have to ask myself as a Member of Congress, I am not going to trust those folks with the Social Security funds of this country. Do not tell me to put our people’s hard-earned dollars in that stock market that so often fails from one day to the next, and do not ask this Member of Congress to vote for a Bush administration tax scheme that rewards some of the same fellows that just ran away with our money in our own equity market. Why was not anybody watching? Why did it take so long?

Now, they tell you anything to get your money. That is what Mr. Spitzer found. And they did tell you anything to get your money. The news articles really say everything. What jumps off the page in the documents is the Wall Street firms’ utter, utter disregard for the individual investor in pursuit of their own personal benefit. These are institutions that are supposed to be working for us, and they all, not one, not two, all, the major firms on Wall Street failed the American people.

One investor told a colleague he was trying to make the company look good on Wall Street. And his colleagues asked, ‘Why did it take so long?’

I have to ask myself as a Member of Congress, I am not going to trust those folks with the Social Security funds of this country. Do not tell me to put our people’s hard-earned dollars in that stock market that so often fails from one day to the next, and do not ask this Member of Congress to vote for a Bush administration tax scheme that rewards some of the same fellows that just ran away with our money in our own equity market. Why was not anybody watching? Why did it take so long?

The SEC has been hijacked time and again.

Now, they tell you anything to get your money. That is what Mr. Spitzer found. And they did tell you anything to get your money. The news articles really say everything. What jumps off the page in the documents is the Wall Street firms’ utter, utter disregard for the individual investor in pursuit of their own personal benefit. These are institutions that are supposed to be working for us, and they all, not one, not two, all, the major firms on Wall Street failed the American people.

One investor told a colleague he was trying to make the company look good on Wall Street. And his colleagues asked, ‘Why did it take so long?’
Here is somebody, Sanford Weill, Citigroup's chairman. He persuaded an analyst to change a rating. This is not some guy in the back closet. This is the head of the largest investment banking firm in this country.

What are they doing up there? What is that matter with them? You know how many people in my district have lost their retirement savings in the 401(k) plans alone? These are the highest paid people in our country that the Bush administration is about to open up the door for. They do not deserve a dime. They ought to pay more of it back to us for what they have done.

Mr. Speaker, I congratulate Attorney General Elliott Spitzer of New York. He is a hero in my book.

Mr. Speaker, I include the three newspaper articles for the RECORD.

[From the New York Times, Apr. 29, 2003]

TEN WALL ST. FIRMS SETTLE WITH U.S. IN ANALYST INQUIRY: AGREE TO PAY $1.4 BILLION

By Stephen Labaton

WASHINGTON, April 28—Prosecutors announced a settlement today with the nation’s biggest investment firms that bars the heads of the largest bank from talking to his analysts about the companies they cover, unless a lawyer is with his firm’s stock analysts about the companies they analyzed. Sanford I. Weill and Peter G. Peterson, the former boards of AOL Time Warner and the banks’ research analysts, were accused of receiving payments for research without disclosing such payments to their clients.

And Salomon Smith Barney and First Boston were accused of currying favor with their corporate clients by selling hot stock offers to those who could turn around and sell the shares for virtually guaranteed profits.

The two banks agreed to end that practice, known as spinning.

In settling the cases, the firms neither admitted nor denied the allegations, following the standard practice in resolving such disputes with the commission.

In monetary terms, the $1.4 billion in fines, restitution and other payments equals nearly 7 percent of the industry’s profits last year, which was Wall Street’s worst year since 1995. Of that sum, $387.5 million will go to repaying investors who file claims with the government. In the regulators’ findings, lawyers are sure to seek many times that total in private litigation.

The settlement by 10 firms and 2 well-known stock analysts reached tentatively last December but completed in the last few days, resolved accusations that the firms received payments of investors to buy billions of dollars worth of shares in companies they knew were troubled and which ultimately either collapsed or sharply declined.

The Securities and Exchange Commission, state prosecutors and market regulators accused three firms in particular—Citigroup’s Salomon Smith Barney, Merrill Lynch, and Credit Suisse First Boston—of fraud. But the thousands of pages of internal e-mail messages and other evidence that regulators made public today painted a picture up and down Wall Street of an industry that often sacrificed ethics rules and to build barriers between investment bankers and stock analysts in hopes of relieving analysts from the business pressures that may have suited some in the 1990s.

For example, the compensation of analysts is to be based on the quality of their research, not their contribution to the firm’s investment banking business.

As part of the agreement, two analysts whose fortunes rose with the markets, Jack B. Grubman and Harvey Goldschmid, were accused of receiving payments for research without disclosing such payments to their clients.

Mr. O’Neal, Merrill’s chief executive, said at the firm’s annual shareholders meeting in Plainsboro, N.J., that state officials also emphasized today that the settlements did not preclude them from further investigation—pointedly noting, for example, that they were examining whether any top executives at the investment firms had failed to adequately supervise the analysts.

“Just wait,” said Stephen M. Cutler, the head of enforcement at the commission and a leading architect of the agreement.

In addition to the restitution, the firms also agreed to pay $467.5 million in penalties, $22.5 million to fund independent research, and $80 million for investor education. Mr. Blodget agreed to pay $4 million and Mr. Grubman $15 million to settle the charges against them.

The fines, restitution and other penalties were divided as follows: $400 million will be paid to Citigroup; $125 million to Credit Suisse and Merrill Lynch (which includes an earlier Merrill settlement of $100 million); $125 million by Morgan Stanley; $10 million by Goldman Sachs; $80 million each by Bear Stearns, J.P. Morgan, Lehman and UBS Warburg; and $32.5 million by Peter J. B. Grubman.

One of the final issues that had been negotiated involved which companies would bear the brunt of the penalties and how much might be covered by insurance policies and deductible from the firms’ taxes.

The law now of the $1.475 billion in penalties is deductible, and the firms agreed not to seek reimbursement under their insurance policies.

The settlement also inserted a clause in the settlement that might make it harder for the firms to try to deduce any of the $512.5 million in independent research and investor education.

[From the New York Times, Apr. 29, 2003]

IN A WALL ST. HIERARCHY, SHORT SHIFT TO BE LARGE INVESTOR

By Gretchen Morgenson

Documents disclosed as part of yesterday’s settlement show how Wall Street firms, in pursuit of investment banking fees, put the

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LITTLE GUY
As an analyst at Lehman Brothers told an institutional investor in an e-mail message, "well, the targets are all meaningless anyway," later adding, "but, yes, the 'little guy' who isn't smart about the nuances may get misled, such is the nature of their job.''

From 1999 through 2001, for example, Morgan Stanley paid about $2.7 million to appropriately 25 other investment banks for these services, guarantors said. Nevertheless, he found it appropriate to protect clients who were basing their investment professionals they employed. They failed, therefore, to protect clients who were basing their decisions on research that had been written to attract or maintain investment banking clients.

While the symbiotic relationship between Wall Street research analysts and investment bankers harmed investors, it was beneficial to the firms. Lehman Brothers and Goldman, Sachs, according to regulators, encouraged analysts to work closely with investment bankers to generate deals.

Goldman, Sachs aligned its research, equity and investment banking divisions to work together and leverage its limited research resources. In 2000, Goldman noted happily that "research analysts, on 429 different occasions, solicited 328 transactions in the first 5 months" and that "research was involved in 82 percent of all won business solicitations." Crucial to the firms' failure to supervise themselves was the tendency by their analysts to publish research that was not based on sound analysis or principles of fair dealing, regulators said. Eight of the 10 firms that settled—Bear, Stearns; Credit Suisse First Boston; Goldman, Sachs; Lehman Brothers; Merrill Lynch; Piper Jaffray; Salomon Smith Barney; and UBS Warburg—issued such reports. The firms' research also contained exaggerated or unwaranted assertions about companies, or opinions for which there were no reasonable bases.

For example, at Credit Suisse, regulators contend that its analyst covering Winstar, a small telecommunications concern that never turned a profit and that filed for bankruptcy two years ago, failed to disclose the risks inherent in the company. The firm had initiated equity research coverage of Winstar in May 2000, with a "strong buy" rating and a 12-month target price of $79. Credit Suisse retained the $79 target from Jan. 5 to April 3, 2001, even as the stock plummeted to 31 cents a share from approximately $17 and the company's market capitalization fell to $30 million from $1.6 billion.

Some of the most entertaining reading in the masses of evidence that regulators have made public for use by aggrieved investors in their own lawsuits is the commentary by Salomon Smith Barney brokers about Jack B. Grubman's performance as the firm's top telecommunications analyst.

As far back as 2000, brokers were expressing outrage and betrayal over Mr. Grubman's woeful stock picking, which many noted was unrelated to his investment banking and analyst. Yet even as the brokers howled about Mr. Grubman's tendency to keep recommending stocks as they collapsed in price, the analyst retained his job at Salomon until last August.

Here are some outtakes from Salomon brokers late in 2000. Mr. Grubman "should be publicly flogged," one said. "Under the category, Bonus for Creating Tax Loss Carry Forwards for Retail Clients, Grubman should be recognized accordingly as our best analyst." Many said the analyst should be fired, while another broker said, "If I can't sell a top 'research analyst' then I have a bridge to sell to." Another remarked: "Boo Hisss. Banking showed its ugly head."

During the year these comments were made, Mr. Grubman was paid $4.2 million in salary and bonus. As a result, Salmon's brokers emerge as yet another group victimized by Mr. Grubman. If one broker, or financial consultant, put it: "Grubman has zero credibility with me or my clients. He is collecting from two masters" at financial consultants. Then referring to investment banking functions, he continued: "He brings 18 business to the firm's analysts. I am sure that nothing will come of my comments. The spin-masters will say that everyone else does it. Is there an honest person left?"

**FINDING FRAUD ON WALL ST. MAY BE A STEP TO HIGHER POST** (By Raymond Hernandez)

WASHINGTON, APR. 28—The question was abundantly clear to the 10 securities firms that agreed to pay $1.4 billion to resolve charges of wrongdoing by their research analysts would be able to squirm out of their plight by writing off their fines. It put the men behind the lectern at the Securities and Exchange Commission's headquarters in the tent.

But not Eliot Spitzer. "Maybe I can be a little less discreet," Mr. Spitzer, the attorney general from New York, chimed in. "I already have." With that, he shifted the focus to Congress, urging lawmakers to act to close the loopholes, and insisting his office and the S.E.C. had done their jobs.

"Spoken like a man whose Hill is in Albany and not in Washington," said William H. Donaldson, the chairman of the S.E.C., to laughter.

Mr. Spitzer's hill, some say, is just about anywhere he wants it to be these days, having been indirect enough to take on the biggest names on Wall Street during a relentless investigation of securities fraud. For more than a year, he has plunged forward, making cases and headlines along the way, and some say paving his future with stepping stones bearing the names of Henry Blodget, Jack B. Grubman and the like.

At the news conference here today announcing the settlement of the 10 firms, Mr. Spitzer was just one player of many. Nonetheless, it was a defining moment for Mr. Spitzer, who just five years ago toiled in obscurity and used his family's vast wealth to oust Dennis C. Vacco, the Republican attorney general at the time.

As attorney general, Mr. Spitzer revived the long-dormant Martin Act, a 1921 state law giving the attorney general of New York, jurisdiction over securities trading. Mr. Spitzer uncovered, among other things, damaging e-mails and messages among stock analysts at Merrill Lynch & Company, the nation's biggest brokerage firm and a mainstay of New York's financial community, and accused the firm of encouraging customers to buy stocks that the analysts believed where losing bets just so that Merrill might curry favor with companies it wanted as clients.

In doing the job, Mr. Spitzer, 43, has followed in the tradition of activist and consumer-oriented attorneys general, like Louis J. Lefkowitz, who set the standard, and Robert Abrams.

But in his prepared remarks, he likened the pursuit of Wall Street evil doers to another robber, Theodore "Ted" Sorensen, the populist Republican president who dubbed himself a Trust Buster and crusaded against unchecked corporate wealth and power.

They are at a rare moment, he said. "It is akin to the moment we were at 100 years ago." Before he was president, Mr. Roosevelt was New York's governor, and many say that is the real goal of Mr. Spitzer.

Indeed, many of those who make their living from Wall Street are seething over Mr. Spitzer's lightning-fast move for pursuing scandal at the expense of their livelihoods and New York's economy. Many complain, quietly, of course, that Mr. Spitzer has relentlessly undermined the public's trust in the stock market while boosting his own political fortunes.

Many of Mr. Spitzer's fellow Democrats, however, feel otherwise.

"New York Democrats need someone who can galvanize them," said Hank Sheinkopf, a Democratic consultant in New York who was one of Mr. Spitzer's campaign advisers in 1988. "Eliot Spitzer appears to be that person right now.

"This is a victory without its critics," Mr. Spitzer added. "The danger is that he will endanger a large portion of New York's traditional fund-raising base, Wall Street."
ILEGAL NARCOTICS PROBLEM IN THE UNITED STATES AND THE WORLD

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

Mr. SOUDER. Mr. Speaker, tonight I would like to focus on the illegal narcotics problem in the United States, as well as a little bit around the world.

We have several legislative initiatives that are about to come in front of this Committee, and one going through my subcommittee, the Subcommittee on Criminal Justice, Drug Policy and Human Resources of the Committee on Government Reform, which is the Office of National Drug Control Policy, and the authorizing bill for the ONUC Director, commonly known as the Drug Czar of the United States, is John Walters. This bill will reauthorize for 5 years the entire oversight of the narcotics programs of the United States.

In addition, in our emergency terrorism bill, we had money for Colombia. We will have in a number of appropriations bills in front of us money for the Andean region and other international narcotics control programs.

So I thought tonight would be a good time to start with my colleagues and staff and others who are watching this discussion, laying out a little bit of the big picture on what we are tackling, mostly focusing tonight on the international drug problem, some on our domestic and some oversight, and then as we move into the markup in the next few weeks in subcommittee and full committee on this House floor, we will be spending time discussing the millions and, in fact, billions of dollars that we spend fighting illegal narcotics.

First, it is very important to understand that while tonight we are going to be talking about a lot of international concerns, this is directly a concern that hits every Congressional district. In every city and town, no matter how small or large, drug and alcohol problems in America account for, depending on the judge or prosecutor, 70 to 90 percent of all crimes committed in America. Not just drug crime, this counts robberies, this counts rapes. This even counts child support payment problems, because often the people not making their child support payments, the people declaring bankruptcy, are having problems with drug and alcohol addiction.

The use of illegal narcotics have gone up and down in our country. We will never eliminate them. It is a false goal to say we will eliminate the use of illegal drugs in the United States. There will always be, every day, new kids exposed in junior high, elementary school and high school. Somebody will lose a job. Somebody’s marriage will fall apart. Somebody’s education will be lost. Their marriage, and they will look for a way out. Rather than confronting their problem directly, they will look for a way out. So every day hundreds of thousands of people are exposed for the first time to the temptations of illegal narcotics.

Furthermore, where there is a market, there will be a demand meeting that market, and we will never completely stop this. We have some people in this country, I am sure, who say, if we cannot eliminate it, why are we spending all this money on it? I would ask the same question about child abuse. I would ask the same question about spouse abuse. I would ask the same question about breast cancer and about other types of disease, heart disease and others.

We do it because we need to keep tackling it. We need to make as much progress as we can. Particularly for those things that are controllable by individuals, such as rape, spouse abuse, child abuse, narcotics abuse and other things, we need to stay on top of it so the problems do not get bigger.

It may be that that all we can do is hold it even, and sometimes we will make progress. There has been a lot of misinformation in the United States that we have not made progress on drug abuse. In fact, drug abuse in the United States is way down compared to the peak point when former President Ronald Reagan and First Lady Nancy Reagan said “just say no.” We constantly hear “just say no” being mocked, but “just say no” was the centerpiece of an aggressive program in interdiction, enforcement, treatment and prevention, that in the 1980s had a dramatic reduction.

After the late sixties, where I went to college and early seventies, where you saw a descending majority of kids using marijuana, at least, and Ecstasy and LSD and all these psychedelic drugs, by Timothy Leary and all the romancing of it in the 1960s, in the 1970s we made tremendous progress. In the 1980s we were making some progress, and it started to level off. From 1992 to 1994 we saw a surge in drug use in the United States that would now, in those 2 years, require us to have a 50 percent reduction to get back to where we were when the former President took office.

Now, that was still a lower point than when the Reagans took over in 1980 and made 10 years of steady progress. The bottom line is it is wrong to say we have not made progress, it is wrong to say that you cannot make progress, and there are points in our American history where relaxed government policies, of kids in jail, in haling, cutting their own introduction, you see it soar, and we have to recover again.

But the trend line over a long period has actually been down, and you would never guess that from all the people who thought there is no hope in this battle. There is hope, but we will never completely win.

Right now, we have a goal annually, according to President Bush, to reduce this by 5 percent a year. To do that, we have to stay aggressive in all fronts and be vigilant in all parts of the war on narcotics, because even that said, we have tens of thousands of people killed every year by the abuse of drug and alcohol.

To give an example of proportion, the World Trade Center disaster, which was an absolutely terrible, terrible disaster. In illegal narcotics, it is somewhere between 20,000 and 30,000 a year, depending on how you want to count it.

In my hometown, we see it on a weekly basis practically of a murder, or an accident, or some type of drug-related death, either through murder or through somebody in the highways. Often they get attributed to alcohol. It is usually poly-drug use, marijuana, LSD. Most police departments do not test for Ecstasy or LSD after an accident, and often the people involved have done that. We have had cases of young kids high on multiple different drugs hitting a car. One killed a senior, rolled through the interstate, killed another person. The person high on drugs actually lived through it.

We have had a really visible case in my hometown of Fort Wayne, Indiana, where the conflict got so great that one of the kids, one of the little gang groups, basically took another young person to a field in a rural area and beat them, in effect, at the stake. As one of the other kids at school threatened to bring that up, they took her up and burned her as well. One defended themselves by saying they had a gun at their head and they had to light the match.

This is what people who are whacked out on narcotics will start to do to each other. We see this corruption in every community in America, big or small, and we have to stay vigilant and aggressive.

Now, let’s lay out a little bit of the challenge we are facing. The number one entry level, if you are an underage person, it is a combination usually of tobacco, alcohol and marijuana. You start hanging around with kids who abuse those drugs. They are all illegal, they get in an illegal cluster, and sooner or later somebody is going to expose you to marijuana. The gateway to all other narcotics is marijuana.
Furthermore, we have a terrible misnomer in the United States that marijuana would be forms of what we called historically in Indiana “ditch weed.” Some areas might compare it to hemp, where you are looking at THC contents of about 1 percent.

The new marijuana that is on the streets today is not what your “parents smoked,” if they did. It is THC contents from 15 to 28 percent. In my hometown of Fort Wayne, Indiana, BC Bud, one of these high form things coming in from Canada, marijuana, and other high grade marijuana, as well as in New York and Boston, sells for the same as cocaine, because its kick and danger to the body, this marijuana, is the same as cocaine and heroin.

It is ridiculous for those who would downplay marijuana. There are wide ranges of marijuana. At the least harmful form, it still causes harm and long-term effects, and it will probably come and go, depending on the awareness of people about it, but there will be replacements in these dance clubs and other places where kids are exposed to the dangers of those.

Now, heroin and cocaine in particular, there are two major source areas, and for marijuana as well. The two major source areas are the Andean nations, which would be Colombia, Peru, Bolivia, Ecuador, edges of Venezuela and Brazil, and Mexico. There are other primary source countries, but those are the biggest areas, the Andean region and Mexico.

The other areas would include South East Asia for heroin, Afghanistan where it was the predominant way that al Qaeda was funded, and the so-called Golden Triangle, a triangle area around Burma, Thailand and China, less so there, and most of those narcotics. Narcotics come from Europe, only about 25 percent to the United States, to our West Coast. But it is a direct threat.

Afghanistan is one we have kind of turned a blind eye to, but unfortunately, they are replanting the poppy, and because we do not at this point directly going to al Qaeda, we have not been aggressive enough.

Quite frankly, we need to be aggressive with the Northern Alliance and our allies in the Afghan War, not just on those who fought us through the terrorists. It may not anymore be directly funding the terrorists, we are still watching the Afghan heroin, clearly other times of narcotics are, but we still have to get control of that heroin production in Afghanistan or it is going to flow through the entire world.

We also have Canada that is a major supplier of this high grade marijuana, and also almost all of the precursor chemicals coming in seem to be coming in through Canada right now. Now, in all fairness to Canada, we are their big exporter. Often this BC Bud, Quebec Gold, meth precursors are coming into the United States in return for cocaine and heroin flowing through the United States. So we are also a drug exporter, and we are the biggest to Canada. So that border is more or less swap border; sometimes they trade marijuana for guns.

The Netherlands has become the world center of transporting meth precursors, as well as Ecstasy, and it is a major drug center for synthetic drugs. There are also manufacturing meth domestically, so we are also a primary source country as well as a primary user, although we do not ship, other than to Canada, in most cases, drugs out.

There are many other transit countries. The Bahama islands are a major way that the drugs come up through the Andean region or even Mexico, but mostly through the Andean region. Some of what comes from South America bounces over to Spain, to Madrid, and then bounces back into its United States. We see it come also through Vietnam and places in Southeast Asia that are transit areas.

But let me look at now some more particulars. This map is a map of Colombia. To orient, the United States is further north, central America comes down, Panama connects to Colombia. Panama years ago was part of Colombia. It was separated by Teddy Roosevelt so we could build a canal there. It is in the northwest corner of South America. It is a beautiful country. It is the oldest democracy in South America. It is mountainous for most of its region, and the Andes start to move up to 20,000 feet down in this region.

Coca grows in the Andean region because you are near the Amazon, the center of the equator; the equator runs somewhere around right in here. So you have damp areas, warm areas that you can grow year-round, and yet you have some mountainous zones where you can get a little bit, not completely wet, but still have plenty of water. In addition, you have the access to the Pacific Ocean and the Atlantic Ocean.

Furthermore, in this area, heroin poppy grows best at about 12,000 feet, between 8,000 and 12,000 feet, which is why you see it over in Southeast Asia and Afghanistan and why you see it in the Andean region, because these are the places that have been best in the world to grow high-grade coca and heroin poppy.

Colombia is the oldest democracy, and has produced many products that we in the United States use. They are our biggest supplier of flowers. Approximately 70 percent of all U.S. flowers that you buy come from Colombia. Historically, coffee is what they think of. You think of Colombian emeralds. They were our eighth largest supplier or sixth largest supplier of oil until the pipeline came under attack by the narcotics and terrorist groups in Colombia. Now they are not net even, but they were one of our primary suppliers of oil. They also export many other products to us. Textiles, all sorts of other types of things.

Their democracy has been steadily undermined by American drug use and, to a lesser degree, European drug use. They have had 30,000 police officers killed in Colombia. They have had constant terrorist attacks. The current President of Colombia who was here yesterday and today and we met with him, the afternoon he was assassinated by the narcoterrorists years ago. They have made multiple attempts on his life, including when I was at his inauguration, the FARC launched from a Howitzer shells at the building where we were, blew off the corner of the presidential palace during the inauguration. For those of my colleagues who may have read Tom Clancy’s book “Clear and Present Danger” or seen the movie, I asked former Ambassador Busby whether the movie was fairly accurate; and he said, mostly, although I did not die like in the movie.

The fact is that they shot and murdered a big percentage of their supreme courts. They kill mayors, they kidnap, and they are doing it because of our drug abuse. This was not because they were using the narcotics. It is because we were using the narcotics, providing billions of dollars with which to arm the FARC, in particular, as well as other groups that are providing protection.

Now, in Colombia, President Uribe has made fairly dramatic changes and gone aggressively after the coca and heroin production. In a few of these things to be put in the RECORD, because we had a fairly close vote in this House on assistance to Colombia because President Uribe is heavily under attack, he is trying to be aggressive, and lots of misinformation was distributed here about his ineffective-ness of what was happening.

Now, here are a couple of key statistics. Terrorist attacks have increased in Colombia if you flatten the line, but in the fifth largest in fact gone up and down. And basically they have increased, you squeeze the poppy and the heroin. So when we read in our newspapers, as there was yesterday and a few weeks
ago, as we had a few Americans kidnaped a month or so, 2 months ago, that when we read that, we need to understand that those incidents are increasing when we are successfully pressing on the coca and the heroin.

But that, this government, President Uribe's government in Colombia has increased, almost doubled, the efforts to go after the illegal self-defense groups and so-called paramilitaries; they have gone aggressively down these groups, and so, in both of those cases, increasing, in both of those cases, almost doubling the efforts of going after these terrorist groups. They have been so aggressive that while it seems like in the United States that we are reading more about Colombia because we have put money down there, the plain truth of the matter is that since President Uribe started these attacks, though some of them are now getting more publicity because they are in Bogota or they are trying to go after Americans to try to get us to be squeamish, just like they initially tried to do with the attacks in Iraq, by trying not to win a war, but trying to back up the American people so we give up rather than going through, these attacks have actually been dramatically reduced under President Uribe.

Whether it be kidnapping of mayors, they are down; whether it is kidnappings of people are down, the number of attacks are down, the number of attacks on schools are down, because they have a President who is being more aggressive and successful. But because of where they are doing some of them, because our attention is up, it seems like it is not working in Colombia when in fact it is working in Colombia.

Let me give an example. One of the business groups from Colombia that was in my office when they were there and they have been there for many years, is the former President Pastrana when we had a so-called temporary peace agreement, they were there and the phone rang and one of them took it and at the school where many of their kids were, a pregnant mom and her daughter had just been trapped on a bridge and kidnaped; and they were each trying to check to see whether it was their family. This happens all the time.

Gabriel Garcia Marques' book, "Diary of a Kidnapper," talks about this particular phenomenon that has just gone rampant in Colombia. But the fact is that as we have a president there and a government committed to going after this, they have actually reduced the number of incidents. The question is, will we in the United States Congress have the courage to continue this pressure, or can they, through public relations and high-profile attacks, convince the American people that we are actually losing in Colombia when actually we are actually winning the battle in Colombia?

Furthermore, we have had the most dramatic reduction in coca that we have ever seen in Colombia. I have been down to Colombia seven times or nine times, I lose track. I got elected in 1994; I have been there at least once a year ever since then and sometimes twice, particularly the last few years as chairman of the House Committee on Criminal Justice, Drug Policy, and Human Resources.

What we see in Colombia is a case like happened in Bolivia and Peru where often we will eradicate one time the coca crop and we will not stay focused, and because they can grow year around, they come back in with it. What President Uribe has done is he has basically hit these areas three times. Now, you can imagine if you are a farmer, think of it in terms like in the Midwest and Indiana and elsewhere, I am from Indiana, we have soybeans and corn. And if we hit that three times, obviously, the corn growers and the soybean growers would not be happy. They are used to being hit and they are there and the government is there and going back to a very profitable crop.

Just like kids on our street corners can make $400 as a lookout, but only, say, $6 at McDonald's, so they would rather be a lookout because it is not as difficult as punishment. But if you arrest them, if they are afraid they are going to get shot, if there is a penalty for being the $400 lookout, then maybe the $6 at McDonald's is not such a bad deal. You can work your way up and maybe someday get $20. You are never going to get $400 an hour most likely, but you are also not going to kill people with the illegal narcotics.

Well, if there was not any pressure on the people growing it on a steady basis, like they sometimes grew palm heart or pineapples, and then you would see underneath it the coca hiding in the fields. Well, President Uribe has gone aggressively after it. His own wife and two sons at the inauguration after him, he took them to the palace. The government was there and they were panicked. They know that there is a good chance that their husband is going to be killed, or that they are going to be killed. They talked about coming to the United States and he said, no, we are going to stay here. We are going to go after these illegal drugs. The problem is the United States' problem, but we are going to go after them, because it is wrecking our country too.

When somebody shows that courage, we need to show the courage in this Congress to stand behind them. There are some Members in this body who have gone to towns in Colombia and seen the terror. It is unbelievable. First one group comes through that is the leftist narcogroup, and they kill anybody who is not willing to help them. Then, groups that are often contracted initially to try to stop that group will come through and kill anybody who take the money. Pretty soon the only group that was supposed to be providing the protection gets into narcotrafficking too, then they fight over who gets to have the little village.

Several of my colleagues have visited those villages even this year, and there are several that are still overrun.

But here are the facts. Since President Uribe has taken over in Colombia, they have reestablished control over Colombia and our advisors down there will say, we are going to go after the illegal narcotics that are killing 30,000 Americans a year, and the biggest pressure point is Colombia. It used to be in the region. In the region, Colombia used to be only 30 percent. But as Bolivia went after it and as Peru went after it, it moved to Colombia. Now, if we can take out Colombia, there is going to be some seepage back.

Earlier this morning I met with a number of members of the Peruvian Parliament, as well as their military navy and army and talked about their worry about spillover. If we are successful in Colombia, will the coca and heroin production move to Peru? Possibly. It looks like a lot of it is moving to Venezuela on the north border, because President Chavez has been a weak President. He has been fighting most of the time with Castro, does not have the same commitment to help the United States and to go after terrorists in that nation. They are the biggest trading partner with Colombia. It is right up here on the north border. We have a huge stake in this.

This area right here is the biggest oil provider to the United States or was until Chavez could not keep it flowing. If you go to a Citgo station in the United States and to go after terrorists in that nation. They are the biggest trading partner with Colombia. It is right up here on the north border. We have a huge stake in this.

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we scatter them, at least we will get the prices up and the purity down.

I next want to move to the Caribbean Sea. As it comes out of the Andean region, it can move several ways. About a third moves through the Caribbean Sea, about two-thirds through Mexico. And when it comes into the Caribbean out of Colombia down here, it moves up, and the biggest vulnerability we have are all of these Bahamian islands. There are a thousand islands. They can pick which island they want to come in on. But they do not flag them in our system as Libyan; they can get citizenship on a Dutch island, such as Libya, they do not have to go through, their salary is nothing. It is a fraction of the U.S. salary. Even U.S. salaries can be overwhelmed with the dollars that are being offered, so we have had an incredible corruption problem along the border.

In Mexico, understanding that this was a tremendous pressure, has located additional forces there. He is aggressively trying to clean up the forces, but this is a huge challenge.

Let me talk a little bit in particular about that fact that we have had a series of hearings on the north and south border looking at homeland security issues. I also now serve on the new Select Committee on Homeland Security.

We will be hearing in the Buffalo-Niagara area in conjunction with my Subcommittee on Criminal Justice, Drug Policy and Human Resources, which also has oversight over the Justice Department and other agencies, and our Subcommittee on Infrastructure and Border Security and chaired by my colleague, the gentleman from Michigan (Mr. CAMP). We will be holding a hearing up on the north border.

We have just held a hearing over here on Tohono O'odham Indian Nation lands in southwest Arizona, and then just during the last break we were down at El Paso where we had a hearing and spent about 4 days on the Texas border.

Let me describe some of our challenges on this border.

Starting with California, San Isidro by San Diego is the biggest human cross point. More people cross at San Isidro than anywhere else. It is easy to hide to some degree just because of the sheer volume of people. But because we have a fence there now, we have changed some of the dynamic. Years ago, I believe in my second or first term when I was down in the area east of San Diego, I saw, at about 2 in the morning, approximately somewhere between 800 and 1,200 people massed, ready to make a dash for the U.S. border.

Their penalty if we catch them is that they are detained to see if they have any other violations, and then they are sent back. I learned they had packages for $1,500 or $2,000 where you can get guaranteed that in 7 days you would make it through to the United States or you got your money back. That sounds ridiculous, but why would you not start to offer those packages? Why would capitalists not start to offer that if there is no penalty for constantly crossing, other than if you have another crime?

Now, the fact is that what I saw that night was people playing frisbees, eating their picnic lunches. For that package they get a place to sleep, two meals, and they are guaranteed to make it in 7 days. Like I say, that was about 6 years ago.

Over in Texas, we ran into the same thing. I think it is now $2,000 guaranteeing the crossing in Texas. It does not always work, by the way. We are starting to crack down on those kinds of things. In particular, we are going after the people who are doing the packages. The fact is that those types of market things will develop.

Unfortunately, some of the people now, because we have tightened the fence here and we do not see that massing, they used to mass to about 1,200 and make a run at the five Border Patrol agents they would see, and most would not even get stopped.

But as we put the fence up, as we passed more Border Patrol agents, we have moved it to the open lands, so at the Tohono O'odham Nation, west of Nogales and east of Yuma, in Arizona, in that area, west of Nogales and east of Yuma, we have basically sand. We have an Indian nation, and we have the Organ Pipe National Monument where a ranger was killed in a shootout, one of the first of the rangers killed, a national park ranger. We have a fish and wildlife area, and we have a little bit of the Barry Goldwater Air Force range where they do bombing runs.

Now, what happens, because we have done a better job of sealing off Nogales, a better job of sealing off California, we are starting to make some progress over in the eastern side of Arizona in Dillinger, what we see there is people who sell these packages and others trying to make a run through the desert. As we drove along this border a little over a month ago, we could see the people huddled getting ready to make their late afternoon run. We could see the fences cut.

There was one area where it was just hard for me to conceive of this happening. Unless Members see it with their own eyes, they will not believe it either. This is how bold some of the people on the border are. We have a barbed wire fence along the border. At one place, the farmer on the other side was having trouble keeping his cattle in, so he took the fence from our border, put it across the road that runs across and over on his land in Mexico.

We have not moved the fence back to the U.S. side because in fact it is serving a good purpose. At least it is not getting cut this way. They go around the Mexican farmer, they go on the road, they have a clear way in, but it has detained more people on the Mexican side than it did on our side. But think of the boldness to actually steal the fence, move it, and claim it as their own property when it is a United States Federal Government protection border.

It is snipped. We can see where they are moving the runs in along the wash. One of the most popular illegal trails in Arizona is basically sealed off right now because so many illegals are moving through, and it is so violent and so
many drugs are moving through that area it is not safe to backpack there right now. You can see discarded milk cartons, the larger plastic containers. If they are clear, it meant they were water; if they were black, it meant they were narcotics for a pick-up. We see trash left near the border as they discard it and move.

Also, the poor illegals who are coming across are often misinformed. They have been dumped here on the border or have been told it is just a couple of hours’ walk to Phoenix. It is a couple days’ walk to Phoenix across desert with no water or food, and we are having tremendous human casualties in this area because of the misinformation of the people who want to take advantage of the people who are coming across.

When we were having the hearing in the little town of Sells, Arizona, when Members hear about narcotics busts in their hometown, think about this. We are walking on thin ice. We have, in effect, gathered the Customs and Border Patrol, the DEA, the National Park Service, Fish and Wildlife, the local police, the State of Arizona and the community. It is a town of 5,000 people, or maybe 10,000 at maximum. And I may have doubled their population at 5,000. It is a relatively small town, capital of the Tohono O’odham that used to be the Patagonia. The Tohono O’odham tribal official had been complaining that as we squeezed other areas, drug runners were running through and destroying their Native American culture.

While we were having the hearing, showing the stupidity of drug runners, if nothing else, they had one bust of 300 pounds, one bust of 500 pounds, one bust of 400 pounds; and at 100 they don’t even bother with them. Later that night, a run of seven SUVs as we were being told it is coming across the border. They had two Blackhaws on them and another helicopter chasing them. They got most of them. One shot his way out. They got, I think, another 500 pounds.

To put it in perspective, think of 500 pounds, and then take that in one day what they managed to catch was close to, I think, 1,400. The previous rest of the year had been 1,500. The previous year had been approximately 1,500. In other words, it has gone so exponentially that it is frightening.

We do not really know how much is coming across these borders. Furthermore, remember, in addition to funding the killing in narcotics, they are also funding primary sources for any terrorist networks. As we solve the masses of things like the Holy Land Foundation and other fronts, they move to illegal monies, child trafficking and drug trafficking being the two primary.

Secondly, whenever you can move narcotics, you can move weapons of mass destruction or anything else. In other words, if we cannot stop one, what makes us think we can stop the other? That is why we need to be more aggressive. That is why the President created the Department of Homeland Security. That is why he put Border Patrol, Customs, and Coast Guard agencies in the Department of Homeland Security, which is really the Department of Border Security. It does not have FBI, CIA. It is predominantly to focus on the border. We have to get control of this border.

The Mexican border with Texas is a huge area. In the long term, we are going to have to have some realistic discussions about immigration strategies in the United States, because every State has been benefiting from having many of these low-income workers come in and take jobs that Americans do not want to take.

We have duck and chicken processing plants in my district; and there is very little English spoken there, and not very many people who speak English will apply there. If we go to a gas station, there is almost nowhere was those who want to come here to work and make a living here, most of whom send as much as 50 percent of their income back not only to Mexico, but Guatemala, Honduras, Ecuador and other countries. They are coming in for illegal purposes to sell narcotics or to terrorize our Nation.

If we cannot make that distinction between those who want to be law-abiding but are violating the immigration laws and have some kind of balance here, what we are going to have is just huge holes in our system that will move around, and we will never have enough money to seal this big a border.

Now, this is, to be blunt, nothing compared to what we have in the terrorism side, the northern border, where we do not even have sand to serve as a deterrent, or the Rio Grande River. From Glacier National Park in Montana to Lake of the Woods in Minnesota, we have thousands of miles of basically flat, open land.

The good news is if a terrorist walks across in northwest North Dakota we can probably see him from about 500 miles away. The bad news is that once he gets to the next police station, it is a huge challenge in these big open spaces of the Northwest as we look how to control, and as the narcotraffickers and other terrorists probe to see where our vulnerabilities are. We are constantly changing. We have a lot of methods they do not see, but we have to be aggressive.

We have intercepted, on the terrorist side, probably 125 or so attempts at us since 9-11. It is because we have done a better job of getting other people. With the PATRIOT Act, we have done a better job of getting people who are suspects who then talk about other people and breaking up the networks.

Let me give the most famous example on the Canadian border, the Millenium Bomber. Had he succeeded at LAX Airport, more people would have died than at the World Trade Center. But he was intercepted, but it showed us how these networks worked. We do not have FBI, CIA. It is predominantly to focus on the border. We have to get control of this border.

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We have had multiple meetings, and this hearing in Buffalo will include several Canada parliamentarians, as did the one in Seattle and British Columbia, and the one in Quebec-New York and the Vermont border.

We have problems on the north border that are actually growing. On the South border it has been open for a long time, and we are actually making that a little more secure. I am pleased that the Canadians are working with us, as well as, better than in the past, the Mexican authorities, although that is still problematic.

Let me talk a little bit about a few other issues. I have spent most of the time on our borders and on the transit countries, but I want to conclude here with a few minutes looking at the ONDCP reauthorization, the Office of Narcotics Drug Control Policy.

We have to be aggressive on the domestic side as well as the interdiction side. And as we look at this reauthorization, in addition to the Colombia money we will see, in addition to the Office of Drug Control Policy and the State Department, drug czar John Walters oversees a broad range of programs. Several are specific inside ONDCP. One is the HIDTAs, the High Intensity Drug Trafficking Areas. To some degree this program has been diluted. While they are meritorious programs, these were supposed to provide our primary protection. And unless Members of Congress and the American people understand some of what we laid out tonight, they will not understand what the purpose of a HIDTA is.

Every area has a drug problem. Every area drug tracks. If you are in the southwest border, they will come across. If you are in Dallas, they will come across. If you are in Muncie and you become a supplier to Muncie, Anderson, and Warsaw. If you are in a city like Fort Wayne, you become a supplier not only to Fort Wayne, but the mid-sized cities around it like Muncie, Anderson, and Warsaw. If you are in Muncie you become a supplier to the mail. So every area is a drug trafficking area.

But what was the point of this program? It was for the high intensity drug trafficking areas so we could, before it gets to the Midwest, seize the stuff at the major ports and major ports of entry. But this has become a pork program where everybody wants a HIDTA. Therefore, once everybody has it, it is not that it is not doing good work, but we are losing the point of the program which was to seize it at the highest intense area before it got to those areas.

We are going to be looking at some of those hard issues and lots of Congressmen are going to receive local pressure to say, oh, we have a drug problem. We know that. That is why we have community drug initiatives. That is why we have all kinds of prevention programs. That is why we have drug freeway workplace bills. That is why we have drug free school bills. We have local law enforcement. This was a program intended particularly for the southwest border and the major drug trafficking areas so that it did not overwhelm us at the local level.

Next, the National Ad Campaign. The National Ad Campaign has served a valuable function to make Americans more aware of the problems of drug use. We are inundated, with all due respect, by rock music, by much of what we see in the movies. I saw an article, I think it was yesterday, saying that we thought that the heroin look was out, but they are praising this new group that is coming in that has this emaciated death look that once again promotes intense drug use in the United States by promoting a look and an action that you get from basically destroying your body.

To combat that we have to have an organized effort such as the anti-terrorism campaign which was very successful in the United States, the current anti-marijuana campaign which is one of the least understood issues in America, the dangers of this particular hydrochloride impact marijuana has on America. We need to make sure that ad campaigns, further targeted. We also have a very important technology transfer program to make sure that local law enforcement gets the equipment that they need to be able to battle in these HIDTA areas and also at the local area.

I have many small towns ranging from a couple thousand people up to 15,000 people that have been particularly pleased with the technology transfer program because they would not, in their small budgets, have been able to afford the type of equipment that they need to match up with these drug trafficking organizations that have billions of dollars behind them.

So I want to conclude tonight by saying that this problem is complex. Over the next few weeks, we will be talking about this more and more on the floor as these pieces of legislation move. But what I do hope that my colleagues will not repeat on this floor is that we have failed because we have not. We have made steady progress, if you take a line with ups and downs in it for nearly 20 years. We have made steady progress in Colombia and the Andean region. But the more we squeeze the narcotics traffickers, the more violence there will be because we are actually hurting business. They cannot just write it off as a bad loss which they kind of do now because they abandon loads. But the more we squeeze them, the more they are abandoning loads.

The more we squeeze them the higher the prices are in the streets. The more we squeeze, the more the purity goes down, the less harmed our kids and families and people are, the more kids will have a dad or mom home that night who is not whacked out on drugs, the safer you will be as you drive down the highway.

This is a very important effort that we have undertaken to address. Often it gets lost in all the others. But I hope the Members of Congress will focus on this because every dime we spend is likely to save another life in America.

SPECIAL ORDERS GRANTED
By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:
(The following Members (at the request of Ms. Pelosi) for today on account of official business in the district.
Mr. Sandlin (at the request of Ms. Pelosi) for today on account of official business in the district.

SENATE BILL REFERRED
A bill of the Senate of the following title was taken from the Speaker’s table and, under the rule, referred as follows:
S. 196. An act to establish a digital and wireless network technology program, and for other purposes; to the Committee on Science, in addition to the Committee on Education and the Workforce for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

ADJOURNMENT
Mr. Souder. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o’clock and 21 minutes
the Service's final rule—Industry Issue Reso-
lution Program (Rev. Proc. 2003–36) received
April 22, 2003, pursuant to 5 U.S.C.
380(a)(1)(A); to the Committee on Ways and Means.

2007. A letter from the Chief, Regulations
Unit, Internal Revenue Service, transmitting
the Service's final rule—publication of infla-
tion adjustments under part B of the Medicare
Benefit Schedule—Nonconventional Source
Fuel Credit, and Reference Price for Calendar
Year 2002—received April 22, 2003,
pursuant to 5 U.S.C. 380(a)(1)(A); to the
Committee on Ways and Means.

2008. A letter from the Chief, Regulations
Unit, Internal Revenue Service, transmitting
the Service's final rule—Exclusions from Gross
Income of Nonresident Alien Individ-
uals (Rev. Rul. 2001–48) received April 22, 2003,
pursuant to 5 U.S.C. 380(a)(1)(A); to the
Committee on Ways and Means.

2003. A letter from the Chief, Regulations
Unit, Internal Revenue Service, transmitting
the Service's final rule—Effect of the Family
and Medical Leave Act on the Operation of
Cafeteria Plans [TD 8966] (RIN: 1545-AT47)
received April 22, 2003, pursuant to 5 U.S.C.
380(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BOEHNER: Committee on Education and the Workforce. H.R. 1261. A bill to
enhance the workforce investment system of the National Jobs Investment Partnership, and for
other purposes; with an amendment (Rept. 108–82). Referred to the Committee of the
Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. H.R. 1527.
A bill to amend title 49, United States Code, to authorize appropriations for the National
Transportation Safety Board for fiscal years 2003 through 2006, and for other purposes
(Rept. 108–83). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. H.R. 281.
A bill to designate the Federal building and Government Center in Dayton, Ohio, as the
"Tony John, Mr. Jones of North Carolina,
Mr. BAILEY, Mr. BARKER, Mr. BARNES,
Mr. BARR, Mr. BARTSON of Texas,
Mr. BARTLETT, Mr. BARTOLOZZI, Mr.
BARTON of Texas, Mr. BASS, Mr. BASS,
Mr. BAY, Mr. BAXTER, Mr. BEAM, Mr.
BEAN, Mr. BEECHER, Mr. BECKER, Mr.
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H.R. 1930. A bill to amend the Internal Revenue Code of 1986 to modify the unrelated business taxable income rules; to the Committee on Ways and Means.

By Mr. CAMP (for himself, Mr. DOOLITTLE, Mr. HERGER, Mr. HAYWORTH, and Mr. ENGLISH):

H.R. 1902. A bill to amend the Internal Revenue Code of 1986 to modify the unrelated business taxable income rules; to the Committee on Ways and Means.

By Mr. DAVIS of Alabama (for himself, Mr. ROSS, Mr. HINOJOSA, and Mr. LUCAS of Kentucky):

H.R. 1913. A bill to amend the Internal Revenue Code of 1986 to modify the unrelated business taxable income rules; to the Committee on Ways and Means.

By Mr. DAVIS of Virginia (for herself, Mr. SCHROCK, Mr. SCOTT of Virginia, Mr. FORBES, Mr. GOODE, Mr. GOODLATTE, Mr. CANTOR, Mr. MURTHA, Mrs. JONES of Virginia, Mr. BOUCHER, Mr. WOLF, Mr. TOM DAVIS of Virginia, Mr. ABERCROMBIE, and Mr. FARR):

H.R. 1904. A bill to provide for the issuance of a coin to commemorate the 400th anniversary of the Jamestown settlement; to the Committee on Financial Services.

By Mr. DEFAZIO (for himself and Mr. BELL):

H.R. 1915. A bill to waive the limitation on the use of funds appropriated for the Homeland Security Grants Program; to the Committee on the Judiciary, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. DEGETTE (for herself, Mr. NETHERCUTT, Mr. WELDON of Pennsylvania, Mr. BECERRA, Ms. SOLIS, Mr. CHRISTENSEN, Mr. WU, Mr. HONDA, Mr. KILDEE, Mr. BONILLA, Mr. DOYLE, Mr. KENNEDY of Rhode Island, Mr. GREEN of Texas, Mr. HINOJOSA, Ms. NORTON, Mr. LEWIS of Georgia, Mr. HOEFFEL, Mr. GUTIERREZ, Mr. JACKSON of Illinois, Mr. DAVIS of Illinois, Mr. REYES, Mr. CARSON of Oklahoma, Mr. STENHOLM, Mr. SCOTT of Georgia, Mr. Wynn, Ms. LEE, Mr. KIND, Mr. LYNCH, Mr. PRICE of North Carolina, Mr. CROWLEY, Mrs. WATERS, Mr. SCHWARTZ, Mr. OLIVER, Mr. POMEROY, Ms. MAJETTE, Mr. SERRANO, Mr. McDERMOTT, Mr. FILNER, Ms. KAPTUR, Mr. CUMMINGS, Mr. MURTHA, Mr. KENNEDY of Rhode Island, Mr. SCHROCK, Mr. SCOTT of Virginia, Mr. WAMM, Mr. WAXMAN, Mr. WEXLER, and Ms. WOOLSEY):

H.R. 1901. A bill to prohibit discrimination on the basis of genetic information with respect to health insurance; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, 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 Mr. BOOZMAN (for himself, Mr. STOUT, Mr. EVANS, Mr. SIMMONS, Mr. MILLER of Florida, and Mr. RODRIGUEZ):

H.R. 1902. A bill to amend title 38, United States Code, to enhance cooperation and the sharing of resources between the Department of Veterans Affairs and the Department of Defense on matters affecting veterans; to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

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H. Res. 212. A resolution to express the sense of the House of Representatives that the Federal Communications Commission should take action to reduce the use of small and minority-owned businesses in the United States should be involved in rebuilding lavatories on the Colosseum, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MOORE (for himself, Mr. HOLDEN, Ms. TAUSCHER, Mr. KING, Mr. ROTH, Mr. ABERCOMBIE, Mr. BORDallo, Mr. TURNER of Texas, Mr. BERRY, Mr. STENHOLM, and Mr. SANDLIN):

H.R. 1946. A bill to ensure that members of the Armed Forces who are married and have dependents are eligible for military family housing containing more than two bedrooms; to the Committee on Armed Services.

By Mr. MORAN of Kansas:

H. Con. Res. 159. Concurrent resolution declaring Emporia, Kansas, to be the founding city of the Veterans Day holiday and recognizing the contributions of Alvin J. King and Representative Ed Ruppert into law of the observance of Veterans Day; to the Committee on Veterans' Affairs.

By Mr. HINCHY (for himself and Mr. H. Res. 211. A resolution to express the sense of the House of Representatives that the Federal Communications Commission should take action to reduce

By Mr. ABERCOMBIE:

H.R. 1936. A bill to extend Federal recognition to the Chickahominy Indian Tribe-Eastern Division, the Upper Mattaponi Tribe, the Rappahannock Tribe, Inc., the Monacan Indian Nation, and the Nansemond Indian Tribe; to the Committee on Resources.

By Mr. MORAN of Virginia (for himself, Mrs. J. ANN DAVIS of Virginia, Mr. TOWNS, Mr. SCOTT of Virginia, Mr. SCHROCK, and Mr. ABERCOMBIE):

H.R. 1947. A bill to ensure that members of the Armed Forces who are married and have dependents are eligible for military family housing containing more than two bedrooms; to the Committee on Armed Services.

By Mr. MORAN of Kansas:

H. Con. Res. 159. Concurrent resolution declaring Emporia, Kansas, to be the founding city of the Veterans Day holiday and recognizing the contributions of Alvin J. King and Representative Ed Ruppert into law of the observance of Veterans Day; to the Committee on Veterans’ Affairs.

By Mr. HINCHY (for himself and Mr.
The document is a list of bills and resolutions referred to committees. Here is a structured representation of the content:

### CONGRESSIONAL RECORD – HOUSE

**May 1, 2003**

**RESOLUTIONS**

- H.R. 571: Mr. Pickering and Mr. Gordon.
- H.R. 573: Mr. Carson of Maryland, Mr. Akin, Mr. Chocola, Mr. Toomey, Mrs. Myrick, and Mr. Pitts.
- H.R. 687: Mr. Cardin, Mr. Knoelkemberg, Mr. Cummings, Mr. Kleczka, Mr. Peterson of Pennsylvania, Mr. Wamp, Mr. Greenwood, and Mr. Stehman.
- H.R. 286: Mr. Udall of Colorado.
- H.R. 288: Mr. Houghton, Mr. Smith of Washington, Mr. Owens, Mr. Pallone, Mr. Larson of Washington, Mr. George Miller of California, Mr. McDermott, Mr. Sanders, Mr. Norton, Mr. Moran of Virginia, Mr. Grijalva, and Ms. Bordallo.
- H.R. 290: Mr. Olver and Mr. Weldon of Pennsylvania.
- H.R. 296: Mr. Kennedy of Rhode Island.
- H.R. 303: Mr. Pallone, Mr. Ferguson, Mr. Murphy, and Mr. Hoyer.
- H.R. 399: Mr. Gallegly, Mr. Goode, Mrs. J. Ann Davis of Virginia, Mr. Goodlatte, and Mrs. Blackburn.
- H.R. 348: Mr. Goeckel, Mr. David Dreier.
- H.R. 375: Mr. Green of Texas.
- H.R. 384: Mr. Nethercutt, Mr. Rei.
- H.R. 391: Mrs. Wilson of New Mexico, Mr. Hayes, and Mr. Rice.
- H.R. 463: Mr. Terry.
- H.R. 466: Mr. Michaud, Mr. Moran of Virginia, Mr. Lucas of Kentucky, Mr. Runyon of Kansas, Mr. George Miller of California, Mr. Brady of Texas, Mr. Norton, Mr. Hoyer, and Mr. Peterson of Minnesota.
- H.R. 476: Mr. Ruppersberger and Mr. McIntyre.
- H.R. 527: Mrs. Kelly and Mr. Fossella.
- H.R. 548: Mr. Upton, Mr. Kucinich, and Mr. Stupak.
- H.R. 570: Mr. Bonilla.
- H.R. 571: Mr. Pickering and Mr. Gordon.
- H.R. 610: Mr. DeFazio.
- H.R. 648: Mr. Barret of South Carolina.
- H.R. 655: Mr. Barlett of Maryland.
- H.R. 677: Mr. Emanuel.
- H.R. 728: Mr. Barrett of South Carolina and Mr. Schrock.
- H.R. 781: Mr. Sandlin, Mr. Terry, Mr. Kleczka, Mr. Frost, and Mr. McCrery.
- H.R. 829: Mr. Abercrombie, Mr. Leach, and Mr. McGovern.
H.R. 1639: Ms. Woolsey.
H.R. 1652: Mr. Schiff and Mr. Kucinich.
H.R. 1660: Mr. Gillmor.
H.R. 1662: Mr. King of Iowa, Mr. Pickering, and Mr. Miller of Florida.
H.R. 1663: Mr. Owens and Ms. Eddie Bernice Johnson of Texas.
H.R. 1675: Mr. Kennedy of Minnesota and Mr. Skelton.
H.R. 1676: Mr. Mica.
H.R. 1677: Ms. Lofgren.
H.R. 1680: Mr. Smith of New Jersey.
H.R. 1685: Mr. Faleomavaega, Mr. Gooch, and Mr. Cummings.
H.R. 1686: Mr. Jenkins and Mr. Moran of Kansas.
H.R. 1687: Mr. Foley, Mr. Gordon, and Mr. Green of Wisconsin.
H.R. 1693: Mr. Israel.
H.R. 1698: Mr. McDermott, Mr. Frost, Ms. Corrine Brown of Florida, Mr. Bishop of New York, Mr. Meehan, Mr. Markey, Mr. George Miller of California, Ms. Eddie Bernice Johnson of Texas, Mr. Murtha, Mr. Abercrombie, Mr. Berman, Mr. Israel, Mr. Kucinich, and Mr. Costello.
H.R. 1739: Mr. Acevedo-Vila.
H.R. 1742: Ms. Loretta Sanchez of California.
H.R. 1746: Mr. Rangel, Mr. Bonilla, Mr. Deutch, Mr. Saxton, and Mr. LaHood.
H.R. 1750: Mr. Kennedy of Rhode Island.
H.R. 1751: Mr. Hinchey, Mr. Wexler, Mr. Hastings of Florida, Mr. Ryan of Ohio, Mr. Filner, and Ms. Lofgren.
H.R. 1759: Mr. Burr.
H.R. 1767: Mr. Culberson, Mrs. Musgrave, Mr. Burgess, Mr. Brady of Texas, and Mr. King of Iowa.
H.R. 1769: Mr. DeMint and Mr. Stark.
H.R. 1778: Mr. Cantor and Mr. Ramstad.
H.R. 1795: Mr. Kennedy of Minnesota and Mr. Rangel.
H.R. 1799: Mr. Towns, Mr. Frank of Massachusetts, Mrs. Miller of Michigan, Mr. Smith of New Jersey, Mr. Ryan of Ohio, and Mr. Coble.
H.R. 1828: Mr. Brown of Ohio, Ms. Ginny Brown-Waite of Florida, Mr. Davis of Alabama, Mr. Deutsch, Mr. Everett, Mr. Frank of Massachusetts, Mr. Gordon, Mr. Herger, Mrs. Kelly, Mr. Levin, Mr. Linder, Mr. Markey, Mr. Ose, Mr. Owens, Mr. Platts, Mr. Renzi, Mr. Rohman, Ms. Schakowsky, Mr. Scott of Georgia, Mr. Shaw, Mr. Shays, Mr. Tancredo, Mr. Tiberi, and Mr. Wilson of South Carolina.
H.R. 1859: Mrs. Kelly.
H.R. 1863: Mr. McDermott.
H.R. 1888: Mr. Frank of Massachusetts, Mr. Frost, Mr. Costello, Mr. DeFazio, Mr. Brown of Ohio, and Mr. Kucinich.
H.R. 1889: Mrs. McCarthy of New York, Mr. Lampson, Mrs. Maloney, and Mr. Cummings.
H.J. Res. 4: Ms. Hart and Mr. Gordon.
H.J. Res. 22: Ms. Corinne Brown-Waite of Florida, Mr. Carter, Mr. Davis of Alabama, Mr. Deutsch, Mr. Everett, Mr. Frank of Massachusetts, Mr. Gordon, Mr. Herger, Mrs. Kelly, Mr. Levin, Mr. Linder, Mr. Markey, Mr. Ose, Mr. Owens, Mr. Platts, Mr. Renzi, Mr. Rohman, Ms. Schakowsky, Mr. Scott of Georgia, Mr. Shaw, Mr. Shays, Mr. Tancredo, Mr. Tiberi, and Mr. Wilson of South Carolina.
H.R. 1899: Mrs. Kelly.
H.R. 1903: Mr. Foscella.
H.R. 193: Mr. Wolf, Mrs. Jo Ann Davis of Virginia, Mr. Norwood, Mr. Buyer, Mr. Thompson of California, and Mr. Waxman.
H.R. 208: Mr. Weldon of Florida.

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. Petri.
The Senate met at 9:15 a.m. and was called to order by the President pro tempore (Mr. STEVENS.)

The PRESIDENT pro tempore. Today's prayer will be offered by our guest Chaplain, the Rev. Canon Martyn Minns of Fairfax, VA.

PRAYER

The guest Chaplain offered the following prayer:

Almighty God, we thank You for blessing us as a nation. We pray that we would always be a generous people, eager to share the gifts of freedom, respect for human dignity, and commitment to service, with all the peoples of the world.

We pray for all who suffer and are afflicted in body or mind, especially those who face the devastation of HIV/AIDS and the unfolding terror of SARS. Grant them healing and comfort, and stir up in us the will and patience to minister to their needs.

We commend to Your gracious care all the men and women of our Armed Forces. Defend them day-by-day with Your heavenly grace, and give them a sense of Your abiding presence wherever they may be.

We thank You for the men and women of this Senate, and for all who serve in this place. Grant them the spirit of wisdom, charity and justice; that with steadfast purpose they may faithfully carry out the work set before them.

All this we pray because of the love first shown us in the call of Abraham and Sarah and now revealed to us in the life and witness of Jesus the Christ.

Amen.

PLEDGE OF ALLEGIANCE

The Honorable Ted STEVENS 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.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. SUNUNU). Under the previous order, the leadership time is reserved.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDING OFFICER. The Senator from Utah is recognized.

SCHEDULE

Mr. HATCH. Mr. President, for the information of all Senators, this morning the Senate will resume consideration of the Owen nomination. Under the order, at 10:15 the Senate will proceed to a rollcall vote on the motion to invoke cloture on the nomination of Priscilla Owen to be a circuit judge for the Fifth Circuit. If cloture is not invoked, the Senate will begin consideration of the nomination of Edward Prado to be circuit judge. It is hoped we will reach a short time agreement with a vote on that nomination to occur by early afternoon.

In addition to the Owen and Prado nominations, the Senate may also consider the Cook nomination. As the majority leader stated last night, we have attempted to work out a unanimous consent agreement to process these judicial nominations. Unfortunately, we were unable to reach an understanding last night. There continues to be hope that as these nominations are considered we would be able to reach reasonable time limitations for their consideration.

In addition, the leader is still working toward agreements for considering and completing a number of other legislative matters, including the FISA legislation, the State Department authorization bill, the Bioshield legislation, or additional judicial nominations during today's session. Therefore, Senators should expect rollcall votes throughout the day.

MEASURES PLACED ON THE CALENDAR—S. 14 AND H.J. RES. 51

Mr. HATCH. I understand there is a bill and a joint resolution at the desk which are due for a second reading.

The PRESIDING OFFICER. The Senator is correct.

Mr. HATCH. I ask unanimous consent it be in order to read the titles of the measures en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will read the titles of the bills en bloc.

The legislative clerk read as follows:

A bill (S. 14) to enhance the energy security of the United States, and for other purposes.

A joint resolution (H.J. Res. 51), increasing the statutory limit on the debt.

Mr. HATCH. I ask that the Senate proceed en bloc to the measures, and I object to further proceeding en bloc.

The PRESIDING OFFICER. The objection having been heard, the bills will be placed on the calendar.

Mrs. BOXER. Will the Senator yield for a question? Just on the matter of timing.

Mr. HATCH. I will be delighted.

Mrs. BOXER. Mr. President, I have a markup at 9:30. I wanted to make a 5-minute statement on the judicial nomination. If we can do that and I will give Senator HATCH that 5 minutes back on his time, would that be acceptable?

Mr. HATCH. I think the 5 minutes will be taken from the minority side.

Mrs. BOXER. Yes, that is what I suggested.

Mr. HATCH. I am happy to yield so the Senator can make her statement.

Mrs. BOXER. That is very kind. I appreciate it.
EXECUTIVE SESSION

NOMINATION OF PRISCILLA OWEN TO BE UNITED STATES CIRCUIT JUDGE FOR THE FIFTH CIRCUIT

The PRESIDING OFFICER: Under the previous order, the Senate will proceed to executive session. The clerk will report the pending business.

The legislative clerk read the nomination of Priscilla Richmond Owen, of Texas, to be United States Circuit Judge for the Fifth Circuit.

The PRESIDING OFFICER: Under the previous order, there will now be 1 hour of debate divided in the usual form, prior to the vote on the nomination of Priscilla Owen to be circuit court judge for the Fifth Circuit.

The Senator from California.

Mrs. BOXER. Mr. President, I again thank my colleague for allowing me to move forward on this because of a commitment to a markup in the Commerce Committee.

I rise to express my deep concerns regarding the nomination of Priscilla Owen to the U.S. Fifth Circuit Court of Appeals. I have noted there is a lot of politics around this particular nomination. I am around the Priscilla Estrada nomination. I read the Republican Party is planning to run ads against those of us who vote against these nominees, saying we do not want to see diversity on the bench.

Let me say this is extraordinary because as someone who worked so hard to support qualified minorities and women, I have been praised by many in my State for doing just that. But I have to tell you, if you place on the bench a minority or a woman who has animosity toward the goals of minorities and women, you are dealing a great setback to both minorities and women. I will make that point when I have to.

But as for today, I point out I voted to support qualified minorities and women. I will make that point when I have to.

Now we have a circumstance where the majority of Americans.

President Bush pledged to govern outside the mainstream. Senator HATCH, when President Clinton was President, told me—oh, no, now the committee has established. Yet we keep hearing Senators on the floor of the Senate and elsewhere saying Judge Gonzales directly criticized her. He didn’t. I think the record is pretty clear on that.

Mrs. BOXER. I will have printed in the Record my understanding of what actually happened here.

In the case of the 2-year delay, I find that was unconscionable.

The point is this: I will support candidates who are from the mainstream. I want to do that. The chair of the Judiciary Committee has changed his attitude about who is going to get through this Senate. During the Clinton years, you had to have someone from the mainstream. During the Bush years, you can have people from the far right. The Republicans do not think that is fair. We had a situation during the Clinton years that two Senators had to sign off on a judge before there would even be a hearing. Oh, no, now the committee has established. Yet we keep hearing Senators because they have a Republican in the White House, two Senators don’t have to sign off and they are pushing forward with hearings.

It is wrong. It is not right. I would say regarding this particular nominee, you have very moderate Members of this Senate saying she is a judicial activist and any words to the contrary can be disproven by her record. I think this is someone who does not come from the mainstream. She is from the mainstream. I think this is a President who, in this case, has not sought the advice and consent, really, of the Senate. He is essentially saying we don’t care that you Democrats—none of you—vote for her. I should not say none—maybe one. Certainly none on the committee. We are going to go right back and bring her back here.

This is a lifetime appointee. I think when we make these types of appointees we have to be sure the person who is being nominated is not going to be an activist. Make sure the person has demonstrated the types of qualities we want on the bench.

I don’t think it is a quality you want on the bench when a woman waits 2 years before she renders a decision in a case of a paralyzed teenager whose parents didn’t have the money to keep their teenager on a ventilator. And the record shows otherwise? I know what the record is. We have people combing through the record trying to see very many women in this Senate take this floor. I will repeat, when you put a woman on the bench who has a
record of not really helping women—I have seen it in this case, and I have seen it with other nominees who will be coming before us. I will take a second seat to no one in the advancement of women. Every time I have sought the support of pro-choice women’s groups, I have gotten it because of that. Anyone who says Democratic women coming here speaking up against this nominee are not for women ought to study that record as well.

I think the Federal courts deserve better than this nominee. I think the American people deserve better than this nominee. I could go on and on about the record.

Let me briefly outline a case that illustrates Priscilla Owen’s callous attitude towards individuals who are facing large corporate interests and their well-paid legal defense teams.

A young man was paralyzed in an car accident. His injuries were made much worse because of a malfunctioning seatbelt. His family took the automaker to court. The case made its way to the Texas Supreme Court on appeal. The automaker’s unexplained 90-day delay in writing the court’s opinion in the Ford Motor Company v. Miles case created a substantial roadblock for this paralyzed teenager to receive funds to pay for his medical care. Priscilla Owen was responsible for two of the five years of delay and finally issued a decision that was based on a procedural issue never raised in the case. All of her colleagues on the court believed she had improperly delayed the case.

The young man died approximately seven years after his accident because his family could no longer afford round-the-clock monitoring of his ventilator. To date, his family has not received any funds. This is truly a tragic example of delayed justice. This is an unprecedented attempt to manipulate the Senate’s role in the confirmation process. The Judiciary Committee rejected Priscilla Owen last year.

The committee performed its constitutional rule and voted against Justice Owen. However, the White House renominated her to the same position. How could they not have gotten the message the first time?

This process makes a mockery out of the Senate’s constitutional “advice and consent” role. The blatant disregard of the Senate’s constitutional role is leading us into uncharted territory. Let me say this again that Justice Owen was rejected by the Senate Judiciary Committee—10-9 on September 5, 2002. The long list of concerns about her record that caused the majority of committee members to vote against her last year still exist.

I have made it a priority in my career to stand up for consumers and those who find themselves up against huge corporate interests. The people of California know all too well how difficult it is to take on powerful companies. The playing field is far from balanced.

In other areas, Justice Owen has consistently attempted to chip away at women’s fundamental reproductive rights.

In the case of Doe I—2000—Justice Owen argued that a minor must meet a restrictive standard to establish that she is sufficiently well informed about her choice to have an abortion. Among other things, she would have to show that she had received counseling about the religious arguments surrounding abortion. She added that the law in no way involves religious considerations.

The Texas statute states that a minor need not inform her parents before seeking an abortion if the court finds one of three things.

No. 1, that the minor is mature and sufficiently well informed to make a decision; or

No. 2, that parental notifications would not be in her best interest; or

No. 3, that notification may lead to physical, sexual, or emotional abuse.

That is all it says.

I have to go to a markup. But we can try to rewrite the facts all we want. We can rewrite and put another spin on it. We can say, oh, the criticism wasn’t toward her, when in essence my belief is that was her point of view that was being espoused. But that is fine. I understand this is a fight. I am willing to take this fight. I was very proud to say that the people in my State want me to stand up in these situations because it goes to the heart of the role of the Senate and it goes to the heart of what kind of justice we are delivering. It goes to the heart of what kind of judges we will have. Will they be compassionate? Will they be fair? Will they stand up for the rights of women? Will they stand up for the little guy against the big corporation? You have to look at this particular record. You are not going to find someone who doesn’t.

I thank my colleague, Senator HATCH. I know he strongly disagrees with me. I think there is fine. But he is very lucky to me to go first so I can go to my hearing for the reauthorization of the FAA.

Thank you very much. I yield the floor and reserve the remainder of the Democratic time.

The PRESIDING OFFICER. The Senator from Utah.

Mr. Hatch. Mr. President, I have listened to my distinguished colleague. I have to say that if there has been any attempt to rewrite the facts, it is by those who have spoken as my friend from California has.

First of all, they seem to think on that side that they advance women when they only advance women who agree with their particular position. They don’t even realize that Priscilla Owen agrees with many of their positions as she does with other well-thought-out positions. They think the advancement of women depends only on if you are a woman who are going to be pro-abortion.

I might add that I don’t know where Priscilla Owen is with regard to abortion because she has not told me. She has not told the committee that, but she has said what has to be the hallmark of what judgeship nominees should say—that she will uphold Roe v. Wade as a court judge, which is all you can ask of anybody. Regardless of what her personal views are, she is going to uphold it. Yet we hear this argument that they are advancing women because they are keeping a woman who is unanimously well qualified by their gold standard—the American Bar Association, which is not a conservative organization by any stretch of the imagination—they are keeping her from serving this country. They continue to misquote Judge Gonzales as though he was directly attacking Priscilla Owen when he himself admits he was not—and other judges from that Supreme Court of the State of Texas say he was not.

Senator Cornyn, who served with her and was sitting beside her, said those issues weren’t discussed directly at her. That is distortion. It is unworthy of this body. But it is going on all the time.

On the tort case—I know the distinguished Senator from Texas is here, and I will yield to her as soon as she is ready—they bring up again the distortion that she held a case up until this young boy died. Let me make some important observations about the major- ity opinion Justice Owen wrote in Ford Motor Company v. Miles case because I think there has been some serious confusion about the case and it is very apparent that the distinguished Senator from California is confused. This is the case involving a car accident victim named Willie Searcy who, tragically, passed away years after his accident but before the litigation was resolved. I have addressed this issue over and over. But it looks as if I must go through it again.

The accusation was once made that the victim passed away before the Texas Supreme Court ruled on its appeal. Justice Owen more than set the record straight last July. The victim passed away 3 years after the opinion was issued. Yet we hear this again on the floor.

When are the Democrats going to quit distorting President Bush’s nominee’s record?

I have to admit that I used to think this was—well, just interesting. But it has gone on and on. And after you show them the facts, they still distort it. I would have thought that issue moot because the opinion was issued 3 years before he died. But some interest groups continue to make this allegation in spite of the facts. I suspect that the New York Times just copies the letters in the editorials of People for the American Way. It is unbelievable.

The allegation was made that Justice Owen’s opinion was improper based on the lack of venue in the case. The question of whether plaintiff’s lawyers filed the case in the county that didn’t have jurisdiction over the dispute.
Some allege that this issue had not been raised by the parties in the lower courts. Again, Justice Owen set the record straight in no uncertain terms. The venue issue was properly considered in the Texas Supreme Court. The entire court agreed that it was appropriate for the court to resolve the venue issue.

Again, they are wrong, and they are distorting this case.

I don’t think there is any reason for that to be a contention. We have explained it over and over. Justice Owen was more than clear. Yet they are smearing this judge who has the highest rating of the American Bar Association—unanimously well qualified. That doesn’t happen very often.

It must also be emphasized that under Texas law the court was required to address the issue of venue. The court found that the case was filed in the wrong venue. It was required to reverse the verdict. It had no other option. The Texas statute governing this issue read:

On appeal from the trial on the merits, if venue is improper, it shall in no event be harmless error and shall be reversible error.

In other words, the court must reverse the venue is found.

In all honesty, to ensure there is no confusion about the problem with venue, let me say there was no question but that Dallas County was the proper place to bring the suit because the place where they bought their truck was there, and that is where the accident took place. Inexplicably, the lawyers filed suit in another county, Russ County—which all the lawyers had no connection whatsoever to the plaintiffs or the accident. It looked like forum shopping—something that should not be permitted by the courts, under any circumstances, no matter how badly a person might have been injured.

If we read between the lines, we can see the state was forum shopping—looking for a favorable jury—something that should not be allowed by any court in this land, especially when it is clear cut that the venue was in Dallas County.

It must also be noted that the court’s decision did not prevent the case from being filed in Dallas County or refiled. I am a little tired of the smearing of these nominees. I am not saying intentional smearing, although it is reaching the point where you have had it over and over, when the justice explained herself and made it so abundantly clear, and we have made it over and over themselves, and the record is so doggone clear. Why would we, time after time, people coming out here saying there are abnormalities of cause of women by smearing this woman justice and keeping her from serving her country on the circuit court of appeals?

One thing: The Senator also complained because she has objected to another nominee when we have the blue slip back from the other Senator from the State. There has never been a rule, since Senator Kennedy was the chairman of the committee and was the one who established the rule that I followed, that says a single Senator can stop a circuit court of appeals nominee of the President of the United States.

Senator Kennedy’s ruling, even with regard to district courts, was that the opinions of the Senators with regard to blue slips will have great weight, but they will not be dispositive, especially where there is no reason for the withholding of a blue slip. In this case, there is basically no reasoning, and in this other case of Carolyn Kuhl.

So I want to set the record straight there. No President would agree to, and this Senate should not agree to, one solitary Senator, for political reasons, refusing to return a blue slip on a circuit court of appeals court nominee where that circuit court of appeals nominee, once on the court, will be representing the whole country, but, of course, all the States in that particular circuit.

I notice the distinguished Senator from Texas is in the Chamber, so I will yield—

Mrs. Hutchison. Up to 10 minutes.

Mrs. Hutchison. Thank you, Mr. President. I thank the chairman for yielding time to me to talk about someone I know well, someone I have observed over the years, and who is one of the most outstanding people I have ever seen nominated for a Federal bench. She is a legal scholar. She has the temperament for a judge. And I think nothing shows her temperament better than her demeanor during the ordeal through which she has been put.

She has been held up since May 9, 2001. She has been submitted to 25 hearings—not one—in which she was grilled by members of the Judiciary Committee, and she came out spotlessly clean. And even Members who today are going to vote against her have said she is one of the most qualified legal scholars they have seen before their committee. In fact, I have to say, I think there are a number of Democrats who really think she should be confirmed, but they are being held back by the special interest groups who have put out to disavow this qualified woman.

Justice Priscilla Owen is an 8-year veteran of the Texas Supreme Court. She graduated cum laude from Baylor Law School. She earned the highest score on the Texas bar exam that year. She was a practicing lawyer before she was nominated for the supreme court. And she has been elected since her nomination and won over 80 percent of the vote of Texans and was endorsed by every newspaper in Texas.

She enjoys broad support. The American Bar Association, as the distinguished chairman mentioned, has voted her unanimously well qualified. The Dallas Morning News called her record one of accomplishment and integrity.

The Houston Chronicle wrote: She has the proper balance of judicial experience, solid legal scholarship, and real world knowhow. This is exactly what we want in judges who have been in the real world who have practiced law, who know what it is to be in a courtroom and see two sides of the issue. She also has the academic qualifications that you would want in a judge.

I don’t think of any better qualification. She has been supported across the board by people with whom she has served, both Democrat and Republican. Let me read the words of former Texas Supreme Court Chief Justice John Hill, who also served our State as attorney general. He is a Democrat. He denounced the false accusations about Priscilla Owen’s record by special interest groups. He said:

Their attacks on justice in Owen in particular are breathtakingly dishonest, ignoring her long held commitment to reform, and grossly distorting her rulings.

Tellingly, the groups made no effort to assess whether her decisions are legally sound. He said:

I know Texas politics and can clearly say that these assaults on Justice Owen’s record are false, misleading, and deliberate distortions.

In addition, another judge with whom she served on the Texas Supreme Court, Raul Gonzales, gave her a sterling endorsement.

Two former State bar presidents who are women—there have not been but three or four women State bar presidents, one of whom was Harriet Miers, who supports Justice Owen; she is now counsel to President Bush—yesterday Colleen McHugh, a Republican, a former State bar president, and Lynne Liberato, a Democrat, a former State bar president, ringingly endorsed Justice Owen.

These are the people who have seen her in action, who have seen her opinions, who have worked before her court on both sides. They have won, they have lost, and they have given her the ringing endorsement.

I think there are two areas where the other side has distorted the facts. It has continually been quoted, Judge Gonzales’ opinion dissenting from the opinion of Justice Owen—hers was the dissenting opinion. It was the majority—in which he said he thought she was being judicially active. But Judge Gonzales is the very person who recommended her to the President for the Fifth Circuit slot because he looked at the totality of her record, and he felt that she was the best qualified person for this nomination.

He held her in such high regard that he singled her out and took her from the supreme court to suggest that she should be on the Fifth Circuit because he knows that she follows the law as she sees it and does not allow her personal opinions to interfere, which is why I think she has been attacked by
the pro-abortion groups who misunderstand her opinions.

Texas has a parental notification statute on abortion. The law was passed in the year 2000. This is not parental consent; it is parental notification. So for the years since the law was passed, the Texas Supreme Court has been called upon to look at the lower court opinions. Justice Owen has voted with the majority 11 times out of 14. And, in fact, out of those 11 cases that have come before the court, only 3 have reversed the lower court opinions.

I think the reason Justice Owen has so adhered to the lower court fact finding is for the very reason we want her on the bench; that is, that she believes the trier of fact is the court that should make the decisions on fact; and unless there is a reason to believe that lower court has misconstrued the intent of the legislature under the law, that court should not be reversed. Even if she believes that maybe the court made the facts wrong, she should not put herself in the place of the fact finders since she is not the one who heard the facts in person.

She is not a judicial activist. She is the opposite. In fact, her record shows that of the 14 cases she has decided, 11 have come forward to say she should be confirmed, that they support her, that she has come forward to say she should be confirmed as she has gone through this meat grinder.

I hope the Senate will give her the dignity she deserves and confirm her today.

Mr. HATCH. Madam President, how much time do I have?

The PRESIDING OFFICER (Ms. MURKOWSKI). The Senator from Utah has 11 minutes remaining.

Mr. HATCH. Let me continue then.

This body is in danger of blowing up. I just read a letter Senator SCHUMER sent to the President yesterday suggesting that we should take this authority from the President to nominate the judges and set up judicial nominating commissions in every State. There is no President in his right mind who would consider doing that. There is no reason a President should. To make a long story short, the Senate is broken. The process is broken. Senator SCHUMER and others wrote: "Dear Mr. President: Six months ago you described the judicial nomination confirmation process as "broken" and declared we have a "duty to repair it." I could not agree with you more.

The other side of this body understands this process is broken because they are filibustering now two of the President's nominees for the first time in history.

Both of these nominees, Miguel Estrada and Priscilla Owen, have unanimously well qualified ratings from the American Bar Association, which during the Clinton years the Democrats were saying was the gold standard. Once they have a qualified rating, a reasonable rating, they should be confirmed. These two not only have qualified, they have well qualified, and unanimously. Only a select few have achieved that rating. It is outrageous that we hear again and again, without a single pause, that a nominee rated unanimously well qualified for Federal judicial service is "out of the mainstream."

Those who have served with her on the Texas Supreme Court know that she has a well-earned reputation for being a mainstream jurist, that her opinions in place. I do not know what her views on abortion are. She has not told anyone what her views on abortion are because she does not ever interpret the words that would determine the principle.

Mr. HATCH. Madam President, if you would be so kind, the Texas Supreme Court has made it clear that the charge is false. Alberto Gonzales, who also served with Justice Owen, said the charge is false. Senator CORNYN and Judge Gonzales believe Justice Owen is a terrific judge. The two individuals who are repeatedly drafted as prosecution witnesses to discredit Justice Owen as an activist judge, Judge Alberto Gonzales and Senator CORNYN, are actually two of her biggest supporters. All you can conclude is that they are smearing this very fine, unanimously well qualified woman in their comments and also with this filibuster. Nothing can change the fact that the two they use to criticize her are her biggest supporters. I fit in that category, too, as one of her biggest supporters.

So I think how I will try, they cannot distort that. The unqualified endorsement of 15 past presidents of the Texas State Bar, Democrats and Republicans alike, also shows that the charge is false. Justice Owen is a well qualified, mainstream jurist. And to say that the bar association is wrong, all these Democrats down in Texas are wrong, shows the paucity of the argument.

Some criticize a few rulings made by Justice Owen in some parental notification cases which involve a minor girl seeking an abortion. This is really the basis of it because my colleagues on the other side are getting so enamored with abortion that that becomes the single litmus test on every judge. And they are so enamored a woman judge might be pro-life, even though I don't know what she is and she didn't say what she believes, but she did say she would follow Roe v. Wade as settled law. I don't know what more you can have but you have heard her record being well qualified for honor, integrity, impeccable, and so forth, we can take her word for it.

Texas happens to have a statute requiring that a minor notify one parent before she has an abortion. The statute allows the minor girl's parents to be involved in this very important decision. Our colleagues on the other side apparently don't think that is a good idea. It upholds the right of parents in the upbringing and care of their children, and the American people support the principle.

According to a January 2003 CNN/USA Today/Gallup poll, 73 percent of Americans favor requiring minor girls to obtain parental consent before obtaining an abortion. The Texas statute doesn't even go that far; it requires only notice. This broad support is also found in the individual States. Currently, 32 States across the country enforce parental consent laws, including Louisiana, Massachusetts, Michigan, North Carolina, North Dakota—where both parents must consent—Rhode Island, and Wisconsin. These are States represented in the Senate by both Republican and Democratic Senators, pro-life and pro-choice Senators. These are States inhabited by people of a variety of beliefs and positions.

Simply being pro-life or pro-choice does not make a person out of the mainstream. That is the only argument they have. How can you call
somebody who has a unanimously well qualified rating from the American Bar Association out of the mainstream? That is the height of absurdity, and it shows the ridiculousness of the argument being used against her.

And I have less stringent parental involvement laws requiring parental notification before a minor has an abortion, including the States of Arkansas, Delaware, Georgia, Iowa, Maryland, Minnesota, Texas, and West Virginia. New Hampshire, where I live, is known as a pro-choice State because of widespread support for abortion rights among State citizens, is close to passing a parental notification law. Notably, the bill's main sponsor in New Hampshire openly supports abortion rights.

Even in States with no laws requiring parental involvement in a minor's abortion decision, popular support for such legislation runs high. In the State of Vermont, more than 70 percent of State residents support requiring a minor to notify her parents before having an abortion. You would think anybody with a brain would want to do that. These are kids. The parents ought to be involved.

But by comparison, parental consent and notification laws are consistently opposed by the same abortion rights interest groups. These organizations are the ones that do not reflect the thinking of mainstream America on parental rights. Mainstream America supports the fundamental rights of parents in the rearing of their children, including the right to be involved in their minor daughter's reproductive choices.

The abortion rights interest groups, as they do over and over, predict doom and gloom if Justice Owen is allowed to take a seat on the Federal bench. They trot out the excited rhetoric about the nominee's hostility and extreme insensitivity to abortion rights. Occasionally they turn to themselves and, according to one group, Justice Owen must be opposed because 'at this time of global turmoil, we don't need extremists in the courts willing to make a Dred Scott decision in the area of women's fundamental rights.'

Give me a break. I would be ashamed to make those arguments, yet that is what they are doing. They are smear- ing this woman with these kinds of arguments that fly in the face of the vast majority who believe that what she does have some role with regard to their children, especially in something as important as whether or not their daughter should have an abortion.

By now we know these outside groups' track record leaves much to be desired when it comes to predicting how judicial nominees will vote. These groups have cried wolf far too many times to be taken seriously any longer. We know they missed on Justice David Souter. Justice John Paul Stevens, Justice Lewis Powell, when they decided at their hearings they would ignore the Constitution and put an end to freedom in America. No matter how much some would prefer to argue the point, these cases were not about the right to an abortion.

The opposition to Justice Owen may show that the abortion litmus test is alive and well, but there was never any question about the girls' right to an abortion in these cases. Indeed, Justice Owen argued in one such case that, based on Supreme Court precedent, a statute requiring a girl to notify both parents would also be unconstitutional. She even went so far as to express their position. Justice Owen recognizes a woman's right to obtain an abortion. She said so explicitly. Yet, they treat her like she is going to throw out Roe v. Wade all by herself and ignore precedent.

Justice Owen has been well within the mainstream of her court in the 14 decided notification cases, joining the majority judgment in 11 of those cases. And out of the close to 800 bypass cases since the Court's decision to appeal, a mere 12 girls out of 800 have appealed all the way to the Texas Supreme Court. These are usually the toughest cases. The Democrats take the position that they ought to all be decided substantively on the merits of the girl or of abortion rights. My gosh. By this time, two courts—the trial and the appeals courts—have already considered the bypass petition and turned it down. In other words, the right of a woman to give a girl a bypass without having to tell her parents. In these cases, they turned them down. Given the deference appellate courts must pay to the findings of the trial court, the decision is likely to affirm the lower court rulings denying a bypass. That should be no greater surprise.

Certainly, Justice Owen and her colleagues on the Texas Supreme Court disagreed in some cases—that is no surprise either; that happens on State supreme courts. But in the vast majority of cases there was a genuine effort to apply applicable precedent. These parental consent cases show Justice Owen takes Supreme Court precedent seriously. She looks to precedent for guidance, she cites it, and she makes a good faith effort to apply it to the case at hand. She is a judge who defers to the legislature's considered judgment in their policy choices and earnestly seeks to ascertain legislative intent in her ruling. None of her opinions, to quote the President, raise significant concerns for us about the ability of the President to us [to be beyond the range of reasonable judicial disagreement].

What is beyond the range of reasonable disagreement is the charge that Justice Owen is not qualified to sit on the Fifth Circuit Court of Appeals. A native of Texas, Justice Owen attended Baylor University and Baylor University School of Law. She graduated cum laude from both institutions. She finished third in her law school class.

Justice Owen earned the highest score on the Texas bar exam and thereafter worked for the next 17 years as a commercial litigator specializing in oil and gas matters. Justice Owen is known for her services for the poor and for her work on gender and family law issues. Justice Owen has taken a genuine interest in improving access to justice for the poor. She successfully fought with others for more funding for legal aid services for the indigent.

Justice Owen is committed to creating opportunities for women in the legal profession. She has been a member of the Texas Supreme Court Gender Neutral Task Force, and she served as one of the editors of the Gender Neutral Handbook. Incredibly, this is the same woman the usual interest groups mischaracterize as 'anti-woman.'

Justice Owen's confirmation may not be cheered by the well-funded and partisan Texas trial-attorney interest groups, but she is backed by Texas lawyers such as E. Thomas Bishop, president of the Texas Association of Defense Counsel, and William B. Ensmorn, a Texas trial attorney and a Democrat who says that Justice Owen "will serve [the Fifth Circuit] and the United States exceptionally well."

Justice Owen has served on the Texas Supreme Court since 1994, winning re-election to another 6-year term in the year 2000 with 84 percent support.

This kind of support—running across the board and across party lines—leaves no doubt that Justice Owen is a fair-minded, mainstream jurist.

Mr. President, Justice Priscilla Owen will be a terrific Federal judge. As I said earlier, we have a choice this morning. Will we block another highly qualified nominee for partisan reasons or will we allow each Senator to decide the merits of the nomination for himself or herself. I know my choice: we should allow a vote. I hope my colleagues will do the right thing and make the same choice.

I will conclude by saying, look, when I hear on the other side that they are standing up for women's rights, while they are rejecting one of the leading women jurists in the Nation who has said she will uphold their wonderful standard of Roe v. Wade, I have to say that is pure bunk. It is time to quit smearing these judges.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. I thank the distinguished Senator from Vermont.

Madam President, how much time is available to the Senator from Vermont?

The PRESIDING OFFICER. There are 18 minutes 15 seconds remaining.

Mr. LEAHY. I thank the distinguished Senator from Vermont.
House has chosen to make these matters into partisan political fights, rather than working with Senators on both sides of the aisle to fill judicial vacancies with qualified consensus nominees. I have been here with six Presidents. Five of them, whether both of the parties would work with members on both sides of the aisle for consensus nominees. This is the first President who has not. Despite what is really a historic low level of cooperation from the White House — and it is not just the White House. It is not just from any White House I have ever had experience with in my 30 years in the Senate — we have already confirmed 120 of President Bush’s judicial nominees. We have confirmed 120. We have rejected 2 out of 120. That is not a bad record. Some of them we voted for, including some of the most divisive and controversial nominees sent up by any President. So 120 passed, 2 are being held up. I don’t know where that shows an obstructionist Senate. This week the Senate again voted against the nomination of Jeffrey Sutton to the Sixth Circuit. This was a divisive one, and I think the fact that it is so divisive is shown by the fact he got the fewest number of favorable votes of any confirmation in almost 20 years. He got 52. That is the lowest number of votes any judge has had in about 20 years. That reflects the fact we have reached the point in the queue where many of these nominations divide the American people and the Senate far more than they unite us. I urge the President to be a uniter, not a divider. This is the third controversial judicial nominee of this President against whom more than 40 negative votes were cast.

Our Senate Democratic leadership is working hard to correct some of the problems that arose with some of the earlier hearings and actions of the Judiciary Committee this year. Just yesterday we were able to hold a hearing on the nomination of John Roberts to the District of Columbia Circuit. He was put in almost as an afterthought. There was a massive day of hearings, and he was not able to get a full hearing. This was done by the Republican leadership. I appreciate the fact they recognized that was wrong and they had another hearing yesterday. We are all working hard to complete committee consideration of that nomination at the earliest opportunity.

The chairman of the Senate Judiciary Committee said he will put off that nomination today for a hearing sometime next week, and we will have a vote on him.

I am optimistic our leadership will be able to work out a procedure for Senate consideration of the nomination of Deborah Cook to the Sixth Circuit. So a number of controversial nominations are being considered. I point out there are other nominations, such as that of Judge Altonaga, a distinguished Hispanic jurist. Every Democratic Senator said they are willing to go forward with a vote on him. He has been held up on the Republican side. I don’t know if we are going to be blamed for holding up this judge or not. We have all agreed we are ready to go forward with a short time agreement and a vote. He will be confirmed. He is in the Democratic side, but by the Republican side, even though he is one of President Bush’s nominees.

There is also Judge Cecilia Altonaga, on whom we have been seeking considerable Democratic support. The Republican leadership will let them go forward.

We are making progress. The glass is not full, but it is more full than empty. More has been achieved than some want to acknowledge. There have been 120 lifetime confirmations in less than 2 years. That is better than in any 2-year period from 1995 through the year 2000. Why do I mention that fact? Because the surge of President Clinton, the Republican leadership will let them go forward.

We have reduced judicial vacancies to 48, which is the lowest percentage in more than 12 years. During the entire 400-day period, the Republicans never allowed the vacancy rate to get this low. We have made tremendous progress.

The Republicans continue their drumbeat of recriminations. We ought to talk about how far we have come with the 110 vacancies Democrats inherited from the Republican majority in the summer of 2001. We have cut those vacancies in half.

Under the Republican majority, circuit vacancies more than doubled and overall vacancies increased significantly. Despite the fact that more than 40 additional vacancies have arisen since the summer of 2001, we have cut the vacancies in half, from 110 to 48. If we had a little bit of cooperation from the other end of Pennsylvania Avenue and from the other side of the aisle, we could achieve so much more.

This is a nomination that should not have been made in the first place and never should have been remade in the second place. It was rejected by the Judiciary Committee last year after a full and fair hearing. This unprecedented re-nomination of a person voted down by the Senate Judiciary Committee is proof of that.

I thank the Democratic leader, the assistant leader, and my Democratic colleagues who have spoken so eloquently and passionately to these matters. Particularly the statements of Senators Mikulski, Murray, Cantwell, and Stabenow yesterday were outstanding.

This nomination is extreme. This nominee has shown herself to be a judicial activist and extremist even on the very conservative Texas Supreme Court where her conservative colleagues have criticized her judgements and actions. They have not, not once, not twice but again and again.

The nomination process starts with the President. It is high time for the White House to stop the partisanship and campaign rhetoric. Work with us to divide us but to unite us, and work with us to ensure the independence and impartiality of the Federal judiciary, something that Presidents have cherished for over 200 years, so that all the American people, whether they are Republicans or Democrats, rich, poor, White, Black, plaintiff or defendant, can go into every Federal courtroom across the country and know that they will receive a fair hearing and justice under the law. That is the one place that is supposed to be impartial, the one place that is supposed to be non-political, the one place that is supposed to look only at the litigants and the laws they are litigating and not instead into a politicized, partisan Federal judiciary. That would be a mistake that would hurt us all and that is what we are trying to avoid now.

How much time is remaining on this side?

The PRESIDING OFFICER. Nine minutes twenty seconds remaining.

Mr. LEAHY. I yield such time as he may consume to the distinguished senator from Nebraska.

Mr. SCHUMER. Madam President, I want to thank our leader on the Judiciary Committee for his indefatigable efforts to keep the bench nonpartisan, or bipartisan, or, at least moderate, as much as he has done. History will look back very kindly on the leadership of the Senator from Vermont and say that he made a courageous fight. Many of us are proud to be at his side in that fight.

I will speak for a few minutes about the nomination of Judge Owen. The issue is not whether Judge Owen is a conservative; it is whether she will take her own views and subrogate them to the views of what the law is. If we look at her history, time and time again Judge Owen has been unwilling to follow the law and instead impose her own very conservative ideology on the courts. She is clearly not a moderate or a moderate conservative that bothers many of us. I have voted for over 100 judges that the President has nominated, and the vast majority could clearly be classified as conservative. In fact, what worries us about Judge Owen is what conservatives used to excoriate, an activist, somebody who will impose her own views because she feels them so strongly and passionately.

I respect people who do not things passionately. I do. But when someone is a judge, that is not what they should bring to the bench. It is not really passion, except in rare instances, that
serves the bench well. It is, rather, an ability to understand the law and follow it.

I do not have many doubts that Judge Owen understands the law. She is a bright person. I have very real doubts whether she will follow it.

Conservative members of the Texas bench, none other than Judge Gonzales, now the President’s counsel, have pointed out in instance after instance where Judge Owen has simply gone her own way and imposed her own views rather than do what the Founding Fathers wanted. I speak of the Founding Fathers, and it is a timely coincidence that our leader from West Virginia has come in. He has been the guardian of the Constitution, and he could tell us better than anyone else that the Founding Fathers asked—judges to interpret the law, not make law. The great irony, as we go through these debates, is that in the 1960s and 1970s the hue and cry of people of Judge Owen’s views were that judges were making law from the bench. Now, all of a sudden we have had a nominee who is not activists from the left but activists from the right. It is quite logical that if one is on either the far left or the far right, they will have much more of a desire—there are exceptions to every rule—but most do much more of a desire to impose law rather than interpret law, and of all the nominees who have come before us, Judge Owen seems to be the apotheosis of that view because in case after case that is exactly what she has done.

Many of us believe, for instance, that Miguel Estrada would do the same thing, but he does not have a record and he refuses to answer questions. But with Judge Owen, the record is crystal clear, and after all, she has not subrogated her own personal feelings but, rather, let them dominate her decisionmaking. That is not what a judge ought to be.

We will defeat this motion for closure, and I am glad we will. History will look kindly on that as well because never has a President of the United States been more ideological in his selection of judges, never.

I have been studying the history and for the first time, this President—whether because he wants to win political favor of the hard right or because he believes it himself, I do not know; I have not discussed it with him—this President wishes to change America through the article III section of Government, the judiciary. And, as many have pointed out, he wants his nominees to be, we are fighting for the Constitution, we are fighting for what the Founding Fathers intended judges to be, we are fighting a President who is more ideological in his selection of judges than any, and we will continue this fight.

I have seen our caucus. We were hesitant at first to state what we are stronger. I think we feel this issue more passionately than before, not at all for political reasons. I can’t tell you where the political chips fall out on this one. It is a rather esoteric issue. A few people in America on each side feel strongly about it, but most do not. We know we are doing the right thing.

I am proud of our caucus. I am proud of this moment today. I think it is so important to try to get the President to back off this plan, which is so out of the thinking of the Founding Fathers, to make law from the one nonelected section of the Government, the judiciary, the article III section.

So I will stand proudly today and move that we reject Judge Owen, not because she has not answered questions. To her credit, she was more forthright than Miguel Estrada and, frankly, than John Roberts yesterday, but, rather, because she does not accept the kind of judge that the Founding Fathers wanted and America should have. I hope we can defeat her.

I yield my remaining time back to our leader from Vermont.

Mr. KOHL. Mr. President, I rise today in opposition to the nomination of Priscilla Owen to the U.S. Court of Appeals for the Fifth Circuit and also in opposition to ending debate on consideration of her nomination.

I believe that a filibuster of a judicial nominee is an extraordinary measure, a step to be taken only in the most compelling circumstances. The case of Justice Owen is one of those rare situations. In Justice Owen, we are presented with a nominee whose record demonstrates that she is so far outside the mainstream and so clearly prone to substitute her personal preferences for the legally required result as to compel this conclusion.

Our debate today is not, of course, the first time the Senate has considered Justice Owen’s nomination. She was nominated for a seat on the Fifth Circuit last year, and we held an extensive hearing at the Judiciary Committee. After meeting with her, and thoroughly reviewing her record and her testimony, I opposed her nomination. Despite her defeat in the Judiciary Committee last year, the President saw fit to renominate Justice Owen for the Fifth Circuit once again this year. Nothing at her most recent confirmation hearing alters my conclusion that she is fundamentally unfit for a federal appellate judgeship.

My opposition to Justice Owen is not because of any doubts regarding her intellectual ability—we all recognize her legal talents. And, unlike Miguel Estrada, my primary concern with respect to Justice Owen does not center on her unwillingness to answer questions at her confirmation hearing. Quite the contrary: Justice Owen’s answers to our questions made one thing crystal clear—her consistent record of judicial activism, and her willingness to substitute her judgment and policy preferences for those of the legislature.

As Justice Owen’s record became known last year, we grew increasingly concerned about her willingness to bend the law to suit her policy preferences. We were made to hold opinions under the guise of “interpretation.” We should not be concerned that her views are conservative on many issues. However, when those beliefs interfere with her ability to apply the law, we are forced to oppose her nomination.

Merely reviewing the comments of her fellow Texas Supreme Court justices compels us to the unfortunate conclusion that she cannot be trusted to accurately interpret the law. In a variety of cases, her colleagues have criticized her holdings for not being grounded in the law. She is clearly and consistently outside of the mainstream in many cases. In an environmental case, FM Properties, she was criticized for basing her arguments on “flawed premises” and “inflammatory rhetoric.” In an age discrimination suit, Quantum Chemical, she was criticized by the majority for not following the plain meaning of the statute. In a consumer law suit, Texas Department of Transportation, the majority criticized her, writing that “the statute’s plain meaning” indicated that she was wrong.

And, finally, in Doe I, a choice case in which she dissented, then Justice Alberto Gonzales called her dissent “an unconscionable act of judicial activism.”

There is a pattern to this criticism that should not be ignored. She repeatedly alters the law to fit her views in ways that the legislature did not intend and that the majority of her own court condemns.

We all know that the law is subject to interpretation and manipulation. The manner in which a judge interprets law is particularly important when considering a nominee to an appellate court. On the circuit court, subject only to the infrequent supervision of the U.S. Supreme Court, a judge has considerable leeway to make policy if she chooses with little concern of being overruled.

Justice Owen’s willingness to bend the law to suit her policy preferences are unacceptable, especially for a nominee to an appellate court judgeship. Justice Owen’s nearly decade long record as a Texas Supreme Court Justice gives us little confidence that she will faithfully discharge her obligations as a federal appellate judge. To proceed with Justice Owen’s nomination would mean taking the risk of placing on a Federal court of appeals for life someone who has repeatedly
demonstrated little hesitance to disregard clear statutory language to rewrite the law to suit her personal preferences. This is a risk we cannot take.

Anyone who reviews my record on judicial nominations knows that I have not resorted to门户式 debate here—indeed my decision to oppose Justice Owen’s confirmation—lightly. Justice Owen is only one of only seven judicial nominees I have opposed in my entire 14 years in the Senate. But this nominee’s extreme record leaves me no choice but to vote to oppose cloture on her nomination.

Mr. BAUCUS. Mr. President, I would like to briefly explain why I will vote against cloture on the nomination of Priscilla R. Owen to the U.S. Court of Appeals for the Fifth Circuit.

Ms. Owen’s record reveals that she is a judicial activist and an ideologue. As newspaper editorials and several of our colleagues have pointed out, she has created a legal Frankenstein when the law when it does not match her personal convictions and beliefs. For those reasons, she does not deserve a lifetime appointment to the U.S. Circuit Court of Appeals. I cannot in good conscience allow the Constitution, allow her to be appointed to as powerful and influential a body as the Fifth Circuit.

Appointees to the Federal bench must be able to set aside their personal philosophies and beliefs. They must be able to administer and enforce the law in a fair and impartial manner. Because the U.S. Supreme Court hears fewer and fewer cases each year, the circuit courts are the court of last resort for many ordinary citizens and businesses. The circuit courts often have the last word on important cases dealing with civil rights, environmental protection, labor issues, and many others. Circuit court judges must demonstrate a regard for the law when it does not match her personal convictions and beliefs. For those reasons, she does not deserve a lifetime appointment to the U.S. Circuit Court of Appeals. I cannot in good conscience allow her to be appointed to as powerful and influential a body as the Fifth Circuit.

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There are a number of factors that I believe require us to give this nomination very careful consideration. First, we should consider that judges on our Courts of Appeals have an enormous influence on the law. Whereas decisions of the District Courts are subject to appellate review, the decisions of the Courts of Appeals are subject only to discretionary review by the Supreme Court. The decisions of the Courts of Appeals are in almost all cases final, as the Supreme Court agrees to hear only a very small percentage of the cases on which its views are sought. That means that the scrutiny that we give to Circuit Court nominees must be greater than that we give to District Court nominees.

Another important consideration is the ideological balance of the Fifth Circuit. The Fifth Circuit is comprised of Texas, Louisiana, and Mississippi. The Fifth Circuit contains the highest percentage of minority residents—over 40 percent—of any circuit other than the D.C. Circuit. It is a court that during the civil rights era issued some of the most significant decisions supporting the rights of African American citizens and their fellow citizens of our society. As someone who believes strongly in freedom, liberty, and equal justice under law, and the important role of the Federal courts to defend these fundamental American principles, I am especially concerned about the make-up of our circuit courts and their approaches to civil rights issues.

Even after 8 years of a Democratic President, the Fifth Circuit had twice as many Republican appointees as Democratic appointees, that is because during the Clinton administration, the Judiciary Committee did not report out a single judge to the Fifth Circuit. And as we all know, that was not for lack of nominees to consider. President Clinton nominated three well-qualified lawyers to the Fifth Circuit—Jorge Rangel, Enrique Moreno, and Alson Johnson. None of these nominees even received a hearing before this Committee. When this Committee, at the behest of the Clinton administration, the Judiciary Committee did not report out a single judge to the Fifth Circuit. And as we all
Texas Watch, during the period 1999-2002, Justice Owen dissented almost 40 percent of time in cases in which a consumer prevailed. But in cases where the consumer position has not succeeded, Justice Owen never dissented.

At her first hearing, Senator KENNEDY and Senator EDWARDS asked Justice Owen to cite cases in which she dissented from the majority and sided in favor of consumers. Justice Owen could cite only one case, Saenz v. Fidelity Guaranty Ins. Underwriters, 95 S.W. 2d 607, Tex. 1996. But Justice Owen’s opinion in this case hardly took a pro-consumer position since it would still have deprived the plaintiff of the entire jury verdict. She did not join Justice Spector’s dissent, which would have upheld the jury verdict in favor of Ms. Saenz.

Also during that first hearing, Senators FEINSTEIN and DURBIN questioned Justice Owen about Planned Parenthood of Southeastern Pennsylvania v. Casey, 505 U.S. 833, 1992, to support her contention that states can require minors to consider religious views in their decision to have an abortion. In her opinion, Justice Owen cited the Supreme Court’s decision in Planned Parenthood of Southeastern Pennsylvania v. Casey, 505 U.S. 833, 1992, to support her contention that states can require minors to consider religious views in their decision to have an abortion. But, as Senator CANTWELL noted, Casey in no way authorizes States to require minors to consider religious arguments in their decision on whether to have an abortion. Upon this further questioning, Justice Owen then said that she was referring to another Supreme Court case, H.L. v. Matheson, 450 U.S. 398, 1981, even though her opinion only cited Casey for this proposition. And even Matheson does not say that more is required by state law to consider religious arguments. It is my view that Justice Owen was going beyond not only a plain reading of the Texas statute, but Supreme Court case law, and inappropriately incorporating religious views into her decision to make it more difficult for a minor to comply with the statute and obtain an abortion.

I was also not satisfied with Justice Owen’s responses to my questions about the Supreme Court law clerks. I asked her at the hearing whether she saw any ethical concerns with allowing law clerks to receive bonuses from their prospective employers during their clerkships. I also explored the topic further with her in followup written questions. Justice Owen stated repeatedly in her written responses to my questions that she is not aware of law clerks actually receiving bonuses while they were employed by the Court. I am deeply troubled by this practice. I think the Supreme Court’s rules that resulted from that investigation and the accompanying controversy.

Senator KENNEDY said that the Supreme Court’s rules that resulted from that investigation and the accompanying controversy.

Even more disturbing, Justice Owen took the position, both at the first hearing and in her responses to written questions, that because the Texas Supreme Court Code of Conduct requires law clerks to recuse themselves from matters involving their prospective employers, there really is no ethical concern raised by law clerks accepting bonuses while employed with the Court. I disagree. It is not sufficient for law clerks to recuse themselves from matters involving their prospective employers if they have received thousands of dollars in bonuses while they were employed by the Court. The appearance of impropriety and unfairness that such a situation creates is untenable. As I understand it, the federal courts have long prohibited federal law clerks both from receiving bonuses during their clerkships and from working on cases involving their prospective employers. I am pleased that the Texas Supreme Court finally recognized this.

It is my view that Justice Owen was considering the legislature and the Code of Conduct for clerks. Justice Owen, in contrast, seems intent on defending the prior, indefensible, practice.

Finally, I want to note the unusual nature of this particular nomination. This is the second nomination during the Clinton years. Justice Owen was considered in the Judiciary Committee under Senator LEAHY’s leadership last year. She had a hearing, and she had a vote. Her nomination was rejected.

This is the first time in history that a Circuit nominee who was formally rejected by the Committee, or the full Senate for that matter, has been re-nominated by the same President to the same position. I do not believe that the many nominees during the Clinton years should be reconsidered like legislation that is not enacted. After all, legislation can be revisited after it is enacted. If Congress makes a mistake when it passes a law, it can fix that mistake in subsequent legislation. Judicial appointments are for life. Confirmations cannot be taken back or fixed. A vote to confirm a nominee is final. A vote to reject that nominee should be final as well.

For the President to re-nominate a nominee and the Senate to reconsider her simply because of the change of a few seats in an election cheapens the nomination process and the Senate’s constitutional role in that process.

I believe Justice Owen is bright and accomplished. But I sincerely believe that based on her judicial record, Justice Owen is not the right choice for this position. I wish her well in her continued work on the Supreme Court, and I hope the President will put forward a nominee for this circuit who the committee can have confidence will enforce the law fairly and impartially to all litigants.

Mr. BOXER. Mr. President, I want to respond to my colleague from Utah, Mr. HATCH, regarding Priscilla Owen’s dissent in the case In re Doe, 19 S.W.3d 346, Texas 2000.

Let me emphasize the fact that Justice Owen wrote her own dissenting opinion in this case. Justice O’Neill delivered the opinion of the court, joined by Justice Enoch, Justice Baker, Justice Hinkmann, and Justice Gonzales and by Chief Justice Phillips as to Parts II and III. Justice Enoch filed a concurring opinion, joined by Justice Baker. Justice Gonzales filed a concurring opinion, joined by Justice Enoch.

Three Justices dissented in this case, each filing the own opinion. The dissenting opinions were written by Justice Hecht, Justice Owen, and Justice Abbott.

Justice Gonzales’s in his concurring opinion very clearly voices criticism of the dissenting opinions:

The dissenting opinions suggest that the exceptions to the general rule of notification
should be very rare and require a high standard of proof. I respectfully submit that these are policy decisions for the Legislature. . . . Thus, to construe the Parental Notification Act so as to eliminate the statute, or to create hurdles that simply are not to be found in the words of the statute, would be an unconscionable act of judicial activism. As a result, I hold the rights to protect and guide the education, safety, health, and development of their children as one of the most important rights in our society. But I cannot rewrite the statute to make parental rights absolute, or virtually absolute, particularly when, as here, the Legislature has elected not to do so.

The chairman of the Judiciary Committee, Justice Owen did not write the opinion that Justice Gonzales criticized. I fail to see how she could have stated her concerns any more clearly. I would have preferred that Justice Owen did not write the opinion that Justice Gonzales referred to in her dissenting opinions—plural—and Justice Owen wrote one of those dissenting opinions. I trust that this resolves any dispute regarding this matter.

Mr. LEAHY. Madam President, how much time remains for the Senator from Vermont?

The PRESIDING OFFICER. The roll being called.

Mr. LEAHY. I yield back our time.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the clerk will report the motion to invoke cloture.

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. 86, the nomination of Priscilla R. Owen of Texas to be United States Circuit Judge for the Fifth Circuit:

Bill Frist, Orrin Hatch, Kay Bailey Hutchison, John Cornyn, Mitch McConnell, Jon Kyl, Wayne Allard, Sam Brownback, Jim Talent, Mike Crapo, Gordon Smith, Peter Fitzgerald, Jeff Sessions, Lindsey Graham, Lincoln Chafee, Saxby Chambliss.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call is waived.

The question is, Is it the sense of the Senate that debate on the nomination of Priscilla R. Owen, to be United States Circuit Judge for the Fifth Circuit, shall be brought to a close? The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. McCONNELL. I announce that the Senator from Oklahoma (Mr. INHOFE) is necessarily absent.

Mr. REID. I announce that the Senator from Florida (Mr. GRAHAM), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Maryland (Mr. SARASAN) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 52, nays 44, as follows:

(Rollcall Vote No. 137 Ex.)

YEAS—52

Alexander  Dole  Murkowski
Allen  Domenici  Nelson (NE)
Bennett  Ensign  Nickles
Bond  Fitzgerald  Nickles
Brownback  Frist  Nickles
Burns  Graham (SC)  Nickles
Campbell  Grassley  Nickles
Chafee  Hagel  Nickles
Chambliss  Hatch  Sessions
Cochran  Hinson  Sessions
Coleman  Kyl  Sessions
Collins  Lott  Sessions
Cornyn  Lugar  Sessions
Craig  McCaskill  Sessions
Craco  McConnell  Sessions
DeWine  Miller  Sessions
NAYS—44

Akaka  Dodd  Sessions
Baucus  Dorgan  Sessions
Bayh  Durbin  Sessions
Biden  Edwards  Sessions
Bingaman  Feingold  Sessions
Boxer  Feinstein  Sessions
Breaux  Harkin  Sessions
Byrd  Hollings  Sessions
Cantwell  Inouye  Sessions
Carper  Johnson  Sessions
Clinton  Johnson  Sessions
Conrad  Kennedy  Sessions
Corzine  Kirk  Sessions
Daschle  Kohl  Sessions
Dayton  Landrieu  Sessions

NOT VOTING—4

Graham (FL)  Inhofe

The PRESIDING OFFICER. On this vote, the yeas are 52, the nays are 44. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CRAPO). Without objection, it is so ordered.

MORNING BUSINESS

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business between 11 a.m. and 12 noon, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GRAHAM of South Carolina). Without objection, it is so ordered.

Mr. REID. Mr. President, the Senator from Texas wishes to speak as in morning business. I ask unanimous consent that he be allowed to speak.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Texas.

HONORING OUR ARMED FORCES

Mr. CORNYN. Mr. President, I rise this morning to offer a tribute to our men and women in uniform.

As we all know, President Bush will speak this evening to the Nation and mark the end of a major conflict in Iraq and acknowledge the heroism and sacrifice of our brave men and women in the Armed Forces. I know I speak for the people of my State of Texas and for all Americans when I give thanks that this operation has reached such a swift end, with so few coalition lives lost.

Over the April recess, I took the opportunity to visit most of the military bases in my home State, along with my distinguished colleagues Senator Hutchison. One in 10 active duty military personnel call Texas their home. As a member of the Armed Services Committee, I am dedicated to looking after their interests and the interests of all of our military personnel.

We must ensure that the United States military continues to have the training, the equipment, and the facilities they need to remain the greatest fighting force the world has ever known, both in war and peace. The military bases we have in Texas are some of the strongest components of our military readiness in the current war against terror, from Afghanistan to Iraq and across the world. We must use these valuable assets to maintain our status as the world’s lone superpower, as we transform our military to face the challenges of the future.

Seeing our soldiers face to face reminds us that they are not just numbers or statistics. They are real Americans, true patriots, with real families. When someone leaves their home to face the challenges of the future.

The clerk will call the roll.

The assistant legislative clerk called the roll.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The assistant legislative clerk called the roll.
I used to think that if he loved us, he would never leave us. But now I know that he is leaving us because he loves us.

We must remember the sons who have never seen the faces of their fathers, and mothers who are separated from their children. We must remember the families whose loved ones will not be coming back, who paid the ultimate price so that others can live free.

Our own freedom was not won without cost but bought and paid for by the sacrifices of generations that have gone before. We must honor these heroic dead for their courage and their commitment to the dream that is free.

On this same trip with Senator Hutchison, visiting our Texas military bases, I had the chance to meet with several of the former prisoners of war who had just returned to their homes. It was especially meaningful to me, because my dad was a POW in World War II. On a bombing mission over Mannheim, Germany, he was shot down and captured and spent 4 months in a prison camp before General Patton and his Army came along and liberated him and others. Knowing the impact of my dad’s experience, I have sensed a glimmer of what our soldiers experienced, their country has returned to them.

I ask that the consent be modified so we have a vote on Prado at 2:15 today.

Mr. Frist. Mr. President, it is my understanding that the distinguished majority leader wishes to have a vote on Prado at 4:45 today. Is that true?

Mr. Reid. Mr. President, it is my understanding that the distinguished majority leader wishes to have a vote on Prado at 4:45 on Monday. Is that true?

Mr. Frist. That is correct. The first vote on the nomination of Deborah Cook to be a U.S. district judge, which we provided to the Republican chairman and ranking member of the committee, further there be 4 hours for debate equally divided between the chairman and ranking member or their designees. Further, I ask that following the use or yielding of that time the Senate proceed to a vote on the confirmation of the nomination, again with no intervening action.

The PRESIDING OFFICER. Is there objection?

The Senator from Nevada.

Mr. Reid. I ask that the consent be modified so we have a vote on Prado at 2:15 today.

Mr. Frist. I believe that was the way it was requested.

Mr. Reid. I am sorry. I missed that. I was visiting with someone else.

The PRESIDING OFFICER. Is there objection to the unanimous consent request?

Without objection, it is so ordered.

Mr. Reid. Mr. President, it is my understanding that the distinguished majority leader wishes to have a vote on Cook at 4:45 on Monday. Is that true?

Mr. Frist. That is correct. The first vote on Monday will be 4:45, and that would be on the Cook nomination.

Mr. Reid. I ask that that part of what we are doing today, I ask that the vote occur at 4:45 and there be a period prior to that of 4 hours for debate on the Cook nomination.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. Reid. And that 1 hour of that time be reserved for Senator Kennedy.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. Frist. Mr. President, I thank all of the Senators who have been involved in leadership on the Democratic side and the Republican side in working on this agreement. I particularly thank Senator McConnell for his perseverance and counsel over the course of the past several days. Both sides have worked in good faith to come to this conclusion.

I therefore expect that prior to completing our business next week we will vote on the nomination. I yield to my colleague with regard to this understanding.

Mr. Reid. The statement of the Senator is absolutely correct. There will be no filibuster. I would only ask, as the Senator has already indicated, that there be ample time—it may take as much as 6 hours of debate—prior to a vote on that. The Senator said it would be on Thursday. And that Thursday will spill over until Friday. We may not be able to do all 6 hours on Thursday.

I was just saying—I know the Senator was preoccupied—we may take as much as 6 hours, 3 hours on our side; the other side may take much more time, and so we may not be able to complete all that on Thursday. That is strictly up to the leader, but we have already indicated we would need up to that much time.

Mr. Frist. Mr. President, I want to make sure there is adequate time for debate. I would like to try to have the vote by the end of next week, if at all possible.

Mr. Reid. Mr. President, Senator McConnell and I worked as much as we could to get this to a point where we are today. I do not like to acknowledge this often, but we were unable to do that. It was only because of the intervention of the two leaders that we were able to arrive at this point. We need not go into all the details of what went into this agreement, but I want to publicly acknowledge the good work of the Democratic leader and the majority leader in allowing us to get to this point. This has been done very quickly on the Senate floor, but to arrive at this point has taken literally hours of time.

This is a significant breakthrough. I think, with all the difficulty we have been having with judicial nominations, that this is a significant breakthrough. It is typical of what has to be done when dealing with legislation. A lot of people have to give up what they felt was something they could not give up. There would say that Senator Hatch and Senator Lott have involved. I think they have helped the advancement of the Senate by their agreeing to things to which a little while ago they
would not have agreed. I wish to public-ly commend the two leaders, and the chairman of the committee and the ranking member of the Judiciary Committee, Senators HATCH and LEAHY, for some excellent work. This is not any-thing that has not been written in the history books but in my mind I have some knowledge of what is good for the Senate and I am convinced that what we have done today is some of the best work we have done all year.

Mr. PRIST. Mr. President, I thank my colleague for his comments and agree wholeheartedly in terms of the efforts that have been made in good faith on both sides of the aisle. It has been difficult in terms of negotiations but everybody has been involved at the leadership level, as well as working with the respective leaders of the committee. We have come to a satisfactory conclusion. By the end of next week we will have accomplished the goals we all have, and that is to keep the process working—it is not always pretty—in a way that will deliver what the American people deserve.

We will have more to say later today, but we will expect to have two votes on Monday, the first at 4:45 and then a vote later that we will set up the time agreement probably an hour or so after that vote, with consideration to Miguel Estrada. Again, we will make specific announcements but we will have two votes on Monday. I point out the first one is at 4:45, which we have tried to do a few days away to make sure people are back for that particular vote.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, I ask unanimous consent the distinguished Senator from New York, Mrs. CLINTON, and I control the next half hour as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUNSHINE IN IRAQI RECONSTRUCTION CONTRACTING ACT

Mr. WYDEN. Mr. President, we rise today to discuss the call of a bipartisian coalition for some badly needed sunshine in the process of awarding Iraqi reconstruction contracts. I particularly commend several of my colleagues for joining me in the bipartisan legislation, the Sunshine in Iraqi Reconstruction Contracting Act introduced April 10.

First, Senator CLMENT and I are especially grateful to the chair of the Governmental Affairs Committee, Senator SASKA of Maine. Not only is she an excellent chair of the committee that will take up this legislation, she is also an expert on procurement law, a real authority on the very issue we have addressed in our legislation. We are very proud to have her as our lead bipartisan billbuilder on this legislation because her leadership qualifies on the committee and special proficiency on this topic give me great confidence this bill is the right move for America, the right move for the Senate, particularly the right move for our taxpayers, and we are very grateful for Senator COLLINS’ support and participation in this effort.

Our legislation has a simple aim. It says if a Federal agency awards an Iraqi reconstruction contract without the benefit of open and competitive bidding, that agency must publicly justify their decision to do so. I will tell the Senate later this week that events and news reports of the 21 days since our bill’s introduction have only strengthened our bipartisan conviction that Iraqi reconstruction contracts must be awarded in the sunshine and not behind a smokescreen.

There are two primary reasons we believe it is so important American taxpayers deserve additional details about this closed and secretive process. First, there is a huge amount of money on the line, a projected $100 billion in taxpayer dollars. The General Accounting Office has already reported sole-source or limited-source contracts almost always are not the best buy for the taxpayer.

In my view, the need for explanation increased a hundredfold if Federal agencies are going to employ a process that may expose taxpayers to additional cost. When we introduced this legislation, we were concerned that the U.S. Agency on International Development had already awarded four of eight major Iraqi contracts through a closed bid or no-bid process. Even at that time, sole-source and limited-source contracts already seemed to be the rule and not the exception for rebuilding Iraq. USAID announced it would limit competition to companies they felt had the technical ability and accounting ability to handle these matters. But since our legislation was introduced, not only have a number of Federal agencies refused to award any bid or closed-bid contracts, but once the bids have been solicited, they even started to ignore or circumvent their own publicly stated criteria for limiting the pool of applicants. More than ever, our bipartisan coalition believes if the Federal Government chooses not to use free market competition to get the most reasonable price from the most qualified contractor, then at a minimum they should tell the American people why.

Sunshine is the best disinfectant and the news reports of recent days simply beg for a clearing of the air.

On April 11, the day after we introduced our bill, one firm secured a $2 million Iraqi school contract through an invitation-only process. On April 18, USAID awarded the biggest contract yet through an invitation-only bidding process. A $680 million contract to rebuild Iraq’s infrastructure was awarded to Bechtel. On April 19, a $50 million Iraq school contract was awarded through a closed bidding process. On the same day, the Washington Post reported that a renewable $7.9 billion contract for personnel services in Iraqi reconstruction was awarded February 25, nearly a month before the war began, with a single company invited to bid for the job. According to the press reports, that invitation came a full 55 days before the start of the war.

As each of the contracts was awarded, Federal agencies justified the no-bid or closed-bid process only by saying that they simply had to move quickly. This is basically the only arguments the agencies have left. Originally, USAID said the only companies with security clearances could be invited to apply. But that argument fell apart just a couple of days ago. USAID’s own inspector general revealed that USAID waived the security clearance requirement when one bid was awarded. It turned out that the winner of a $4 million ports contract, in fact, did not have the security clearance required when the limited bid process started. In effect, USAID eliminated the very criteria it used to limit bidders on the project. USAID suddenly said the outbreak of war in Iraq simply made the security clearance process unnecessary.

The only reason the United States would be awarding contracting to rebuild Iraq would be if the United States went to war. So if the requirement for security clearance was needed before the war broke out, it is hard to see what would have changed once the war started. As a Member of the Senate Intelligence Committee, I thought the argument was a bit too much. Perhaps if they knew they had to face the public on these issues they will have better explanations or a more open process.

We want to be clear, in the presence of actual security concerns, our legislation preserves the confidentiality required in the first place. But the report from the inspector general this week has significantly increased my concern. It turned the agency’s argument about security clearances from suspect to essentially ludicrous.

This incident makes the case better than any other that agencies should have to clearly and publicly state how they are choosing companies for these invitation-only bids. Perhaps if they knew they have to face the public on these issues they will have better explanations or a more open process.

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We want to be clear, in the presence of actual security concerns, our legislation preserves the confidentiality required in the first place. But the report from the inspector general this week has significantly increased my concern. It turned the agency’s argument about security clearances from suspect to essentially ludicrous.
often simply accepted the level of services given by a contractor without ever asking if it could be done more efficiently or at a lower cost. In the case of Iraq, again, with estimates being low-balled at $25 billion and some exceeded billion, taxpayers in our country have a great interest in making sure this money is spent efficiently. I also note in wrapping up that many of these contracts are so-called cost-plussmall. They pay a contractor all expenses, plus a guaranteed profit of 1 to 8 percent. There are no limits on total costs, so the more a firm charges in expenses, the more profit it is going to make. If the Federal Government is going to spend the money of the people of Oregon in this fashion without asking for competitive bids, I think the people of Oregon and the people of this country deserve to know why. There simply should not be a place for waste when we are talking about at least $100 billion of taxpayers' cash.

I understand the argument that these contracts need to be awarded quickly. I understand in many cases the companies receiving these have long histories of international work. I simply believe if the need for speed can adequately justify these closed-bid processes that may expose the taxpayers to additional expenditures, then those agencies need to make public why they would take these extraordinary measures that could very well waste significant amounts of taxpayer money.

I yield to my time to Senator CLINTON. I thank her. She is on the Senate Armed Services Committee. She and I and Senator COLLINS have been a bipartisan coalition. I would also like to note a number of other Senators—Senator BYRD in particular, who serves on the Appropriations Committee and the Armed Services Committee—have been very helpful as well. But I yield to Senator CLINTON and particularly express my support to her. With Senator COLLINS, we have the focus on the fact that protecting taxpayers, to make sure this money is spent wisely at a time when there is so much economic hurt across the Nation. I yield to the distinguished Senator from New York.

Mrs. CLINTON. Mr. President, will my distinguished colleague yield for a question?

Mr. WYDEN. I will.

Mrs. CLINTON. Mr. President, it is a great privilege to be working in this bipartisan coalition with the chairman of the Governmental Affairs Committee, Senator COLLINS, and with a long-time champion of taxpayers and consumers like Senator WYDEN.

Is it the understanding of the Senator from Oregon that the buck really stops with Congress? It is the Congress's responsibility to ensure the funds we appropriate for reconstruction in Iraq are spent in a fair and open manner?

Mr. WYDEN. The Senator from New York has summed it up. This is Congress's call. The buck in fact does stop with the Congress. What we are talking about here is making sure Congress keeps in place vigorous oversight about the process. The process is what has, in our view, put taxpayers in some peril. People have focused on one company or another. There are inquiries underway. What we are going to do is protect the process that ensures, as the Senator from New York suggests, that the taxpayers are protected and Congress in fact has the data to make sure this money is spent responsibly.

Mrs. CLINTON. Mr. President, that is an eloquent summation as to why I have joined with my colleagues in introducing the Sunshine in Iraqi Reconstruction Contracting Bill. Tonight President Bush will address our Nation and will tell the world that Operation Iraqi Freedom's military action is over, at least insofar as major military engagements may be required. We know we continue problems, like those we have seen in the last few days. But it is true we are now moving toward the second phase, which is the rebuilding of Iraq. So this colloquy we are having today is especially timely because of the President's announcement this evening.

With respect to our going forward, I think the important points the Senator from Oregon has made need to be underscored because, for many of us, we want to see the plans that have been explained in the last several weeks about the rebuilding effort move forward as expeditiously and cost-effectively as possible.

We know, as we just heard from the distinguished Senator, that a number of contracts have already been let. They have been no-bid or closed-bid contracts. As one follows the information about these contracts in the press, it has become clearer and clearer that this has been happening quite some time and it has been largely the province of a rather small group of insiders. I think it is imperative, not only for the integrity of our procurement process, for the integrity of the congressional appropriation and oversight process, but for the integrity of the entire operation that has been undertaken in Iraq, to be transparent and open before the world.

If I may ask the Senator from Oregon another question. Do we correct the legislation we have introduced would require when contracts are awarded without a full and open competition, behind closed doors, that the awarding agency—whether it is the Department of Defense or USAID—would have to publicly explain why they could not have had an open process?

Mr. WYDEN. The Senator is correct. Again, that is what the legislation is about. There is a certain irony in that that information is in fact already available. The bipartisan legislation we have put together with the Chair of the Governmental Affairs Committee, Senator COLLINS, says what is already completed work, in terms of the analysis and justification, simply would be made public so as to reinforce the proposition that there be the maximum amount of transparency, the maximum amount of accountability, and so the people can see why. If there is some special process that doesn't involve open bids would be necessary.

Mrs. CLINTON. You know, our bill also requires as part of that transparency, letting the sunshine come in, that the agencies make public the amount of the contract, the scope of the contract, would provide information about how contractors were identified, as well as the justification and determination of the documents that led to the decision not to use full and open competition.

I find that very reassuring. I do not understand why this would not be legislation we could literally pass by unanimous consent this afternoon. I don't think it is in our Government's interest nor is it in America's interest that there be any doubt at all, any shadow cast over this process so people in our own country or elsewhere can see how it is going. If it is going on, this is not being done straight.

Would the Senator agree, in addition to fulfilling what we know to be the appropriate procurement procedures, the fact that no-bid or closed-bid contracts time and time again lead to overruns, to excessive costs, that we are also, through this legislation, trying to send a warning, in a sense holding out a helping hand to the Government, to say let's do this in the open so nobody can ever go back and question motive or process with respect to what we are attempting to do with the reconstruction of Iraq?

Mr. WYDEN. The point of the Senator's concern about the credibility of the Government I think is fundamental. I think we all know if people see something taking place behind closed doors, in secret, without the open and full process of competitive bidding, it just engenders suspicion, it just engenders a sense of skepticism and cynicism about government that just does not have to be.

It is particularly troubling here because the General Accounting Office, the nonpartisan organization of auditors, has already documented there is a problem. So we have a combination of taxpayer skepticism about work done in secret coupled with the long history of the General Accounting Office's skepticism about the way the contracts are awarded, and here is an area that just cries out for sunshine.

I talked about sunshine being the best disinfectant, but certainly since the introduction of the Senator COLLINS over the last 21 days, the fact we have seen all these contracts—in fact, one of them where the agency just waives their own process, without an explanation—I think highlights the Senator's point that the Government's credibility is at stake.

Mrs. CLINTON. Mr. President, I hope we will have an even larger bipartisan
coalition supporting this legislation, working with us, perhaps even convincing the Government agencies responsible for letting these contracts to think very hard about the process they are now following.

Agree with my colleague from Oregon and my colleague from Maine for providing such leadership. It is a pleasure to work with them. But it is also a duty. I think all of us feel a heavy responsibility to make sure the billions and billions of dollars—maybe as much as $50 billion—are spent wisely re-constructing Iraq—is spent in the most effective way. Because, while we are looking at the extraordinary costs of this kind of task awaiting us in Iraq, we are also in this body hearing from our constituents, as many of us did over the previous 2 weeks, about what is happening to their schools, what is happening to their hospitals.

So we have to be especially conscious that this money can be justified; that we can assure our constituents in the eyes when they say, I don't understand, Senator. I thought we were going to get more help for our poor schools. Senator, I don't understand. Our hospital just closed down because we can't get enough reimbursements from the Federal Government.

This is not only about all of the good government principles. It is not even only about the integrity and credibility of our government. It is about the choices that are being made. These choices are not only important with respect to contracting, but they are important with respect to our values.

I hope our colleagues will join us in moving this piece of important legislation through so that we can begin to practice what many of us preach about transparency and openness and also making sure we get the very best deal. Our dollars are limited. If there is any excess on justified dollars going to Iraq that could go to my kids and schools in New York City, or to Ron's hospital in Oregon, that is our responsibility.

Let me again thank my colleagues. I look forward to being successful with this bipartisan coalition and getting this legislation passed at the earliest possible time.

Mr. WYDEN. Mr. President, to wrap up, I would like to reaffirm a point that the distinguished Senator from New York mentioned with respect to the taxpayers that are being asked to foot the bill for this war.

There already is a sense about the Nation that we have to be careful about how these funds are being used. I think there is a role for the United States to play. I think it is clear that is a part of an important contribution that our country can make with the conflict winding down. But it just reaffirms in my mind how critical it is to use this money wisely. With the American people now with what one might say is the highest unemployment rate of our country, you can't explain to the taxpayers of this Nation fruttering away dollars on contracts that are let without competitive bids.

We are going to begin to have colleagues of both political parties joining us in this effort. It seems to me a bill such as this should be passed unanimously with all 100 Senators on board. We look forward to seeing the resolution of this legislation to protect the taxpayers.

Again, I want to close by expressing my thanks to the chairman of the committee where this legislation was sent. Senator COLLINS has been a critical partner in this effort to direct procurement law. Senator, who holds, of course, a longstanding interest in this matter and serves on both the Appropriations and the Armed Services Committees, has been invaluable to me in particular in providing counsel with respect to how to move this legislation forward. I look forward to passing this bill and protecting the taxpayers' interests as perhaps $100 billion of taxpayer money is spent in the rebuilding of Iraq.

I yield the floor.

EXECUTIVE SESSION

NOMINATION OF EDWARD C. PRADO, OF TEXAS, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FIFTH CIRCUIT

The PRESIDING OFFICER (Mr. Bunning). Under order, the Senate will now proceed to the consideration of Executive Calendar No. 105, which the clerk will report.

The assistant legislative clerk read the nomination of Edward C. Prado, of Texas, to be United States Circuit Judge for the Fifth Circuit.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. DEWINE. Mr. President, I ask unanimous consent to proceed for the next 15 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. DEWINE are printed in today's RECORD under "Morning Business.")

The PRESIDING OFFICER. Who yields time?

The Senator from Ohio is recognized.

Mr. DEWINE. Mr. President, on behalf of the majority leader Frist, I ask unanimous consent that the vote on Executive Calendar No. 105, the nomination of Edward C. Prado, occur at 2:05 p.m. today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I am pleased we are going to move to the nomination of Judge Edward Prado. While my friend, the distinguished senior Senator from Ohio, is on the floor, I want to extend early congratulations because it appears that on Monday we are going to approve a judge on which he has worked so hard. Because of his advocacy and a number of others, we have been able to move through this circuit court process a little more quickly. The Senator from Ohio told me how much he thought of Judge Cook, and being the fine lawyer the Senator is, I am certain we are going to get a good addition to the court. His recommendation goes a long way with me.

I want to extend early congratulations from Ohio for his advocacy on the part of someone he knows and speaks so well.

Mr. President, I am pleased we now have a strong nominee in Judge Edward Prado, a well-qualified nominee for the Fifth Circuit Court of Appeals. Judge Prado is being considered for the same court as Justice Priscilla Owen, a nominee we on this side find to be a diverse choice for the bench. The swift consideration of Judge Prado's nomination illustrates again how the nomination process can work when the President sends up fairminded and mainstream choices for lifetime seats on our Federal bench. It happens very quickly.

This came about as a result of our being involved in another judicial nomination that was not going anywhere, and on this side we moved to the nomination of Judge Prado. I think that and other reasons moved us along the path very quickly.

While some have decried the confirmation process is broken, certainly the numbers belie that charge. With the two district court judges confirmed before we recessed and Mr. Sutton on Tuesday, the number of confirmations has already risen to 120. This afternoon it will be 121. These numbers dwarf the confirmations achieved by my Republican colleagues under President Clinton.

Last year alone, in an election year, the Democratic-led Senate confirmed 72 judicial nominees, more than in any of the prior 6 years of Republican control. Overall, in the 17 months of Senate Democratic control, we were able to confirm 100 judges and vastly reduce judicial vacancies. We were able to do so despite the refusal of the administration to consult with Democrats on circuit court vacancies and many district court vacancies.

As I have indicated, if we confirm Judge Prado, which I am confident we will, he will be the 12th Latino judge serving in our circuit courts. Judge Prado is supported by the Congressional Hispanic Caucus, the Mexican American Legal Defense Fund, and many others.

I ask unanimous consent that a letter from the Congressional Hispanic Caucus expressing their unanimous support be printed in the RECORD.
Mr. REED. Judge Prado has served 19 years in the United States District Court. As some of my colleagues have noted, it is sometimes more challenging to review nominees who come to us from private practice and universities. We have to extrapolate from their record in those different roles as to how they would perform as a judge. With Judge Prado, we certainly do not have that problem. We know how he has performed as a judge.

With the nomination of Priscilla Owen, the Senate has the Priscilla Owen and Judge Prado judicial records we can directly evaluate. In the case of Justice Owen, it is a record many on our side find troubling. If all the Members had been present today, it would have been 47 people voting against Judge Owen.

In the case of Judge Prado, it is a record we find evinces an evenhandedness and fairness befitting a circuit court judge. Not that I would decide every case the way Judge Prado would. He has won the support of all Democratic Senators, as far as I know, on the Judiciary Committee, and other Democratic Senators, because they found his record one of balance and fairness. Unlike Justice Owen and Mr. Estrada, no colleague or supervisor has questioned his ability to apply the law faithfully. Judge Prado has generated no controversy. He is experienced. While I am sure he is conservative, it does not matter; He is an evenhanded judge.

There is something to be said for conservative judges. If conservatism means the law is followed, stare decisis, the precedent set, I think that is good.

Judge Prado will be confirmed today because he is a fine person and an excellent judge. As I have noted in the excellent article by Senator Richard Lugar, Judge Prado has served 19 years on the Federal Public Defender's Office for the Caroline County, TX, District Attorney's Office. In 1976 he accepted a position with the Federal Public Defender's Office for the

serving of confirmation. We respectfully urge you to schedule a vote to confirm Edward Charles Prado to the United States Court of Appeals for the Fifth Circuit without any further delay.

Sincerely,

CHRISSIE D. RODRIGUEZ,
Chair, Congressional Hispanic Caucus
CHARLES A. GONZALEZ,
Chair, CHC Hispanic Judiciary Initiative.

Chairman HATCH. I am pleased that today we are moving forward on this qualified judge, Edward Prado. I believe the way Judge Prado's nomination has been received in the Senate points the way through some of the conflict that has occurred in the Senate over a very small number of judicial nominees.

If my math is correct, by today's end there will be 121 versus 2. That is a good record in anyone's book. I suggest the absence of a quorum.

Mr. REED. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, as I understand it we are on the Prado nomination.

The PRESIDING OFFICER. The Senator is correct.

Mr. HATCH. Mr. President, I am pleased that we are considering the nomination of Edward C. Prado, who has been nominated by President Bush to serve on the United States Court of Appeals for the Fifth Circuit. He has an outstanding record of distinguished public service and will be a great addition to the Fifth Circuit, especially since the seat to which he has been nominated has been designated a judicial emergency by the Judicial Conference of the United States.

Judge Prado currently serves as a United States District Judge for the Western District of Texas, having been unanimously confirmed by the Senate in 1984. His 18 years on the bench, plus prior service as a Texas state court district judge has given him the experience and background to make an outstanding Fifth Circuit Judge.

In addition to his judicial experience, Judge Prado has had a distinguished legal career. After graduating from the University of Texas School of Law in 1972, he began his legal career as an Assistant District Attorney in the Bexar County, TX, District Attorney's Office. In 1976 he accepted a position with the Federal Public Defender's Office for the
WESTERN DISTRICT OF TEXAS where he served as an Assistant Federal Public Defender representing indigent criminal defendants in the federal courts.

During 1980, he served as a Texas state district judge, filling the unexpired term of the incumbent. In this position, he presided over several hundred cases, including felony criminal trials. In 1981, he was unanimously confirmed by the Senate and appointed as United States Attorney for the Western District of Texas, where he managed one of the largest United States Attorney's Offices in the Nation. In 1984, President Reagan nominated and the Senate confirmed Judge Prado as a United States District Judge for the Western District of Texas. In this capacity he has handled thousands of cases and hundreds of trials.

Judge Prado is a native of San Antonio, Texas and has served his community, state and nation in a variety of ways. Not only has he served in his professional capacity, but also he believes in community service and has been involved in community service organizations such as St. Mark's Catholic Church, Witte Museum Community Advisory Committee, the Philosophical Society of Texas, the Rotary Club of San Antonio, and Leadership San Antonio. Additionally, Judge Prado served in the U.S. Army Reserve as an Infantry officer from 1972-1987.

In addition to public and community service, Judge Prado has been actively involved in efforts to improve the legal and judicial process. He has been a leader in numerous bar associations and law-related organizations. For example, he has been a member of the Texas and San Antonio Bar Associations since 1972, including service as President, and later Director and Chairman of the Board of Trustees, of the San Antonio Bar Foundation. Judge Prado serves on the Texas State Bar Grievance Committee, and was appointed by Chief Justice Rehnquist to serve as the Chairman of the Criminal Justice Act Review Committee from 1991-1993.

As a District Judge, he has made efforts to reach out to youth groups to help them learn about the law and the judicial process. He gives motivational speeches and conducts events in his courtroom as an introduction to the law.

Judge Prado comes highly recommended by those with whom he serves and by those who appear in his courtroom. Let me read a few statements made by Texas attorneys, as reported in the Texas Lawyer, February 10, 2003. Laurence R. Macon said of Judge Prado, "I've known him for 30 years, and he doesn't have any outrageous positions. He won't be there trying to make law." Seagal Wheatley stated that if the Committee looks at his qualifications, he should be a shoo-in. I'm not aware of any recent opinion that will cause him problems." A third attorney, Van Hilley, said, "Judge Prado has a varied background and I am confident that his qualifications for the position are superior. The reason his docket ran so smooth is he wasn't viewed as pro-government or pro-defense."

"The legal bar's wide regard for Judge Prado is reflected in his evaluation by the American Bar Association. The ABA evaluates judicial nominees based on their professional qualifications, their integrity, their professional competence, and their judicial temperament. The ABA has bestowed upon Judge Prado a rating of "Unanimously Well Qualified."

Furthermore, Judge Prado has been endorsed by his hometown newspaper, the San Antonio Express-News, which declared, "The Senate should confirm Prado's nomination without undue controversy or delay. . . . His credentials are unquestioned." Mr. President, I ask unanimous consent that the complete San Antonio Express-News editorial be printed in the RECORD, following my remarks.

The PRESIDENT OFFICER. Without objection it is so ordered. (See exhibit No. 1)

Mr. HATCH. Mr. President, the record is clear that Judge Prado is a man of ability and character. This Senate, on two previous occasions, has found Judge Prado worthy of confirmation for positions of high responsibility in the government, and I am confident it will do so again today. I strongly support his confirmation and urge my colleagues to join me in doing so today."

EXHIBIT NO. 1

U.S. District Judge Edward C. Prado has compiled an admirable record in his almost two decades on the federal trial bench. Last week, President Bush nominated the San Antonio judge for a well-deserved promotion to the 5th U.S. Circuit Court of Appeals. The Senate should confirm Prado's nomination without undue controversy or delay.

Prado, a graduate of Edgewood High School, was appointed to the federal district court by President Reagan in 1984 and has performed consistently as a non-ideological moderate.

His credentials are unquestioned. Prado first became a judge in 1986 when Gov. Bill Clements named him to a state district court bench.

In addition, U.S. Sen. Kay Bailey Hutchison and John Cornyn of Texas swiftly recommended a solid replacement for Prado if he is elevated.

The lawmakers forwarded the name of former Texas Supreme Court Justice Xavier Rodriguez of San Antonio to the White House to fill Prado's seat. Gov. Rick Perry appointed Rodriguez to the state's high court, but he was defeated in last year's GOP primary.

A bright lawyer with solid legal qualifications, Rodriguez was apolitical before being appointed to the Texas Supreme Court, and that is one of many factors that make him a strong candidate for a federal post.

We urge Bush to accept the recommendation of the Texas senators and nominate Rodriguez when Prado's post is officially vacated.

Mr. KOHL. Mr. President, I rise today in support of the nomination of Judge Edward Prado to be a Circuit Court Judge for the Fifth Circuit Court of Appeals. Judge Prado has earned my support and that of my colleagues for his distinguished record in public service and for the integrity with which he has gone through the Senate confirmation process.

Judge Prado has been a public servant for his entire professional life. From the assistant district attorney position he took just after receiving his law degree, to his experience as a U.S. attorney for the Western District of Texas, to the 19 years he has served as a district court judge for the Western District of Texas, Judge Prado's commitment to public service is evident.

During his tenure as a Federal district court judge, Judge Prado has compiled an admirable record. His docket ran so smoothly that he was able to hear and decide hundreds of cases without controversy or delay. . . . His credentials are unquestioned." Mr. President, I ask unanimous consent that the complete San Antonio Express-News editorial be printed in the RECORD, following my remarks.

Further, Judge Prado should be commended both for his willingness to be honest and forthcoming in the questionnaire he submitted to the committee, and for his comportment at his committee confirmation hearing. Judge Prado directly and fully addressed some of his more controversial rulings in his questionnaire, and provided honest, complete answers to all questions asked of him at his hearing. I do not agree with all of Judge Prado's decisions; in fact, we may hold different views on significant issues. Yet I am convinced that he will apply the law in a capable and responsible manner.

Finally, it should be noted that I support the elevation of Judge Prado to the Court of Appeals for the same reasons that make me unable to support the nomination of Miguel Estrada to the D.C. Circuit. Where Judge Prado has 19 years of experience on the federal bench, Mr. Estrada has no experience of any kind as a judge. And, more importantly, Judge Prado has voluntarily and directly addressed any controversial issues in his record, while Mr. Estrada has made a habit of concealing such information and refusing to submit documents which would be of substantial assistance to the committee.

Mr. Prado is the kind of experienced, well-qualified nominee that the Senate should confirm with speed and ease. I support his nomination.

Mr. LEAHY. Will the Senator yield?

Mr. HATCH. I am happy to yield.
Mr. LEAHY. I know we have set a time. I wonder if the Senator from Vermont might have a minute or so to speak about this nomination.

The PRESIDING OFFICER. Each side has 3 minutes remaining at this time.

Mr. HATCH. I will yield to the distinguished Senator from Vermont, and I yield my remaining 3 minutes to the distinguished Senator from Texas.

Mr. LEAHY. Mr. President, I begin by thanking the democratic leader and assistant leader for going to bat for Judge Edward Prado and working out this arrangement with the Republican leadership so that this consensus nomination can be considered without further delay. I appreciate that the majority leader and Senator MCCONNELL have been willing to work with us to allow this nomination to go forward today.

I was disappointed to hear on Tuesday that an Republican position was that this matter should be further delayed and I did not understand the logic or motivation behind that position.

I cannot recall a time when the Senate of either party leadership insisted on strict adherence to consideration of nominations based on their calendar number. Indeed, during the period 1995 through 2001, quite the opposite was true and Democrats had to work very hard to get the Republican leadership to treat nominations that were stalled on the Senate Executive Calendar for weeks, months and sometimes years. This year we have continued to make progress on filling judicial vacancies not by holding up all nominations reported after that of Mr. Estrada but, on the contrary, by moving to those on which there is agreement and on which we can proceed most efficiently.

In fact, all 20 judicial confirmations this year were nominations reported and considered after that of Mr. Estrada and after debate on the Estrada nomination had begun.

We still do not know who on the Republican side delayed consideration of the consensual nomination of Judge Edward Prado for the last month. I thank the Congressional Hispanic Caucus for its support of this nomination and for working with the Senate to bring this matter forward at this time. I also want to thank the Republican leadership for changing position and working with us to move forward.

I came to the floor on Monday to make the point that the nomination of Judge Edward Prado to the United States Court of Appeals for the Fifth Circuit was cleared on the Democratic side and that we were prepared to proceed. Senator DASCHLE and Senator REID came before the Senate on Tuesday to urge that the Prado nomination be considered rather than be held captive by the Judiciary calendar. All Democratic Senators serving on the Judiciary Committee voted to report this nomination favorably. All Democratic Senators had indicated that they were eager to proceed to this nomination and, after a reasonable period of debate, voting on the nomination. I am confident this nomination will be confirmed by an extraordinary majority—maybe unanimous.

It is most unfortunate that so many partisans in this administration and on the other side of the aisle insist on bogging down consensus matters and consensus nominees in order to focus exclusively on the most divisive and controversial of this President’s nominees as he continues his efforts to pack the courts. Democratic Senators have worked very hard to cooperate with this administration in order to fill judicial vacancies. What the other side seeks to obscure is that effort, that fairness and the progress we have been able to achieve without much help from the other side or the administration.

This week, again, despite Democratic willingness to proceed to a vote on the controversial nomination of Jeffrey Sutton to the Sixth Circuit, the other side that proceeded to the unprecedented renomination of Priscilla Owen. Mr. Sutton was confirmed with the fewest votes in favor of any judicial nominee in the last 20 years and with more than enough negative votes to sustain a filibuster. Rather than proceed to a consensus nominee and fill a judicial emergency vacancy on the Fifth Circuit with an experienced and respected Hispanic federal judge, Judge Prado, Republicans insisted on proceeding forward with another of the President’s most controversial and divisive nominations.

The fact is that when Democrats became the Senate majority in the summer of 2001 we inherited 110 judicial vacancies. Over the next 17 months, despite constant criticism from the administration, the Senate proceeded to confirm 100 of President Bush’s nominees, including several who were divisive and uncontroversial, several who had mixed peer reviews from the ABA and at least one who had been rated not qualified. Despite the additional 40 vacancies that arose, we reduced judicial vacancies to 60, a level below that termed “full employment” by Senator HATCH. Since the beginning of this year, in spite of the fixation of the Republican majority on the President’s most controversial nominations, we have worked hard to reduce judicial vacancies even further with another of the President’s most controversial and divisive nominations.

The lesson is that when Democrats became the Senate majority in the summer of 2001 we inherited 110 judicial vacancies. Over the next 17 months, despite constant criticism from the administration, the Senate proceeded to confirm 100 of President Bush’s nominees, including several who were divisive and uncontroversial, several who had mixed peer reviews from the ABA and at least one who had been rated not qualified. Despite the additional 40 vacancies that arose, we reduced judicial vacancies to 60, a level below that termed “full employment” by Senator HATCH. Since the beginning of this year, in spite of the fixation of the Republican majority on the President’s most controversial nominations, we have worked hard to reduce judicial vacancies even further with another of the President’s most controversial and divisive nominations.

As of today, the Senate Judiciary Committee website lists the number of judicial vacancies at 48. That is the lowest it has been in 13 years. That is lower than at any time during the entire eight year Clinton administration. We have already reduced judicial vacancies from 110 to 48, in less than two years. We have reduced the vacancy rate from 12.8 percent to 5.6 percent, the lowest it has been in the last two years. We have cooperated with the administration think of the additional progress we could be making.

Even after the consideration of Judge Prado, for example, there is another distinguished Hispanic nominee who was reported unanimously by the Judiciary Committee last month on which on which the Senate will not yet have acted: on the Senate executive calendar is the nomination of Cecilia Altonaga to be a Federal judge in Florida. We expedited consideration of this nominee at the request of Senator GRAHAM of Florida. She will be the first Cuban-American woman to be confirmed to the Federal bench when Republicans choose to proceed to that nomination. Indeed, Democrats in the Senate have worked to expedite fair consideration of every Latino nominee this President has made to the Federal trial courts in addition to the nomination of Judge Prado.

Another example may be the nomination of Consuelo Callahan to the Ninth Circuit Court of Appeals. Unlike the divisive nomination of Carolyn Kuhl to the same court, both home State Senators turned their blue slips and support a hearing for Judge Consuelo Callahan. I have asked that she receive a hearing in the near future and look forward to learning more about her record as an appellate judge for the State of California. Rather than disregarding time-honored rules and Senate practices, I urge my friends on the other side of the aisle to help us fill more judicial vacancies more quickly by bringing those nominations that have bipartisan support to the front of the line for Committee hearings and floor votes.

As I have noted throughout the last two years, the Senate is able to move expeditiously when we have consensus, mainstream nominees to consider. Nationally-respected columnist David Broder made this point in an April 16 column that appeared in the Washington Post. I referenced this column earlier this week and inserted it in the CONGRESSIONAL RECORD. In his column, Mr. Broder noted that when he asked Alberto Gonzales if there might be a lesson in Judge Prado’s easy approval, Mr. Gonzales missed the point. In Mr. Broder’s mind: “The lesson seems obvious. Conservatives can be confirmed for the courts when they are well known in their communities and a broad range of their constituencies have reason to think them fair-minded.”

To date the Senate has proceeded to confirm 120 of President Bush’s nominees, 100 in the 17 months in which Democrats made up the Senate majority. The lesson that less controversial nominees are considered and confirmed more easily was the lesson of the last two years and that lesson has been lost on this White House.

Unfortunately, far too many of this President’s nominees raise serious concerns about whether they will be fair and impartial. There are also significant issues. Those types of nominees should not be rushed through the process. I regret the administration’s refusal to work
with us to end the impasse it has created in connection with the Estrada nomination.

The partisan politics of division that the administration is practicing with respect to that nomination are not helpful and the bipartisan support that was necessary to bring it to a vote is not respectful of the damming done to the Hispanic community by insisting on so divisive a nominee.

I invite the President to work with us and to nominate more mainstream individuals like Judge Prado. His proven record of bipartisan support makes it easier for us to uphold our constitutional duty of advise and consent. I encourage those on the other side of the aisle to allow us to consider his nomination. I look forward to casting a vote in favor of his confirmation.

Judge Prado is an exceptional candidate for elevation to the appeals court. He has significant experience as a public servant in west Texas. Perhaps the fact that he has bipartisan support is the reason why he is not being brought forward at this time for a floor vote. That does not fit the Republican message but reveals the truth: That Democratic Senators, having already acted on 120 judges nominated by President Bush, are prepared to support and have more of his nominations when they are mainstream, consensus nominees. Perhaps the fact that Democrats unanimously supported his nomination in committee is seen as a drawback for Mr. Prado in the Republican world of obstruction politics. I hope that is not the case.

I also hope the fact that Judge Prado is Hispanic has not been a factor in the Republican delay. Some have suggested that Judge Prado has been delayed because Democratic Senators are likely to vote for him and thereby undercut the Republican’s shameless charge that the opposition to Miguel Estrada is based on his ethnicity. Republican partisans have made lots of partisan hay attacking President Clinton for not naming more Hispanics. I believe that the reason why he is not being brought forward at this time is not his ethnicity but the reason why he is not being brought forward at this time for a floor vote. That does not fit the Republican message but reveals the truth: That Democrat Senators, having already acted on 120 judges nominated by President Bush, are prepared to support and have more of his nominations when they are mainstream, consensus nominees. Perhaps the fact that Democrats unanimously supported his nomination in committee is seen as a drawback for Mr. Prado in the Republican world of obstruction politics. I hope that is not the case.

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So some have come to the conclusion that Republican delay in connection with the consideration of Judge Prado’s nomination may be related to the political strategy of the White House to characterize Democrats unfairly. Might the record be set straight if Democrats were supporting this Hispanic nominee to the Fifth Circuit? Might the Republicans’ own record of opposing President Clinton’s nominations of Judge Jorge Rangel and Enrique Moreno to that same circuit be considered unfaithfully with Democrats’ support of Judge Prado? Might Judge Prado, a conservative from Texas with a public record of service as a Federal district court judge, become the first Hispanic appointed by President Bush to the circuit courts with widespread support from Senate Democrats? Might this more mainstream, consensus nominee stand in stark contrast to the ideological choices intended to pack the courts on which the White House and Senate Republicans concentrate almost exclusively?

Judge Prado has 19 years of experience as a U.S. District Court judge, which provides us with a significant judicial career to evaluate. A review of Judge Prado’s actions on the bench demonstrates a solid record of fairness and evenhandedness.

While I may not agree with each and every one of his rulings or with every action he has taken as a lawyer or judge, my review of his record leads me to conclude that he will be a fair judge. No supervisor or colleague of Judge Prado’s has questioned his ability or willingness to interpret the law fairly. Judge Prado enjoys the full support of the Congressional Hispanic Caucus and the Mexican American Legal Defense and Education Fund. Not a single person or organization has submitted a letter of opposition or raised concerns about Judge Prado. No controversy. No red flags. No basis for concern. No opposition. This explains why his nomination was voted out of the Judiciary Committee with a unanimous, bipartisan vote on an expedited basis.

To understand the importance of Judge Prado’s nomination, we must put it in the context of prior nominations to the Fifth Circuit Court of Appeals. Until Judge Prado’s hearing, it had been more than a decade since a Latino nominee to that Court had even been allowed a hearing by the Senate Judiciary Committee, let alone a vote on the floor. I recall President Clinton’s two Hispanic nominations to the Fifth Circuit and the poor treatment they received from the Republican-led Senate.

Judge Jorge Rangel was a former Texas State judge and a dedicated attorney in private practice in Corpus Christi, TX when President Clinton nominated him to the United States Court of Appeals for the Fifth Circuit in 1997. Judge Rangel is a graduate of the University of Houston and the Harvard Law School and earned a rating of “Well Qualified” by the American Bar Association. Yet, under Republican leadership, he never received a hearing on his nomination, let alone a vote by the Committee or by the full Senate. His nomination languished without action for more than 15 months. After the President had to resubmit his nomination, President Clinton nominated Enrique Moreno, a distinguished attorney in private practice in El Paso, TX. Mr. Moreno is a graduate of Harvard University and the Harvard Law School. He was given the highest rating of unanimously “Well Qualified” by the ABA. Mr. Moreno also waited 15 months, but was never allowed a hearing before the Senate Judiciary Committee. President Clinton renominated him at the beginning of 2001. President Bush, squandering an opportunity for bipartisanship, withdrew the nomination and refused to renominate him.

In addition, President Clinton nominated H. Alston Johnson to the Fifth Circuit in 1995. This talented Louisianaan came to the Senate with the support of both of his home state Senators but he never received a hearing on his nomination or a vote by the Committee or the full Senate in 1999, 2000, or the beginning of 2001. His nomination languished without action for 23 months.

In contrast, when I served as Chair of the Judiciary Committee last Congress, we granted Edith Clement a hearing within months of her nomination. At that time there had been no hearings on Fifth Circuit nominees since 1994 and no confirmations since 1995.

We also proceeded to hearings, committee debate and committee votes on the divisive and controversial nominations of Judge Priscilla Owen and Judge Charles Pickering. We granted hearings and votes on all four of this President’s nominees to the Fifth Circuit in spite of the treatment Republicans accorded President Clinton’s qualified nominees to that same circuit. Under Republican leadership, none of President Clinton’s nominees to this Court received a hearing during his entire second term of office.

Some of my friends on the other side of the aisle have made the outrageous claim that Democratic Senators are anti-Hispanic or anti-Latino. I think it is important to set the record straight. Of the ten Latino appellate judges currently seated in the Federal courts, 8 were appointed by President Clinton. Three other Latino nominees of President Clinton to the appellate courts were blocked by an obstructionist Senate, as well as several others for the district court. In fact, in contrast to the President’s selection of only one Latino circuit
confirmed more easily was the lesson controversial nominees are considered and mainstream nominees to consider. "Well Qualified" rating by the ABA. Additionally, Judge Barkett was targeted for delay or defeat when she was nominated to the Second Circuit. She was confirmed, although 29 Republicans voted against her.

The fact is that the Latino nominations that the Senate has received from this administration have been acted upon in an expeditious manner. They have overwhelmingly enjoyed bipartisan support. Under the Democratically-led Senate, we swiftly granted hearings for and eventually confirmed Judge Christina Armijo of New Mexico, Judge Phillip Martinez and Randy Crane of Texas, Judge Jose Martinez of California, and Judge Jose Arteaga of New Jersey to the district courts. 

This year, we also confirmed Judge Richard Paez for over 1,500 days, as a line attorney for the Department of Justice. 

That is the way to achieve 100 confirmations in 17 months and 120 in less than 2 years. The lesson that less controversial nominees are considered and confirmed more easily was the lesson of the last 2 years and that lesson has been lost on this White House.

Unfortunately, far too many of this President's nominees raise serious concerns about whether they will be fair judges to all parties on all issues. Those types of nominees should not be rushed through the process. I invite the President to nominate more mainstream individuals like Judge Prado. His proven record and bipartisan support demonstrate that we should uphold our constitutional duty of advise and consent. I encourage those on the other side of the aisle to allow us to consider his nomination. I look forward to casting a vote in favor of his confirmation.

I, again, urge those on the other side of the aisle to allow us to consider his nomination. I look forward to casting a vote in favor of his confirmation.

I, again, thank the Senate Republican leadership for working with us to proceed to this consensus nomination, to provide adequate time for debate and to proceed to a vote without further delay. Judge Prado's nomination has been delayed on the Senate executive calendar for several weeks, unnecessarily in my view. I recall all too vividly when anonymous Republican holds delayed Senate action on the nomination of Judge Sonia Sotomayor to the Second Circuit for 11 months. Let us work together. I thank all Senators, even those Republicans who have anonymously held up consideration of Judge Prado's nomination for the last month, for agreeing to proceed with this nomination at this time. I congratulate the nominee and his family on his elevation to the Fifth Circuit and look forward to his continuing judicial service.

Again, I thank the Congressional Hispanic Caucus for its support of the nomination of Judge Prado for working with the Senate to bring this matter forward at this time. I do thank the Republican leadership for changing its position and working with us to move forward. I see the distinguished senior Senator from Texas in the Chamber, and if I have further time, I withhold it. I yield the floor.

The PRESIDING OFFICER (Mr. Alexander). The Senator from Texas.

Mr. Hatch. Mr. President, I ask for an additional 2 minutes equally divided in addition to the 1 minute I have remaining.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. Hatch. Mr. President, I am pleased that my Democratic colleagues are willing to join us in confirming Judge Prado to the Fifth Circuit Court of Appeals.

I regret that there has been any discussion that somehow the Republican leadership has held up this nominee. That is not true. What is particularly troubling is the suggestion that there is some Republican delay in the consideration of Judge Prado's nomination related to the Estrada nomination.

I would point out that Democrats who support the nomination of Judge Prado to the Fifth Circuit are leading the opposition to Mr. Estrada, nominated to the D.C. Circuit. Those Democrats have characterized the D.C. Circuit as "the second most important court in the land." Senator Kennedy stated recently that the D.C. Circuit makes decisions with national impact on the lives of all of the American people. Senator Schumer echoed these sentiments just yesterday. It does seem to me that there is a different standard being applied to Miguel Estrada—a nominee to the second highest court in the land—than to Judge Prado—a nominee to one of twelve other Circuit Courts—although they are important. 

That is the way to achieve 100 confirmations in 17 months and 120 in less than 2 years. The lesson that less controversial nominees are considered and confirmed more easily was the lesson of the last 2 years and that lesson has been lost on this White House.

Unfortunately, far too many of this President's nominees raise serious concerns about whether they will be fair judges to all parties on all issues. Those types of nominees should not be rushed through the process. I invite the President to nominate more mainstream individuals like Judge Prado. His proven record and bipartisan support demonstrate that we should uphold our constitutional duty of advise and consent. I encourage those on the other side of the aisle to allow us to consider his nomination. I look forward to casting a vote in favor of his confirmation.

I, again, urge those on the other side of the aisle to allow us to consider his nomination. I look forward to casting a vote in favor of his confirmation.

So I yield the floor.
So my Democratic colleagues have had unlimited opportunities to make their case on Mr. Estrada. Some of them oppose him; others support him. But one thing has remained clear through this debate: There is no good reason to deny Mr. Estrada an up or down vote nomination.

The time has come to end the debate on Mr. Estrada’s nomination and give him and up or down vote, as the Senate will now do on Judge Prado. It is the fair thing to do.

I urge all of my colleagues to join me in voting for Judge Prado’s nomination at this time.

I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. I am glad my friends on the Republican side now allow Judge Prado’s nomination to go forward. I intend to vote for him.

I yield the remainder of my time.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senate is descended from such humble origins to 1801, when Congress passed a milestone piece of legislation titled, appropriately, “the Act of May 2, 1828,” bringing responsibility for policing the Capitol, for the first time, under the direction of the presiding officers of the House and Senate.

The same law that created the Capitol watchmen with full law enforcement authority. It transformed a corps of watchmen into a police department.

In 1867, responsibility of the Capitol Police was transferred to the Sergeant of Arms in the House and Senate, where it remains today.

In 1873, the U.S. Capitol Police Board was formed to oversee the department.

At the beginning of the 20th century, the department had grown to 67 members.

In 1909, the department expanded to just over 100 members; a move necessitated by the construction of the Russell Senate Office Building and the Cannon House Office building. This also marked the first time the authority of the Capitol Police stretched outside the Capitol building itself.

In 1935, the Capitol Police Board, for the first time, set qualification standards for Capitol Police officers.

In 1974, the first women officers joined the force.

In 1981, the Capitol Police were authorized to protect Members and officers of Congress, and their families, anywhere in the United States.

Since September 11, all Members of the House and Senate leadership have been required to have Capitol police protection whenever we travel, and throughout the day as we go outside the Capitol building. One happy result of that, for me, is that I have been able to show off my home State to a number of officers.

And I am proud to say that a few of them now consider themselves almost honorary South Dakotans.

From the beginning, protecting the Capitol has always carried the risk of personal injury, or worse.

On 1814, during the War of 1812, the British set fire to the Capitol building. During the Civil War, the Capitol Police kept the “People’s House” open to the public from sunrise to sunset, despite the fact that military troops were stationed around, and at times even in this building.

Three times in the last century—in 1915, 1917, and 1963—bombs were exploded in the Capitol by groups seeking to advance political agendas.

The membership of the Senate is as follows:

YEARS—97

YEARS—97
In 1954, four members of a Puerto Rican nationalist group entered the House gallery and fired more than 16 shots with .38 caliber pistols at the 243 Members who were then on the floor. Five Congress Members were injured.

In response to each of these attacks, the Capitol Police Department strengthened its training procedures, and strengthened its ability to prevent and respond to such attacks.

The fact that schoolchildren and other visitors can sit in the galleries today to watch their Government in action is a powerful symbol of America’s commitment to democracy, and a testimony to the skill and courage of the Capitol Police.

Given the risks, it seems almost miraculous that the department did not lose a single member in the line of duty until 1981, when Sergeant Christopher Eney was killed in a training exercise.

And we all remember the terrible Friday afternoon, July 24, 1998, when Officer J. Chestnut and Detective John Gibson were killed preventing a severely mentally ill man with a gun from entering the Capitol and killing others. We still honor and miss them today.

The three deaths brought into sharp relief how difficult it is to protect the “People’s House” and keep it open to the people at the same time. It is a complex balancing act that few other police departments in the world even attempt to perform.

On September 11 and during the anthrax attacks, the Capitol Police re-acted with great courage and professionalism under circumstances few people could have imagined even a few years ago.

Since then, the department has undergone an intensive process to be able to prevent, and respond to, the new threats posed by global terrorism.

Capitol Police officers continue to work long weeks in order to respond to the need for increased vigilance. It is not unusual to see an officer guarding a door to the Capitol when we arrive in the morning—and see that same officer, still on duty, when we leave at night.

Without them, we could not do our jobs. And this Capitol could not keep its doors open to the more than 1 million people who visit it each year from across this Nation and the world.

Over the years, many fine men and women have served on the Capitol Police Force—including my dear friend, the assistant minority leader, HARRY REID.

As they prepare to celebrate 175 years of proud service to our Nation, we thank them all for their devotion to duty, their great skill and professionalism, and for their unyielding courage and sacrifice.

I yield the floor and suggest the absence of a quorum.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE ECONOMY

Mr. NELSON of Florida. Mr. President, I rise to speak about the depleted condition of our national economy and what we ought to do.

It is timely to point out that next week this Chamber, the U.S. Senate, will consider legislation raising the debt limit; that is, the limit set by law under which the Federal Government can borrow money that is a debt obligation of the United States. That debt limit is approximately $6.3 trillion. Next week, we will consider the House bill which has been sent to us to raise that by the largest amount ever in the history of the Union, almost $1 trillion. Specifically, we will be asked to vote that we will cast next week to raise the debt limit.

The Federal Government has to pay its obligations. So by law we have to raise the debt limit so that the Federal Government can pay all its obligations. But it is illustrative of the fact that the national debt is growing larger and larger, and we are adopting fiscal policies that add to that national debt each year by increasing the deficit financing that we engage in by the budgets we adopt and then all of the legislation with which we implement those budgets—the tax cuts, the spending bills, financing the war, all of those necessary expenditures. But a fiscal policy has been advocated by the White House, one of dropping off over the next 10 years tax revenues by some $720 billion. And what is likely to pass the Senate is the commitments that were made several weeks ago that that level will be in the range of $350 billion over 10 years and we have signed budget bills or to be passed by the House of Representatives in the range of about $550 billion over 10 years.

Is any elected official not for tax cuts? Of course, we are. But that is not the decision with which we are confronted. What we are confronted with is, what do we do to better stabilize a sick economy and to get our economy moving again? Almost unanimously, the economists—I say almost unanimously, a group of 9 to 1 among the economists, including statements issued yesterday by the Chairman of the Federal Reserve, Alan Greenspan—are basically saying: Watch out. If you deficit finance, long-term interest rates are going to go up. It is going to depress the economy coming out of this near recession. It is going to be difficult for us to get the economy moving again.

That is particularly true of the financial condition in which we find ourselves. In fact, in the first 6 months of this fiscal year, the Government has had to go out and deficit spend to the tune of $250 billion. Annualized, that means we will deficit finance, if that trend holds up, a half a trillion dollars.

What does deficit financing mean? That means we are going to adopt budgetary policies of spending and tax revenues by which we are going to spend a half a trillion dollars, $500 billion, more than we have coming in in tax revenue. And you wonder why the stock market is languishing so much. The stock market is a reflection of the American people’s confidence in the future of the economic activity. So it is any wonder the stock market just keeps kind of languishing along? Do people have the confidence we are going to come out of these economic doldrums and get the economy moving again? I think you see how they are voting with their pocketbooks on the stock market. The people do not have that confidence. Why should they if, in this year, we are going to spend a half trillion dollars more than we have coming in in tax revenue? We will have to vote on next week. Next week, in addition to taking up the debt ceiling bill of raising the debt almost a trillion dollars more so we can pay our bills, we are also going to take up the tax bill. The tax bill, as presented to this body, is to be about $350 billion. There are many in this body who would like that tax bill to be even more over a 10-year period.

To me, it is not wise fiscal policy if that causes our deficit financing to go up. Well, in the early 1980s, that kind of worship didn’t work. The fiscal policies adopted in the early 1980s were so out of whack with the deficits annually soaring up to as high as $250 billion in 1 year, finally those policies had to be reversed—not once but three times. Now we have a situation that is double the annual deficits ever experienced
in the 1980s. We best get about the process of getting our economic and fiscal house in order if we want America to have the economic prosperity our citizens should enjoy.

Mr. President, I yield the floor and suggest a quorum call be rescinded.

The PRESIDING OFFICER (Mr. SUNunu). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCONNELL, Mr. President, I ask unanimous consent that the order for the Congressional Record move quickly. As President Bush so correctly said on Tuesday: ‘Fighting AIDS on a global scale is a massive and complicated undertaking. Yet, this cause is rooted in the simplest of moral duties. When we see this kind of preventable suffering —when we see a plague leaving graves and orphans across a continent—we must act.’

The President of the United States is absolutely right. This is a moral issue. We as a nation and as a people have an obligation to act. We as a nation and as a people have the ability to fight this disease. We have the tools. And it is our duty and it is our obligation to help this great and global public health crisis.

In February, I made my 12th trip to Haiti and my first visit to Guyana, both nations in our hemisphere that President Bush has cited as countries in the region in our answer to fight this HIV/AIDS problem. We traveled there to learn more about the AIDS situation and determine what kind of health infrastructure is in place to fight the disease. What we saw in these visits was devastating, with so many children and adults dying of this horrible disease and too few drugs to go around to help treat them and keep them alive.

Will we dare to challenge that question: HIV/AIDS is a human tragedy of grave proportions—not just in Africa but right here in our own backyard in our own hemisphere.

When you travel to the AIDS-infested regions of the world, as my wife Fran and I did, you can see why colleagues here in the Senate have, such as Majority Leader Frist, Senator INHOFE, Senator DURBIN, Senator NELSON of Florida, and Senator CHAFEE, when you see the children with AIDS, when you hold them, when you touch them, when you talk to the people who care for them, when you know that these children will in all likelihood die, it truly does change you forever. Then when you leave those countries, and when you leave those children, you know you cannot just say: you know you have to try to do something to help.

Our trip in February reinforced what we already knew about the devastation of the disease in Haiti, and allowed us to see what efforts are now underway in Guyana.

This afternoon, I would like to take a few minutes to tell my colleagues about what we learned on that visit.

I was pleased that Senator CHAFFE and his wife Stephanie were able to join Fran and me on that trip. We learned a great deal about what is and what is not being done in both of these impoverished nations.

We were fortunate to have Senator DURBIN and Senator NELSON of Florida and his wife Grace and Congressman KENDRICK MEEK join us on an earlier trip to Haiti in January, where we saw the tragic effects of the abject poverty and disease that engulfs Haiti today.

While there is certainly some miraculous work being done in Haiti to ease the suffering—work done by people such as Father Tom Hagan and his organization Hands Together—there remains so much work to be done.

When you view the HIV/AIDS rates in Haiti and Guyana in the context of the disease’s overall prevalence rate in our hemisphere—Haiti has the highest rate and Guyana, either the second or third highest rate—the moral imperative of helping these nations becomes absolutely crystal clear.

In Haiti today, a nation of approximately 8 million people, 300,000 currently live with AIDS—300,000 people out of a country of 8 million people. Rates are equally troubling in Guyana. In 1990, there were no children orphaned due to AIDS, none, but by 2001, 21 percent of the orphans were the result of AIDS, and that number is projected to double to 41 percent by 2010.

Today, in Haiti, there are hundreds of orphanages spread throughout the country, hundreds actually just in the capital of Port-au-Prince, but there are less than just a handful that are serving or even taking care of children who have AIDS or who are HIV positive.

We visited one of these orphanages in February, one of the orphanages that is taking care of children with AIDS. It is a wonderful place. It is a place called Arc en Ciel or ‘Rainbow House Orphanage’—a place that is doing just wonderful work.

A Canadian couple—Danielle and Robert Penette—came in and restored the home there, and today it is a wonderful, bright, cheery, clean, and beautifully maintained orphanage for about 37 Haitian children. I think about 30 of them actually are HIV positive or already have AIDS.

What we saw there was truly inspiring: children playing, laughing, and learning in the classroom. They sang songs for us. They were happy and healthy and content. They did not seem like orphans at all really but more like one big happy family—one healthy family. It was hard to imagine that any of these little children were sick at all.

But of the HIV-positive children at the Rainbow House Orphanage, about 15 of them are currently in need of antiretroviral drugs. Those 15 children, unfortunately, are now receiving these drugs.

One of the important lessons we learned about these children and about the Rainbow House is that by providing these drugs, and by providing love and consistent nutrition—this good health care, clean water, the Penettes, this wonderful couple, are making an unbelievable impact on the quality of life for these very sick children.

What they, in effect, are doing is prolonging the time it takes these children to actually be on AIDS treatment drugs. So half the children are not even on the drugs yet. Half of them are on the drugs.
Mr. President, the medical science is clear: If we can reach these mothers...
early enough before they give birth to that child who will have AIDS because the mom has AIDS, and if we can get medical treatment to the mother and get her the proper drugs, we can save that child. We can save that child at comparatively little economic cost. We should think in terms not just in dollars and cents, but in lives saved.

I was pleased to have the opportunity in February to also meet with Dr. Paul Farmer, who is fighting AIDS in the rural and mountainous parts of Haiti. He runs an organization called “Partners in Health” and operates clinics in Cange. Dr. Farmer is making tremendous progress. Since 1999, his organization has tracked a population of 3,500 HIV/AIDS patients and has been able to treat more than 350 of them with antiretroviral drugs. Of those receiving drugs since 1999, zero percent—no one—has died. Yet, tragically, of those not receiving drug treatment, 35 percent, so far, have died.

Both Dr. Pape and Dr. Farmer have received grants from the Global AIDS Fund to supplement their efforts. And I point out that money is being put into proven organizations that can get the job done. This tells us we are willing to invest in programs that are working and making a difference and saving lives. While Dr. Farmer and Dr. Pape have empirically proven there is success in treatment in a Third World nation, and there is hope, we still must do more. We must act, and we must act now.

I am encouraged we have moved forward in terms of our AIDS spending level—a level that has gone up significantly over the last few years. I compliment my colleagues on the Appropriations Committee, and particularly Senator Ted Stevens for his efforts and dedication to increasing our funds to fight AIDS.

Earlier this year, Senator Durbin and I were successful in amending the fiscal 2003 omnibus appropriations bill to include an additional $100 million to fight the global AIDS pandemic. That money will go a long way. If that money is used to implement a holistic approach to fighting AIDS, I believe we can make significant advances worldwide. That means focusing funds on education and prevention and treatment—treatment in terms of mother-to-child transmission, treatment of mothers who already have children, and all infected adults. This type of comprehensive approach can and will make a difference.

Let me turn my colleagues’ attention to two other photographs from our recent trip to Guyana. You will see two men who are stricken with AIDS. They are patients of the only public hospital in that nation’s capital of Georgetown. When you look at these pictures, you can see the anguish in these poor men’s eyes. You can see their suffering and you can certainly see their heartbeat. This is an image we must act on now.

This poor gentleman has AIDS. Though the staggering and shocking statistics can be at once overwhelming and seemingly unreal, when you hold babies dying from the disease, or when you see the real faces of these men, the people suffering, as in these photographs, it has to move you. It changes you. It certainly makes the statistics real.

Mr. President, in a guest column recently in the Washington Post, prominent AIDS activist Bono quoted something President Harry Truman once said. This is what Truman said:

“I trust the people because when they know the facts, they do the right thing. That certainly is the case, I believe, when it comes to the global AIDS problem. We have the opportunity to do the right thing. I believe we will do the right thing.”

The House plans to take final action on its bill today, and I am encouraged by the continued good-faith efforts of my colleagues in the Senate. We are moving forward on a bipartisan basis. The majority leader, Dr. Bill Frist, has been a real leader in this effort. My colleague, Senator JOACHIM, on a bipartisan basis, is working with others and moving forward on this as well. I am encouraged that we will be able to get a bill put together.

Mr. President, every 50 seconds a child somewhere in the world dies of an AIDS-related illness, and another becomes infected with HIV. We have to do something to stop this. The United States has an obligation to lead this fight, and we are leading it and moving forward. I am continuing to work with my colleagues as we move ahead. It is our duty, it is our moral obligation, and it is the right thing to do.

I yield the floor.

IMMIGRANT CHILDREN’S HEALTH IMPROVEMENT ACT

Mr. DASCHLE, Mr. President, I would like to bring a matter to the attention of my colleagues. This is a clear example of misplaced priorities in the President’s budget.

Last January, a number of Senators wrote to the President requesting that he include a provision in his budget to allow states to provide Medicaid and SCHIP health care coverage for women and children who are legal immigrants.

Yesterday, Senator GRAHAM received a letter in response to that request. The letter is brief. It makes three claims that are, at best, disingenuous.

Just to remind my colleagues of the history of this issue: the 1996 welfare law banned legal immigrants from receiving Federal benefits under a number of programs, including Medicaid, for 5 years. The argument was made that people shouldn’t come to this country if they are going to be a public charge. The reality is that many legal immigrants and their families, because of language barriers and other issues, agree to take some of the lowest paying jobs in this country. They don’t come here to take welfare; they come because they want to make better lives for themselves and for their children.

Most of these jobs, as we well know, do not provide health insurance for citizen families or immigrant families.

Legal immigrants play an important role in our overall economy. They take low-paying jobs that we rely on. They pay taxes. Immigrant children are also required to register for the Selective Service when they turn 18. According to the American Immigrant Law Foundation, 80,000 legal immigrants are on active duty in the U.S. Armed Forces.

But now, as a result of this policy, when a woman becomes pregnant, or a child gets sick, they have no where to turn but to emergency care, which is the most expensive means of providing health care.

A number of States have realized that this is not an efficient or acceptable means of addressing the health care needs of these families. Some 20 States now provide health care services to legal immigrants using their own funds. The result of the 1996 policy has not been the one desired by the authors of the language. Instead, it has resulted in transferring the burden of health care costs to private sector hospitals. Unfortunately, the severe fiscal crisis is forcing some States to reexamine their coverage.

To respond to this situation, Senator GRAHAM introduced S. 845, the Immigrant Children’s Health Improvement Act, or ICHIA. It would allow States to use Federal Medicaid and SCHIP funding to provide coverage for pregnant women and children who are legal immigrants. This proposal has strong bipartisan support, not only in the Senate but also in the House. In fact, last year, it was adopted on a bipartisan basis in the Finance Committee during debate on a bill to reauthorize welfare programs.

Unfortunately, the administration’s letter suggests that this proposal would somehow create a new burden on the States. In fact, the proposal gives States the option to provide this coverage, and allows them to use Federal resources to do so, thus giving them significant fiscal relief. No new burden would be imposed on the States. In addition, the National Governors Association and the National Conference of State Legislatures have made restoring these benefits a priority.

The long-term economic and health consequences of inadequate health care services for pregnant women and children is well-established. The administration’s letter tries to minimize the importance of this issue for immigrants by talking about other, less effective health care proposals, such as the Medicaid block grant, and by pointing out that the fetuses of immigrants are covered by SCHIP.

It is important to recognize, however, that more than 5 million children live in poor or “near-poor” non-citizen families. That is more than one-quarter of the total population of poor or
“near-poor” children. Almost half of all low-income immigrant children are uninsured—and they are more than twice as likely to be uninsured as low-income citizen children with native-born parents.

Most of these children will eventually become American citizens. By denying all but emergency health care, and especially by denying preventive care, we increase the risk that these children will suffer long-term health consequences—consequences that could reduce their ability to learn and develop and become productive, contributing citizens; consequences that increase the possibility these children will need more expensive health care later on.

The administration claims credit for providing coverage for fetuses, presumably because these children are born they will be citizens. But it is worth noting that the Medicaid/SCHIP ban is having an impact on citizen children living in immigrant families. As many as 85 percent of immigrant families have at least one child who is a citizen. Although many of these children are eligible for Medicaid and SCHIP, receipt among eligible citizen children of non-citizen parents is significantly below that for other poor children. Parents may be confused about their children’s eligibility, or concerned that somehow claiming these benefits will affect the status of other family members.

Finally, the letter suggests that, at a cost of $2.24 billion over 10 years, providing this coverage is too expensive. It also reminds us that this issue must be considered in the context of competing priorities. That is precisely my point. Making sure that pregnant immigrant women, and their children, have access to health care, including preventive care, is an investment in the future workforce of this Nation. Denying them the care they need on an inappropriate basis is significantly more expensive not only for these individuals, but for our businesses that will depend on a healthy population for their future workers.

I believe providing health care for all of our citizens, including pregnant women and children who are immigrants, is vital for our future economic strength. It should be a much higher priority than providing a $1.2 trillion tax cut for the richest people in the country. It is the right thing to do.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. In the last Congress Senator KENNEDY and I introduced the Local Law Enforcement Act, a bill that would add new categories to current hate crime law, sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred October 21, 2001, in Anaheim, CA. A 27-year-old Indian physical therapist was mistaken for a Middle Easterner and assaulted while celebrating his birthday at a karaoke bar. The victim was leaving the bar at about 1 a.m. with a group of his friends and family when several men picked a fight with him. Witnesses heard at least two people yell racial slurs about “Middle Easterners.” The man suffered a shattered jaw and was released from the hospital 2 days later after undergoing surgery to have his mouth wired shut.

I believe that Government’s first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

A RECKLESS GUN INDUSTRY

Mr. LEVIN. Mr. President, a recent report published by the Brady Campaign to Prevent Gun Violence cites numerous examples of reckless sales and distribution practices by gun manufacturers and dealers. The report, entitled “Smoking Guns: Exposing the Gun Industry’s Complicity in the Illegal Gun Market,” reveals a disturbing pattern of negligence by some in the gun industry.

In one example, in 1996, according to the report, the owner and six employees of a California gun store were arrested for numerous Federal firearms offenses. The violations included selling illegally converted, fully automatic AK-47 assault rifles and having employees encourage customers to obtain false identification in order to skirt legal requirements for gun ownership. Even after the owner of the store was sent to prison, Heckler & Koch and a supplier willing to go along with the owner continued to supply the store. In a letter explaining their ongoing business with the gun store, Heckler & Koch wrote that it “is not our intention to turn away business.”

More recently, the sniper shootings that paralyzed the Washington, DC, area last year were committed with a rifle traced to a gun store in Tacoma, WA. According to the report, the Bushmaster semi-automatic assault rifle possessed by one of the killers was only one of 238 guns missing from the store’s inventory. Despite previous ATF audits which revealed dozens of missing weapons and evidence linking a Bushmaster rifle from the store to the sniper killings, according to the report, a Bushmaster executive announced that his company still considered the same store a “good customer” and would continue to sell to it.

These examples of gun industry negligence are by no means isolated. The Brady report contains numerous other examples of careless behavior on the part of gun manufacturers and dealers, many of which surfaced only after civil liability suits were filed. The Brady report reveals the disregard of some in the gun industry for even basic self-regulation. The Lawful Commerce in Arms Act that recently passed the House and that has been referred to the Senate Judiciary Committee would hold the gun industry from many legitimate civil law suits. Certainly, those in the industry who conduct their business negligently or recklessly should not be shielded from the civil consequences of their actions.

THE BROAD-BASED STOCK OPTION PLAN TRANSPARENCY ACT OF 2003

Mrs. BOXER. Mr. President, the Financial Accounting Standards Board, FASB, issued a tentative decision last week to mandate the expensing of stock options. As a result of this decision, the FASB will develop a mechanism for determining the cost of the options granted to then force firms to deduct that cost from earnings in their financial statements. If finalized and enforced, expensing rules would kill broad-based options programs available to rank-and-file workers and punish companies that treat employees as partners in innovation rather than just as simple factors of production. But worst of all, it would misrepresent a firm’s earnings because experts have said again and again that stock options constitute a cost that should be deducted from earnings. Many respected economists and accountants stated clearly that options should not be expensed. But expensing seems to be the only mechanism that the FASB is willing to consider for improving investor understanding of a firm’s financial condition.

The experts I have worked with believe that better, more detailed disclosure of stock option programs is the best mechanism for informing investors on those programs. And I do not believe that the FASB has adequately considered greater disclosure as an alternative to expensing. Greater disclosure would provide investors with the information they need without discouraging the use of stock option programs at innovative firms. At the very least, greater disclosure should be tried and evaluated prior to imposing a new, disruptive expensing regime.

Stock option programs mean opportunity for workers across gender lines and wage scales in my state. In Silicon Valley, the median home price is $530,000. I know of single women working in Silicon Valley who have only broad-based options because of the stock options their companies offer them. For small businesses in my state, stock options permit cash-
In addition to its strategic role with the U.S., Taiwan has a strong market-based economy and burgeoning multiparty democratic system. It has helped lead the modernization of Southeast Asia by demonstrating the importance of respecting civil liberties and the rule of law.

A component of U.S. efforts to ensure regional stability is to maintain strong relations with Taiwan, including assurances to protect the island against military attacks. To support this effort, the Bush administration is considering providing military assistance to Taiwan for the purpose of its self-defense. In recent years, this assistance has primarily been in the form of sales of aircraft and advanced warning radars to the Taiwanese government. Most recently, the Bush administration announced it would sell Taiwan a new assortment of defense articles, including diesel submarines, P-3C anti-submarine aircraft, and Kidd-class destroyers. I support this decision because it recognizes the legitimate self-defense requirements of Taiwan, but does not destabilize the sensitive relations between Taipei and Beijing.

The key to ensuring peace and stability in the region is to promote healthy U.S.-Taiwan relations and support efforts to encourage the People’s Republic of China and Taiwan to resolve their differences peacefully. We should continue to pursue a means of supporting Taiwan without harming U.S. interests in China.

TAIWAN SUPPORT

Mr. CRAPO. Mr. President, I rise today to bring to the attention of my colleagues the importance of U.S.-Taiwan relations.

Most Americans have been focused on the two media showpiece events in recent weeks—the conflict in Iraq and the SARS pandemic. I would note to the Senate that our relations with Taiwan—our economic ally for the United States and a critical regional trading partner—should not be overlooked.

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IN MEMORY OF HENRY BERMAN

Mrs. FEINSTEIN. Mr. President, I rise today to pay tribute to a very dear friend and colleague of mine, Henry Berman, who died on Tuesday, April 27. He was just 92 years old.

Henry was a man who loved life and loved people. Indeed, there was not a sweeter, gentler, or more generous person on earth than Henry Berman.

Born in 1910, in New Haven, CT, Henry made his way to San Francisco in the early 1930s. During the Great Depression he worked as laborer, then sold butter and eggs, until he settled down as a consultant for Joseph Seagrams & Sons, where he worked for 56 years.

Long active in San Francisco politics and a dedicated philanthropist, I was lucky enough to have Henry serve as the Chairman of the Fire Commission during my tenure as mayor. I was also fortunate enough to have him serve as my campaign treasurer. In 1992, when I first ran for the United States Senate, I never had a more loyal supporter.

He served the city of San Francisco up until the very end of his life, when he was the president of the airport commission. Around town he was known as “Mo’s Kitchen,” which provides daily meals at Glide Memorial Methodist Church in San Francisco.

Henry was also an overseer of UC-San Francisco, a trustee of the McClain School of Business at the University of San Francisco, and a board member of USF’s Fromm Institute of Lifelong Learning.

When someone lives as long as Henry did—92 long, prosperous, and productive years you can’t conceive of the world without them.

My heartfelt condolences go out to his wonderful wife Sally, to his sons Ron and Bob, and to his grandchildren and great-grandchildren.

I will miss him greatly, but consider myself very privileged to have known Henry Berman to be able to call him my loyal colleague and my dear, dear friend.

ADDITIONAL STATEMENTS

RALPH KRISKA PERDUE

Ms. MURKOWSKI. Mr. President, today I honor a pillar of the Fairbanks business community and a respected Athabaskan Elder, Ralph Kriska Perdue, who passed on early Tuesday morning at the age of 73. I doubt that most folks in Interior Alaska knew his real age. You see, for years Ralph’s wife, Dorothy, conducted a 39th birthday sale, every Christmas, at the family store, Perdue’s Jewelers.

Ralph was born December 16, 1929 in the village of Yukukuk on the Yukon River. He became interested in making jewelry around 1946 and in 1961 opened a jewelry store in downtown Fairbanks. Ralph was a determined individual. He once told a reporter for the Fairbanks Daily News-Miner, “To me, there is satisfaction that something is done the way it should be done, whether it’s a piece of jewelry or anything that confronts me.” The Fairbanks economy has experienced booms and busts, but Perdue’s Jewelers has grown and prospered.

Ralph will be remembered in Interior Alaska for many things. A bridge between the Native community and the broader community, he served for 6 years as president of the Tanana Chiefs Conference and as a member of the Fairbanks North Star Borough Assembly and the Fairbanks North Star Borough School Board.

He will be dearly remembered as the father of the Fairbanks Native Association and as a community leader. As the organization he helped found in 1963. Today, the Fairbanks Native Association has an annual operating budget of about $13 million and a workforce of
300 people. It provides a variety of social services to the people of Fairbanks, including a very successful regional alcoholism treatment center, which was appropriately named the “Ralph Perdue Center.”

Another top recipient of the Fairbanks Native Association (FNA), is quoted in the News-Miner as follows, “Ralph has always served as a guide and inspiration for FNA. We recognized him as our FNA chief, the only chief we have in Fairbanks.”

Ralph was also the devoted father of Karen Perdue Bettisworth, the distinguished former commissioner of the Alaska Department of Health and Social Services, and of Mona Perdue Jones. I extend to Dorothy, to Karen and to Mona, my deepest condolences and I join with the Fairbanks community in extending my appreciation to the late Chief Ralph Kriska Perdue for a job well done.

RECOGNIZING LORRAINE JOHNSON, 2003 GEORGIA TEACHER OF THE YEAR

• Mr. MILLER. Mr. President, I would like to pay tribute to Lorraine Johnson, Georgia’s 2003 Teacher of the Year and a finalist for National Teacher of the Year.

This Coweta County seventh grade teacher was selected as one of four finalists for the National Teacher of the Year award by a panel made up of members from 15 national education organizations. She attended a ceremony yesterday at the White House where the President recognized this great achievement, and I was honored to be part of the audience.

Ms. Johnson has been an outstanding educator for over 18 years and has taught seventh-grade English and language arts at Arnall Middle School in Newnan, GA, for the past 8 years. This past year, Ms. Johnson has been on a sabatical to travel across the State of Georgia giving speeches and conducting workshops for her peers at other Georgia schools.

Ms. Johnson told a reporter recently that she hopes she can inspire other teachers to have pride in their profession, and I think she is achieving that goal. Though her commitment and dedication to teaching she has influenced hundreds of students and made Georgia and our entire country a better place.

• Mr. CHAMBLISS. Mr. President, I rise today to pay a special tribute to Lorraine Johnson of Newnan, GA. Lorraine Johnson is an outstanding Georgia educator.

Lorraine Johnson was recently honored and recognized as one of four finalists by President George W. Bush at the White House for the National Teacher of the Year award.

Top notch teachers, like Lorraine Johnson, work day and night to make a difference to our Nation’s young people as they prepare for their future. These are our true American heroes in our communities, in our States and in our Nation. As the husband of a retired teacher who spent 35 years in the classroom, I know first hand the deep commitment, tough challenges, and endless efforts that go along with being a dedicated educator. There is no doubt about it: Lorraine Johnson is a dedicated educator.

Lorraine Johnson teaches seventh grade language arts at Arnall Middle School in Newnan, GA. In my home Office for Excellence in Education, her excellence is no secret. She was named Georgia’s Teacher of the Year for 2003 for her remarkable efforts.

It was a real honor and a privilege to share in a special White House ceremony praising Lorraine’s hard work and dedication. President George W. Bush, U.S. Secretary of Education Rod Paige and many other lawmakers also commended Lorraine Johnson for her accomplishments.

Lorraine Johnson of Newnan, GA, is truly an outstanding educator. Not only is she an inspiration to Georgians, but she is an inspiration to all Americans.

HONORING BOB PROFT

• Mr. COLEMAN. Mr. President, I ask that the following two tributes honoriing the life of the late Bob Proft—a proud Minnesotan, respected author, and brave World War II veteran—he be printed in the RECORD.

The tributes follow.

[FROM THE STAR TRIBUNE, JAN. 1966]

A TRIBUTE TO HEROES

(By Chuck Haga)

Fifty years ago, Congress awarded a Medal of Honor to Jimmy LaBelle, a 19-year-old Marine from Columbia Heights and one of Bob Proft’s best friends. Proft, a B-17 radio operator during the war, always wondered what his buddy had done to receive the country’s highest military decoration.

Proft thought there should be something that could go into school libraries, something that young humburger-flippers could stumble across. “You can’t sit and read this book like a novel,” he said. “The citations would start blending together. But if you pick out a few citations at a time, they can really grip your imagination.”

The honor roll lists 47 Minnesotans, including Dale Wayrynen of McGregor, who received the medal posthumously for gallantry in action. Ten of the Minnesotans were natives of other countries: Germany, Austria, Norway, England, Ireland and Canada.

Proft’s favorite is the citation for Alvin Gwynne, who was 15 and managing to talk his way into the 13th Ohio Cavalry on July 30, 1864, at Petersburg, Va. When the unit charged a Confederate position, Gwynne rode alone.

The Yankees were forced to retreat, leaving their flag and battle standards. Young Gwynne charged back along, gathered up the colors and—despite having an arm almost shot off—brought them back. “Somebody said, ‘That young man should get the Medal of Honor,’” Proft said. “Somebody else said, ‘Yes, but we’d better get him mustered first.’”

Since the medal was first presented in 1863, 3,230 have been awarded. Eighteen people received two medals.

An award requires at least two witnesses, and the action must involve “gallantry beyond the call of duty” and the “risk of death.”

In 1916, a congressional panel reviewed records of medals awarded to that point and rescinded 910, Proft said, because they didn’t meet those standards.

Proft’s book includes the citation for Alvin York, of course, the conscientious objector from Tennessee who became a World War I hero. Gary Cooper portrayed him in the film “Sgt. York.”

And there are the stories of two living Minnesotans who received the Medal of Honor: Don Rudolph of Roseville, for actions in the Philippines during World II, and Mike Colalillo of Duluth, for actions against German forces near the end of the war in Europe.

Proft’s labor was a good thing, said Rudolph, 74. “It gets it into the schools and the city libraries.”

The Veterans of Foreign Wars post in Grand Rapids, Minn., bought 12 of the books for local schools and libraries, he said. Rudolph has had his own copy of the book signed by about 200 recipients of the medal. Today, only 184 recipients are living.

“I’ve read the citations of everybody in the book,” he said.

His own citation tells of his actions Feb. 5, when his platoon had been pinned down at Munoz, on Luzon: “While administering first aid to the battlefield, enemy fire issuing from a nearby culvert. Crawling to the culvert with rifle and grenades, he killed
three of the enemy concealed there. He then worked his way across open terrain toward a line of enemy pillboxes..."

He used grenades, a pick and his rifle to put up a strong resistance, but was forced out of commission.

"Later, when his platoon was attacked by an enemy tank, he advanced under covering fire, climbed to the top of the tank and dropped a phosphorous grenade through the turret, destroying the crew."

Rudolph said he made it through all that without a scratch.

"I've said many times that I really don't know why I did it or why I got the medal," he said. "But I knew I had to do it. Otherwise we were going to lose more men."

It was about a month later that LaBelle died on Iwo Jima.

He was a private in the 5th Marine Division. On the night of March 8, as Japanese forces tried to break through American lines, a grenade landed in the foxhole that LaBelle shared with two other Marines.

He shouted a warning, then fell on the grenade, absorbing most if its impact with his body.

"His dauntless courage, cool decision and valiant sacrifice in the face of certain death reflect the highest credit on Pfc. LaBelle," his posthumous citation reads.

Medals of Honor awarded in major conflicts: Civil War 1,520; Indian campaigns (1861–1898) 428; Spanish-American War 109; World War I 124; World War II 433; Korean Conflict 229; Vietnam War 2,224; and the official citations of the United States of America's Congressional Medal of Honor Recipients.

[From the Star Tribune, Apr. 13, 2003]
REMEMBERING A WRITER
(By Lou Gelfand)

Often he offered a touch of whimsy or a sweet bow to tradition, rarely a cheap shot or a critical word.

The element that characterized the many hundreds of letters submitted to the Star Tribune editorial page over the years by Bob Proft, a retired Columbia Heights business owner,

his short missives filled with expressive words were an antidote to the stream of letters to the editor extolling the citizenry to rise in the name of the dragon of the day.

That he knew only one letter every 30 days could qualify for publication didn't faze him.

His humility dictated that his initials, not his name, be on the cover.

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The final letter from Proft, 78, arrived last week. He died at home on early Thursday morning after a short illness.

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Sanborn truly makes all Americans proud of the capabilities and accomplishments of our Armed Forces.

MASSACHUSETTS STATE TROOPER SCOTT MCDONALD

Mr. KENNEDY. Mr. President, I pay tribute to one of Massachusetts’ finest law enforcement officers—Massachusetts State Trooper Scott McDonald. Recently, Trooper McDonald was honored by the Massachusetts State Police with a Medal of Lifesaving, awarded to bestow recognition upon troopers who undertake significant actions in the saving of another life.

On August 4, 2002, Trooper Scott McDonald was on patrol when he was dispatched to a motor vehicle accident in the town of Deerfield. Upon arrival, he observed a truck overturned on the road. As the driver was without a pulse and he was immediately begun CPR. While a passing motorist stopped, identified herself as a doctor and said she would pronounce the victim dead, Scott continued lifesaving efforts. Amazingly, the driver was ultimately revived and flown to Baystate Medical Center in Springfield.

Trooper McDonald is a fine example of the Commonwealth’s outstanding first responder community. I rise to join the Massachusetts State Police, the City of Holyoke, and Scott’s family and friends in honoring a great American, Massachusetts State Trooper Scott McDonald.

MESSAGE FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees. (The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 12:36 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1356. An act to reauthorize the Individuals with Disabilities Education Act, and for other purposes.

The message also announced that pursuant to section 123(b)(3) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (Public Law 106–398), the Minority Leader reappoints the following individuals to the United States-China Security Review Commission: Mr. George Becker of Pennsylvania, for a term to expire on December 31, 2005 and Mr. Michael Wessel of Virginia, for a term to expire on December 31, 2004.

The message further announced that pursuant to 40 U.S.C. 188a(b)(2), Mr. Vernon J. Ehlers, Vice-chairman of the Joint Committee of the Library appoints the following Member of the Joint Committee of the Library as his designee to the Capitol Preservation Commission: Mr. John Mica of Florida.

ENROLLED BILL SIGNED

The message also announced that the Speaker has signed the following enrolled bill:

S. 162. An act to provide for the use and distribution of certain funds awarded to the Gila River Pima-Maricopa Indian Community, and for other purposes.

MEASURE REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1350. An act to reauthorize the Individuals with Disabilities Education Act, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

MEASURES PLACED ON THE CALENDAR

The following bill and joint resolution were read the second time, and placed on the calendar:

H.J. Res. 51. Joint resolution increasing the statutory limit on the public debt.
EC–2063. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to the law, the report of rule entitled “Approval and Promulgation of State Implementation Plans: Florida; Revision to Jacksonville, Florida Ozone Air Quality Maintenance Plan (FRL 7466–7)” received on April 23, 2003; to the Committee on Environment and Public Works.

EC–2064. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to the law, the report of rule entitled “Approval and Promulgation of Implementation Plans Florida; Revision to Jacksonville, Florida Ozone Air Quality Maintenance Plan (FRL 7466–7)” received on April 23, 2003; to the Committee on Environment and Public Works.

EC–2066. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to the law, the report of rule entitled “Guidance on Awarding Section 319 Grant to Indian Tribes in FY 2003” received on April 23, 2003; to the Committee on Environment and Public Works.

EC–2067. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to the law, the report of rule entitled “Minnesota: Final Authorization of State Hazardous Waste Management Program Revision (FRL 7478–5)” received on April 11, 2003; to the Committee on Environment and Public Works.

EC–2068. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to the law, the report of rule entitled “Approval and Promulgation of State Implementation Plans for Designated Facilities and Pollutants, State of Florida (FRL 7481–6)” received on April 11, 2003; to the Committee on Environment and Public Works.

EC–2069. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to the law, the report of rule entitled “Approval and Promulgation of State Implementation Plans: Prevention of Significant Deterioration (PSD); Idaho and Oregon (FRL 7467–4)” received on April 23, 2003; to the Committee on Environment and Public Works.

EC–2070. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to the law, the report of rule entitled “Alcohol and Methane Cleanup (FRL 7468–6)” received on April 11, 2003; to the Committee on Environment and Public Works.

EC–2071. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to the law, the report of rule entitled “National Air Quality Standards for Fine Particles Guidance for Designating Areas” received on April 11, 2003; to the Committee on Environment and Public Works.

EC–2072. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to the law, the report of a document entitled “Stationary Gas Turbines: Proposed Amendments to Air Toxics Performance Standards: Fact Sheet” received on April 11, 2003; to the Committee on Environment and Public Works.

EC–2073. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to the law, the report of a document entitled “Assistance to Local Governments Concerning and Submission of Grandfathered Cryptosporidium Data for Bin Classification Under the Long Term 2 Enhanced Surface Water Treatment Rule” received on April 23, 2003; to the Committee on Environment and Public Works.

EC–2074. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to the law, the report of a document entitled “Small Entity Compliance Guide for the Tier 2Gasoline Sulfur Final Rule (EPA420–B–03–005)” received on April 23, 2003; to the Committee on Environment and Public Works.

EC–2075. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to the law, the report of a document entitled “Use of CERCLA Section 108 Emergency Response Station Decontamination” received on April 23, 2003; to the Committee on Environment and Public Works.

EC–2077. A communication from the Chair, Nuclear Regulatory Commission, transmitting, pursuant to the law, the “Report to Congress on Abnormal Occurrences, Fiscal Year 2002” received on April 11, 2003; to the Committee on Environment and Public Works.

EC–2079. A communication from the Chair, Nuclear Regulatory Commission, transmitting, pursuant to the law, the report entitled “Monthly Status Report on the Limiting, pursuant to the law, the report of a document entitled “Revised Guidance Manual for Selecting Lead and Copper Control Strategies” received on April 23, 2003; to the Committee on Environment and Public Works.

EC–2080. A communication from the Acting Chair, Federal Subsistence Board, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to the law, the report of a document entitled “Nondispari-Regulations for Public Lands in Alaska, Subpart D—Subsistence Taking of Fish, Customary Trade (1018–A131)” received on April 23, 2003; to the Committee on Environment and Public Works.

EC–2081. A communication from the Acting General Counsel, Department of Homeland Security, transmitting, pursuant to the law, the report of a document entitled “Assistance to Firefighters Grant Program 68 FR 12544 (3067–AD2)” received on April 16, 2003; to the Committee on Environment and Public Works.

EC–2082. A communication from the Director, Office of the General Counsel, Nuclear Regulatory Commission, transmitting, pursuant to the law, the report of a document entitled “Availability of Final Environmental Impact Statement” received on April 22, 2003; to the Committee on Environment and Public Works.
EC–2083. A communication from the Director, Office of Congressional Affairs, Office of Nuclear Material Safety and Safeguards Nuclear Regulatory Commission, transmitting, pursuant to the second report of a rule entitled “Medical Uses of Byproduct Material: Clarifying and Minor Amendments (10 CFR Part 35) (RIN:3150–A068)” received on April 22, 2003, to the Committee on Environment and Public Works.

EC–2084. A communication from the Under Secretary of Defense, Comptroller, transmitting, pursuant to the law, the report of a violation of the Antideficiency Act by the Department of the Navy, case no. 02–04, totaling $2,763,000; to the Committee on Appropriations.

EC–2085. A communication from the Under Secretary of Defense, Comptroller, transmitting, pursuant to the law, the report of a violation of the Antideficiency Act by the Department of the Navy, case no. 00–63, totaling $1,629,233.61; to the Committee on Appropriations.

EC–2086. A communication from the President of the United States, transmitting, pursuant to law, the report that provides “the aggregate number, locations, activities, and length of time for all temporary and permanent U.S. military personnel and U.S. individual civilians retained as contractors involving the antinarcotics campaign in Colombia” received on April 25, 2003, to the Committee on Appropriations.

EC–2087. A communication from the Assistant Commissioner, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Administrative Waivers of the Coastwide Trade Laws for Eligible Vessels (233–AB92)” received on April 24, 2003, to the Committee on Commerce, Science, and Transportation.

EC–2088. A communication from the Senior Attorney, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Reporting of Information and Documents about potential Defects; Defect & Noncompliance Reports (2127–A192)” received on April 24, 2003, to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HATCH, from the Committee on the Judiciary, without amendment and with a preamble:

S. Res. 75. A resolution commemorating and acknowledging the dedication and sacrifice made by the men and women who have lost their lives while serving as law enforcement officers.

S. Comm. Res. 15. A concurrent resolution commemorating the 140th anniversary of the issuance of the Emancipation Proclamation.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. McCAIN for the Committee on Commerce, Science, and Transportation:

Coast Guard navigation of Lewis J. Buckley.

By Mr. HATCH for the Committee on the Judiciary:

J. Leon Holmes, of Arkansas, to be United States District Judge for the Eastern District of Arkansas.

Patricia and Minaldi, of Louisiana, to be United States District Judge for the Western District of Louisiana.

Adam Noel Torres, of California, to be United States Marshal for the Central District of California for the term of four years. (Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, in the first and second times by unanimous consent, and referred as indicated:

By Mr. REID (for himself, Mr. CHAFEE, Mr. CORZINE, Mr. SARBANES, and Mr. BREAUX): S. 965. A bill to require the Secretary of the Interior to implement the final rule to phase out snowmobile use in Yellowstone National Park, John D. Rockefeller Jr. Memorial Parkway, and Grand Teton National Park, and snowmobile use in Grand Teton National Park; to the Committee on Energy and Natural Resources.

By Mr. KENNEDY (for himself, Mr. SPECTER, Mr. DASCHLE, Mr. SMITH, Mr. LEAHY, Mr. COLLINS, Mr. LIEBERMAN, Mr. WARNER, Mr. WYDEN, Mr. JEFFORDS, Mr. SCHUMER, Mr. CHAFEE, Mr. AKAKA, Mr. ENSKIN, Mr. BAYH, Mr. BIDEN, Mr. BINGAMAN, Mrs. BOXER, Mr. BRAUN, Ms. CANTWELL, Mr. CARPER, Mrs. CLINTON, Mr. CORZINE, Mr. DAYTON, Mr. DODD, Mr. DORGAN, Mr. DURBIN, Mr. EDWARDS, Mr. FEINSTEIN, Mr. GRAHAM of Florida, Mr. HARKIN, Mr. INSUVEY, Mr. JOHNSON, Mr. KERRY, Ms. LANDRIEU, Mr. LEVIN, Mr. LINCOLN, Ms. MUKULSKY, Mr. MILLER, Ms. MURRAY, Mr. NELSON of Nebraska, Mr. NELSON of Florida, Mr. REED, Mr. REID, Mr. ROCKEFELLER, Mr. SARBANES, Ms. STABENOW, Mr. LUTENBERG, and Mr. PAYOR): S. 966. A bill to provide Federal assistance to States and local jurisdictions to prosecute hate crimes; to the Committee on the Judiciary.

By Mr. SCHUMER: S. 967. A bill to require the Secretary of Veterans Affairs to direct the Department of Veterans Affairs to phase out snowmobile use in Yellowstone National Park, John D. Rockefeller Jr. Memorial Parkway, and Grand Teton National Park, and snowmobile use in Grand Teton National Park; to the Committee on Energy and Natural Resources.

By Mr. SESSIONS: S. 968. A bill to amend the Internal Revenue Code of 1986 to provide capital gain treatment under section 631(b) of such Code for outright sales of timber by landowners; to the Committee on Finance.

By Mr. LAUTENBERG (for himself, Mr. KENNEDY, Mr. CORZINE, and Mr. REED): S. 969. A bill to enhance the security and safety of the Nation by increasing the time allowed between treatment periods to elevated alert, closing loopholes that have allowed terrorists to acquire firearms, maintaining records of certain handgun transfers during periods of heightened terrorist risk, and for other purposes; to the Committee on the Judiciary.

By Mr. HOLLINGS: S. 970. A bill to hold the Internal Revenue Code of 1986 to preserve jobs and production activities in the United States; to the Committee on Finance.

By Mr. MURPHY (for himself, Mr. SPECTER, Mr. KENNEDY, Mr. COCHRAN, Mr. BIDEN, Ms. LANDRIEU, Mr. KERRY, Mr. CORZINE, Mr. SCHUMER, Mrs. CLINTON, and Mr. DAYTON): S. 971. A bill to amend title XIX of the Social Security Act to provide individuals with disabilities and older Americans with equal access to community-based attendant services and supports, and for other purposes; to the Committee on Finance.

By Mr. COLEMAN: S. 972. A bill to clarify the authority of States to establish conditions for insurers to conduct the business of insurance within a State based on the provision of information regarding Holocaust era insurance policies of the insurer, to establish a Federal cause of action for claims for payment of such insurance policies, and for other purposes; to the Committee on the Judiciary.

By Mr. NICKLES (for himself and Mr. BREAUX): S. 973. A bill to amend the Internal Revenue Code of 1986 to provide a shorter recovery period for the depreciation of certain restaurant buildings; to the Committee on Finance.

By Mr. SPECTER (for himself and Mr. SANTORUM): S. 974. A bill to amend the Fair Labor Standards Act of 1938 to permit certain youth to perform certain work with wood poisoning; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SPEIGHT (for himself and Mr. SANTORUM): S. 975. A bill to revise eligibility requirements applicable to essential air service subsidies; to the Committee on Commerce, Science, and Transportation.

By Mr. WARNER (for himself and Mr. ALLEN): S. 976. A bill to provide for the issuance of a coin to commemorate the 400th anniversary of the Jamestown settlement; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. FITZGERALD (for himself, Mr. KENNEDY, and Ms. SNOWE): S. 977. A bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to require that group and individual health insurance coverage and group health plans with provisions that fail to provide any treatment of a minor child’s congenital or developmental deformity or disorder due to trauma, infection, tumor, or disease; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SCHUMER: S. 978. A bill to amend title 38, United States Code, to provide housing loan benefits for the purchase of residential cooperative apartment units; to the Committee on Veterans’ Affairs.

By Mr. ENSKIN (for himself, Mrs. BOXER, Ms. CANTWELL, Mr. CRAPO, Mr. CRAIG, Mr. ALLEN, Mrs. MURRAY, Mrs. FEINSTEIN, Mr. REID, Mr. ALLARD, Mr. BURNS, Mr. WARNER, Mr. BENNETT, Mr. SMITH, Ms. STABENOW, and Mr. COLEMAN): S. 979. A bill to direct the Securities and Exchange Commission to require enhanced disclosures of employee stock options, to require a study on the economic impact of broad-based employee stock option plans, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. GRAHAM of South Carolina (for himself and Mr. MILLER): S. 980. A bill to conduct a study on the effectiveness of ballistic imaging technology and evaluate its effectiveness as a law enforcement tool; to the Committee on the Judiciary.
ADDITIONAL COSPONSORS

S. 13
At the request of Mr. KYL, the names of the Senator from Illinois (Mr. FITZGERALD) and the Senator from Alabama (Mr. SESSIONS) were added as cosponspors of S. 13, a bill to provide financial security to family farm and small business owners while ending the unfair practice of taxing someone at death.

S. 50
At the request of Mr. JOHNSON, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 50, a bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to enter into guaranteed adequate level of funding for veterans health care, and for other purposes.

S. 55
At the request of Mr. JOHNSON, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 55, a bill to amend title 38, United States Code, to modify the annual determination of the rate of the basic benefit of active duty educational assistance under the Montgomery GI Bill, and for other purposes.

S. 146
At the request of Mr. BURNING, his name was added as a cosponsor of S. 146, a bill to amend titles 10 and 18, United States Code, to protect unborn victims of violence.

S. 271
At the request of Mr. SMITH, the name of the Senator from Kentucky (Mr. BURNING) 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. 300
At the request of Mr. KERRY, the names of the Senator from Montana (Mr. BURNS), the Senator from Ohio (Mr. DEWINE), the Senator from Texas (Mrs. HUTCHISON) and the Senator from North Carolina (Mr. EDWARDS) were added as cosponsors of S. 300, a bill to award a congressional gold medal to Jackie Robinson (posthumously), in recognition of his many contributions to the Nation, and to express the sense of Congress that there should be a national day in recognition of Jackie Robinson.

S. 309
At the request of Mr. MCCAIN, the name of the Senator from Missouri (Mr. TALENT) was added as a cosponsor of S. 309, supra.

S. 357
At the request of Mr. BUNNING, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 340, a bill to authorize the Secretary of Health and Human Services to make grants to nonprofit tax-exempt organizations for the purchase of ultrasonic equipment to provide free examinations to pregnant women needing such services, and for other purposes.

S. 379
At the request of Mr. BINGAMAN, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 379, a bill to amend title XVIII of the Social Security Act to improve the medicare incentive payment program.

S. 390
At the request of Mr. REID, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 390, 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 retirement and disability compensation for their disability.

S. 518
At the request of Ms. COLLINS, the name of the Senator from New Jersey (Mr. CRAIG) was added as a cosponsor of S. 518, a bill to increase the supply of pancreatic islet cells for research, to provide better coordination of Federal efforts and information on islet cell transplantation, and to collect the necessary to procure islet cell transplantation from an experimental procedure to a standard therapy.

S. 545
At the request of Mr. LOTT, his name was withdrawn as a cosponsor of S. 545, a bill to amend title 1 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. 567
At the request of Ms. SNOWE, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 567, a bill to amend the Federal Water Pollution Control Act to authorize appropriations for sewer overflow control grants.

S. 589
At the request of Mr. AKAKA, the name of the Senator from Hawaii (Mr. CHAMBLISS) 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 assist 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 strategy and performance management systems of Federal agencies.

S. 596
At the request of Mr. HATCH, the names of the Senator from Pennsylvania (Mr. SANTORUM), the Senator from Alabama (Mr. SESSIONS), the Senator from Idaho (Mr. CRAPO), the Senator from Washington (Ms. CANTWELL), the Senator from Ohio (Mr. VONNOVICH) and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of S. 596, 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. 632

At the request of Mr. Craig, the names of the Senator from Nevada (Mr. Ensign), the Senator from South Dakota (Mr. Johnson) and the Senator from Michigan (Ms. Stabenow) were added as cosponsors of S. 632, a bill to amend title XVIII of the Social Security Act to expand coverage of medical nutrition therapy services under the medicare program for beneficiaries with cardiovascular disease.

S. 647

At the request of Mr. Kennedy, the name of the Senator from West Virginia (Mr. Rockefeller) 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 Reservists called to active duty and their dependents, and for other purposes.

S. 652

At the request of Mr. Chafee, the names of the Senator from Michigan (Ms. Stabenow) and the Senator from Maryland (Ms. Mikulski) were added as cosponsors of S. 652, a bill to amend title XIX of the Social Security Act to establish requirements for naturalization and Nationality Act to change the median family income, and for other purposes.

S. 671

At the request of Mr. Burns, the names of the Senator from South Dakota (Mr. Johnson) and the Senator from New Hampshire (Mr. Gregg) were added as cosponsors of S. 671, a bill to amend title XIX of the Social Security Act to include primary and secondary preventative medical strategies for children and adults with Sickle Cell Disease as medical assistance under the medicaid program, and for other purposes.

S. 677

At the request of Mr. Bingaman, the name of the Senator from North Carolina (Mrs. Dole) was added as a cosponsor of S. 677, a bill to regulate interstate commerce by imposing limitations and penalties on the transmission of unsolicited commercial electronic mail via the Internet.

S. 681

At the request of Mr. Bingaman, the name of the Senator from North Carolina (Mrs. Dole) was added as a cosponsor of S. 681, a bill to amend title XVIII of the Social Security Act to establish a minimum geographic cost-of-practice index value for physicians' services furnished under the medicare program.

S. 697

At the request of Mr. Cornyn, the name of the Senator from Colorado (Mr. Allard) was added as a cosponsor of S. 697, a bill to amend the Immigration and Nationality Act to change the requirements for naturalization through service in the Armed Forces of the United States, and for other purposes.

S. 708

At the request of Mr. Reid, the name of the Senator from Nevada (Mr. Corzine) was added as a cosponsor of S. 708, a bill to change the requirements for naturalization through service in the Armed Forces of the United States, to extend naturalization benefits to members of the Selected Reserve of the Ready Reserve of a reserve component of the Armed Forces, to extend posthumous benefits to surviving spouses, children, and parents, and for other purposes.

S. 714

At the request of Mr. Campbell, the name of the Senator from Wyoming (Mr. Thomas) was added as a cosponsor of S. 714, a bill to extend the authorization of the Bulletproof Vest Partnership Grant Program.

S. 717

At the request of Ms. Snowe, the name of the Senator from Maine (Ms. Collins) was added as a cosponsor of S. 717, a bill to amend the Internal Revenue Code of 1986 to allow the use of completed contract method of accounting in the case of certain long-term naval vessel construction contracts.

S. 739

At the request of Mr. Nelson of Florida, the name of the Senator from Nebraska (Mr. Nelson) was added as a cosponsor of S. 739, a bill to change the requirements for naturalization through service in the Armed Forces of the United States.

S. 741

At the request of Mr. Talent, the names of the Senator from Colorado (Mr. Campbell) and the Senator from North Carolina (Mrs. Dole) were added as cosponsors of S. 741, a bill to amend title XIX of the Social Security Act to include primary and secondary preventative medical strategies for children and adults with Sickle Cell Disease as medical assistance under the medicaid program, and for other purposes.

S. 774

At the request of Mr. Burns, the names of the Senator from South Dakota (Mr. Johnson) and the Senator from New Hampshire (Mr. Gregg) were added as cosponsors of S. 774, a bill to amend title XIX of the Social Security Act to include primary and secondary preventative medical strategies for children and adults with Sickle Cell Disease as medical assistance under the medicaid program, and for other purposes.

S. Con. Res. 33

At the request of Mr. Craig, the name of the Senator from Michigan (Mr. Levin) was added as a cosponsor of S. Con. Res. 33, a concurrent resolution expressing the sense of the Congress regarding scleroderma.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. Kennedy (for himself, Mr. Specter, Mr. Daschle, Mr. Smith, Mr. Leahy, Ms. Collins, Mr. Lieberman, Ms. Snowe, Mr. Wyden, Mr. Jeffords, Mr. Schumers, Mr. Chafee, Mr. Akaka, Mr. Ensign, Mr. Bayh, Mr. Biden, Mr. Bingaman, Mrs. Boxer, Mr. Breaux, Ms. Cantwell, Mr. Carper, Mrs. Clinton, Mr. Corzine, Mr. Dayton, Mr. Dodd, Mr. Dorgan, Mr. Durbin, Mr. Edwards, Mrs. Feinstein, Mr. Florsida, Mr. Harkin, Mr. Inouye, Mr. Johnson, Mr. Kerry, Ms. Landrieu, Mr. Levin, Mrs. Lincoln, Ms. Mikulski, Mr. Miller, Mrs. Murray, Mr. Nelson of Nebraska, Mr. Nelson of Florida, Mr. Reed, Mr. Reid, Mr. Rockefeller, Mr. Sarbanes, Ms. Stabenow, Mr. Lautenberg, and Mr. Pryor):

S. 966. A bill to provide Federal assistance to States and local jurisdictions to prosecute hate crimes; to the Committee on the Judiciary.

Mr. Kennedy. Mr. President, it’s a privilege to join my colleagues in introducing this legislation to combat hate crimes. Hate crimes are a violation of all our country stands for. They send the poisonous message that some Americans deserve to be victimized solely because of who they are. Like acts of terrorism, they have an impact far greater than the impact on the individual victims. They are crimes against entire communities, against the whole Nation, and against the fundamental ideals on which America was founded. As Attorney General Ashcroft has said, “Criminal acts of hate run counter to what is best in America—our belief in equality and freedom.”

Although there was a significant overall reduction in violent crimes during the 1990s, the number of hate crimes continued to grow. According to the Federal Bureau of Investigation, 9,730 hate crimes were reported in the United States in 2001. That is over 26 hate crimes a day, every day. More than 83,000 hate crimes have been reported since 1991.

The need for an effective national response is as compelling as it has ever been. Hate crimes against Arabs and Muslims rose dramatically in the weeks following the September 11 terrorist attacks. These hate crimes included murder, beatings, arson, attacks on mosques, shootings, and other assaults. These incidents were the second highest-reported type of hate crimes based on religion—second only to anti-Jewish hate crimes.
Los Angeles and Chicago reported a massive increase in the number of anti-Arab and anti-Muslim crimes after 9/11.

Hate crimes based on sexual orientation continue to be a serious danger, constituting 14 percent of all hate crimes committed.

Each person’s life is valuable, and even one life lost is too many. It is not the frequency of hate crimes alone that makes these acts of violence so serious. It is the terror and intimidation they inflict on the victims, their families, their communities, and, in some cases, the entire Nation.

Congress cannot sit silent while this hatred spreads. It is long past time for us to do more to end hate-motivated violence. The Local Law Enforcement Enhancement Act will strengthen the ability of Federal, State and local governments to investigate and prosecute these vicious and senseless crimes. Our legislation is supported by over 175 law enforcement, civil rights, civic, and religious organizations.

The current Federal law on hate crimes was passed soon after the assassination of Dr. Martin Luther King Jr. Today, however, it is a generation out of date. It has no significant deficiency. It does not cover hate crimes based on sexual orientation, gender, or disability. And even in cases of hate crimes based on race, religion, or ethnic background, it contains excessive restrictions requiring proof that the victims were attacked because they were engaged in certain “federally protected activities.”

Our bill is designed to close these substantial loopholes. It has six principal provisions: 1. It removes the “federally protected activity” barrier. 2. It adds sexual orientation, gender and disability to the existing categories of race, color, religion, and national origin. 3. It protects State interests with a strict certification procedure that requires the Federal Government to consult with local officials before bringing a Federal case. 4. It offers federal assistance to State and local law enforcement officials to investigate and prosecute heated crimes in any of the federal categories. 5. It offers training grants for local law enforcement. 6. It amends the Federal Hate Crime Statistics Act to add gender to the existing categories of race, religion, ethnic background, sexual orientation, and disability.

The much needed changes in current law will help ensure that the Department of Justice has what it needs to combat the growing problem of hate-motivated violence more effectively.

Nothing in the bill prohibits or punishes speech, expression, or association in any way—even “hate speech.” It addresses only violent actions that result in death or injury. The Supreme Court has ruled repeatedly, and consistently as the year, in the cross-burning decision Virginia v. Black—that a hate crime statute that considers bias motivation directly connected to a defendant’s criminal conduct does not violate the First Amendment. No one has a First Amendment right to commit a crime.

A strong Federal role in prosecuting hate crimes is essential, because crimes have an impact far greater than that suffered by individual victims. Nevertheless, our bill fully respects the primary role of state and local law enforcement in responding to violent crime. The vast majority of hate crimes will continue to be prosecuted at the state and local level. The bill authorizes the Justice Department to assist State and local authorities in hate crimes cases, but it authorizes Federal prosecutions only when a state does not have jurisdiction, or when it asks the Federal Government to take jurisdiction, or when it fails to act against hate-motivated violence. In other words, the bill establishes an appropriate back-up for State and local law enforcement, to deal with hate crimes in cases where state request assistance, or cases that could not otherwise be effectively investigated and prosecuted.

Working cooperatively, State, local and Federal law enforcement officials have the best chance to bring the perpetrators of hate crimes to justice. Federal resources and expertise in the identification and proof of hate crimes can provide invaluable assistance to state and local authorities without undermining the traditional role of states in prosecuting cases. Attorney General Ashcroft has said of current law, “Cooperation between federal agents and local law enforcement officers and between Justice Department prosecutors and local prosecutors has been outstanding.” And it will continue to be so, and be even more effective, when this legislation is enacted into law.

Now is the time for Congress to speak with one voice and insist that all perpetrators of hate crimes to justice. Federal resources and expertise in the identification and proof of hate crimes can provide invaluable assistance to state and local authorities without undermining the traditional role of states in prosecuting cases. Attorney General Ashcroft has said of current law, “Cooperation between federal agents and local law enforcement officers and between Justice Department prosecutors and local prosecutors has been outstanding.” And it will continue to be so, and be even more effective, when this legislation is enacted into law.

SEC. 1. SHORT TITLE.
 This Act may be cited as the “Local Law Enforcement Enhancement Act of 2003.”

SEC. 2. FINDINGS.
 Congress makes the following findings:
 (1) The incidence of violence motivated by the actual or perceived race, color, religion, national origin, gender, sexual orientation, or disability of the victim poses a serious national problem.

SEC. 3. DEFINITION OF HATE CRIME.
 In this Act, the term “hate crime” has the same meaning as in section 28003(a) of the Violent Crime Control and Law Enforcement Act of 1994 (28 U.S.C. 994 note).

SEC. 4. SUPPORT FOR FEDERAL INVESTIGATIONS AND PROSECUTIONS BY STATE AND LOCAL LAW ENFORCEMENT.
 (a) Assistance Other Than Financial Assistance.
(1) IN GENERAL.—At the request of a law enforcement official of a State or Indian tribe, the Attorney General may provide technical, forensic, prosecutorial, or any other form of assistance to the criminal investigation or prosecution of any crime that—
(A) constitutes a crime of violence (as defined in section 16 of title 18, United States Code); or
(B) constitutes a felony under the laws of the State or Indian tribe; and
(C) is motivated by prejudice based on the race, color, religion, national origin, gender, sexual orientation, or disability of the victim, or is a violation of the hate crime laws of the State or Indian tribe.

(2) PRIORITY.—In providing assistance under paragraph (1), the Attorney General shall give priority to crimes committed by offenders who have committed crimes in more than 1 State and to rural jurisdictions that have difficulty covering the extraordinary expenses relating to the investigation or prosecution of the crime.

(b) GRANTS.—

(1) IN GENERAL.—The Attorney General may award grants to assist State, local, and Indian tribe law enforcement officials with extraordinary expenses associated with the investigation and prosecution of hate crimes.

(2) GRANTS PROGRAM.—In implementing the grant program, the Office of Justice Programs shall work closely with the funded jurisdictions to ensure that the concerns and needs of all affected parties, including community groups and schools, colleges, and universities, are addressed through the local infrastructure developed under the grants.

(3) APPLICATION.—

(A) IN GENERAL.—Each State that desires a grant under this subsection shall submit an application to the Attorney General at such time, in such manner, and accompanied by or containing such information as the Attorney General shall reasonably require.

(B) DATE FOR SUBMISSION.—Applications submitted pursuant to subparagraph (A) shall be submitted during the 60-day period beginning on a date that the Attorney General shall prescribe.

(C) REQUIREMENTS.—A State or political subdivision of a State or tribal official applying for assistance under this subsection shall—
(i) describe the extraordinary purposes for which the grant is needed;
(ii) describe whether the State, political subdivision, or tribal official has consulted and coordinated with nonprofit, nongovernmental victim services programs that have experience in providing services to victims of hate crimes; and
(iii) certify that any Federal funds received under this subsection will be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities funded under this subsection.

(4) DEADLINE.—An application for a grant under this subsection shall be approved or disapproved by the Attorney General not later than 30 business days after the date on which the Attorney General receives the application.

(5) GRANT AMOUNT.—A grant under this subsection shall not exceed $100,000 for any single application in a 1-year period.

(6) REPORT.—Not later than December 31, 2004, the Attorney General shall submit to Congress a report describing the applications submitted under this subsection, the award of such grants, and the purposes for which the grant amounts were expended.

(7) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2004 and 2005.

SEC. 7. PROHIBITION OF CERTAIN HATE CRIME ACTS.

(a) IN GENERAL.—Chapter 13 of title 18, United States Code, is amended by adding at the end the following:

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(d) OFFENSES INVOLVING ACTUAL OR PERCEIVED RACE, COLOR, RELIGION, NATIONAL ORIGIN.—Whoever, whether or not acting under color of law, willfully causes bodily injury to any person, because of the actual or perceived race, color, religion, national origin, gender, sexual orientation, or disability of any person—
(i) shall be imprisoned not more than 10 years, fined in accordance with this title, or both; and
(ii) shall be imprisoned for any term of years or for life, fined in accordance with this title, or both.

(e) DEATH.—(1) OFFENSES INVOLVING ACTUAL OR PERCEIVED RACE, COLOR, RELIGION, NATIONAL ORIGIN, GENDER, SEXUAL ORIENTATION, OR DISABILITY.—

(2) IN GENERAL.—Whoever, whether or not acting under color of law, in any circumstance described in subparagraph (B), willfully causes bodily injury to any person, because of the actual or perceived race, color, religion, national origin, gender, sexual orientation, or disability of any person—
(i) shall be imprisoned for any term of years or for life, fined in accordance with this title, or both; and
(ii) shall be imprisoned for any term of years or for life, fined in accordance with this title, or both.

(f) PROHIBITION.—Whoever, whether or not acting under color of law, in any circumstance described in subparagraph (B), willfully causes bodily injury to any person, because of the actual or perceived race, color, religion, national origin, gender, sexual orientation, or disability of any person—
(i) shall be imprisoned not more than 10 years, fined in accordance with this title, or both; and
(ii) shall be imprisoned for any term of years or for life, fined in accordance with this title, or both.

(g) MURDER.—Whoever, whether or not acting under color of law, in any circumstance described in subparagraph (B), willfully causes the death of any person, because of the actual or perceived race, color, religion, national origin, gender, sexual orientation, or disability of any person—
(i) shall be imprisoned for any term of years or for life, fined in accordance with this title, or both; and
(ii) shall be fined in accordance with this title.

SEC. 8. DUTIES OF FEDERAL SENTENCING COMMISSION.

(a) AMENDMENT OF FEDERAL SENTENCING GUIDELINES.—Pursuant to the authority provided under section 994 of title 28, United States Code, the United States Sentencing Commission shall study the issue of adult recruitment of juveniles to commit hate crimes and shall, if appropriate, amend the Federal sentencing guidelines to provide sentencing enhancements (in addition to the sentencing enhancement provided for the use of a minor during the commission of an offense) for adult defendants who recruit juveniles to assist in the commission of hate crimes.

(b) CONSISTENCY WITH OTHER GUIDELINES.—In carrying out this section, the United States Sentencing Commission shall—

(1) ensure that there is reasonable consistency with other Federal sentencing guidelines; and

(2) avoid duplicative punishments for substantially the same offense.
risk of any physical loss of timber to ensure to risk of loss. This in turn will
prevent good forestry business man-
agement. And while there are instances to acquire firearms, maintaining
security and safety of the Nation by increasing
the police and military. The IRS has no business stepping in and dictating the kind of sales contract a landowner must choose. My legisla-
tion will provide greater consistency by removing the exclusive "retained economic interest" requirement in the IRC Section 631(b). Reform of 631(b) is important to our Nation’s non-indus-
trial, private landowners because it will improve the economic viability of their forestry investments and protect the taxpayer from unnecessary expo-
sure to risk of loss. This in turn will benefit the entire forest products in-
dustry, the U.S. economy and es-
specially small landowners.

By Mr. LAUTENBERG (for him-
self, Mr. KENNEDY, Mr. CORZINE, and Mr. REED):

S. 998. A bill to enhance the security and safety of the Nation by increasing the time allowed to track terrorists during periods of elevated alert, clos-
ing loopholes that have allowed terror-
ists to acquire firearms, maintaining records of certain handgun transfers during periods of heightened terrorist risk, and report the same to the Committee on the Judiciary.

Mr. LAUTENBERG. Mr. President, I rise to introduce a critical piece of leg-
islation, the Homeland Security Gun Safety Act.

In the aftermath of the tragic events of 9-11, the Federal Government has re-
examined the Nation’s vulnerabilities to acts and threats of terrorism.

In response, the United States Congress gave the Department of Just-
ice expanded powers to detain sus-
pected terrorists, conduct surveillance and obtain confidential information on American citizens. In addition, we have created the new Department of Home-
land Security—the largest reorganiza-
tion of the Federal Government since the 1940s.

In short, the events of 9-11 required us to reevaluate our security concerns and the security of the Nation.

Echoing this need, President Bush said before the United Nations on No-
vember 10, 2001, that "we have the re-
sponsibility to deny weapons to terror-
ists and to actively prevent private citizens from providing them."

I wholeheartedly agree with this statement. And I believe the American people want the U.S. Senate to follow through with concrete legisla-
tive action.

However, we have failed to address a significant remaining threat: the ac-
cessibility to firearms and explosives within our own borders.

How can we truly protect this Na-
ton, if we do not enact legislation which prevents terrorists and potential terrorists from acquiring guns in the United States?

Terrorists have identified the lax gun laws of the United States as a means to advance their evil goal to terrorize and harm the American people.

In December 2001, during the war on terror, we attacked a terrorist training facility south of Kabul. Found among the rubble at that facility was a man-
ual called: "How I Can Train Myself for Jihad."

This manual, contains an entire sec-
tion on "Firearms Training" and sing-
gles out the United States for its easy availability of firearms. It stipulates that terrorists living in the U.S. should "obtain an assault weapon legally, preferably AK-47 or variations." It also advises would-be terrorists on how they should conduct themselves in order to avoid arousing suspicion as they amass and transport firearms.

There are other examples where ter-
rorists have sought to take advantage of this nation’s lax gun laws.

On the eve of the September 11 ter-
rorist attack, on September 10, 2001, a Federal jury convicted Ali Bouljemh, a known member of the terrorist group Hezbollah on seven counts of weapons charges and conspiracy to ship weapons and ammunition to Lebanon.

And we have seen how firearms can be used to terrorize an entire com-
We are all familiar with the case of John Muhammad and John Malvo, who terrorized the Washington, DC area for months. In the aftermath, they em-
arked on a shooting spree with a snip-
er rifle, shooting 13 innocent people be-
fore being caught.
Homeland Security Secretary Tom Ridge agrees that there is a dangerous link between guns and terror. During his confirmation hearing before Governmental Affairs Committee on January 17, 2003, in response to a question I asked him about guns and terror, Secretary Ridge said:

[When anyone uses a firearm, whether it's the kind of terrorism that we are trying to combat with al Qaeda and these non-state terrorism networks, 24 hours and 7 days of availability of firearms is a danger and needs to be dealt with.]

Well, the Homeland Security Gun Safety Act deals with it. The Act deals with this threat that leaves America especially vulnerable to future terrorist attacks.

The Homeland Security Gun Safety Act would enact specific measures that would help prevent terrorists from acquiring firearms within our own borders.

Under current law, there are cases when law enforcement is blocked from conducting an adequate investigation when a terrorist or criminal tries to buy a gun.

Current law says if law enforcement takes over three days to conduct a background check on someone who wants a weapon—just hand over the gun.

That is ludicrous—especially when we are in an elevated state of terrorist threat.

When we are at Code Yellow, the Department of Homeland Security has determined that we are at a significant risk of terrorist attack.

The bill I am introducing today would suspend these loopholes in our gun safety laws when we are at Code Yellow or above in the interest of homeland security.

The three-day limit on law enforcement to perform a background check is nothing more than a loophole in our laws put there by the gun lobby.

And it’s a dangerous loophole—a recent study showed that, from December 1996 to June 2001, nearly 10,000 people who should not have been permitted to buy guns, did receive guns because the three-day period passed before law enforcement could finish a background check.

Our bill will also require that the Federal Bureau of Investigation retain records of weapons transactions while we are in an elevated state of alert. There is no reason we should handicap law enforcement during such a dangerous time.

This bill will also close a number of loopholes that have allowed rogue gun dealers to skirt the law. These are the same few gun dealers that are now the subject of lawsuits across the country.

These dangerous loopholes that the gun lobby built into our gun laws now pose a major threat to homeland security.

This bill will help shut down those loopholes. The bill would require gun dealers to: immediately report “missing” guns or face suspension of their license; and put appropriate security measures in place to prevent theft of their weapons; and check with the FBI’s Stolen Gun Registry to make sure that secondhand weapons they purchase are not stolen.

This bill will also step up enforcement of gun dealers: law enforcement would not be restricted in its ability to inspect dealers; currently, law enforcement is only allowed one unannounced inspection per year.

The bill will also increase the penalties for violations of gun dealer laws to a felony. Right now, the maximum penalty is only a misdemeanor. It has no teeth.

I know the NRA will cry wolf to gun owners about this bill. But this bill will not affect the vast majority of honest, law abiding Americans who want to purchase guns. This bill focuses on preventing weapons from getting into the hands of terrorists and criminals.

Over 75 percent of background checks are performed in mere minutes. However, there are those purchasers who raise red flags that require further investigation.

These are red flags we can no longer afford to ignore.

When we are at Code Yellow, everyday Americans are prevented from talking to a tour of the White House—but a terrorist can buy weapons.

It makes no sense.

This bill offers Congress a clear choice: protect our homeland or protect the gun lobby.

I ask unanimous consent that a summary of my bill, the Homeland Security Gun Safety Act, be printed in the RECORD.

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

THE HOMELAND SECURITY GUN SAFETY ACT OF 2003

In the aftermath of the tragic events of September 11, 2001, the Federal Government has reassessed the vulnerabilities to acts and threats of terrorism. However, actions taken thus far have failed to address a major remaining threat: accessibility to firearms and explosives within our own borders.

The Homeland Security Gun Safety Act of 2003 addresses this threat that leaves America especially vulnerable to future terrorist attacks.

The Act would enact specific measures that would help prevent terrorists from acquiring firearms in the United States. Specifically, the Act: 1. enacts increased homeland security measures regarding firearm sales when the terrorist risk level of the Homeland Security Advisory System is raised to “Elevated”; 2. closes loopholes that have allowed rogue gun dealers to abuse existing law and supply weapons to terrorists and criminals; and 3. strengthens the enforcement of laws federally licensed gun dealers are required to follow.

We have the ability to deny weapons to terrorists and to actively prevent private citizens from providing them.”—President George W. Bush, Address to the United Nations

The Problem: Terrorism and Guns

There are a number of cases in which terrorists, both domestic and international, have been acquiring firearms in our country and are using them here and abroad for despicable acts of violence. Firearms are being acquired by prohibited persons due to the weakness and lack of enforceability of existing gun laws.

Examples of the link between terrorism and firearms in the U.S. include:

- December, 2001, a book titled “How I Can Train Myself for Jihad” was found among the rubble at a training facility for a terrorist organization in Afghanistan. This manual contains an entire section on “Firearms Training” and singles out the United States for its easy availability of firearms. It stipulates that terrorists living in the U.S. “obtain an assault weapon legally, preferably AK-47 or variations.” It also advises be-terrorism: “how to handle oneself in order to avoid arousing suspicion as they amass and transport firearms.

In November 2000, Ali Bourouneh, was arrested for shipping guns and ammunition to Hezbollah militants in Lebanon by hiding the arms in cargo crates. Bourouneh, who was a resident of Detroit and Beirut, was observed by authorities traveling to Lebanon to buy gun parts and ammunition for shipment overseas. He was arrested just before he was scheduled to travel to Lebanon.

September 2000, a man admitted member of the IRA, bought dozens of handguns, rifles and rounds of high-powered ammunition through illegal multiple sales gun shows. Police in Northern Ireland intercepted 23 of the packages which contained 122 guns and other weapons originating from the United States. Specifically, the Act: 1. enacts increased homeland security measures regarding firearm sales when the terrorist risk level of the Homeland Security Advisory System is raised to “Elevated”; 2. closes loopholes that have allowed rogue gun dealers to abuse existing law and supply weapons to terrorists and criminals; and 3. strengthens the enforcement of laws federally licensed gun dealers are required to follow.
could not have legally purchased it because he is under a domestic violence restraining order and Malvo at age 17 is disqualified as a minor and an illegal immigrant. Two employees, Civilian Border Patrollers, noticed that the .223 caliber Bushmaster was "missing" from a display case but the store's owner did not report the loss as required by Federal law. Subsequent to a brief search of the shop revealed that over 200 guns went "missing" in the last seven years. Bull's Eye Shooter Supply remains in operation today.

In February 1997, Ali Abu Kamal opened fire on a crowd of tourists at the Empire State Building, killing one person and wounding three. The same day, before arriving in New York from Cairo on a tourist visa. After a short stay in New York, he traveled to Melbourne, FL where he checked into a motel. He showed the motel receipt as proof of residency to obtain a Florida ID card which he used to buy a 14-shot, semi-automatic Beretta hand gun. Total time from arrival in New York to making the purchase was 47 days. The same gun store in Melbourne sold a Ruger Mini 14 rifle to mass-murderer William Cruse a month before he went on a shooting rampage in the Bay, FL. Cruse killed six people and wounded two dozen others.

"[W]hen anyone uses a firearm, whether it's the same kind of weapon that anybody is trying to combat with al Qaeda and these non-state terrorists, or as a former district attorney involved in the conviction of an individual who used firearms against innocent citizens—regardless of how we define terrorism, that individual and that family felt that they were victims of a terrorist act. Bran-dishing weapons in front of somebody anytime any set of circumstances is a terrorist act and we needs to be dealt with."—Tom Ridge, January 17, 2003, at his confirmation hearing for Homeland Security Secretary before the Senate Government Affairs Committee.

CONFRONTING THE THREAT: THE HOME LAND SECURITY GUN SAFETY ACT OF 2003

The Homeland Security Gun Safety Act of 2003 integrates gun safety into our national homeland security strategy. The bill will suspend the current restrictions on law enforcement's investigative powers during periods of "Elevated" terror threats.

Current law is severely limited in its ability to conduct background checks on suspicious gun purchasers. While over 1,000 of the background checks are completed within seconds, and approximately 95 percent are completed within 2 hours, red flags raised on some people's records can take months to investigate. Under current law, law enforcement only has 3 days to conduct a background check. Given the complexity of tracing court records, the 3-day period does not give law enforcement enough time to complete a check in some important cases. However, under current law, after the 3-day period has expired, the firearm purchase is transferred to the person who paid for it, even if the person is a convicted felon or part of a terrorist organization.

Under the Homeland Security Gun Safety Act, when the Department of Homeland Security determines that the nation is in an "Elevated" (yellow) risk of attack, or at the 3-day period would be suspended and law enforcement would have as much time as needed to complete a background check on an individual seeking a weapon or explosive. Upon reverting to a "Low," green, risk for a period of 180 consecutive days, the 3-day period would resume.

The Homeland Security Gun Safety Act would suspend this record destruction rule, and require that all records of firearms transfers subject to background checks and records of the National Instant Criminal Background Check system be maintained indefinitely when the Department of Homeland Security determines that the nation is at an "elevated," yellow, risk of terrorist attack or an "alert," red, risk for a period of 180 consecutive days, the standard destruction of records rule resumes. This information will be critical to investigation of terrorist threats and criminals within our borders while we are in a heightened state of alert.

Federal Firearms Dealer Responsibilities

The Homeland Security Gun Safety Act requires more and better gun dealers to abide by security standards. If a FFL has reasonable cause to believe that a purchaser is not buying a firearm for his or her own use, but intends to transfer it to another individual who would not qualify for a legal gun purchase, he or she will be prohibited from making the transfer. This is commonly known as "a straw purchase" and is a major problem in firearm trafficking in the United States. FFLs arerequired to abide by security standards for the display and storage of firearms. According to the ATF, in 1998 and 1999, FFLs failed to complete background checks on 1.2 percent of firearms transactions. Under current law, law enforcement only has 3 days to conduct a background check. Given the complexity of tracing court records, the 3-day period does not give law enforcement enough time to complete a check in some important cases. However, under current law, after the 3-day period has expired, the firearm purchase is transferred to the person who paid for it, even if the person is a convicted felon or part of a terrorist organization.

Under the Homeland Security Gun Safety Act, when the Department of Homeland Security determines that the nation is in an "Elevated" (yellow) risk of attack, or at above. The Act would authorize suspensions and fines of FFLs who fail to abide by security standards for the display and storage of firearms. The Act would authorize suspensions and fines of FFLs who fail to abide by security standards for the display and storage of firearms.

Require FFLs to check all secondhand firearm purchases through the FBI's Stolen Gun Registry to confirm that the firearm was not stolen prior to the purchase. Require that FFLs notify NICS immediately upon receiving a request from a prospective buyer to transfer a firearm, and conduct all transfers within the 30 days it was not result in the transfer of a handgun. Increase the number of permissible inspections of gun dealers from one unannounced inspection per year, current law, to an unlimited amount of inspections for any violation. If a licensee has a poor compliance record, such as failing to conduct a background check on a "Low," green, risk for a period of 180 consecutive days, the standard destruction of records rule resumes. This information will be critical to investigation of terrorist threats and criminals within our borders while we are in a heightened state of alert.

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World War II era. Already, more than 2 million manufacturing jobs are gone. In South Carolina, we have seen a steady erosion of our manufacturing job base, and if we don’t come up with new concepts to create and maintain domestic manufacturing jobs, America will go out of business.

For all of 2002, industrial production fell 0.6 percent following a 3.5 percent decline in 2001. That represented the first back-to-back annual declines in industrial output since 1974-1975. Quite frankly, this is unacceptable.

We must act to save our manufacturing jobs. Earlier this Congress, I introduced S. 592, the “Save American Manufacturing Act of 2003,” that seeks to eliminate the tax incentives for offshore production. Today, I introduce complementary legislation to provide tax incentives to produce in the United States.

The legislation I’m introducing today would provide tax benefits to domestic producers. These tax incentives would become increasingly beneficial as the percentage of manufacturing done in the United States increases. Conversely, as the percentage of domestic production decreases, the incentives would decrease.

This mechanism will provide a strong incentive for manufacturers to maintain U.S. production and to return run-away production to the United States. Our communities, our industries and our workers are being harmed by the erosion of our manufacturing base. Today’s legislation is one additional way that we can provide assistance to these vital groups.

This legislation is the companion to H.R. 1769 introduced earlier this session in the House by Representatives Rangel and Crane. 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:

SEC. 2. REPEAL OF EXCLUSION FOR EXTRATERRITORIAL INCOME.

(a) In General.—Section 114 of the Internal Revenue Code of 1986 is hereby repealed.

(b) Conforming Amendments.—

(1) Subpart E of part III of subchapter N of chapter 1 of such Code (relating to qualifying foreign trade income) is hereby repealed.

(2) The table of subparts for such part III is amended by striking the item relating to subpart E.

(3) The table of sections for part III of subchapter B of chapter 1 of such Code is amended by striking the item relating to section 114E.

(c) Effective Date.—

(1) IN GENERAL.—The amendments made by this section shall apply to transactions occurring after the date of the enactment of this Act.

(2) Binding Contracts.—The amendments made by this section shall not apply to any transaction in the ordinary course of a trade or business which occurs pursuant to a binding contract—

(A) which is between the taxpayer and a person who is not a related person (as defined in section 4945(b)(3) of such Code, as in effect on the day before the date of the enactment of this Act), and

(B) which is in effect on April 11, 2003, and at all times thereafter.

For purposes of this paragraph, a binding contract shall include a purchase option, renewal option, or replacement option which is included in a binding contract.

(d) Revocation of Section 943(e) Election.—

(1) In General.—In the case of a corporation that elected to be treated as a domestic corporation under section 943(e) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of this Act),

(A) the corporation may revoke such election, effective as of the date of the enactment of this Act, and

(B) if the corporation does revoke such election—

(1) such corporation shall be treated as a domestic corporation (as of the date of the enactment of this Act) all of its property to a foreign corporation in connection with an exchange described in section 351 of the Internal Revenue Code of 1986; and

(ii) no gain or loss shall be recognized on such transfer.

(2) Exception.—Subparagraph (B)(ii) of paragraph (1) shall not apply to any asset held by the revoking corporation if—

(A) the basis of such asset is determined in whole or in part by reference to the basis of such asset in the hands of the person from whom the revoking corporation acquired such asset,

(B) the asset was acquired by transfer (not as a result of a transaction described in section 943(e) of such Code) occurring on or after the first day on which its election under section 943(g) of such Code was effective, and

(C) a principal purpose of the acquisition was the reduction or avoidance of tax.

(e) General Transition.—

(1) In General.—In the case of a taxable year ending before January 1, 2009, for purposes of chapter 1 of such Code, each current FSC/ETI beneficiary shall be allowed a deduction equal to the transition amount determined under this subsection with respect to such beneficiary for the calendar year as its taxable year.

(2) Current FSC/ETI Beneficiary.—The term “current FSC/ETI beneficiary” means any corporation which entered into one or more transactions during its taxable year beginning in calendar year 2001 with respect to which FSC/ETI benefits were allowable.

(f) Transition Amount.—For purposes of this subsection—

(A) IN GENERAL.—The transition amount applicable to any current FSC/ETI beneficiary for any taxable year is the phaseout percentage of the adjusted base period amount.

(B) Phaseout Percentage.—

(i) In General.—In the case of a taxpayer using the calendar year as its taxable year, the phaseout percentage shall be determined under the following table:

<table>
<thead>
<tr>
<th>Years</th>
<th>Phaseout percentage is:</th>
</tr>
</thead>
<tbody>
<tr>
<td>2000</td>
<td>100</td>
</tr>
<tr>
<td>2001</td>
<td>100</td>
</tr>
<tr>
<td>2002</td>
<td>100</td>
</tr>
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<td>2003</td>
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</tr>
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<td>2004</td>
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<td>75</td>
</tr>
<tr>
<td>2007</td>
<td>75</td>
</tr>
<tr>
<td>2008</td>
<td>50</td>
</tr>
<tr>
<td>2009 and therefor</td>
<td>0</td>
</tr>
</tbody>
</table>

(2) BASE PERIOD AMOUNT.—The base period amount is the aggregate FSC/ETI benefits for the taxpayer’s taxable year beginning in calendar year 2001.

(g) Special Rules for Fiscal Year Taxpayers, etc.—Rules similar to the rules of clauses (ii) and (iii) of paragraph (b) shall apply for purposes of this paragraph.

(h) FSC/ETI Benefit.—For purposes of this subsection, the term ‘FSC/ETI benefit’ means—

(A) amounts excludable from gross income under section 114 of such Code, and

(B) exempt foreign earnings of any of related foreign sales corporations from property acquired from the taxpayer (determined without regard to section 922(a)(5) of such Code (relating to special rule for military property), as in effect on the day before the date of the enactment of the FSC Repeal and Extraterritorial Income Inclusion Act of 2001).

In determining the FSC/ETI benefit there shall be excluded any amount attributable to a transaction with respect to which the taxpayer is the lessor of the leased property or the lessee of the leased property which was manufactured or produced in whole or in part by the taxpayer.

(i) Special Rule for Farm Cooperatives.—Under regulations prescribed by the Secretary, determinations under this subsection with respect to an organization described in section 941(g)(1) of such Code, as in effect on the day before the date of the enactment of this Act, shall be made at the cooperative level and the purposes of this subsection shall be carried out by excluding amounts from the gross income of such cooperatives.

(i) Certain Rules to Apply.—Rules similar to the rules of section 4(h) of such Code shall apply for purposes of this subsection.

(j) Coordination with Binding Contract Rule.—The deduction determined under paragraph (1) for any taxable year shall be reduced by the phaseout percentage of any FSC/ETI benefit realized for the taxable year by reason of subsection (c)(2). The preceding sentence shall not apply to any FSC/ETI benefit attributable to a transaction described in the last sentence of subsection (c)(5).

(k) Special Rule for Taxable Year which Includes Date of Enactment.—In the case of a taxable year which includes the date of the enactment of this Act, the amount allowed under this subsection to any current FSC/ETI beneficiary shall in no event exceed—

(1) Special Rule for 2003.—The phaseout percentage for 2003 shall be the amount that bears the same ratio to 100 percent as the number of days after the date of the enactment of this Act bears to 365.

(ii) Special Rule for Fiscal Year Taxpayers.—In the case of a taxpayer using the calendar year as its taxable year, the phaseout percentage is the weighted average of the phaseout percentages determined under the preceding provisions of this paragraph with respect to calendar years any portion of which is included in the taxpayer’s taxable year. The weighted average shall be determined by multiplying the respective portions of the taxable year in each calendar year.
A 100 percent of such beneficiary's adjusted base period amount for calendar year 2003, reduced by
(b) the aggregate FSC/ETI benefits of such beneficiary with respect to transactions occurring during the portion of the taxable year ending on the date of the enactment of this Act.

SEC. 3. DEDUCTION RELATING TO INCOME ATTRIBUTABLE TO UNITED STATES PRODUCTION ACTIVITIES.

(a) IN GENERAL.—Part VIII of subchapter B of chapter 1 of the Internal Revenue Code of 1986 (relating to special deductions for corporations) is amended by adding at the end the following new section:

''SEC. 250. INCOME ATTRIBUTABLE TO DOMESTIC PRODUCTION ACTIVITIES.

''(a) IN GENERAL.—In the case of a corporation, there shall be allowed as a deduction an amount equal to 10 percent of the qualified production activities income of the corporation for the taxable year.

''(b) PHASE-IN.—In the case of taxable years beginning in 2006, 2007, 2008 or 2009, subsection (a) shall be applied by substituting for the percentage contained therein the transition percentage determined under the following table:

<table>
<thead>
<tr>
<th>Year</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>2006</td>
<td>1</td>
</tr>
<tr>
<td>2007</td>
<td>2</td>
</tr>
<tr>
<td>2008</td>
<td>4</td>
</tr>
<tr>
<td>2009</td>
<td>9</td>
</tr>
</tbody>
</table>

''(c) QUALIFIED PRODUCTION ACTIVITIES INCOME.—For purposes of this section, the term 'qualified production activities income' means the product of—

''(1) the portion of the modified taxable income that is attributable to domestic production activities, and

''(2) the domestic/foreign fraction.

''(d) DETERMINATION OF INCOME ATTRIBUTABLE TO DOMESTIC PRODUCTION ACTIVITIES.—For purposes of this section—

''(1) IN GENERAL.—The portion of the modified taxable income which is attributable to domestic production activities is so much of the modified taxable income for the taxable year as does not exceed—

(A) the taxpayer's domestic production gross receipts for such taxable year, reduced by

(B) the sum of—

(i) the costs of goods sold that are allocable to such receipts,

(ii) other deductions, expenses, or losses directly allocable to such receipts, and

(iii) a ratable portion of other deductions, expenses, and losses that are not directly allocable to such receipts or another class of income.

''(2) ALLOCATION METHOD.—Except as provided in paragraphs (1) and (3), allocations under clauses (i) and (ii) of paragraph (1) shall be made under the principles used in determining the portion of taxable income from sources within and without the United States.

''(3) SPECIAL RULE.—

(A) For purposes of determining costs under clause (i) of paragraph (1)(B), any item or service brought into the United States without a transfer price meeting the requirements of section 482 shall be treated as acquired by purchase, and its cost shall be treated as not less than its value when it entered the United States. A similar rule shall apply in determining the adjusted basis of property or services owned where the lease or rental gives rise to domestic production gross receipts.

(B) In the case of any property described in subsection (A) that had been exported by the taxpayer for further manufacture, the increase in cost (or adjusted basis) under subparagraph (A) shall not exceed the difference between the value of the property when exported and the value of the property when brought back into the United States after the manufacturing or production activities.

''(4) MODIFIED TAXABLE INCOME.—The term 'modified taxable income' means taxable income computed without regard to the deduction allowable under—

''(e) DOMESTIC PRODUCTION GROSS RECEIPTS.—For purposes of this section—

''(1) IN GENERAL.—The term 'domestic production gross receipts' means the gross receipts of the taxpayer which are derived from—

(A) any sale, exchange, or other disposition of, or

(B) any lease, rental or license of, qualifying production property which was manufactured, produced, grown, or extracted in whole or in significant part by the taxpayer within the United States.

''(2) SPECIAL RULE.—The term 'domestic production gross receipts' includes gross receipts of the taxpayer from the sale, exchange, or other disposition of replacement parts if—

(A) such parts are sold by the taxpayer as replacement parts for qualified production property produced or manufactured in whole or significant part by the taxpayer in the United States, and

(B) the taxpayer (or a related party) owns the designs for such parts.

''(3) RELATED PARTY.—The term 'related party' means any corporation which is a member of the taxpayer's expanded affiliated group.

''(f) QUALIFYING PRODUCTION PROPERTY.—

''(1) IN GENERAL.—Purchased inputs are any of the following items acquired by purchase:

(i) Services (other than services of employment) used in manufacturing, production, growth, or extraction activities.

(ii) Items consumed in connection with such activities.

(iii) Items incorporated as part of the property being manufactured, produced, grown, or extracted.

(B) SPECIAL RULE.—Rules similar to the rules of subsection (d)(5) shall apply for purposes of this subsection.

''(4) VALUE OF WORLDWIDE PRODUCTION.—

''(A) IN GENERAL.—The value of worldwide production shall be determined under the principles of paragraph (2), except that—

(i) worldwide production gross receipts shall be taken into account, and

(ii) paragraph (1) shall not apply.

''(B) WORLDWIDE PRODUCTION GROSS RECEIPTS.—The worldwide production gross receipts is the amount that would be determined under subsection (e)(3) if such subsection were applied without any reference to the United States.

''(5) SPECIAL RULE FOR AFFILIATED GROUPS.—

''(A) IN GENERAL.—In the case of a taxpayer that is a member of an expanded affiliated group, the domestic/foreign fraction shall be the amount determined without regard to the preceding provisions of this subsection by treating all members of such group as a single corporation.

''(B) EXPANDED AFFILIATED GROUP.—The term 'expanded affiliated group' means an affiliated group as defined in section 1504(a), determined—

(i) by substituting '50 percent' for '80 percent' each place it appears, and

(ii) without regard to paragraphs (2), (3), and (4) of section 1504(b).

''(6) DEFINITIONS AND SPECIAL RULES.—

''(A) DOMESTIC PRODUCTION GROSS RECEIPTS.—For purposes of this section, the term 'United States' includes the Commonwealth of Puerto Rico and any other possession of the United States.

''(B) SPECIAL RULE FOR PARTNERSHIPS.—For purposes of this section, a corporation's distributive share of any partnership item shall be taken into account as if directly realized by the corporation.

''(C) COORDINATION WITH MINIMUM TAX.—The deduction under this section shall be allowed for purposes of the tax imposed by section 55, except that for purposes of section 55 for alternative minimum taxable income shall be taken into account in determining the deduction under this section.

''(D) ORDERING RULE.—The amount of any other deduction allowable under this chapter shall be determined as if this section had not been enacted.

''(E) COORDINATION WITH TRANSITION RULES.—For purposes of this section—

(A) domestic production gross receipts shall not include gross receipts from any transaction if the binding contract transition relief of section 2(c)(2) of the Job Protection Act of 2003 applies to such transaction, and

(B) any deduction allowed under section 2(e) of such Act shall be disregarded in determining the portion of the taxable income which is attributable to domestic production gross receipts.

''(F) THE VALUE OF WORLDWIDE PRODUCTION.—

''(1) IN GENERAL.—The term 'value of worldwide production' means the sum of—

(A) worldwide production gross receipts, and

(B) the aggregate FSC/ETI benefits of such production.

''(2) DETERMINATION OF INCOME ATTRIBUTABLE TO DOMESTIC PRODUCTION ACTIVITIES.—For purposes of determining the value of worldwide production referred to in paragraph (1), the term 'qualified production property' means—

''(A) any tangible personal property,

''(B) any computer software, and

''(C) any films, tapes, records, or similar reproductions.

''(3) PURCHASED INPUTS.—

''(1) IN GENERAL.—Purchased inputs are any of the following items acquired by purchase:

(i) Services (other than services of employment) used in manufacturing, production, growth, or extraction activities.

(ii) Items consumed in connection with such activities.

(iii) Items incorporated as part of the property being manufactured, produced, grown, or extracted.

''(B) SPECIAL RULE.—Rules similar to the rules of subsection (d)(5) shall apply for purposes of this subsection.

''(4) VALUE OF WORLDWIDE PRODUCTION.—

''(A) IN GENERAL.—The value of worldwide production shall be determined under the principles of paragraph (2), except that—

(i) worldwide production gross receipts shall be taken into account, and

(ii) paragraph (1) shall not apply.

''(B) WORLDWIDE PRODUCTION GROSS RECEIPTS.—The worldwide production gross receipts is the amount that would be determined under subsection (e)(3) if such subsection were applied without any reference to the United States.

''(5) SPECIAL RULE FOR AFFILIATED GROUPS.—

''(A) IN GENERAL.—In the case of a taxpayer that is a member of an expanded affiliated group, the domestic/foreign fraction shall be the amount determined without regard to the preceding provisions of this subsection by treating all members of such group as a single corporation.

''(B) EXPANDED AFFILIATED GROUP.—The term 'expanded affiliated group' means an affiliated group as defined in section 1504(a), determined—

(i) by substituting '50 percent' for '80 percent' each place it appears, and

(ii) without regard to paragraphs (2), (3), and (4) of section 1504(b).

''(6) DEFINITIONS AND SPECIAL RULES.—

''(A) DOMESTIC PRODUCTION GROSS RECEIPTS.—For purposes of this section, the term 'United States' includes the Commonwealth of Puerto Rico and any other possession of the United States.

''(B) SPECIAL RULE FOR PARTNERSHIPS.—For purposes of this section, a corporation's distributive share of any partnership item shall be taken into account as if directly realized by the corporation.

''(C) COORDINATION WITH MINIMUM TAX.—The deduction under this section shall be allowed for purposes of the tax imposed by section 55, except that for purposes of section 55 for alternative minimum taxable income shall be taken into account in determining the deduction under this section.

''(D) ORDERING RULE.—The amount of any other deduction allowable under this chapter shall be determined as if this section had not been enacted.

''(E) COORDINATION WITH TRANSITION RULES.—For purposes of this section—

(A) domestic production gross receipts shall not include gross receipts from any transaction if the binding contract transition relief of section 2(c)(2) of the Job Protection Act of 2003 applies to such transaction, and

(B) any deduction allowed under section 2(e) of such Act shall be disregarded in determining the portion of the taxable income which is attributable to domestic production gross receipts.

(C) EFFECTIVE DATE.—
"(1) IN GENERAL.—The amendments made by this section shall apply to taxable years beginning after 2005.

"(2) APPLICATION OF SECTION 15.—Section 15 of the Internal Revenue Code of 1986 shall apply to the amendments made by this section as if they were changes in a rate of tax.

By Mr. HARKIN (for himself, Mr. SPECTER, Mr. KENNEDY, Mr. COCHRAN, Mr. BIDEN, Ms. LANDRIEU, Mr. KERRY, Mr. CORZINE, Mr. SCHUMER, Mrs. CLINTON, and Mr. DAYTON):

S. 971. A bill to amend title XIX of the Social Security Act to provide individuals with disabilities and older Americans with equal access to community-based attendant services and supports, and for other purposes; to the Committee on Finance.

Mr. HARKIN. Mr. President, today Senator SPECTER and I and others introduce the Medicaid Community-Based Attendant Services and Supports Act of 2003 at this anniversary. This legislation is needed to truly bring people with disabilities into the mainstream of society and provide equal opportunity for employment and community activities.

I live in an institution. In order to live in my home, Americans with disabilities and older Americans need access to community-based services and supports. Unfortunately, under current Federal Medicaid policy, the deck is stacked in favor of institutional care rather than community-based care. The purpose of our bill is to level the playing field and give eligible individuals equal access to community-based services and supports.

The Medicaid Community Attendant Services and Supports Act accomplishes four goals.

First, the bill amends Title XIX of the Social Security Act to provide a new Medicaid plan benefit that would give individuals who are currently eligible for nursing home services or an intermediate care facility for individuals with mental retardation equal access to community-based care. Second, for a limited time, States would have the opportunity to receive additional funds to support community attendant services and supports. Third, for a limited time, States would have the opportunity to receive additional funds to support community attendant services and supports.

Finally, the bill establishes a demonstration project to evaluate service coordination and cost sharing approaches with respect to the provision of services and supports for individuals with disabilities under the age of 65 who are dually eligible for Medicaid and Medicare.

Some States have already recognized the benefits of home and community based services. Every State offers certain services under home and community based waiver programs, which serve a capped number of individuals with an array of home and community based services. However, these programs often fail to provide the kind of care individuals need and avoid institutionalization. Some States also are now providing the personal care optional benefit through their waiver program. However, to date this market progress, home and community based services are unevenly distributed within and across States and only reach a small percentage of eligible individuals.

Those left behind are often needlessly institutionalized because they cannot access community alternatives. A person with a disability’s civil right to be integrated into his or her community should not depend on his or her address. In Olmstead v. LC, the Supreme Court recognized institutionalization is a form of discrimination under the Americans With Disabilities Act. We in Congress have a responsibility to help States meet their obligations under Olmstead.

This MICASSA legislation is designed to do just that and make the promise of the ADA a reality. It will help rebalance the current Medicaid long term care system, which spends a disproportionate amount on institutional services. For example, in 2000, 49.5 billion dollars were spent on institutional care, compared to 18.2 billion dollars on community based care. In the same year, only 3 States spent 50 percent or more of their long term care funds under the Medicaid program on home and community based care.

And that means that individuals do not have equal access to community based care throughout this country. An individual should not be asked to move to another state in order to avoid needlessly segregated. They also should not be moved away from family and friends because their only choice is an institution.

For example, I know a young man in Iowa, Ken Kendall, who is currently living in a nursing home because he cannot access home and community based care. Ken was injured in a serious accident at the age of 17 and sustained a spinal chord injury. With the help of his insurance company, Ken could live in his home in Iowa City. Remaining independent made a tremendous difference in his life.

However, several years ago, Ken lost his health insurance and after a time, he went onto Medicaid. As a Medicaid recipient, Ken was only given the option to live in a nursing home in Waterloo, almost two hours from his home and family. In Iowa City. In the nursing home, Ken has become isolated from his family and friends and does not have access to transportation. He has not been to a restaurant or a movie since he moved to the nursing home over two years ago. His life has dramatically changed from when he lived in his own apartment and hired his own attendants to care for him. MICASSA would give him that choice again—the choice to continue to live his own life and have a meaningful life in his home community surrounded by his friends and family.

Federal Medicaid policy should reflect the consensus reached in the ADA that Americans with Disabilities should have equal opportunity to contribute to our communities and participate in our society as full citizens. That means no one has to sacrifice their full participation in society because they need help getting out of the house in order to make their own choices with personal care or some other basic service.

I am very pleased that the administration has included the Real Choice Systems Change grants in its budget this year at $240 million dollars. Senator Specter and I have supported these grants for several years now. I also applaud the administration’s commitment to The President’s New Freedom Initiative for disabilities and believe that this legislation helps promote the goals of that initiative.

Community based attendant services and supports allow people with disabilities to lead independent lives, have a chance to make their own choices and govern their own lives.

This bill will open the door to full participation by people with disabilities in our workplaces, our economy, and our American Dream. And I urge all my colleagues to support us on this issue. I want to thank Senator SPECTER for his leadership on this issue and his commitment to improving access to home and community based services for people with disabilities. I would also like to thank Senators KENNEDY, COCHRAN, BIDEN, LANDRIEU, KERRY, CORZINE, SCHUMER, and CLINTON for joining me in this important initiative.

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. 971

Be it enacted by the Senate and House of Representives 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 "Medicaid Community-Based Attendant Services and Supports Act of 2003".

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

Sec. 1. Short title; table of contents.
Sec. 2. Findings and purposes.
TITLE 1—ESTABLISHMENT OF MEDICAID PLAN BENEFIT
Sec. 101. Coverage of community-based attendant services and supports under the medicaid program.
TITLE I—ESTABLISHMENT OF MEDICAID PLAN BENEFIT

SECTION 101. COVERAGE OF COMMUNITY-BASED ATTENDANT SERVICES AND SUPPORTS UNDER THE MEDICAID PROGRAM.

(a) Mandatory Coverage.—Section 1902(a)(10)(D) of the Social Security Act (42 U.S.C. 1396a(a)(10)(D)) is amended—

(1) by inserting at the end the following new subparagraph:

"(D)(ii) community-based attendant services and supports (as defined in subsection (g)(8)(A)); and"

(2) by adding the following new paragraph after paragraph (D)—

"(E) the following:

"(i) the use of community-based attendant services and supports to provide personal care services to an individual described in section 1902(a)(10)(D)(ii) without regard to the individual’s age, type of disability, or the form of services provided; and"

(3) by adding the following new paragraphs at the end of subparagraph (D)—

"(ii) that the level of State plan amendments to provide community-based attendant services and supports that the individual requires in order to lead an independent life.

(4) Assurance of Maintenance of Eligibility.—That the level of support provided under this section is approved.

(b) Community-Based Attendant Services and Supports.—In general.—That community-based attendant services and supports under the State plan are provided in accordance with the requirements of subsection (b).

(1) Assurance of Development and Implementation of Benefit.—In order for a State plan amendment to be approved under this section, a State shall provide the Secretary with the following assurance:

(A) the existence of a plan for the provision of community-based attendant services and supports to an individual described in section 1902(a)(10)(D)(ii) without regard to the individual’s age, type of disability, or the form of services provided.

(B) The maximum number of individuals who will receive such services and supports during the fiscal year and who will receive such services and supports during the fiscal year.

(C) The procedures the State will implement to ensure that the models for delivery of such services and supports are consumer controlled (as defined in subsection (g)(8)(B)).

(D) The procedures the State will implement to inform all potentially eligible individuals and relevant other individuals of the availability of such services and supports under the title or title XVIII.

(E) The procedures the State will implement to ensure that such services and supports are provided in accordance with the requirements of subsection (b).

(F) The procedures the State will implement to actively involve individuals with disabilities, elderly individuals, and representatives of such individuals in the design, delivery, administration, and evaluation of the provision of such services and supports under this title, and of other items and services that may be provided to the individual under this title or title XVIII.

(2) Participation in Evaluations.—The State shall provide the Secretary with such substantive input into, and participation in, the design and conduct of data collection, analyses, and other qualitative or quantitative evaluation procedures of community-based attendant services and supports under this section as the Secretary deems necessary in order to determine the effectiveness of the provision of such services and supports and in order to lead an independent life.
an independent life to the maximum extent possible.

(d) QUALITY ASSURANCE PROGRAM.—

(1) STATE RESPONSIBILITIES.—In order for a State to be approved under this section, a State shall establish and maintain a quality assurance program with respect to community-based attendant services and supports that provides for the following:

(A) The State shall establish requirements, as appropriate, for agency-based and other delivery models;

(i) minimum qualifications and training requirements for agency-based and other models;

(ii) financial operating standards; and

(iii) an appeals procedure for eligibility denials and a procedure for resolving disagreements over the terms of an individualized plan.

(B) The State shall modify the quality assurance program, as appropriate, to maximize consumer independence and consumer control in both agency-provided and other delivery models.

(C) The State shall provide a system that allows for the external monitoring of the quality and type of supports and services delivered by entities consisting of consumers and their representatives, disability organizations, providers, families of disabled or elderly individuals, membership organizations, and others.

(D) The State shall provide for ongoing monitoring of the health and well-being of each individual who receives community-based attendant services and supports.

(E) The State shall require that quality assurance mechanisms appropriate for the individual be included in the individual’s written plan.

(F) The State shall establish a process for the mandatory reporting, investigation, and resolution of allegations of neglect, abuse, or exploitation in conjunction with the provision of such services and supports.

(G) The State shall obtain meaningful consumer input, including consumer surveys, that measure the extent to which an individual receives the services and supports described in the individual’s plan and the individual’s satisfaction with such services and supports.

(H) The State shall make available to the public the findings of the quality assurance program.

(I) The State shall establish an ongoing public process for the development, implementation, and review of the State’s quality assurance program.

(J) The State shall develop and implement a program of sanctions for providers of community-based services and supports that violate the terms or conditions for the provision of such services and supports.

(2) FEDERAL RESPONSIBILITIES.—

(A) PERIODIC EVALUATIONS.—The Secretary shall conduct a periodic sample review of outcomes for individuals who receive community-based attendant services and supports under this title.

(B) INVESTIGATIONS.—The Secretary may conduct targeted reviews and investigations upon receipt of an allegation of neglect, abuse, or exploitation of an individual receiving community-based attendant services and supports under this title.

(C) DEVELOPMENT OF PROVIDER SANCTION GUIDELINES.—The Secretary shall develop guidelines for States to use in developing the sanctions described in paragraph (1)(J).

(D) REPORTS.—The Secretary shall submit to Congress periodic reports on the provision of community-based attendant services and supports under this section, particularly with respect to the impact of the provision of such services and supports on——

(1) individuals eligible for medical assistance under this title;

(2) States; and

(3) the Federal Government.

(E) NO EFFECT ON ABILITY TO PROVIDE PERSONAL CARE SERVICES.—The term ‘community-based attendant services and supports under this section’ shall be construed as affecting the ability of a State to provide care under the State plan for community-based attendant services and supports (or similar coverage) under a waiver approved under section 1915, section 1115, or otherwise.

(F) ELIGIBILITY FOR ENHANCED MATCH.—In the case of a State that provides coverage for such services and supports under a waiver, the State shall not be eligible under subsection (a)(2) for the enhanced FMAP for the early provision of such coverage unless the State submits a plan amendment to the Secretary that meets the requirements of this section.

(G) DEFINITIONS.—In this title:

(1) COMMUNITY-BASED ATTENDANT SERVICES AND SUPPORTS.—

(A) IN GENERAL.—The term ‘community-based attendant services and supports’ means attendant services and supports furnished to an individual, as needed, to assist in accomplishing activities of daily living, instrumental activities of daily living, and health-related functions through hands-on assistance, supervision, or cueing——

(i) under a plan of services and supports that is based on an assessment of functional need and that is agreed to by the individual or, as appropriate, the individual’s representative——

(1) in a home or community setting, which may include a school, workplace, or recreation or religious facility, but does not include a nursing facility or an intermediate care facility for the mentally retarded;

(ii) under an agency-provider model or other model (as defined in paragraph (2)(C)); and

(2) the furnishing of which is selected, managed, and dismissed by the individual or, as appropriate, with assistance from the individual’s representative.

(B) INCLUDED SERVICES AND SUPPORTS.—Such term includes——

(i) tasks necessary to assist an individual in accomplishing activities of daily living, instrumental activities of daily living, and health-related functions;

(ii) the acquisition, maintenance, and enhancement of the individual’s ability to accomplish activities of daily living, instrumental activities of daily living, and health-related functions;

(iii) behaviors, mechanisms (such as the use of beepers) to ensure continuity of services and supports; and

(iv) voluntary training on how to select, manage, and dismiss supports.

(C) EXCLUDED SERVICES AND SUPPORTS.—Subject to subparagraph (D), such term does not include——

(1) the provision of room and board for the individual;

(2) special education and related services provided under the Individuals with Disabilities Education Act and vocational rehabilitation services provided under the Rehabilitation Act of 1973;

(3) assistive technology devices and assistive technology services

(iv) durable medical equipment; or

(v) homemaker assistance.

(B) FLEXIBILITY IN TRANSITION TO COMMUNITY-BASED ATTENDANT SERVICES AND SUPPORTS.—In the matter preceding clause (1), by striking ‘‘(17), (21), and (27)’’ and inserting ‘‘(17), (21), and (27)’’.

(3) DEFINITION OF MEDICAL ASSISTANCE.—

(A) IN GENERAL.—The term ‘medical assistance’ (as defined in section 1396a(a)(10) of title 42, United States Code) includes—

(1) inpatient hospital services;

(2) services provided in a mental health clinic or facility;

(3) home and community-based services and supports (to the extent allowed and as defined in section 1396n-2); and

(4) non-emergent medical transportation.

(B) IN PATIENT HOSPITAL SERVICES.—In the definition of ‘inpatient hospital services’, by striking the following:

(i) inpatient hospital services for an individual to reside and to the provision of community-based attendant services and supports for an individual, a family member, a resident, or an authorized representative of an individual.

(C) CONFORMING AMENDMENTS.—

(1) MANDATORY BENEFIT.—Section 1902(a)(10)(A) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)) is amended by inserting ‘‘and (27)’’ after ‘‘(24)’’.

(2) EXPANDED DEFINITION OF COMMUNITY-BASED ATTENDANT SERVICES AND SUPPORTS.—

(A) IN GENERAL.—The term ‘community-based attendant services and supports’ means a method of providing services and supports that allow the individual, or where appropriate, the individual’s representative, maximum control of the community-based attendant services and supports, regardless of who acts as the employer of record.

(B) DELIVERY MODELS.—

(i) AGENT-PROVIDER MODEL.—The term ‘agency-provider model’ means, with respect to the provision of community-based attendant services and supports for an individual, a method of providing consumer controlled services and supports under which entities contract for the provision of such services and supports.

(ii) OTHER MODELS.—The term ‘other models’ means methods, other than an agency-provider model, for the provision of consumer controlled services and supports. Such methods may include models of vouchers, direct cash payments, or use of a fiscal agent to assist in obtaining services.

(D) HEALTH-RELATED FUNCTIONS.—The term ‘health-related functions’ means functions that can be delegated or assigned by licensed health-care professionals under State law to be performed by an attendant.

(E) INSTRUMENTAL ACTIVITIES OF DAILY LIVING.—The term ‘instrumental activities of daily living’ includes meal planning and preparation, managing finances, shopping for food, clothing, and other essentials, cleaning, performing essential household chores, communicating by phone and other media, and traveling around and participating in the community.

(F) INDIVIDUAL’S REPRESENTATIVE.—The term ‘individual’s representative’ means a parent, a family member, a guardian, an advocate, or an authorized representative of an individual.

(c) CONFORMING AMENDMENTS.—

(1) MANDATORY BENEFIT.—Section 1902(a)(10)(A) of the Social Security Act (42 U.S.C. 1396a(a)(10)) is amended by inserting ‘‘and (27)’’ after ‘‘(24)’’.

(2) EXPANDED DEFINITION OF COMMUNITY-BASED ATTENDANT SERVICES AND SUPPORTS.—Section 1902(a)(10)(C)(iv) of the Social Security Act (42 U.S.C. 1396a(a)(10)(C)(iv)) is amended by inserting ‘‘and (27)’’ after ‘‘(24)’’.

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section (other than the amendment made by subsection (c)(1)) take effect on October 1, 2003, and apply to medical assistance provided for community-based attendant services and supports described in section 1935 of the Social Security Act furnished on or after that date.

(2) MANDATORY BENEFIT.—The amendment made by subsection (c)(1) takes effect on October 1, 2007.
SEC. 102. ENHANCED FMAP FOR ONGOING ACTIVITIES OF EARLY COVERAGE STATES THAT ENHANCE AND PROMOTE THE USE OF COMMUNITY-BASED ATTENDANT SERVICES AND SUPPORTS.

(a) In General.—Section 1935 of the Social Security Act, as added by section 101(b), is amended—

(1) by redesignating subsections (d) through (e) as subsections (f) through (i), respectively;

(2) in subsection (a)(1), by striking “subsection (g)(1)” and inserting “subsection (i)(1)”;

(3) in subsection (a)(2), by inserting “,” and with respect to expenditures described in subsection (d), the Secretary shall pay the State the amounts described in subsection (d)(1)” before the period;

(4) in subsection (c)(1)(C), by striking “subsection (g)(2)/(B)” and inserting “subsection (i)(2)/(B)”;

and

(5) by inserting after subsection (c), the following:

“(d) INCREASED FEDERAL FINANCIAL PARTICIPATION FOR EARLY COVERAGE STATES THAT MEET CERTAIN BENCHMARKS.—

“(1) IN GENERAL.—Subject to paragraph (2), for purposes of subsection (a)(2), the amount and other payments provided for under this subsection are an amount equal to the Federal medical assistance percentage, increased by 10 percentage points, of the expenditures incurred by the State for the provision or conduct of the services or activities described in paragraph (3).

“(2) EXPENDITURE CRITERIA.—A State shall—

“(A) develop criteria for determining the expenditures described in paragraph (1) in collaboration with the individuals and representatives described in subsection (b)(1); and

“(B) submit such criteria for approval by the Secretary.

“(3) SERVICES AND ACTIVITIES DESCRIBED.—For purposes of paragraph (1), the services and activities described in this subparagraph are the following:

“(A) One-stop intake, referral, and institutional diversion services.

“(B) Identifying and remedying gaps and inequities in current provision of long-term services, particularly those services that are provided based on such factors as age, disability type, ethnicity, income, institutional history of similar factors.

“(C) Establishment of consumer participation and consumer governance mechanisms, such as cooperatives and regional service authorities, that are managed and controlled by individuals with significant disabilities who use community-based services and supports or their representatives.

“(D) Activities designed to enhance the skills, earnings, benefits, supply, career, and future prospects of workers who provide community-based attendant services and supports.

“(E) Continuous improvement activities that are designed to ensure and enhance the health and well-being of individuals who rely on community-based attendant services and supports, particularly activities involving or initiated by consumers of such services and supports or their representatives.

“(F) Family support services to augment the efforts of families and friends to enable individuals with disabilities of all ages to live in their own homes and communities.

“(G) Activities that provide education and wellness services and activities.

“(H) Provider recruitment and enhancement activities, particularly such activities that encourage and enable the development and maintenance of consumer controlled cooperatives or other small businesses or microenterprises that provide community-based attendant services and supports or related services.

“(I) Activities designed to ensure service and systems coordination.

“(J) Any other activities or initiatives that the Secretary determines satisfies the requirements of paragraph (2) and in addition to any other payments provided for under section 1903 or this section for the provision of community-based attendant services and supports.

“(B) REQUIREMENTS.—The requirements of this subparagraph are the following:

“(i) The State has an approved grant amendment pursuant to section 103.

“(ii) The Secretary determines that the State has executed a statewide plan that would otherwise only have the option of receiving institutional care.

“(B) AMOUNTS AND EXPENDITURES DESCRIBED.—

“(A) EXPENDITURES IN EXCESS OF 150 PERCENT OF BASELINE AMOUNT.—The amounts and other payments provided for under paragraph (1) are an amount equal to the applicable percentage, as determined by the Secretary, of the expenditures incurred by the State for the provision of community-based attendant services and supports to individuals with disabilities and elderly individuals who would otherwise only have the option of receiving institutional care.

“(B) APPLICABLE PERCENTAGE.—The Secretary shall establish a payment scale for the expenditures described in paragraph (A) so that the Federal financial participation for such expenditures gradually increases from 70 percent to 90 percent as such expenditures increase from 150 percent of the average cost of providing such services and supports.

“(C) SPECIFICATION OF ORDER OF SELECTION FOR EXPENDITURES.—In order to receive the amounts described in paragraph (2), a State shall—

“(1) develop, in collaboration with the individuals and representatives described in subsection (b)(1) and pursuant to guidelines established by the Secretary, criteria to identify and select the expenditures submitted under that paragraph; and

“(2) submit such criteria to the Secretary.

“(D) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect on Oct. 1, 2003.

SEC. 103. INCREASED FEDERAL FINANCIAL PARTICIPATION FOR CERTAIN EXPENDITURES.

(a) IN GENERAL.—Section 1935 of the Social Security Act, as added by section 101(b), is amended by inserting after subsection (d) the following:

“(e) INCREASED FEDERAL FINANCIAL PARTICIPATION FOR CERTAIN EXPENDITURES.—

“(1) ELIGIBILITY FOR PAYMENT.—

“(A) IN GENERAL.—In the case of a State that the Secretary determines satisfies the requirements of paragraph (B), the Secretary shall pay the State the amounts described in paragraph (2) in addition to any other payments provided for under section 1903 or this section for the provision of community-based attendant services and supports.

“(B) REQUIREMENTS.—The requirements of this subparagraph are the following:

“(i) The development and implementation of the provision of community-based attendant services and supports under section 1903 of the Social Security Act (as added by section 101(b) and amended by sections 102 and 103) through active collaboration with—

“(1) individuals with disabilities;

“(2) elderly individuals;

“(3) representatives of such individuals; and

“(4) providers of, and advocates for, services and supports for such individuals.

“(2) Substantially involving individuals with significant disabilities and representatives of such individuals in jointly developing, identifying, and continually improving a mutually acceptable comprehensive, effectively working statewide plan for preventing and alleviating unnecessary institutionalization of such individuals.

“(3) Engaging in system change and other activities deemed necessary to achieve any or all of the goals of such statewide plan.

“(B) INCREASED FEDERAL FINANCIAL PARTICIPATION.—The Federal financial participation for such expenditures shall—

“(1) made by subsection (a) takes effect on Octo-
Senator HARKIN and I recognize that significant next step forward in achieving a vitally important one. We are introducing this legislation today in an attempt to move ahead with the consideration of crucial disability legislation and to provide a starting point for debate. The time has come for concerted action in this arena.

I urge the Congressional leadership, including the appropriate committee chairmen, to move forward in considering this legislation, and take the significant next steps toward achieving the objective of providing individuals with disabilities the freedom to live in their own communities.

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By Mr. COLEMAN:
S. 972. A bill to clarify the authority of States to establish conditions for insurers to conduct the business of insurance within a State based on the provision of information regarding Holocaust-era insurance policies of the insurer, to establish a Federal cause of action for claims for payment of such insurance policies, and for other purposes; to the Committee on the Judiciary.

Mr. COLEMAN. Mr. President, I ask unanimous consent that the bill I introduce today to clarify the authority of States to establish conditions for insurers to conduct the business of insurance within a State based on the provision of information regarding Holocaust-era insurance policies of the insurer, to establish a Federal cause of action for claims for payment of such insurance policies, and for other purposes be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 972

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

SEC. 1. SHORT TITLE.
This Act may be cited as the “Comprehensive Holocaust Accountability in Insurance Act”.

SEC. 2. FINDINGS.
Congress makes the following findings:

(1) Between 1933 and 1945, the Nazi regime and its collaborators conducted systematic, bureaucratic, and State-sponsored persecution and murder of approximately 6,000,000 Jews—the genocidal act known as the Holocaust.

(2) Before and during World War II, millions of European Jews purchased, in good faith, life insurance policies with certain European insurance companies because these policies were a popular form of savings and investment that provided a means of safekeeping, assuring, in retirement planning, providing for a dowry, or saving for the education of children.

(3) After the Nazis came to power in Germany in 1933, they systematically confiscated the insurance assets, including the cash value of life insurance policies, of Jews and other designated enemies of the Nazi regime.

(4) After the conclusion of World War II, European insurers often rejected insurance claims of Holocaust victims and heirs who lacked required documentation, such as death certificates.

(5) During the 50 years since the end of the war, only a small percentage of Holocaust victims and their families have been successful in securing their policies.

(6) In 1998, the International Commission on Holocaust Era Insurance Claims (ICHEIC) was established by State insurance regulators in the United States, European insurers, and certain nongovernmental organizations to act as a facilitator between insurers and beneficiaries to help expedite payouts on contested policies.

(7) To date ICHEIC has received more than 90,000 claims and has only made 2,281 settlement offers, which amounts to a resolution rate of less than 1 percent.

(8) These insurance payments should be expedited to the victims of the most heinous crime of the 20th Century to ensure that they do not become victims a second time.

(9) States should be allowed to collect Holocaust-era insurance information from foreign-based insurance companies that want to do business in such States.

(10) Holocaust victims and their families should be able to recover claims on Holocaust-era insurance policies after they consider it necessary to seek redress through the judicial system.

SEC. 3. STATE AUTHORITY TO ESTABLISH REQUIREMENTS FOR CONDUCTING INSURANCE BUSINESS.
(a) IN GENERAL.—A State may establish requirements on insurers as a condition of doing insurance business in that State, to the extent such requirements are consistent with the due process guarantees of the Constitution of the United States, as follows:

(1) INFORMATION REQUIREMENTS.—The State may require that an insurer provide to the State the following information regarding Holocaust-era insurance policies:

(A) Whether the insurer, or any affiliate or predecessor company, sold any such policies.

(B) The number of such policies sold by the insurer, and any affiliates and predecessor companies, and the number the insurer and its affiliates currently have in their possession.

(C) The identity of the holder and beneficiary of each such policy sold or held and the current status of such policy.

(D) The city of domicile, and address for each policyholder listed.

(E) If an insurer has no such policies to report because records are no longer in the possession of the insurers or affiliates, a statement explaining the reasons for the lack of possession of such records.

(F) Any other information regarding such policies as the State considers appropriate.

(2) REQUIREMENTS REGARDING PAYMENT OF POLICIES.—A State may require that an insurer certify that, with respect to any Holocaust-era insurance policies sold or at any time held by the insurer—

(A) the proceeds of the policy were paid; and

(B) there is no policy on file or such beneficiaries could not, after diligent search, be located, and the proceeds were distributed to Holocaust survivors or charities.

(3) A court of law has certified a plan for the distribution of the proceeds; or

(D) the proceeds have not been distributed.

(4) HOLOCAUST ERA INSURANCE POLICIES.—In the section entitled “Holocaust-era insurance policy” means a policy for insurance coverage that—

(1) was in force at any time during the period beginning with 1933 and ending with 1945; and

(2) has a policy beneficiary, policyholder, or insured life that is a listed Holocaust victim.

SEC. 4. FEDERAL CAUSE OF ACTION FOR COVERED CLAIMS.
(a) FEDERAL CAUSE OF ACTION.—

(1) IN GENERAL.—There shall exist a Federal cause of action for any covered claim.

(2) STATUTE OF LIMITATIONS.—Any action brought under paragraph (1) shall be filed not later than 10 years after the date of the enactment of this Act.

(b) SUBJECT TO JURISDICTION.—The district courts shall have original jurisdiction of any civil action on a covered claim (whether brought under subsection (a) or otherwise).

(c) PERSONAL JURISDICTION.—Notwithstanding any provision of Rule 4 of the Federal Rules of Civil Procedure to the contrary, in a civil action on a covered claim (whether brought under subsection (a) or otherwise) commenced in a district where the defendant is a resident—

(1) the court may exercise jurisdiction over such defendant on any basis not inconsistent with the Constitution of the United States; and

(2) service of process, summons, and subpoena may be made on such defendant in any manner not inconsistent with the Constitution of the United States.

(d) DEFINITIONS.—In this section:

(1) COVERED CLAIM.—The term “covered claim” means a claim against a covered foreign insurance company that arises out of the insurance coverage involved in an original request.

(2) ORIGINAL REQUEST.—The term “original request” means a request that—

(A) seeks payment of any claim on insurance coverage that—

(i) was provided by a covered foreign insurance company; and

(ii) had as the policyholder, insured, or beneficiary a listed Holocaust victim; and

(III) was in effect during any portion of the 13-year period beginning with 1933 and ending with 1945; and

(B) was made by a listed Holocaust victim, or the heirs of beneficiaries of such victims, to the covered foreign insurance company or the International Commission on Holocaust Era Insurance Claims.

(3) COVERED FOREIGN INSURANCE COMPANY.—The term “covered foreign insurance company” means each of the following companies, and its affiliates and predecessor companies:

(A) Assicurazioni Generali S.p.A.

(B) Union Des Assurances de Paris.

(C) Victoria Lebensversicherungs AG.

(D) Winterthur Lebensversicherungs Gesellschaft.

(E) Allianz Lebensversicherungs AG.

(F) Wiener Allianz Versicherungs AG.

(G) Riunione Adriatica di Sicurta.

(H) Vereinte Lebensversicherungs AG.

(I) Basler Lebens-Versicherungs Gesellschaft.

(J) Deutscher Ring Lebensversicherungs AG.

(K) Norddeutsche Lebensversicherungs AG.

(L) Gerling Konzern Lebensversicherungs AG.

(M) Manheimer Lebensversicherung AG.

(N) Der Anker.

(O) Allgemeine Versicherungs AG.

(P) Zuerich Lebensversicherungs Gesellschaft.

(Q) Any other foreign insurance company that a State or the Attorney General determines was in position to have financial dealings with any individual who was a victim of the Holocaust.

SEC. 5. LISTED HOLOCAUST VICTIMS.

(a) LIST OF SURVIVORS.—Any individual whose name is on the list of Jewish Holocaust Survivors maintained by the United States Holocaust Memorial Museum in Washington, D.C.

(b) LIST OF DECEASED.—Any individual whose name is on the list of individuals who died in the Holocaust maintained by the Yad Vashem of Jerusalem in its Hall of Names.

(c) OTHER LIST.—Any individual whose name is on any list or any list of Holocaust victims that is designated as appropriate for use under this Act by the chief executive officer of a State or a State insurance commissioner or other principal insurance regulatory authority of a State.

By Mr. NICKLES (for himself and Mr. BREAUX):
S. 973. A bill to amend the Internal Revenue Code of 1986 to provide a shorter recovery period for the depreciation of certain restaurant buildings; to the Committee on Finance.

Mr. NICKLES. Mr. President, I rise today to introduce legislation to provide that restaurant buildings are depreciated over 15 years instead of the
current-law 39 years. My legislation will ensure that the tax laws more accurately reflect the true economic life of restaurant buildings.

Under current law, real estate property and any improvements thereto generally must be depreciated over 39 years. However, restaurant buildings undergo excessive wear and tear, and are renovated on average every 6 to 8 years. Requiring restaurant owners to depreciate these renovations over 39 years leads to a mismatch of income and expenses, thereby increasing the tax consequence of making such improvements. The long depreciation period simply makes no economic sense.

In recent years, Congress has changed the depreciation schedules for competitors of owner-occupied restaurants. For example, convenience stores are depreciated over 15 years. In addition, leased properties, including leased restaurant space, can take advantage of the temporary bonus depreciation incentive contained in the 2001 economic stimulus bill.

I believe that our tax laws should be updated to treat restaurant property in a more rational manner. That is why I am introducing legislation to reduce the depreciable life of restaurant property from 39 years to 15 years. My legislation would ensure that all restaurants, either leased or owner-occupied, are treated equally. It would also ensure a level playing field between restaurants and their competitors. By reducing the time period over which all restaurants are depreciated, my bill will more accurately align a restaurant’s income and expenses. According to the National Restaurant Association, enacting this legislation would generate an additional $3.7 billion in cash flow for restaurants over the next 10 years. This money is that could be reinvested and, in turn, create new jobs.

I look forward to working with my colleagues to enact my legislation that will provide more rational tax-treatment of restaurants on a permanent basis. By doing so, we will take an incremental step toward modernizing the tax code’s outdated depreciation rules.

By Mr. SPECTER (for himself and Mr. SANTORUM):
S. 974. A bill to amend the Fair Labor Standards Act of 1938 to permit certain youth apprenticeships in areas that offer employment opportunities for all youth that are exempt from compulsory school-attendance laws after the eighth grade. The bill seeks to ensure that the tax laws more accurately reflect the true economic life of restaurant buildings.

Mr. SPECTER. Mr. President, I have sought recognition today to introduce legislation designed to improve the Department of Transportation’s Essential Air Services program and reinstate Lancaster, PA’s eligibility to receive subsidized air service.

The Essential Air Services program provides operating subsidies to air carriers to serve communities with less than 50,000 residents that otherwise would otherwise be unable to attract or retain commercial flights. To be eligible to receive such a subsidy, the community where the airport is located must be greater than 70 miles from the nearest large or medium hub airport. If the airport is located within 70 miles of a hub airport, the Secretary of Transportation may use his or her discretion to award a subsidy if the airport is critical to a smaller market.

The Department of Transportation has recognized the need for access to popular trades and markets which would otherwise be unreachable. By Mr. SPECTER (for himself and Mr. SANTORUM):
S. 975. A bill to revise eligibility requirements applicable to essential air service subsidies: to the Committee on Commerce, Science, and Transportation.

Mr. SPECTER. Mr. President, I have sought recognition today to introduce legislation designed to improve the Department of Transportation’s Essential Air Services program and reinstate Lancaster, PA’s eligibility to receive subsidized air service.
Residents and businesses in many rural and smaller communities throughout the United States rely heavily upon air service to provide a necessary link to larger cities. Lancaster, PA is one such community which benefited from the Essential Air Services city since the Airline Deregulation Act of 1978. Up until the events of September 11, when the Airport faced a sharp decline in passenger revenue, Lancaster had never required a subsidy under this program.

When Lancaster ultimately found it necessary to seek a subsidy for its three daily flights to Pittsburgh, the Department of Transportation issued an Order to Show Cause on March 8, 2002, stating that Lancaster was not eligible for an Essential Air Services subsidy because it was located within 70 miles of Philadelphia International Airport. The Secretary of Transportation declined to use his discretion to award the subsidy because the Department’s existing route services less than 70 miles between Lancaster City and Philadelphia Airport. While there is no question that such a route exists, it is by no means the most commonly used highway route as required by law.

The route selected by the Department of Transportation is one which the average person would never travel, via back roads and seldom used streets. In making its distance determination, the Department used a 66 mile route along Route 30 which was 315 miles from Philadelphia three hours to drive. The more commonly used highway route to the Philadelphia International Airport would be along US 222 to the Pennsylvania Turnpike, and then on to I-76, which is over 70 miles.

The legislation I am introducing today addresses this issue by designating an area’s local metropolitan planning organization, rather than the Department of Transportation, as the organization responsible for determining the most commonly used highway route. If no such organization exists, the Governor of the State in which the airport is located, or the Governor’s designee will make the determination. I believe that a local entity, not the Department of Transportation, is better suited to identify the route most travelers would drive. In such cases where that route exceeds 70 miles, the Department should be required to designate a community as eligible to receive subsidized air service.

My legislation will not place too great a burden upon the Essential Air Services program by allowing additional airports to participate. I am advised that there are only eight other communities, including Lancaster, which could become newly eligible to receive subsidized air service as a result of the changes I am proposing. Further, I would note that of the $113 million that program received in Fiscal Year 2002, there was an excess of $45 million which remained unspent and which carried over into Fiscal Year 2003.

Lancaster Airport’s only commercial air carrier, Colgan Air, ceased operations on March 23, 2003, because it could not sustain service without a subsidy. The loss of commercial air service has already had a serious impact upon the Lancaster community. I am confident that my legislation will not only reinstate Lancaster’s eligibility for subsidized air service and allow for the return of commercial air service, but it will also provide for a greater level of fairness for other communities which rely heavily upon this important program.

By Mr. WARNER (for himself and Mr. ALLEN):

S. 976. A bill to provide for the issuance of a coin to commemorate the 400th anniversary of the Jamestown settlement; to the Committee on Banking, Housing, and Urban Affairs.

Mr. WARNER. Mr. President, I rise today to introduce legislation, along with my colleague, Senator ALLEN, to mint a commemorative coin celebrating the 400th anniversary of the founding of Jamestown, VA in 2007.

The last 400 years have seen great progress and development in the United States. The legacy of Jamestown extends to our modern day landscape of Jamestown Island and represents our country’s colonial traditions with this National Park.

The Jamestown Rediscovery project will continue their research at the Jamestown site, complete necessary construction projects at the Jamestown National Park, and provide funds for events surrounding the 400th anniversary celebration. In addition, this legislation would help ensure that the Jamestown Rediscovery project will have adequate funds to continue their research at the National Park.

Jamestown also marked the beginning of the Jamestown settlement, which is over 70 miles.

The legacy of Jamestown extends from the founding of our representative democracy in which we serve today, to the free market enterprise system on which our economy has flourished. Our unspeakable traditions of common law, agricultural production, manufacturing, and our free market economy received their humble beginnings from the entrepreneurial spirit of the Jamestown colonists.

The colonists established and implemented the principles of a representative government to build our American democracy that has withstood the test of time and internal conflict. The Jamestown settlers elected America’s first democratic assembly, the Virginia House of Burgesses. The structure and procedures of this first legislative body still resonates in the chamber we serve today. Our political philosophies and traditions took hold in the untamed landscape of Jamestown Island and remain the cornerstone of our republic today.

Jamestown also marked the beginning of the American cultural identity, hosting a combination of diverse cultural traditions. The settlement united English, Native American, and African cultures compelling each one to learn valuable lessons from the others. The colonists at Jamestown were the first immigrants to travel to America, making us a nation of immigrants of which we are proud today.

The colony at Jamestown showcased the triumph of American ingenuity and hard work. Colonists at Jamestown were forced to battle starvation, disease, and the weather of their new home. Life in Jamestown was a struggle, and the determination shown by the colonists set the foundation for the revolutionary ideas that guided America through the American Revolution.

Now 395 years later, the history of our Nation continues to come alive in Jamestown. Since 1994, archaeologists have found the remains of the original Jamestown fort constructed in 1607 and 90,000 artifacts from the colonial period. These fascinating discoveries have given scholars, visitors, and most importantly, America’s young people, a realistic view of 17th century American life. The continuing restoration and preservation of the original Jamestown colony provides all Americans with a window on their roots, and to the foundation on which this great Nation was built.

The proceeds from this commemorative coin will help both the National Park Service and the Association for the Preservation of Virginia Antiquities continue their research at the Jamestown site, complete necessary construction projects at the Jamestown National Park, and provide funds for events surrounding the 400th anniversary celebration. In addition, this legislation would help ensure that the Jamestown Rediscovery project will have adequate funds to continue their research at the National Park.

Recent events have brought about a renewed reverence and interest in our Nation’s history among the American people. This legislation would help bring national attention to this important anniversary and would serve as a fitting tribute to America’s first permanent settlers. This event celebrates America’s colonial history and gives every American a chance to help support America’s Hometown, Jamestown, VA.

I ask my colleagues in the Senate to join me in supporting our Nation’s and Virginia’s colonial traditions with this important legislation. I ask unanimous consent that the text of this legislation be printed in the Record.

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

S. 976

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

**Title.** This Act may be cited as the “Jamestown 400th Anniversary Commemorative Coin Act of 2003”.

**Sec. 2. FINDINGS.** Congress finds that—

1. the founding of the colony at Jamestown, Virginia in 1607, the first permanent English colony in America.

2. the capital of Virginia for 92 years, has major significance in the history of the United States;
(2) the Jamestown settlement brought people from throughout the Atlantic Basin together to form a multicultural society, including English, other Europeans, Native Americans, and Africans; (3) the economic, political, religious, and social institutions that developed during the first 9 decades of the existence of Jamestown continue to have profound effects on the United States, particularly in English common law and language, cross cultural relationships, manufacturing, and economic structure and status; (4) the National Park Service, the Association for the Preservation of Virginia Antiquities, and the Jamestown-Yorktown Foundation of the Commonwealth of Virginia collectively own and operate significant resources related to the early history of Jamestown; (5) in 2000, Congress established the Jamestown 400th Commemoration Commission to ensure a suitable national observance of the Jamestown 2007 anniversary and to support and facilitate marketing efforts for a commemorative coin, stamp, and related activities for the Jamestown 2007 observances; (6) a commemorative coin will bring national attention to the lasting legacy of Jamestown, Virginia; and (7) the proceeds from a surcharge on the sale of such commemorative coin will assist the financing of a suitable national observance in 2007 of the 400th anniversary of the founding of Jamestown, Virginia.

SEC. 3. COIN SPECIFICATIONS.

(a) $5 GOLD COINS.—The Secretary of the Treasury (in this Act referred to as the “Secretary”) shall issue not more than 100,000 $5 coins, which shall—

(1) weigh 6.73 grams; (2) have a diameter of 0.850 inches; and (3) contain 91.67 percent gold and 8.33 percent copper.

(b) $1 SILVER COINS.—The Secretary shall issue not more than 500,000 $1 coins, which shall—

(1) weigh 26.73 grams; (2) have a diameter of 1.500 inches; and (3) contain 90 percent silver and 10 percent copper.

(c) LEGAL TENDER.—The coins minted under this Act shall be legal tender, as provided in section 5103 of title 31, United States Code.

(d) NUMISMATIC ITEMS.—For purposes of section 1513(a)(1) of title 31, United States Code, all coins minted under this Act shall be considered to be numismatic items.

(e) SOURCES OF BULLION.—The Secretary shall obtain bullion for minting coins under this Act pursuant to the authorization of the Secretary under section 5116 of title 31, United States Code.

(2) SILVER.—The Secretary shall obtain silver for the coins minted under this Act only from stockpiles established under the Strategic and Critical Minerals Stock Piling Act (30 U.S.C. 801 et seq).

SEC. 4. DESIGN OF COINS.

(a) DESIGN REQUIREMENTS.—

(1) In general.—The design of the coins minted under this Act shall be emblematic of the settlement of Jamestown, Virginia, the first permanent English settlement in America.

(2) DESIGNATION AND INScriptions.—On each coin minted under this Act, there shall be—

(A) a designation of the value of the coin; (B) a date of the year “2007”; and (C) inscriptions of the words “Liberty”, “In God We Trust”, “United States of America”, and “E Pluribus Unum”.

(b) SUBMISSION.—Subject to subsection (a), the design for the coins minted under this Act shall be—

(1) selected by the Secretary after consultation with—

(A) the Jamestown 2007 Steering Committee, created by the Jamestown-Yorktown Foundation of the Commonwealth of Virginia; (B) the National Park Service; and (C) the Commission of Fine Arts; and (2) reviewed by the Commemorative Coin Advisory Committee.

SEC. 5. ISSUANCE OF COINS.

(a) QUALITY OF COINS.—Coins minted under this Act shall be issued in uncirculated and proof qualities.

(b) MINT FACILITY.—Only 1 facility of a suitable national observance in 2007 of the 400th anniversary of the founding of Jamestown, Virginia.

(c) PERIOD FOR ISSUANCE.—The Secretary may issue coins minted under this Act only during the period beginning on January 1, 2007, and ending on December 31, 2007.

SEC. 6. SALE OF COINS.

(a) SALE PRICE.—The coins minted under this Act shall be sold by the Secretary at a price equal to the sum of—

(1) the face value of the coins; (2) the surcharge provided in subsection (c) with respect to the coins; and (3) the cost of designing and issuing the coins (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping).

(b) PREPAID ORDERS.—

(1) In general.—The Secretary shall accept prepaid orders for the coins minted under this Act before the issuance of such coins.

(2) DISCOUNT.—Sale prices with respect to prepaid orders under paragraph (1) shall be at a reasonable discount.

(c) SURCHARGE.—The Secretary shall make bulk sales of the coins minted under this Act at a reasonable discount.

(d) SURCHARGE.—All sales of coins minted under this Act shall include a surcharge of—

(1) $35 per coin for the $5 coin; and (2) $10 per coin for the $1 coin.

SEC. 7. GENERAL WAIVER OF PROCUREMENT REGULATIONS.

(a) IN GENERAL.—Except as provided in subsection (b), no provision of law governing procurement or public contracts shall be applicable to the procurement of goods and services necessary for carrying out the provisions of this Act.

(b) EQUITABLE EMPLOYMENT OPPORTUNITY.—Subsection (a) shall not relieve any person entering into a contract under the authority of this Act from complying with any law relating to equitable employment opportunity.

SEC. 8. DISTRIBUTION OF SURCHARGES.

(a) RECIPIENTS.—

(1) In general.—All surcharges received by the Secretary from the sale of coins minted under this Act shall be promptly paid by the Secretary to the recipients listed under paragraphs (2) and (3).

(2) JAMESTOWN-YORKTOWN FOUNDATION.—The Secretary shall distribute 50 percent of the surcharges described under paragraph (1) to the Jamestown-Yorktown Foundation of the Commonwealth of Virginia, to support programs to promote the understanding of the legacies of Jamestown.

(3) OTHER RECIPIENTS.—

(A) In general.—The Secretary shall distribute 50 percent of the surcharges described under paragraph (1) to the entities specified in subsection (a) to the extent of amounts distributed under subsection (a).

(B) AUDITS.—The Comptroller General of the United States shall have the right to examine such books, records, and other data of the entities specified in subsection (a), as may be related to the expenditure of amounts distributed under subsection (a).

SEC. 9. FINANCIAL ASSURANCES.

(a) NO NET COST TO THE GOVERNMENT.—The Secretary shall take such actions as may be necessary to ensure that minting and issuing coins under this Act will not result in any net cost to the United States Government.

(b) PAYMENT FOR COINS.—A coin shall not be issued under this Act unless the Secretary has received—

(1) full payment for the coin; and (2) security satisfactory to the Secretary to indemnify the United States for full payment; or (3) a guarantee of full payment satisfactory to the Secretary from a depository institution, the deposits of which are insured by the Federal Deposit Insurance Corporation or the National Credit Union Administration.

By Mr. FITZGERALD (for himself, Mr. KENNEDY, and Ms. SNOWE):

S. 977. A bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to require that group and individual health insurance coverage and group health plans provide coverage from treatment of a minor child's congenital or developmental deformity or disorder due to trauma, infection, tumor, or disease; to the Committee on Health, Education, Labor, and Pensions.

Mr. FITZGERALD. Mr. President, I rise today to introduce the Children's Deformities Act of 2003, which will require insurance companies to cover corrective surgeries for children with congenital or developmental deformities.

According to the March of Dimes, 3.8 percent of babies born annually—about 100,000 babies per year—suffer from birth defects. Approximately 50,000 of these babies require reconstructive surgery. Examples of these deformities include cleft lip, cleft palate, skin lesions, vascular anomalies, malformations of the ear, hand, or foot, and other more profound craniofacial deformities.

Plastic surgeons are able to correct many of these problems, and doing so is critical to both the physical and mental health and development of the child. On average, children with congenital deformities or developmental anomalies will need 10 to 12 surgical procedures before normalcy is achieved. An increasing number of insurance companies are denying access...
urge all of my colleagues to join me in legislation that is similar to the enacted legislation that to different degrees. Fifteen States have already enacted similar legislation. As a result, an increasing number of children with congenital deformities require insurance companies to pay for needed surgery. The treatment plan for children with congenital defects usually requires staged surgical care in accordance with the child’s growth pattern. Onerous and time-consuming appeals procedures can jeopardize the physical and psychological health of children with deformities.

The American Medical Association defines cosmetic surgery as being performed to reshape normal structures of the body in order to improve the patient’s appearance and self-esteem. In contrast, reconstructive surgery is defined as being performed on abnormal structures of the body, caused by congenital defects, developmental abnormalities, trauma, infection, tumors, or disease. According to the American Society of Plastic Surgeons, reconstructive surgery is performed in order to improve function and approximate a normal appearance.

The Treatment of Children’s Deformities Act of 2003 will prohibit insurers from denying coverage for reconstructive surgery for children. This bill identifies the difference between cosmetic and reconstructive surgery and incorporates the American Medical Association’s definition of reconstructive surgery. The measure requires group and individual health insurers and group health plans to provide coverage for treatment of a minor child’s congenital or developmental deformity or disorder. The Treatment of Children’s Deformities Act of 2003 has been endorsed by the American Society of Plastic Surgeons, the American Academy of Pediatrics, and several other medical organizations. Fifteen States have already enacted legislation that to different degrees require insurance companies to cover treatment of craniofacial and congenital anomalies. While governor of Texas, George W. Bush signed into law legislation that is similar to the legislation I introduce today.

I would like to thank Senator Kennedy and Senator Snowe for cosponsoring this important legislation. I urge all of my colleagues to join me in supporting this bill so that children who suffer from congenital deformities or developmental anomalies do not have to wait unnecessarily for needed treatment. I ask unanimous consent that the bill be printed in the Record following the conclusion of my remarks. There being no objection, the bill was ordered to be printed in the Record, as follows:

SEC. 1. SHORT TITLE.
This Act may be cited as the “Treatment of Children’s Deformities Act of 2003.”

SEC. 2. COVERAGE OF MINOR CHILD’S CONGENITAL OR DEVELOPMENTAL DEFORMITY OR DISORDER.
(a) Group Health Plans.—
(1) Public Health Service Act Amendments.—
(A) In General.—Subpart 2 of part A of title XXVII of the Public Health Service Act (42 U.S.C. 300g–4 et seq.) is amended by adding at the end the following:

SEC. 2707. STANDARDS RELATING TO BENEFITS FOR MINOR CHILD’S CONGENITAL OR DEVELOPMENTAL DEFORMITY OR DISORDER.
(a) Requirements for Reconstructive Surgery.—
(1) In General.—A group health plan, and a health insurance issuer offering group health insurance coverage, that provides coverage for surgical benefits shall provide coverage for outpatient and inpatient diagnosis and treatment of a minor child’s congenital or developmental deformity, except that a minor child shall include any individual through 21 years of age.

(2) Requirements.—Any coverage provided under paragraph (1) shall be subject to the same utilization review procedures as required by the plan or issuer, and such coverage shall include any surgical treatment which, in the opinion of the treating physician, is medically necessary to approximate a normal appearance.

(b) Notice Under Group Health Plan.—The imposition of the requirements of this section shall be treated as a material modification in the terms of the plan described in section 102(a)(1), for purposes of assuring notice of such requirements under the plan; except that the summary description required to be provided under the last sentence of section 104(b)(1) with respect to such modifications shall be provided by not later than 60 days after the first day of the first plan year in which such requirements are applied.

"(a) Requirements for Reconstructive Surgery.—
(1) In General.—A group health plan, and a health insurance issuer offering group health insurance coverage, that provides coverage for surgical benefits shall provide coverage for outpatient and inpatient diagnosis and treatment of a minor child’s congenital or developmental deformity, disease, or injury. A minor child shall include any individual through 21 years of age.

(2) Requirements.—Any coverage provided under paragraph (1) shall be subject to the same utilization review procedures as required by the plan or issuer, and such coverage shall include any surgical treatment which, in the opinion of the treating physician, is medically necessary to approximate a normal appearance.

(3) Treatment Defined.—
(A) In General.—In this section, the term ‘treatment’ includes reconstructive surgical procedures (procedures that are generally performed to improve function, but may also be performed to approximate a normal appearance) that are performed on abnormal structures of the body caused by congenital defects, developmental abnormalities, trauma, infection, tumors, or disease, including—
(i) procedures that do not materially affect the function of the body part being treated; and
(ii) procedures for secondary conditions and follow-up treatment.

(B) Exception.—Such term does not include cosmetic surgery performed to reshape normal structures of the body to improve appearance or self-esteem.

(B) Notice.—A group health plan under this part shall comply with the notice requirement under section 714(b) of the Employee Retirement Income Security Act of 1974 with respect to the requirements of this section as if such section applied to such plan.

(C) Conforming Amendment.—Section 2723(c) of the Public Health Service Act (42 U.S.C. 300gg–23(c)) is amended by striking “section 2704” and inserting “sections 2704 and 2707.”

(2) ERISA Amendments.—
(A) In General.—Subpart B of part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1185 et seq.) is amended by adding at the end the following:

SEC. 714. STANDARDS RELATING TO BENEFITS FOR MINOR CHILD’S CONGENITAL OR DEVELOPMENTAL DEFORMITY OR DISORDER.
(a) Requirements for Reconstructive Surgery.—
(1) In General.—A group health plan, and a health insurance issuer offering group health insurance coverage, that provides coverage for surgical benefits shall provide coverage for outpatient and inpatient diagnosis and treatment of a minor child’s congenital or developmental deformity, disease, or injury. A minor child shall include any individual through 21 years of age.

(2) Requirements.—Any coverage provided under paragraph (1) shall be subject to the same utilization review procedures as required by the plan or issuer, and such coverage shall include any surgical treatment which, in the opinion of the treating physician, is medically necessary to approximate a normal appearance.

(3) Treatment Defined.—
(A) In General.—In this section, the term ‘treatment’ includes reconstructive surgical procedures (procedures that are generally performed to improve function, but may also be performed to approximate a normal appearance) that are performed on abnormal structures of the body caused by congenital defects, developmental abnormalities, trauma, infection, tumors, or disease, including—
(i) procedures that do not materially affect the function of the body part being treated; and
(ii) procedures for secondary conditions and follow-up treatment.

(B) Exception.—Such term does not include cosmetic surgery performed to reshape normal structures of the body to improve appearance or self-esteem.

(B) Notice.—A group health plan under this part shall comply with the notice requirement under section 714(b) of the Employee Retirement Income Security Act of 1974 with respect to the requirements of this section as if such section applied to such plan.

(C) Conforming Amendment.—Section 2723(c) of the Public Health Service Act (42 U.S.C. 300gg–23(c)) is amended by striking “section 2704” and inserting “sections 2704 and 2707.”

(2) ERISA Amendments.—
(A) In General.—Subpart B of part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1185 et seq.) is amended by adding at the end the following:
"(a) Requirements for Reconstructive Surgery.—

"(1) In General.—A group health plan, and a health insurance issuer offering group health insurance coverage, that provides coverage for surgical benefits shall provide coverage for outpatient and inpatient diagnosis and treatment of a minor child's congenital or developmental deformity, disease, or injury. A minor child shall include any individual through 21 years of age.

"(2) Requirements.—Any coverage provided under paragraph (1) shall be subject to: preauthorization or pre-certification as required by the plan or issuer, and such coverage shall include any surgical treatment which, in the opinion of the treating physician, is medically necessary to approximate a normal appearance.

"(3) Treatment Defined.—

"(A) In General.—In this section, the term 'treatment' includes reconstructive surgical procedures (procedures that are generally performed to improve function, but may also be performed to approximate a normal appearance) that are performed on abnormal structural or functional abnormalities caused by congenital defects, developmental abnormalities, trauma, infection, tumors, or disease, including—

"(i) procedures that do not materially affect the function of the body part being treated; and

"(ii) procedures for secondary conditions and follow-up treatment.

"(B) Exception.—Such term does not include cosmetic surgery performed to reshape normal structures of the body to improve appearance or self-esteem.

"(b) Individual Health Insurance.—

"(1) In General.—Part B of title XXVII of the Public Health Service Act is amended by inserting after section 2752 the following:

"SEC. 2753. Standards relating to benefits for minor child's congenital or developmental deformity or disorder.

"(a) Requirements for Reconstructive Surgery.—

"(1) In General.—A group health plan, and a health insurance issuer offering group health insurance coverage, that provides coverage for surgical benefits shall provide coverage for outpatient and inpatient diagnosis and treatment of a minor child's congenital or developmental deformity, disease, or injury. A minor child shall include any individual through 21 years of age.

"(2) Requirements.—Any coverage provided under paragraph (1) shall be subject to: preauthorization or pre-certification as required by the plan or issuer, and such coverage shall include any surgical treatment which, in the opinion of the treating physician, is medically necessary to approximate a normal appearance.

"(3) Treatment Defined.—

"(A) In General.—In this section, the term 'treatment' includes reconstructive surgical procedures (procedures that are generally performed to improve function, but may also be performed to approximate a normal appearance) that are performed on abnormal structural or functional abnormalities caused by congenital defects, developmental abnormalities, trauma, infection, tumors, or disease, including—

"(i) procedures that do not materially affect the function of the body part being treated; and

"(ii) procedures for secondary conditions and follow-up treatment.

"(B) Exception.—Such term does not include cosmetic surgery performed to reshape normal structures of the body to improve appearance or self-esteem.

"(b) Notice.—A health insurance issuer under this part shall comply with the notice requirement under section 714(b) of the Employee Retirement Income Security Act of 1974 with requirements referred to in subsection (a) as if such section applied to such issuer and such issuer were a group health plan.

"(c) Amendment.—Section 2762(b)(2) of the Public Health Service Act (42 U.S.C. 300gg-62(b)(2)) is amended by striking 'section 2751' and inserting 'sections 2751 and 2753'.

"(d) Effective Dates.—

"(1) Group Health Coverage.—The amendment made by subsection (b) shall apply with respect to group health insurance coverage offered, sold, issued, renewed, in effect, or operated in the individual market on or after January 1, 2004.

"(2) Individual Health Coverage.—The amendment made by subsection (b) shall apply with respect to health insurance coverage offered, sold, issued, renewed, in effect, or operated in the individual market on or after January 1, 2005.

"(e) Coordinated Regulations.—Section 104(1) of Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 300gg-92 note) is amended by striking "this subtitle (and the amendments made by this subtitle and section 401)" and inserting "the provisions of part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974, the provisions of parts A and C of title XXVII of the Public Health Service Act, and chapter 106 of the Internal Revenue Code of 1986".

Mr. KENNEDY. Mr. President, it is a privilege to join Senator FITZGERALD and Senator SNOWE in introducing the Treatment of Children's Deformities Act. The purpose of our bill is to see that health insurance and health plans cover the treatment of children's congenital and developmental deformities and disorders.

About 7 percent of all children are born with significant problems, including cleft lips or cleft palates, serious skin lesions such as port wine stains, malformations of the ear, or facial deformities. Plastic surgery can correct many of these conditions, but too often parents face significant barriers in obtaining care for their children. More than half of all plastic surgeons report that these patients are denied insurance coverage or had the struggle to receive it. Too often, insurers deny coverage by calling the treatment cosmetic or not medically necessary.

The medical, developmental, and psychological problems associated with denied or delayed treatment of these deformities are enormous. Treatment often requires a series of treatments as the child grows. Treatment should be enforced to live with an untreated cleft lip or a facial deformity while parents appeal an insurer's unfair denial. Delayed or denied treatment puts a child's physical and mental health at risk.

Our bill requires health insurers and health plans to provide coverage to treat a child's congenital or developmental deformity, or disorders caused by disease, trauma, infection, or tumors. It is supported by many medical organizations, including the American Academy of Pediatrics, the American Medical Association, and the American Society of Plastic Surgeons.

I urge the Senate to support this important bill, and give children and families the support they deserve.

Mr. ENZIE. Mr. President, I rise today, along with my good friend and fellow Senator from California, to introduce legislation on an issue that could have a significant impact on the economy.

The financial scandals which occurred last year at Enron, WorldCom, and other corporations rocked our financial markets and greatly diminished investor confidence in this country. In response to abuses by a few high-profile corporate executives, Congress passed the Sarbanes-Oxley Corporate Responsibility Act, which closed loopholes that led to those scandals and sought to restore investor confidence in our markets.

However, in the wake of those scandals, I believe that stock options have been incorrectly equated with abuse.

Stock option plans reflect America's best business values—the willingness to take risks, the vision to develop new entrepreneurial companies and technologies, and a way to broaden ownership and participation among all employees.

Last week, the Financial Accounting Standards Board made a tentative decision to mandate the expensing of stock options, which would effectively close a long-standing loophole in financial markets and greatly diminish investor confidence in this country. In response to abuses by a few high-profile corporate executives, Congress passed the Sarbanes-Oxley Corporate Responsibility Act, which closed loopholes that led to those scandals and sought to restore investor confidence in our markets.

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about a company’s use of stock options, while also preserving this critical tool for all company employees. It would enhance the availability of financial reporting by requiring the SEC to take very specific steps to give shareholders and investors the important financial information they need.

Additionally, this bill places a 3-year moratorium on the mandatory expensing of stock options. This will allow the Department of Commerce to take a very detailed look at the negative impact of mandatory expensing of stock options could have on our economy.

It is important that we do not react to the corporate scandals of last year by stifling this vital tool for economic growth. It would be bad for the economy, bad for workers in this country, and bad for potential investors.

Mr. President, before I yield the floor, I would like to thank the Senator from California, Mrs. Boxer, for her hard work on this issue. I would also like to recognize and thank my colleagues who have signed on in support of this bill, Senators George Allen, Mike Crapo, Larry Craig, Maria Cantwell, Patty Murray, Dianne Feinstein, Harry Reid, Wayne Allard, Conrad Burns, Gordon Smith, Robert Bennett and John Warner.

I yield the floor.

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. 979

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 “Broad-Based Stock Option Plan Transparency Act of 2003”.

SEC. 2. CONGRESSIONAL FINDINGS.

Congress finds that—

(1) innovation and entrepreneurship, particularly in the high technology industry, helped propel the economic growth of the 1990s, and will continue to be the essential building blocks of economic growth in the 21st century;

(2) broad-based employee stock option plans enable entrepreneurs and corporations to attract quality workers, to incentivize worker innovation, and to stimulate productivity, which in turn increase shareholder value;

(3) broad-based employee stock options plans that expand corporate ownership to rank-and-file employees spur capital formation, benefit workers, and improve corporate performance to the benefit of investors and the economy;

(4) concerns raised about the impact of employee stock option plans on shareholder value raise legitimate issues relevant to the current level of disclosure and transparency of those plans to current and potential investors; and

(5) investors deserve to have accurate, reliable, and meaningful information about the existence of appropriate place stock options and their impact on the share value of a going concern.

SEC. 3. IMPROVED EMPLOYEE STOCK OPTION TRANSPARENCY AND REPORTING DISCLOSURES.

(a) ENHANCED DISCLOSURES REQUIRED.—Not later than 180 days after the date of enactment of this Act, the Securities and Exchange Commission (in this Act referred to as the “Commission”) shall, by rule, require, for each company required to file periodic reports under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m-1 or 78o(d)), that such reports include detailed information regarding stock option plans, stock purchase plans, and other arrangements involving an acquisition of an equity interest in the company, particularly with respect to the dilutive effect of such plans, including—

(1) a discussion written in “plain English” (in accordance with the Plain English Handbook published by the Office of Investor Education and Assistance of the Commission), of the dilutive effect of employee stock options on the earnings per share number of the company;

(2) prominent placement and increased comparability of all stock option related information in the periodic reports; and

(3) a summary of the stock options granted during the period beginning on the date of issuance of a final rule following the date of issuance of a final rule under section 3(a), the Commission shall conduct a study of the effectiveness of the enhanced disclosures required by section 3 in increasing transparency to current and potential investors.

(b) REPORT.—Not later than 180 days after the end of the 3-year period referred to in paragraph (a), the Commission shall transmit a report of the results of the study conducted under paragraph (1) to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate.

SEC. 4. EVALUATION OF EMPLOYEE STOCK OPTION PLANS TRANSPARENCY AND REPORTING DISCLOSURES AND REPORT TO CONGRESS.

(a) STUDY AND REPORT.—

(1) STUDY.—During the 3-year period following the date of enactment of this Act and ending 60 days after the date of transmission of the report required under subsection (a)(2), the Commission shall not recognize as generally accepted accounting principles related to the treatment of stock options that the Commission did not recognize for that purpose before April 1, 2003.

(2) REPORT.—Not later than 180 days after the end of the 3-year period referred to in paragraph (1), the Commission shall transmit a report of the results of the study conducted under paragraph (1) to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate.

SEC. 5. STUDY ON THE ECONOMIC IMPACT OF BROAD-BASED EMPLOYEE STOCK OPTION PLANS AND REPORT TO CONGRESS.

(a) STUDY.—

(1) IN GENERAL.—The Secretary of Commerce shall conduct a study and analysis of broad-based employee stock option plans, particularly in the high technology and any other high growth industries.

(2) CONTENT.—The study and analysis required by paragraph (1) shall include an examination of—

(A) the impact of such plans on expanding employee corporate ownership to workers at a wide-range of income levels, with a particular focus on rank-and-file employees; (B) the role of such plans in the recruitment and retention of skilled workers; and

(C) the role of such plans in stimulating research and innovation.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary of Commerce shall submit a report on the study and analysis required by subsection (a) to—

(1) the Committee on Energy and Commerce and the Committee on Financial Services of the House of Representatives; and

(2) the Committee on Commerce, Science, and Transportation and the Committee on Banking, Housing, and Urban Affairs of the Senate.

Mrs. FEINSTEIN. Mr. President, I rise in support of legislation introduced by Senators Boxer and Ensign to improve disclosure of stock option grants in company financial statements, while at the same time delaying the adoption of new accounting standards that could fundamentally distort reported earnings.

I believe that at this time of continued economic weakness it is critical that we take action to both increase transparency and improve corporate governance, without which we cannot hope to restore investor confidence.

The Broad-Based Stock Option Plan Transparency Act would increase the comparability of stock option-related footnotes at all levels of public companies, particularly executive compensation, and would provide investors with additional tools to make investment decisions.

Increased disclosure provisions in the bill include: expanded disclosure of the dilutive effect of employee stock options on reported earnings per share; a “plain English” discussion of share value dilution, which would allow individuals to understand the impact of options grants on their investment—more prominent placement and increased comparability of stock option-related footnotes; and a summary of stock options granted to the 5 most highly compensated executives of the company.

These provisions help us fulfill the goal of greater transparency in our markets and improved corporate governance. With passage of the Sarbanes-Oxley Act last summer, we took a major step in that direction, and I believe this bill adds to those achievements.

If individual investors do not feel comfortable with the information reported by public companies or the advice given by banks and other major players in our financial markets, they will not feel comfortable making new investments and our markets are unlikely to recover.

In addition to requiring new disclosure of the impact of employee stock options on a company’s earnings per share, this bill also requires the SEC to
monitor the effectiveness of increased disclosure requirements for 3 years.

The bill also specifies that the SEC must examine the impact of broad-based stock option plans on worker productivity and the performance of the firms which use such plans.

As anyone who has spent time in Silicon Valley can attest, the phenomenal achievements of high tech companies in California and across the country would not have been possible without employee stock options.

Stock options give employees a stake in the success of their company and create a degree of employee loyalty, productivity, and achievement that simply would not be possible if cash were the only form of compensation available. Moreover, it has allowed start-ups that are cash-poor to hire and retain talent that might otherwise have been available only to established firms.

A mandatory expensing standard would sharply limit the use of stock options, particularly for rank and file workers, and will slow our economic recovery. While high tech sector developing new technologies and bringing new products to market, we cannot hope to return to the robust economic growth of the last decade.

Moreover, mandatory expensing could actually decrease transparency for the average investor. The Financial Accounting Standards Board (FASB) has indicated it will implement such a rule within the next year, but has not come up with an adequate means of valuing those options for expensing purposes.

The binomial pricing model currently used to value short-term derivatives, also known as Black/Scholes, does not work with the types of long-term, restricted options packages granted to employees. Without an accurate valuation methodology, we risk giving investors a much less accurate picture of a company's financial health than what they would otherwise.

I have spoken with the chief executive officers of a number of companies in my state, including John Chambers, CEO of Cisco Systems, Craig Barrett, CEO of Intel, and Richard Kovacevich, CEO of Wells Fargo. Each one of those corporate leaders has told me that a mandatory expensing standard would lead them to sharply limit the number of options he grants to his employees.

They also told me that it would lead them to cut back on hiring and potentially send more jobs abroad. I found those comments disturbing, and they should give us pause and compel us to act prudently. That is why we should support further study of the accounting treatment of stock options, during which period no new accounting rules pertaining to stock options could be adopted.

I would like to describe briefly the impact of employee stock options on the value of an investor's holdings in the company that granted the option.

In order for employee stock options not to be counted as an expense, they must be set at or above the average closing price of the company's stock during a fixed period. They are also generally restricted, and usually cannot be exercised for several years after their grant date.

Should the value of the underlying shares fall during the life of the option, the options are underwater and are effectively worthless. Should the share price increase, however, the exercise of those options creates no cash charge to the company whatsoever. Instead, it increases the total number of shares outstanding.

To take one concrete example, Cisco Systems recently reported approximately 7.3 billion shares outstanding in their latest annual report. They also reported approximately 600 million options to purchase shares that were “in the money,” or had an exercise price below the current share price.

If all those options were exercised, and no shares were repurchased, each share would be entitled to approximately 8 percent less in dividends than before, because of the additional shares outstanding.

If options are expensed, however, the impact on Cisco’s bottom line would be dramatic, despite the fact that their only tangible impact is on the number of shares outstanding. Had Cisco expensed their stock options for the 2001 fiscal year, their reported profits would have been 171 percent lower. A roughly $1 billion profit would instead have been a nearly $1 billion loss.

Yet the actual value of those options now is almost nil. They were all granted at exercise prices well above the current share price, and may never be exercised.

Options are not a cash expense and represent no tangible exchange of assets. They are a form of incentive pay that may ultimately be worthless. In short, they are nothing like a cash salary.

The legislation introduced by Senators BOXER and ENOSG recognizes the need for further study, but does not place an indefinite moratorium on FASB action. It is a balanced bill that will help the average investor and ultimately strengthen our financial markets.

I urge my colleagues to support the Broad-Based Stock Option Transparency Act.

By Mr. GRAHAM of South Carolina (for himself and Mr. MILLER): S. 980

A bill to conduct a study on the effectiveness of ballistic imaging technology and evaluate its effectiveness as a law enforcement tool; to the Committee on the Judiciary.

Mr. GRAHAM of South Carolina. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Ballistic Imaging and Study Act of 2003”.

SECTION 2. PURPOSES.

The purposes of this Act are the following:

(1) To conduct a comprehensive study of ballistic imaging technology and evaluate design parameters for packing and shipping of fired cartridge cases and projectiles.

(2) To study the cost and overall effectiveness of State-mandated ballistic imaging systems and the sharing and retention of the data collected by the systems.

(3) Which countries are employing ballistic imaging systems and the results of the systems as a tool in investigating crimes committed with handguns and rifles.

(4) The comprehensive cost, to date, for Federal, State, and local jurisdictions that have implemented a ballistic imaging system to include startup, operating costs, and outlays for personnel and administration.

(5) The estimated yearly cost for administering a ballistic imaging system, the storage of cartridge cases and projectiles on a nationwide basis, and the costs to industry and consumers of doing so.

(6) How many revolvers, manually operated handguns, semiautomatic handguns, manually operated rifles, and semiautomatic rifles are sold in the United States each year, the percentage of crimes committed with revolvers, other manually operated handguns, and manually operated rifles as compared with semiautomatic handguns and semiautomatic rifles, and the percentage of each currently on record in the NIBIN system.

(7) Whether in countries where ballistic imaging technology has been implemented, a shift has occurred in the number of semiautomatic handguns and semiautomatic rifles, compared with revolvers, other manually operated handguns, and manually operated rifles as compared with semiautomatic handguns and semiautomatic rifles, and the percentage of each currently on record in the NIBIN system.

(8) A comprehensive list of environmental and nonenvironmental factors, including modifications to a firearm, that can substantially alter or change the identifying marks on a cartridge case and projectile so as to preclude a scientifically reliable comparison between the specimen and the stored copy of the original image from the same firearm being admissible as evidence in a court of law.

The purposes of this Act are the following:

(1) To conduct a comprehensive study of ballistic imaging technology and evaluate design parameters for packing and shipping of fired cartridge cases and projectiles.

(2) To study the cost and overall effectiveness of State-mandated ballistic imaging systems and the sharing and retention of the data collected by the systems.
SEC. 4. SUSPENSION OF USE OF FEDERAL FUNDS FOR BALISTIC IMAGING TECHNOLOGY.

(a) IN GENERAL.—Notwithstanding any other provision of law, a State shall not use Federal funds for ballistic imaging technology until the report referred to in section 2 is completed and transmitted to the Congress.

(b) WAIVER AUTHORITY.—On request of a State, the Secretary of the Treasury may waive the appropriation limitations under subsection (a) of this section and the use of Federal funds upon a showing that the use would be in the national interest.

SEC. 5. REPORT.

Not later than 90 days after the National Research Council of the National Academy of Sciences completes the study conducted under section 3, the National Research Council shall submit to the Attorney General a report on the results of the study, and the Attorney General shall submit to the Congress a report, which shall be published, that contains—

(1) the results of the study; and

(2) recommendations for legislation, if applicable.

SEC. 6. REPORT TO ATTORNEY GENERAL.

(a) IN GENERAL.—Notwithstanding any other provision of law or regulation set forth in section 3, the Attorney General shall submit to the Attorney General a report on the results of the study, and the Attorney General shall submit to the Congress a report, which shall be published, that contains—

(1) the results of the study; and

(2) recommendations for legislation, if applicable.
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(b) APPLICABILITY.—The provisions of law and regulations referred to in subsection (a) are the following:

(1) Subsections (c)(2), (c)(9)(A), (c)(7), and (d)(1)(ii) of section 308 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253).

(2) Subsections (c)(2), (c)(9)(A), (c)(7), and (d)(1)(B)(ii) of section 2304 of title 10, United States Code.

(3) Any other provision of law or regulation that provides for the use of noncompetitive procurement of same or a similar reason as those referred to in clauses (1) and (2).

SECTION 3. EFFECTIVE DATE.

This Act shall apply with respect to contracts entered into after the date of the enactment of this Act.

By Mrs. BOXER (for herself and Mr. SANTORUM):

S. 982. A bill to halt Syrian support for terrorism, end its occupation of Lebanon, stop its development of weapons of mass destruction, cease its illegal importation of Iraqi oil, and hold Syria accountable for its role in the Middle East and other problems in relation to the Committee on Foreign Relations.

Mrs. BOXER. Mr. President, today I am reintroducing the Syria Accountability Act, a bill that aims to end Syrian support for terrorism by diplomatic and economic means.

It is well known that terrorist organizations like Hizballah, Hamas, and the Popular Front for the Liberation of Palestine maintain offices, training camps, and other facilities on Syrian territory and in areas of Lebanon occupied by the Syrian armed forces. We must address this issue now before the Syrian regime pulls the trigger, as Ken Olden, the Director of NIEHS, frequently says. Many scientists believe that certain groups of women have genetic variations that may make them more susceptible to adverse environmental exposures.

We need to step back, gather evidence before we come to conclusions—that is the purpose of this bill. People are hungry for information, and there is a lot of inconclusive data out there, some of which has no scientific merit whatsoever. We have the opportunity through this legislation to gather legitimate and comprehensive data from premier research institutions across the nation.

According to the American Cancer Society, each year 980 women in Rhode Island are diagnosed with breast cancer, and 200 women in my state will die of this terrible disease this year. We owe it to these women who are diagnosed with this life-threatening disease to provide them with answers for the first time.

I urge my colleagues to join me in supporting and cosponsoring this important legislation, and ask unanimous consent that the text of the legislation be printed in the RECORD.

Mr. WARNER. Mr. President, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 983

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 “Breast Cancer and Environmental Research Act of 2003.”

SEC. 2. FINDINGS.

The Congress finds as follows:

(1) Breast cancer is the second leading cause of cancer deaths among American women.

(2) More women in the United States are living with breast cancer than any other cancer (excluding skin cancer). Approximately 3,000,000 women in the United States are living with breast cancer, 2,000,000 of which have been diagnosed and an estimated 1,000,000 who do not yet know that they have this disease.

(3) Breast cancer is the most commonly diagnosed cancer among women in the United States and worldwide (excluding skin cancer). In 2003, it is estimated that 236,000 new cases of breast cancer will be diagnosed among women in the United States, 211,300...
cases of which will involve invasive breast cancer and 47,300 cases of which will involve ductal carcinoma in situ (DCIS).

(4) Breast cancer is the second leading cause of cancer death for women in the United States. Approximately 40,000 women in the United States die from the disease each year. Breast cancer is the leading cause of cancer-related death for women in the United States between the ages of 20 and 59, and the leading cause of cancer death for women worldwide.

(5) Although screening among physicians, and other health professionals, is probably required.

(6) All women are at risk for breast cancer. About 90 percent of women who develop breast cancer do not have a family history of the disease.

(7) The National Action Plan on Breast Cancer, a public-private partnership, has recognized the importance of expanding the scope and breadth of biomedical, epidemiological, and behavioral research activities related to the etiology of breast cancer and the role of the environment.

(8) To date, there has been only a limited research investment in expanding the scope or coordinate efforts across disciplines or work with the ultimate purpose of understanding the role of the environment in the development of breast cancer.

(9) In order to take full advantage of the tremendous potential for avenues of prevention, the Federal investment in the role of the environment and the development of breast cancer should be expanded.

(10) To better understand the effect of chemicals and radiation on the development of cancer, multi-generational, prospective studies are probably required.

SEC. 3. NATIONAL INSTITUTE OF ENVIRONMENTAL RESEARCH ACT.

Subpart 12 of part C of title IV of the Public Health Service Act (42 U.S.C. 265i, et seq.) is amended by adding at the end the following section:

SEC. 461B. RESEARCH CENTERS REGARDING ENVIRONMENTAL FACTORS RELATED TO BREAST CANCER.

(a) A DIRECTOR.—The Director of the Institute, based on recommendations from the Breast Cancer and Environmental Research Panel established under section (b) (referred to in this section as the ‘‘Panel’’) shall select a chairperson and a member board not exceeding 5 years if the operations of such Center have been reviewed by an appropriate national peer review group established by the Director of the Institute and if such group has been recommended to the Director that such period should be extended.

(b) REQUIRED CONSORTIUM.—Each center under subsection (a) shall be formed from a consortium of cooperating institutions, meeting such qualifications as may be prescribed by the Director of the Institute. Each center shall require collaboration among highly accomplished scientists, other health professionals, and individuals with diverse backgrounds from various areas of expertise.

(c) DURATION OF SUPPORT.—Support of a center under subsection (a) may be for a period not exceeding 5 years. Such period may be extended for one or more additional periods not exceeding 5 years if the operations of such center have been reviewed by an appropriate national peer review group established by the Director of the Institute and if such group has recommended to the Director that such period should be extended.

(d) GEOGRAPHIC DISTRIBUTION OF CENTERS.—The Director of the Institute shall, to the extent practicable, provide for an equitable geographical distribution of centers under this section.

(e) INNOVATIVE APPROACHES.—Each center under subsection (a) shall use innovative approaches to study unexplored or under-explored areas of the environment and breast cancer.

(f) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there is authorized to be appropriated $30,000,000 for each of the fiscal years 2009 through 2013 in addition to any other authorization of appropriations that is available for such purpose.

Mr. REID. Mr. President, I am pleased to join Senator CHAFEE in re-introducing the Breast Cancer and Environmental Research Act. Senator CHAFEE and I serve together on the Environment and Public Works Committee where we have had the opportunity to take a thoughtful and data-driven approach to different environment-related health concerns. After a number of children in the small town of Fallon, NV, died from leukemia, the committee worked to re-establish what environmental factors may have contributed to the cancer cluster.

The Fallon hearing reminded me how little we know about what causes cancer and what, if any, connection exists between the environment and cancer. Three decades have passed since President Nixon declared the ‘‘War on Cancer’’ and scientists are still struggling with these and other crucial unanswered questions about cancer. This is particularly true in the case of breast cancer. We still don't know what causes breast cancer. We don't know if the environment plays a role in the development of breast cancer, and if it does, we don't know how significant that role is. In our search for answers about breast cancer, we must make sure we are asking the right questions.

To date, there has been only a limited research investment to study the role of the environment in the development of breast cancer. More research needs to be done to determine the impact of the environment on breast cancer.

The Breast Cancer and Environmental Research Act would give scientists the tools they need to pursue a better understanding about what links between the environment and breast cancer may exist. Specifically, our bill would authorize $30 million to the National Institute of Environmental Health Sciences to establish eight Centers of Excellence that would focus on breast cancer and the environment.

In the year 2003 alone, it is estimated that 258,600 new cases of breast cancer will be diagnosed among women in the United States. In Nevada, an estimated 1400 new cases will be diagnosed in 2003, and tragically, approximately 300 women in Nevada will die of breast cancer this year. If we miss promising research opportunities because of Congress’ failure to act, millions of women and their families will face critical unanswered questions about breast cancer.

I urge my colleagues to join our quest for answers about this deadly disease and to support the Breast Cancer and Environmental Research Act.

By Mr. BAUCUS:

S. 984. A bill to direct the Secretary of the Interior to evaluate opportunities to enhance domestic oil and gas
production through the exchange of nonproducing Federal oil and gas leases located in the Lewis and Clark National Forest, in the Flathead National Forest, and on Bureau of Land Management land in the State of Montana, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BAUCUS. Mr. President, I am introducing a bill today that I hope will take us one step closer to achieving permanent protections for Montana’s magnificent Rocky Mountain Front.

The Front, as we call it back home, is part of one of the largest and most intact wild places left in the lower 48. To the North, the Front includes a 200 square mile area known as the Badger-Two Medicine in the Lewis and Clark National Forest. This area sits just south-east of Glacier National Park, one of our greatest national treasures. The Badger-Two Medicine area is sacred ground to the Blackfeet Tribe. In January of 1997, the Bureau of Land Management, or BLM, declared the entire area a National Register of Historic Places.

South of the Badger-Two, the Front includes a 400 square mile strip of national forest land and about 20 square miles of BLM lands, including three BLM Outstanding Natural Areas.

Not only does the Front still retain almost all its native species, but it also harbors the country’s largest bighorn sheep herd and second largest elk herd. The Rocky Mountain Front supports one of the largest populations of grizzly bears south of Canada and is the only place in the lower 48 states where grizzly bears still roam from the mountains to their historic range on the plains.

Because of this exceptional habitat, the Front offers world renowned hunting, fishing and recreational opportunities. Sportsmen, local land owners, hikers, local communities and many other Montanans have worked for decades to protect and preserve the Front for future generations.

In short, a majority of Montanans feel very strongly that oil and gas development, and Montana’s Rocky Mountain Front, just don’t mix. The habitat is too rich, the landscape too important, to subject it to the roads, drills, pipelines, industrial equipment, chemicals and human activity that come with oil and gas development.

Building upon a significant public and private conservation investment and following an extensive public comment process, the Lewis and Clark National Forest decided in 1997 to withdraw for 15 years 356,000 acres in the Front from any new oil and gas leasing. This was a significant first step in protecting the Front from development that I wholeheartedly supported.

However, in many parts of the Rocky Mountain Front, oil and gas leases exist that pre-date the 1997 decision or are located in the Badger-Two Medicine area, where the lease suspension could be lifted soon. These leaseholders have invested time and resources in acquiring their leases. Several leaseholders have applied to the federal government for permits to drill. These leases are the subject of my proposed bill.

History has shown that energy exploration and development in the Front is likely to result in expensive and time-consuming environmental studies and restrictions. Although a large percentage of federal lands in the Front are currently unavailable for leasing, many of those lands are unavailable because they lie under Glacier National Park, Indian lands, and already established wilderness areas, which comprise much of the Federal land in the Front. So, not only is the Front relatively poor in terms of oil and gas reserves, many of those reserves—by Congressional mandate, executive order or treaty—will never be available for leasing.

We should look for ways to fairly compensate leaseholders for investments they’ve made in their leases if they decide to leave the Front rather than waste years and millions fighting to explore for uncertain—and small—oil and gas reserves. A lot of Montanans just don’t want to see the Front developed, and they will fight to protect it. Including me.

So, developers can wait years, or decades, or may not likely ever, for oil and gas to flow from the Front. Or we can look at ways to encourage domestic production much sooner, in much more cost effective, appropriate and efficient ways somewhere else.

That is what I hope this legislation will accomplish. Mr. President, and I hope my colleagues in the Senate will support it.

By Mr. DODD (for himself, Ms. COLLINS, Mrs. CLINTON, Mr. CORZINE, Ms. CANTWELL, Mr. DURBIN, Mr. GRASSLEY, Mr. LEAHY, Ms. SNOWE, Mr. REED, Mr. BIDEN, Mrs. FRANKENSTEIN, Mr. SCHUMER, Mr. LIEBERMAN, Mr. WARNER, Mr. JOHNSON, Mrs. MURRAY, Mr. CARPER, Mr. KERRY, Mr. BAUCUS, Mr. REID, Mr. SARBANES, and Mr. JEFFORDS):

S. 985. A bill to amend the Federal Law Enforcement Pay Reform Act of 1990 to adjust the percentage differentials payable to Federal law enforcement officers in certain high-cost areas, and for other purposes; to the Committee on Governmental Affairs.

Mr. DODD. Mr. President, I rise today to introduce legislation that is important to America’s Federal law enforcement officers and the people they protect across the country. I am joined today by Senator COLLINS, Senator CLINTON, Senator CORZINE, Senator CANTWELL, Senator DURBIN, Senator GRASSLEY, Senator LEAHY, Senator SNOWE, Senator REED, Senator BIDEN, Senator FRANKENSTEIN, Senator SCHUMER,
Senator LIEBERMAN, Senator WARNER, Senator JOHNSON, Senator MURRAY, Senator CARPER, Senator KERRY, Senator BAUCUS, Senator REID, Senator SARBANES, and Senator JEFFORDS.

The legislation that we are offering will help Federal Law Enforcement Pay Reform Act of 1990 to ensure that the government treats Federal law enforcement officers fairly. This bill will partially increase the locality pay adjustments paid to Federal agents in certain high-cost areas. These adjustments have pay disparities so high they are negatively affecting our Federal law enforcement officers, since locality pay adjustments have either not been increased since 1990, or have been increased negligibly.

All over America, Federal law enforcement personnel are enduring tremendous stress associated with our Nation’s effort to protect citizens from the threat of terrorism. Unfortunately, that stress has been compounded by ongoing management problems affecting many such personnel about their pay. I have heard from officers who have described long commutes, high personal debts, and in some cases, almost all-consuming concerns about financial insecurity. These problems occur when agents or officers are transferred from low-cost parts of the country to high-cost areas. I have been told that some Federal officers are forced to separate from their families and rent rooms to which they have been transferred because they cannot afford to rent or buy homes large enough for a family.

Unfortunately, the raise in the cost of living in many cities across America has outstripped our Federal pay system. I recognize that this is a problem for other Federal employees and I am prepared to work with my colleagues to address this larger issue. The cost of living has also had a very negative impact on Federal employees as well and I have consistently worked to ensure that all working Americans enjoy a truly livable wage. The legislation that we are introducing today in no way suggests that the needs of other workers should be ignored, but it acknowledges that as we continue to ask Federal law enforcement personnel to put in long hours and remain on heightened alert, we must provide them with a salary sufficient to allow them to focus on their vital work without nagging worries about how to provide their families with the essentials of food, clothing, and shelter.

The Federal Law Enforcement Officers Association, representing more than 18,000 Federal agents, along with the Fraternal Order of Police, National Association of Police Organizations, National Troopers Coalition, National Organization of Black Law Enforcement Executives, International Brotherhood of Police, and the Police Executive Research Forum have endorsed this legislative proposal.

In these difficult times, we must remain committed to recruiting, hiring, and retaining law enforcement officers of the highest caliber. However, we must also recognize that the Federal government is in competition with State and Local police departments that often pay more and provide better standards of living. I urge all my colleagues to join us in this effort. I hope that we can quickly pass this important legislation because it will improve the lives of the men and women who are dedicated to protecting us. In so doing, it will improve the Nation’s security.

I ask unanimous consent that the bill be printed in the RECORD.

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

S. 985

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

SECTION 1. ADJUSTED DIFFERENTIALS.

(a) IN GENERAL.—Paragraph (1) of section 404(b) of the Federal Law Enforcement Pay Reform Act of 1990 (5 U.S.C. 5305 note) is amended by striking the matter after "follows:" and inserting the following:

"Area Differential

Atlanta Consolidated Metropolitan Statistical Area .......... 16.82%
Boston-Worcester-Providence, MA-NH-CT-RI Consolidated Metropolitan Statistical Area .......................... 24.42%
Chicago-Naperville-Elgin, IL-IN-WI Consolidated Metropolitan Statistical Area ......................... 25.68%
Cincinnati-Knoxville, OH-KY-IN Consolidated Metropolitan Statistical Area ......................... 21.47%
Cleveland Consolidated Metropolitan Statistical Area .......... 17.83%
Columbus Consolidated Metropolitan Statistical Area .......... 16.90%
Dallas Consolidated Metropolitan Statistical Area ............ 18.51%
Dayton Consolidated Metropolitan Statistical Area ............ 15.97%
Denver-Boulder-Greeley, CO Consolidated Metropolitan Statistical Area .......................... 22.78%
Detroit-Ann Arbor-Flint, MI Consolidated Metropolitan Statistical Area ......................... 25.61%
Hartford, CT Consolidated Metropolitan Statistical Area .......... 24.47%
Houston-Galveston-Brazoria, TX Consolidated Metropolitan Statistical Area .......................... 39.39%
Indianapolis Consolidated Metropolitan Statistical Area ...... 13.29%
Kansas City Consolidated Metropolitan Statistical Area ...... 13.38%
Los Angeles-Long Beach-Orange County, CA Consolidated Metropolitan Statistical Area .............. 27.25%
Milwaukee-Racine, WI Consolidated Metropolitan Statistical Area .......................... 21.75%
Minneapolis-St. Paul, MN-WI Consolidated Metropolitan Statistical Area .......................... 17.45%
New York-Northern New Jersey-Long Island, NY-NJ-CT-PA Consolidated Metropolitan Statistical Area .......................... 30.57%
Orlando, FL Consolidated Metropolitan Statistical Area .......... 27.11%
Philadelphia-Wilmington-Atlantic City, PA-NJ-DE-MD Consolidated Metropolitan Statistical Area .......... 21.03%
Pittsburgh Consolidated Metropolitan Statistical Area .......... 14.89%
Portland-Salem, OR-WA Consolidated Metropolitan Statistical Area .......................... 20.96%
Richmond Consolidated Metropolitan Statistical Area .......... 16.46%
Sacramento-Yolo, CA Consolidated Metropolitan Statistical Area ......................... 20.77%
San Diego, CA Consolidated Metropolitan Statistical Area .......... 22.13%
San Francisco-Oakland-San Jose, CA Consolidated Metropolitan Statistical Area ................. 32.98%
Seattle-Tacoma-Bremerton, WA Consolidated Metropolitan Statistical Area ................. 21.38%
St. Louis Consolidated Metropolitan Statistical Area ......... 14.69%
Washington-Baltimore, DC-MD-VA-WV Consolidated Metropolitan Statistical Area .......... 19.48%

(b) SPECIAL RULES.—For purposes of the payment of law enforcement officers (as described in the Federal Law Enforcement Officers Act; and

(1) the counties of Providence, Kent, Washington, Bristol, and Newport, RI, the counties of York and Cumberland, ME, and the city of Concord, NH, shall be treated as if located in the Boston-Worcester-Lawrence, MA-NH-CT-RI Consolidated Metropolitan Statistical Area; and

The members of the Capitol Police shall be considered to be law enforcement officers within the meaning of section 402 of the Federal Law Enforcement Pay Reform Act of 1990.

(c) EFFECTIVE DATE.—The amendment made by subsection (a)—

(1) shall take effect as if included in the Federal Law Enforcement Pay Reform Act of 1990 on the date of the enactment of such Act; and

(2) shall be effective only with respect to pay for service performed in pay periods beginning on or after the date of the enactment of this Act.

Subsection (b) shall be applied in a manner consistent with the provisions of the predecessor.

SEC. 2. SEPARATE PAY, EVALUATION, AND PRO- MOTION SYSTEM FOR FEDERAL LAW ENFORCEMENT OFFICERS.

(a) STUDY.—Not later than 6 months after the date of the enactment of this Act, the Office of Personnel Management shall study and submit to Congress a report which shall contain its findings and recommendations regarding the need for, and the potential benefits to be derived from, the establishment of a separate pay, evaluation, and promotion system for Federal law enforcement officers. In carrying out this subsection, the Office of Personnel Management shall take into account the findings and recommendations contained in the September 1993 report of the Office entitled “A Plan to Establish a New Pay and Job Evaluation System for Federal Law Enforcement Officers”.

(b) DEMONSTRATION PROJECT.

(1) IN GENERAL.—If, after completing its report under subsection (a), the Office of Personnel Management considers it to be appropriate, the Office shall, within 12 months after the date of the enactment of this Act, a demonstration project to determine whether a separate system for Federal law enforcement officers, as described in subsection (a) would result in improved Federal personnel management.
(2) APPPLICABLE PROVISIONS.—Any demonstration project under this subsection shall be conducted in accordance with the provisions of chapter 47 of title 5, United States Code, except that a project under this subsection shall not be taken into account for purposes of the numerical limitation under section 7308(d)(2) of such title.

(3) PERMANENT CHANGES.—Not later than 6 months before the demonstration project’s scheduled termination date, the Office of Personnel Management shall submit to Congress—

(A) its evaluation of the system tested under the demonstration project; and

(B) recommendations as to whether or not that system (or any aspects of that system) should be continued or extended to other Federal law enforcement officers.

(c) FEDERAL LAW ENFORCEMENT OFFICER DEFINED.—In this section, the term “Federal law enforcement officer” means a law enforcement officer as defined under section 8331(20) or 8401(17) of title 5, United States Code.

SEC. 3. LIMITATION ON PREMIUM PAY.

(a) GENERAL.—Section 5547 of title 5, United States Code, is amended—

(1) in subsection (a), by striking “5545a, “;

(2) in subsection (c), by striking “or 5545a”;

and

(3) in subsection (d), by striking the period at the end of subsection (d) and inserting “; and (2) in subsection (c), by striking “or 5545a”;

and

(3) PERMANENT CHANGES.—Not later than 6 months before the demonstration project’s scheduled termination date, the Office of Personnel Management shall submit to Congress—

(A) its evaluation of the system tested under the demonstration project; and

(B) recommendations as to whether or not that system (or any aspects of that system) should be continued or extended to other Federal law enforcement officers.

(c) FEDERAL LAW ENFORCEMENT OFFICER DEFINED.—In this section, the term “Federal law enforcement officer” means a law enforcement officer as defined under section 8331(20) or 8401(17) of title 5, United States Code.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 130—EXPressING THE SENSE OF THE SENATE THAT PUBLIC SERVANTS SHOULD BE COMMENDED FOR THEIR DEDICATION AND CONTINUED SERVICE TO THE NA- TION DURING PUBLIC SERVICE RECOGNITION WEEK

Mr. AKAKA (for himself, Mr. FITZGERALD, Ms. COLLINS, Mr. LIEBERMAN, Mr. VOINOVICH, Mr. DURBIN, Mr. COLE- MAN, and Mr. LEVIN) submitted the following resolution; which was referred to the Committee on Governmental Affai- rirs:

S. RES. 130

Whereas Public Service Recognition Week provides an opportunity to honor and celebrate the commitment of individuals who meet the needs of the Nation through work at all levels of government;

Whereas over 20,000,000 men and women work in government service in every city, county, and State across America and in hundreds of cities across the United States, and local officials perform essential services the Nation relies upon every day;

Whereas the United Nations of America is a great and prosperous Nation, and public service employees have contributed significantly to that greatness and prosperity;

Whereas the Nation benefits daily from the knowledge and skills of these highly trained individuals;

Whereas public servants—

(1) help the Nation recover from natural disasters and terrorist attacks;

(2) fight crime and fire;

(3) deliver the mail;

(4) teach and work in the schools;

(5) deliver social security and medicare benefits;

(6) fight disease and promote better health;

(7) protect the environment and national parks;

(8) defend and secure critical infrastructure;

(9) improve and secure transportation and the quality and safety of water and food;

(10) build and maintain roads and bridges;

(11) provide vital strategic and support functions to our military;

(12) keep the Nation’s economy stable;

(13) defend our freedom; and

(14) advance United States interests around the world;

Whereas public servants at the Federal, State, and local level are the first line of defense in maintaining homeland security;

Whereas public servants at every level of government are hard-working men and women, committed to doing a good job regardless of the circumstances;

Whereas Federal, State, and local government employees have risen to the occasion and demonstrated professionalism, dedication, and courage while fighting the war against terrorism;

Whereas the men and women serving in the Armed Forces of the United States, as well as those Federal employees who provide support to their efforts, contribute greatly to the security of the Nation and the world;

Whereas May 5 through 11, 2003, has been designated Public Service Recognition Week to honor America’s Federal, State, and local government employees; and

Whereas Public Service Recognition Week will be celebrated through job fairs, student activities, and agency exhibits; Now, therefore, be it

Resolved, That the Senate—

(1) commends government employees for their outstanding contributions to this great Nation;

(2) salutes their unyielding dedication and spirit for public service;

(3) honors public servants who have given their lives in service to their country;

(4) calls upon a new generation of workers to consider a career in public service as an honorable profession; and

(5) encourages efforts to promote public service careers at all levels of government.

Mr. AKAKA, Mr. President. Today I rise to pay tribute to the hard-working men and women who dedicate their lives to public service. Whether it is on the Federal, State, or local level, public servants perform essential functions that Americans rely on every day. For this reason, it is a privilege to submit a resolution to honor these employees for Public Service Recognition Week. I am delighted to be joined in this effort by Senators FITZGERALD, COLLINS, LIEBERMAN, VOINOVICH, DUR- BIN, COLEMAN, and LEVIN.

Public Service Recognition Week takes place the week of May 5, 2003. Since 1985, the first week in May marks the “High Risk List. According to the GAO, nearly 50 percent of the Federal workforce will be eligible to retire by 2005. Although no one knows how many will actually retire, this situation poses se- rious challenges for succession planning in addition to mission performance. Public Service Recognition Week provides an opportunity for individuals to gain a deeper understanding of the exciting and challenging work in the Federal Government and career opportuni- ties available.

I invite my colleagues to honor the patriotic commitment to public service that our Federal employees exemplify and to join in the Federal Government’s annual celebration. During the week there will be an extensive exhibit on the National Mall in Washington, D.C., showcasing many of our Federal agencies and branches of the military, as well as highlighting the services these agencies provide. In addition to the Mall exhibits, I encourage my colleagues to recognize the hard work and dedication of their employees in their states, as well as State and local government employees, to let them know how much their work is ap- preciated.
SENATE RESOLUTION 121—EXPRESSING THE SENSE OF THE SENATE THAT THE PRESIDENT SHOULD AWARD THE PRESIDENTIAL MEDAL OF FREEDOM TO GENERAL RAYMOND G. DAVIS, USMC (RETIRED)

Mr. MILLER (for himself, Mr. BURNS, Mr. VARNER, Mrs. CAMBELL, and Mr. ROBERTS) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. Res. 131

Whereas General Raymond G. Davis courageously served his country as a Marine in World War II, Korea, and Vietnam during 33 years of highly distinguished service;

Whereas General Davis was presented with the Medal of Honor by President Harry Truman for his heroic action in Korea;

Whereas General Davis culminated his extraordinary career in the Marines by serving as Assistant Commandant to the Marine Corps in 1972;

Whereas General Davis has worked tirelessly on behalf of military veterans since his retirement;

Whereas General Davis' determination and initiative led to the approval of the Korean War Veterans Memorial design, construction, and dedication in July of 1988;

Whereas General Davis has devoted a significant amount of time and energy to the ongoing construction of a Georgia War Veterans Memorial Park in Rockdale County, Georgia; and

Whereas General Davis, as an active duty Marine and as a private citizen, has demonstrated exemplary courage, unwavering devotion to duty, inspiring leadership, and demonstrated exemplary courage, unwavering devotion to duty, inspiring leadership, and conspicuous and gallant service in the United States Marine Corps;

NOW, THEREFORE, IT IS RESOLVED—That it is the sense of the Senate that the President should award the Presidential Medal of Freedom to General Raymond G. Davis, USMC (retired).

AMENDMENTS SUBMITTED & PROPOSED

SA 533. Mr. MCCONNELL (for Mr. LUGAR) proposed an amendment to the joint resolution S.J. Res. 3, expressing the sense of Congress with respect to human rights in Central Asia; as follows:

Strike all after the resolving clause and insert the following:

That it is the sense of Congress that—

(A) the governments of Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan should accelerate democratic reforms and fulfill their human rights obligations, including, where appropriate, by—

(A) releasing from prison anyone jailed for peaceful political activism or the nonviolent expression of their political or religious beliefs;

(B) fully investigating any credible allegations of torture and prosecuting those responsible;

(C) permitting the free and unfettered functioning of independent media outlets, independent political parties, and nongovernmental organizations, including by easing registration processes;

(D) permitting the free exercise of religious beliefs and supporting the rights of members of religious groups and denominations that do not engage in violence or political change through violence;

(E) holding free, competitive, and fair elections; and

(F) making publicly available documentation of their revenues and punishing those engaged in official corruption;

(2) the President, the Secretary of State, and the Secretary of Defense should—

(A) continue to raise at the highest levels with the member countries of Central Asia specific cases of political and religious persecution, and to urge greater respect for human rights and democratic freedoms at every diplomatic opportunity;

(B) take progress in meeting the goals specified in paragraph (1) into account when determining the scope and nature of our diplomatic and military relations and assistance with each of such governments;

(C) ensure that the provisions of foreign operations appropriations Acts are fully implemented to ensure that no United States assistance benefits security forces in Central Asia that are implicated in violations of human rights;

(D) press the Government of Turkmenistan to implement the helpful recommendations contained in the so-called “Moscow Mechanism” Report of the Organization for Security and Cooperation in Europe (OSCE) regarding the right of all prisoners to due process and a fair trial and release democratic activists and their family members from prison;

(E) urge the Government of Uzbekistan not to extradite to Turkmenistan members of the political opposition of Turkmenistan;

(F) work with the Government of Kazakhstan to create a political climate free of intimidation and harassment, including releasing political prisoners and permitting the return of political exiles, and to reduce official corruption, including by urging the Government of Kazakhstan to cooperate with the ongoing Department of Justice investigation;

(G) support through United States assistance programs individuals, nongovernmental organizations, and media outlets in Central Asia working to promote democracy, to support the victims of human rights abuses, and to expose official corruption; and

(H) work with the Government of Uzbekistan to implement fully the recommendations made to the Government of Uzbekistan by the United Nations’ Special Rapporteur on Torture; and

(3) increased levels of United States assistance to the governments of the nations of Central Asia made possible by their cooperation in the war in Afghanistan can be sustained only if there is substantial and continuing progress towards meeting the goals specified in paragraph (1).

SA 534. Mr. MCCONNELL (for Mr. LUGAR) proposed an amendment to the joint resolution S.J. Res. 3, expressing the sense of Congress with respect to human rights in Central Asia; as follows:

Strike the preamble and insert the following:

Whereas in turn the United States victory over the Taliban in Afghanistan provides important benefits to the Central Asian nations by removing a regime that threatened their security by sponsoring terrorism and by weakening the Islamic Movement of Uzbekistan, a terrorist organization that had previously staged armed raids from Afghanistan into the region;

Whereas the United States has consistently urged the nations of Central Asia to open their political systems and economies and to respect human rights, both before and since the attacks of September 11, 2001;

Whereas Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan have all signed the Universal Declaration of Human Rights and the Organization for Security and Cooperation in Europe (OSCE), both of which confer a range of obligations with respect to human rights on their members;

Whereas while the United States recognizes marked differences among the social structures and commitments to democratic and economic reform of the Central Asian nations, the United States notes nevertheless, according to the State Department Country Reports on Human Rights Practices, that the five governments, to differing degrees, restrict freedom of speech and association, restrict or ban the activities of human rights organizations and other nongovernmental organizations, or prohibit independent media, imprison political opponents, practice arbitrary detention and arrest, and engage in torture and extrajudicial executions;

Whereas by continuing to suppress human rights and to deny citizens peaceful, democratic means of expressing their convictions, the nations of Central Asia risk further popular support for violent and extremist movements, thus undermining the goals of the war on terrorism;

Whereas President George W. Bush has made the defense of human dignity, the rule of law, limits on the power of the state, respect for women and private property, freedom of speech, equal justice, religious tolerance and strategic goals of United States foreign policy in the Islamic world, arguing that “a truly strong nation will permit legal avenues of dissent for all groups that pursue their aspirations without violence”; and

Whereas Congress has expressed its desire to see deeper reform in Central Asia in past resolutions and other legislation, most recently conditioning assistance to Uzbekistan and Kazakhstan on their progress in meeting commitments to the United States on human rights and democracy: Now, therefore, be it

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, May 1, 2003, at 9:30 a.m. in SR–253 on pending committee business.

THE PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, May 1, 2003, at 2:30 p.m. in SR–253 on Nanotechnology.
The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, May 1, at 10:00 a.m. to consider Comprehensive Energy Legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, May 1, 2003 at 10:00 a.m. to hold a Nomination Hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Thursday, May 1, 2003 at 10:00 a.m. for a hearing entitled “Investing in Homeland Security: Streamlining and Enhancing Homeland Security Grant Programs.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on “Judicial Nominations” on Thursday, May 1, 2003, at 10:30 a.m. in Dirksen Room 226.

I. Nominations:

Carolyn B. Kuhl to be US Circuit Judge for the Ninth Circuit, John G. Roberts, Jr. to be US Circuit Judge for the District of Columbia Circuit, J. Leon Holmes to be US District Judge for the Eastern District of Arkansas, and Patricia Head Minaldi to be United States District Judge for the Western District of Louisiana.

II. Bills: S. Res. 75, A resolution commemorating and acknowledging the dedication and sacrifice made by the men and women who have lost their lives while serving as law enforcement officers [CAMPBELL, LEAHY, HATCH, BIDEN, DURBIN].

FOREIGN CURRENCY REPORTS

In accordance with the appropriate provisions of law, the Secretary of the Senate herewith submits the following reports for standing committees of the Senate, certain joint committees of the Congress, delegations and groups, and select and special committees of the Senate, relating to expenses incurred in the performance of authorized foreign travel:


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TED STEVENS, Chairman, Committee on Appropriations, Apr. 2, 2003.


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## Consolidated Report of Expenditure of Funds for Foreign Travel by Members and Employees of the U.S. Senate, Under Authority of Sec. 22, P.L. 95–384—22

### U.S. 1754(b), Committee on Armed Services for Travel from Jan. 1 to Mar. 31, 2003—Continued

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### Consolidated Report of Expenditure of Funds for Foreign Travel by Members and Employees of the U.S. Senate, Under Authority of Sec. 22, P.L. 95–384—22

### U.S. 1754(b), Committee on Banking, Housing, and Urban Affairs for Travel from Jan. 1 to Mar. 31, 2003

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### Consolidated Report of Expenditure of Foreign Currencies and Appropriated Funds for Foreign Travel by Members and Employees of the U.S. Senate, Under Authority of Sec. 22, P.L. 95–384—22 U.S.C. 1754(b), Committee on Environment and Public Works for Travel from Oct. 1 to Dec. 31, 2002

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### Consolidated Report of Expenditure of Foreign Currencies and Appropriated Funds for Foreign Travel by Members and Employees of the U.S. Senate, Under Authority of Sec. 22, P.L. 95–384—22 U.S.C. 1754(b), Committee on Foreign Relations for Travel from Jan. 1 to Mar. 31, 2003

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<th>Name of currency</th>
<th>Foreign currency</th>
<th>U.S. dollar equivalent or U.S. currency</th>
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### Consolidated Report of Expenditure of Funds for Foreign Travel by Members and Employees of the U.S. Senate, Under Authority of Sec. 22, P.L. 95–384—22 U.S.C. 1754(b), Committee on Judiciary for Travel from Oct. 1, 2002 to Dec. 31, 2002

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<th>U.S. dollar equivalent or U.S. currency</th>
<th>Transportation</th>
<th>Miscellaneous</th>
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### Consolidated Report of Expenditure of Funds for Foreign Travel by Members and Employees of the U.S. Senate, Under Authority of Sec. 22, P.L. 95–384—22 U.S.C. 1754(b), Committee on Intelligence for Travel from Jan. 1 to Mar. 31, 2003

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<th>Transportation</th>
<th>Miscellaneous</th>
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RICHARD LUIRB, Chairman, Committee on Foreign Relations, Apr. 7, 2003.

ORIN HATCH, Chairman, Committee on Judiciary, Apr. 23, 2003.

PAT ROBERTS, Chairman, Committee on Intelligence, Mar. 26, 2003.
UNANIMOUS CONSENT AGREEMENT—S. 14

Mr. MCCONNELL. Mr. President, I ask unanimous consent that on Tuesday, May 6, at a time to be determined by the majority leader, after consultation with the Democratic leader, the Senate proceed to the consideration of calendar No. 79, S. 14, the energy bill; provided further, that no amendments be in order to the bill prior to Thursday, May 8, or one day following the report’s availability, whichever is later.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

NOMINATION OF MIGUEL A. ESTRADA, OF VIRGINIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE DISTRICT OF COLUMBIA CIRCUIT

Mr. MCCONNELL. Mr. President, in executive session, I ask unanimous consent that the Senate resume consideration of calendar No. 21, the nomination of Miguel Estrada.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the nomination.

The assistant legislative clerk read as follows:

Nomination of Miguel A. Estrada, of Virginia, to be United States Circuit Judge for the District of Columbia Circuit.

CLOTURE MOTION

Mr. MCCONNELL. 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 Circuit.

Bill Frist, Orrin Hatch, Judd Gregg, Norm Coleman, John E. Sununu, John Cornyn, Larry E. Craig, Saxby Chambliss, Lisa Murkowski, Jim Talent, Olympia Snowe, Mike DeWine, Michael B. Enzi, Lindsey Graham, Jeff Sessions.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate resume consideration of the nominations with the Democratic leader, the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

DEPARTMENT OF ENERGY

Linton F. Brooks, of Virginia, to be Under Secretary for Nuclear Security, Department of Energy.

DEPARTMENT OF THE TREASURY

Mark W. Everson, of Texas, to be Commissioner of Internal Revenue for a term of five years.

DEPARTMENT OF DEFENSE

Lawrence Mohr, Jr., of South Carolina, to be a Member of the Board of Regents of the Uniformed Services University of the Health Sciences for a term expiring June 20, 2003; Sharon Falkenheimer, of Texas, to be a Member of the Board of Regents of the Uniformed Services University of the Health Sciences for a term expiring June 20, 2007.

MARINE CORPS

The following named officer for appointment in the United States Marine Corps to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be brigadier general

Col. Douglas M. Stone

To be rear admiral (lower half)

Capt. Thomas K. Burkhard

To be lieutenant general


TENNESSEE VALLEY AUTHORITY

Richard W. Moore, of Alabama, to be Inspector General, Tennessee Valley Authority, (New Position)

NOMINATIONS PLACED ON THE SECRETARY’S DISK

ARMY

PN208 Army nominations (68) beginning CURTIS J ALITX, and ending MARY J WYMAN, which nominations were received by the Senate and appeared in the Congressional Record of January 15, 2003

PN210 Army nominations (24) beginning RICHARD P BEIN, and ending KELLY E TAYLOR, which nominations were received by the Senate and appeared in the Congressional Record of January 15, 2003

PN211 Army nominations (18) beginning DEBORAH K HEPPTS, and ending DAVID WILLIAMS, which nominations were received by the Senate and appeared in the Congressional Record of January 15, 2003

PN444 Army nominations (68) beginning HENRY E ABERCROMBIE, and ending MICHELLE F YARBOROUGH, which nominations were received by the Senate and appeared in the Congressional Record of March 26, 2003

PN466 Army nominations (27) beginning MICHAEL P ARMSTRONG, and ending CRAIG M WHITEHILL, which nominations were received by the Senate and appeared in the Congressional Record of March 26, 2003

PN464 Army nominations (47) beginning JOHN P AGOGlia, and ending JEFFREY R WITKIN, which nominations were received by the Senate and appeared in the Congressional Record of March 26, 2003
PN465 Army nominations (320) beginning PAUL F ABEL, JR., and ending X432, which nominations were received by the Senate and appeared in the Congressional Record of March 26, 2003.

PN507 Army nominations (21) beginning WILLIAM T. Boyd, which nominations were received by the Senate and appeared in the Congressional Record of April 3, 2003.

PN508 Army nominations (5) beginning RICHARD D DANIELS, and ending GEORGE G PERKINS, III, which nominations were received by the Senate and appeared in the Congressional Record of April 7, 2003.

PN569 Army nominations (5) beginning GARY L. SMITH, and ending DAVID L. SMITH, which nominations were received by the Senate and appeared in the Congressional Record of April 7, 2003.

PN522 Army nominations (3) beginning EDWARD A HEVENER, and ending ZEB S REGAN, JR., which nominations were received by the Senate and appeared in the Congressional Record of April 10, 2003.

MARINE CORPS

PN527 Marine Corps nominations of Kenneth O. Spittler, which were received by the Senate and appeared in the Congressional Record of February 11, 2003.

PN529 Marine Corps nominations (3) beginning THOMAS DUHS, and ending WILLIAM M. ALLARD, which nominations were received by the Senate and appeared in the Congressional Record of February 11, 2003.

PN539 Marine Corps nominations (3) beginning GARY D. FRENS, and ending DAVID S RYMAN, which nominations were received by the Senate and appeared in the Congressional Record of February 11, 2003.

PN445 Marine Corps nominations (2) beginning SEAN T MULCAHY, and ending STEVEN H MATTOS, which nominations were received by the Senate and appeared in the Congressional Record of March 24, 2003.

PN446 Marine Corps nomination of Franklin McLain, which was received by the Senate and appeared in the Congressional Record of March 24, 2003.

PN471 Marine Corps nominations (29) beginning BRYAN DELGADO, and ending PAUL A ZACHARZUK, which nominations were received by the Senate and appeared in the Congressional Record of March 24, 2003.

PN472 Marine Corps nomination of Michael H. Gamble, which was received by the Senate and appeared in the Congressional Record of March 24, 2003.

PN467 Marine Corps nomination of Jeffrey L. Miller, which was received by the Senate and appeared in the Congressional Record of March 26, 2003.

PN489 Marine Corps nomination of Baret R. Byrd, which was received by the Senate and appeared in the Congressional Record of April 2, 2003.

PN510 Marine Corps nominations (99) beginning JEFFREY ACOSTA, and ending JOHN G WEMETT, which were received by the Senate and appeared in the Congressional Record of April 7, 2003.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

UNDERGROUND STORAGE TANK COMPLIANCE ACT OF 2003

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar Item No. 25, S. 195.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 195) to amend the Solid Waste Disposal Act (42 U.S.C. 6991 et seq.) to enforce underground storage tanks into compliance with subtitle I of that Act, to promote cleanup of leaking underground storage tanks, to provide sufficient resources—

[S. 195]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, [SECTION 1 SHORT TITLE.

SECTION 1. SHORT TITLE.

This Act may be cited as the ‘‘Underground Storage Tank Compliance Act of 2003’’.

[SEC. 2. LEAKING UNDERGROUND STORAGE TANKS.

SECTION 2. LEAKING UNDERGROUND STORAGE TANKS.

Section 9001 of the Solid Waste Disposal Act (42 U.S.C. 9001 et seq.) is amended by adding at the end the following:

‘‘(2) ALLOCATION.—Subject to subparagraph (B), in the case of a State with which the Administrator has entered into a cooperative agreement under section 9003(h)(7)(A), the Administrator shall distribute funds from the Trust Fund to the State using the allocation process developed by the Administrator.

‘‘(B) REVISIONS TO PROCESS.—The Administrator may revise the allocation process referred to in subparagraph (A) with respect to a State only after—

1) consulting with—

2) the State agencies responsible for overseeing corrective action for releases from underground storage tanks;

3) the number of confirmed releases from federally regulated underground storage tanks in the State;

4) the number of federally regulated underground storage tanks in the State;

5) the percentage of the population of the State that uses groundwater for any beneficial purpose;

6) the performance of the State in implementing and enforcing the program;

7) the financial needs of the State; and

8) the ability of the State to use the funds referred to in subparagraph (A) in any year.

‘‘(3) DISTRIBUTIONS TO STATE AGENCIES.—Distributions from the Trust Fund under this subsection shall be made directly to a State agency that—

1) enters into a cooperative agreement referred to in paragraph (2)(A); or

2) is enforcing a State program approved under this section.

‘‘(4) COST RECOVERY PROHIBITION.—Funds from the Trust Fund provided to States by owners or operators under paragraph (1)(A)(ii) shall not be subject to cost recovery under the Administrator under section 9003(h)(6).’’.

SEC. 3. INSPECTION OF UNDERGROUND STORAGE TANKS.

Section 9005 of the Solid Waste Disposal Act (42 U.S.C. 9005d) is amended—

1) by redesignating subsections (a) and (b) as subsections (a) and (b), respectively; and

2) by inserting before subsection (b) (as redesignated by paragraph (1)) the following:

‘‘(1) by redesignating subsections (a) and (b) as subsections (a) and (b), respectively; and

‘‘(2) by inserting before subsection (b) (as redesignated by paragraph (1)) the following:

‘‘(I) necessary administrative expenses, as determined by the Administrator, that are directly related to corrective action and compensation programs under subsection (c)(1);’’

‘‘(II) any corrective action and compensation program carried out under subsection (c)(1) for a release from an underground storage tank regulated under this subtitle to the extent that, as determined by the State, the costs were incurred under the State’s allocation process developed jointly by the Administrator and the State, the financial resources of the owner or operator of the underground storage tank (including resources provided by a program in accordance with subsection (c)(1)) are not adequate to pay the cost of a corrective action without significantly impairing the ability of the owner or operator to continue in business;’’

‘‘(IV) by enacting a State or a local government of State or local regulations pertaining to the underground storage tanks regulated under this subtitle; or

‘‘(V) State or local corrective actions carried out under regulations promulgated under section 9003(c)(4);’’

‘‘(B) USE OF FUNDS FOR ENFORCEMENT.—In addition to the uses of funds authorized under subparagraph (A), the Administrator may use funds from the Trust Fund that are not distributed to States under subparagraph (A) for enforcement of any regulation promulgated by the Administrator under this subtitle.

‘‘(C) PROHIBITED USES.—Except as provided in subparagraph (A)(iii), under any similar requirement of a State program approved under paragraph (1)(B), or in any similar State or local provision as determined by the Administrator, funds provided to a State by the Administrator under subparagraph (A) shall not be used by the State to provide financial assistance to an owner or operator to meet any requirement relating to underground storage tanks;’’

SEC. 4. OPERATOR TRAINING.

Subtitle I of the Solid Waste Disposal Act (42 U.S.C. 6991 et seq.) is amended—

1) by inserting before subsection (b) (as redesignated by paragraph (1)) the following:

‘‘(a) GUIDELINES.—Not later than 2 years after the date of enactment of the Underground Storage Tank Compliance Act of 2003, and at least once every 2 years thereafter, the Administrator, the Administrator or a State with a program approved under section 9004, as appropriate, shall require that all underground storage tanks regulated under this subtitle undergo on-site inspections for compliance with regulations promulgated under section 9003(c).’’

May 1, 2003
in cooperation with States, owners, and operators, the Administrator shall publish in the Federal Register, after public notice and opportunity for comment, guidelines that specify procedures for assessing operators of underground storage tanks.

**12** CONSIDERATIONS.—The guidelines described in paragraph (1) shall take into account—

(A) State training programs in existence as of the date of publication of the guidelines;

(B) training programs that are being employed by owners and operators as of the date of enactment of this paragraph;

(C) the high turnover rate of operators; and

(D) other factors as the Administrator determines to be necessary to carry out this section.

**13** STATE PROGRAMS.—

(1) IN GENERAL.—Not later than 2 years after the date on which the Administrator publishes the guidelines under subsection (a)(1), each State shall develop and implement a strategy for the training of operators of underground storage tanks that is consistent with paragraph (2).

(2) REQUIREMENTS.—A State strategy described in paragraph (1) shall—

(A) be consistent with subsection (a);

(B) be developed in cooperation with owners and operators; and

(C) take into consideration training programs implemented by owners and operators as of the date of enactment of this subsection.

**14** FINANCIAL INCENTIVE.—The Administrator may award to a State that develops and implements a strategy described in paragraph (2) any funds that the State is entitled to receive under this subtitle, not more than $50,000, to be used to carry out the strategy.

**SEC. 5. REMEDIATION OF MTBE CONTAMINATION.**

(A) Section 9003(b) of the Solid Waste Disposal Act (42 U.S.C. 6991b(b)) is amended—

(1) by striking—

(A) by striking “paragraphs (1) and (2) of this subsection” and inserting “paragraphs (1), (2), and (12)”; and

(B) by striking “(1) and including the authorities of paragraphs (4), (6), and (8) of this subsection” and inserting “and the authority under sections 9005(a) and 9011 and paragraph (1)”; and

(2) by adding at the end the following:

(12) REMEDIATION OF MTBE CONTAMINATION.—

(A) IN GENERAL.—The Administrator and the States may use funds made available under section 9012(b) to carry out corrective actions with respect to a release of methylene chloride or nitrobenzene that presents a threat to human health or welfare or the environment.

(B) APPLICABLE AUTHORITY.—The Administrator or a State shall carry out subpararaph (A)—

(i) in accordance with paragraph (2), except that a release with respect to which a corrective action is carried out under sub-paragraph (A) shall not be required to be from an underground storage tank; and

(ii) in the case of a State, in accordance with a cooperative agreement entered into by the Administrator and the State under paragraph (7).

**SEC. 6. RELEASE PREVENTION, COMPLIANCE, AND ENFORCEMENT.**

(a) RELEASE PREVENTION AND COMPLIANCE.—Subtitle I of the Solid Waste Disposal Act (42 U.S.C. 6991 et seq.) (as amended by section 4) is amended by adding at the end the following:

**SEC. 9011. USE OF FUNDS FOR RELEASE PREVENTION AND COMPLIANCE.**

Funds made available under section 9014(d) from the Trust Fund may be used to conduct inspections, issue orders, or bring actions under subparagraph—

1. by a State, in accordance with a grant or cooperative agreement with the Administrator, of State regulations pertaining to underground storage tanks regulated under this subtitle; and

2. by the Administrator, under this subtitle (including any State program approved under section 9004)."

(b) GOVERNMENT-OWNED TANKS.—Section 9003 of the Solid Waste Disposal Act (42 U.S.C. 69903) is amended by adding at the end the following:

(1) GOVERNMENT-OWNED TANKS.—

(1) IMPLEMENTATION REPORT.—

(A) IN GENERAL.—Not later than 2 years after the date of enactment of this subsection, each State shall submit to the Administrator an implementation report that—

(i) describes the actions that have been and will be taken to ensure compliance by the underground storage tank listed under clause (1) with the requirements under subparagraph—

1. such other factors as the Administrator determines to be necessary to carry out this subsection;

2. CONSIDERATIONS.—To the maximum extent practicable, the public record of a State or Indian tribe respectively, shall include, for each year—

(A) the number, sources, and causes of underground storage tank releases in the State or tribal area;

(B) the record of compliance by underground storage tanks in the State or tribal area with—

(i) this subtitle; or

(ii) an applicable State program approved under section 9004; and

(C) data on the number of underground storage tank equipment failures in the State or tribal area.

(d) AUTHORITY TO PROHIBIT CERTAIN DELIVERIES.—

(1) IN GENERAL.—Subject to paragraph (2), beginning 180 days after the date of enactment of this subsection, the Administrator or a State may prohibit the delivery of regulated substances to underground storage tanks that are not in compliance with—

(A) a requirement promulgated by the Administrator under section 9003; or

(B) a requirement or standard of a State program approved under section 9004.

(2) LIMITATIONS.—

(A) SPECIFIED GEOGRAPHIC AREAS.—Subject to subparagraph (B), the Administrator or a State may not prohibit a delivery if the prohibition would jeopardize the availability of, or access to, fuel in any specified geographic area.

(B) APPLICABILITY OF LIMITATION.—The limitation under subparagraph (A) shall apply only during the 180-day period following the date of a determination by the Administrator that exercising the authority of paragraph (1) is limited by subparagraph (A).

(C) GUIDELINES.—Not later than 18 months after the date of enactment of this subsection, the Administrator shall issue guidelines that define the term ‘specified geographic area’ for the purpose of subparagraph (A).

(D) AUTHORITY TO ISSUE GUIDELINES.—Subject to paragraph (2)(C), the Administrator, after consulting with States and Indian tribes, may issue guidelines for carrying out this subsection.

(E) ENFORCEMENT, COMPLIANCE, AND PENALTIES.—The Administrator may use the authority under the enforcement, compliance, or penalty provisions of this subsection to carry out this subsection.

(F) EFFECT ON STATE AUTHORITY.—Nothing in this subsection affects the authority of a State to prohibit the delivery of a regulated substance to an underground storage tank.

(g) PUBLIC RECORD.—Section 9002 of the Solid Waste Disposal Act (42 U.S.C. 6991a) is amended by adding at the end the following:

(1) AUTHORITY TO PROHIBIT CERTAIN DELIVERIES.—

(1) IN GENERAL.—Subject to paragraph (2), beginning 180 days after the date of enactment of this subsection, the Administrator or a State may prohibit the delivery of regulated substances to underground storage tanks that are not in compliance with—

(A) a requirement promulgated by the Administrator under section 9003; or

(B) a requirement or standard of a State program approved under section 9004.

(2) LIMITATIONS.—

(A) SPECIFIED GEOGRAPHIC AREAS.—Subject to subparagraph (B), the Administrator or a State may not prohibit a delivery if the prohibition would jeopardize the availability of, or access to, fuel in any specified geographic area.

(B) APPLICABILITY OF LIMITATION.—The limitation under subparagraph (A) shall apply only during the 180-day period following the date of a determination by the Administrator that exercising the authority of paragraph (1) is limited by subparagraph (A).

(C) GUIDELINES.—Not later than 18 months after the date of enactment of this subsection, the Administrator shall issue guidelines that define the term ‘specified geographic area’ for the purpose of subparagraph (A).

(D) AUTHORITY TO ISSUE GUIDELINES.—Subject to paragraph (2)(C), the Administrator, after consulting with States and Indian tribes, may issue guidelines for carrying out this subsection.

(E) ENFORCEMENT, COMPLIANCE, AND PENALTIES.—The Administrator may use the authority under the enforcement, compliance, or penalty provisions of this subsection to carry out this subsection.

(F) EFFECT ON STATE AUTHORITY.—Nothing in this subsection affects the authority of a State to prohibit the delivery of a regulated substance to an underground storage tank.

SEC. 7. FEDERAL FACILITIES.

(A) Section 9007 of the Solid Waste Disposal Act (42 U.S.C. 6991) is amended by adding at the end the following:

(B) REVIEW OF, AND REPORT ON, FEDERAL UNDERGROUND STORAGE TANKS.
SEC. 9. STATE AUTHORITY.

(a) Title I of the Solid Waste Disposal Act (42 U.S.C. 6991 et seq.) (as amended by section 8) is amended by adding at the end the following:

(2) from the Trust Fund, notwithstanding section 9008(c)(1) of the Internal Revenue Code of 1986—

(1) to carry out section 9008(h) (except section 9008(b)(12)) $150,000,000 for each of fiscal years 2004 through 2008; and

(2) to carry out section 9008(b)(12), $125,000,000 for each of fiscal years 2004 through 2008;

(3) to carry out section 9008(a)—

(i) $35,000,000 for each of fiscal years 2004 and 2005; and

(ii) $20,000,000 for each of fiscal years 2006 through 2008; and

(4) to carry out section 9011—

(i) $50,000,000 for each of fiscal years 2004 and 2005; and

(ii) $30,000,000 for each of fiscal years 2006 through 2009.

(b) Section 9014 of the Solid Waste Disposal Act (42 U.S.C. 6991b) is amended—

(1) in subsection (a), by striking “(2)(B)” and inserting “(2)(A)”; and

(2) in subsection (b), by striking “(2)(A)” and inserting “(2)(B)”; and

SEC. 11. CONFORMING AMENDMENTS.

(a) Definitions.—Section 9001 of the Solid Waste Disposal Act (42 U.S.C. 6991) is amended—

(1) by striking “For the purposes of this subtitle—” and inserting “In this subtitle:”;

(2) by redesignating paragraphs (1), (2), (3), (4), (5), (6), (7), and (8) as paragraphs (10), (7), (4), (3), (8), (5), (2), and (6), respectively, and reordering the paragraphs so as to appear in numerical order;

(3) by inserting before paragraph (2) as redesignated paragraph (2) the following:

(1) INDIAN TRIBES.

(a) IN GENERAL.—The term ‘Indian tribe’ means any Indian tribe, band, nation, or other organization or group of Indians that is recognized as being eligible for special programs and services provided by the United States to Indians because of their status as Indians.

(b) INCLUSIONS.—The term ‘Indian tribe’ includes an Alaska Native village, as defined in section 1 of the Alaska Native Claims Settlement Act (41 U.S.C. 1601 et seq.), and an Indian tribe under the jurisdiction of the United States to Indians because of their status as Indians.

(c) STATE AUTHORITY.—Nothing in this section applies to any underground storage tank that is located in an area under the jurisdiction of a State, or that is subject to regulation by a State, as of the date of enactment of this section.

[(Sec. 9014. Authorization of appropriations.)]

[(c) Section 9002 of the Solid Waste Disposal Act (42 U.S.C. 6991a) is amended in the section heading by inserting “and public hearings” after “acquaintance with the State of the art.”]

[(d) Section 9003(f) of the Solid Waste Disposal Act (42 U.S.C. 6991b(f)) is amended—

(A) in paragraph (1), by striking “(9001(2)(B))” and inserting “(9001(7)(B)); and

(B) in paragraph (2) and (3), by striking “(9001(2)(A))” each place it appears and inserting “(9001(7)(A)).”]

[(e) Section 9009 of the Solid Waste Disposal Act (42 U.S.C. 6991b) is amended—

(A) in subsection (a), by striking “(9001(2)(B))” and inserting “(9001(7)(B)); and

(B) in subsection (d), by striking “section 9001(1) (A) and (B)” and inserting “subparagraphs (A) and (B) of section 9001(10).”]

[(Sec. 9012. Tanks under the jurisdiction of Indian tribes.

(a) Title I of the Solid Waste Disposal Act (42 U.S.C. 6991 et seq.) (as amended by section 8) is amended by adding at the end the following:

(1) is located an implementation report that—

(i) lists each underground storage tank described in paragraph (1) that, as of the date of submission of the report, is not in compliance with this subtitle; and

(ii) describes the actions that have been and will be taken to ensure compliance by the underground storage tank with this subtitle.

(b) Public Availability.—The Administrator shall make each report required under subparagraph (A) available to the public on the Internet.

(c) Not a Safe Harbor.—This subsection does not relieve any person from any obligation or requirement under this subsection.

(d) Applicability of Certain Requirements.—Section 6001(a) shall apply to each department, agency, and instrumentality covered by section 9(a).

SEC. 8. TANKS UNDER THE JURISDICTION OF INDIAN TRIBES.

(a) Title I of the Solid Waste Disposal Act (42 U.S.C. 6991 et seq.) (as amended by section 8(a)) is amended by adding at the end the following:

(b) Tanks under the Jurisdiction of Indian Tribes.

(1) IN GENERAL.—The Administrator, in coordination with Indian tribes, shall—

(i) not later than 1 year after the date of enactment of this section, develop and implement a strategy—

(A) giving priority to releases that present the greatest threat to human health or the environment, to take necessary corrective action in response to releases from leaking underground storage tanks located wholly within the boundaries of—

(i) an Indian reservation; or

(ii) any other area under the jurisdiction of an Indian tribe;

(B) to implement and enforce requirements concerning underground storage tanks located wholly within the boundaries of—

(i) an Indian reservation; or

(ii) any other area under the jurisdiction of an Indian tribe;

(2) not later than 2 years after the date of enactment of this section and every 2 years thereafter, submit to Congress a report that summarizes the status of implementation and enforcement of the underground storage tank program in areas located wholly within—

(A) the boundaries of Indian reservations; and

(B) any other areas under the jurisdiction of an Indian tribe; and

(3) make the report described in paragraph (2) available to the public on the Internet.

(b) Not a Safe Harbor.—This section does not relieve any person from any obligation or requirement under this section.

(c) State Authority.—Nothing in this section applies to any underground storage tank that is located in an area under the jurisdiction of a State, or that is subject to regulation by a State, as of the date of enactment of this section.

[(Sec. 9013. Authorizations of appropriations.)]

[(Sec. 9014. Authorization of appropriations.)]
“(iv) enforcement by the State or a local government of State or local regulations pertaining to underground storage tanks regulated under this subtitle; or

“(v) State or local corrective actions carried out under regulations promulgated under section 9003(c)(4).

“(B) USE OF FUNDS FOR ENFORCEMENT.—In addition to the uses of funds authorized under subparagraph (A), the Administrator may use funds from the Trust Fund that are not distributed to States under subparagraph (A) for enforcement of any regulation promulgated by the Administrator under this subtitle.

“(C) PROHIBITED USES.—Except as provided in subparagraph (A)(iii), under any similar requirement of a program approved under this section, or in any similar State or local provision as determined by the Administrator, funds provided to a State by the Administrator under subparagraph (A) shall not be used by the State to provide financial assistance to an owner or operator to meet any requirement relating to underground storage tanks under part 280 of title 40, Code of Federal Regulations (as in effect on the date of enactment of this subsection).

“(2) ALLOCATION.—

“(A) PROCESS.—Subject to subparagraph (B), in the case of a State with which the Administrator has entered into a cooperative agreement under section 9003(h)(1)(A), the Administrator shall distribute funds from the Trust Fund to the State using the allocation process developed by the Administrator.

“(B) REVISIONS TO PROCESS.—The Administrator may revise the allocation process referred to in subparagraph (A) with respect to a State only after—

“(i) consulting with—

“(I) State agencies responsible for overseeing corrective action for releases from underground storage tanks;

“(II) owners; and

“(III) operators; and

“(ii) taking into consideration, at a minimum—

“(I) the total tax revenue contributed to the Trust Fund from all sources within the State;

“(II) the number of confirmed releases from federally regulated underground storage tanks in the State;

“(III) the number of federally regulated underground storage tanks in the State;

“(IV) the percentage of the population of the State that uses groundwater for any beneficial purpose;

“(V) the performance of the State in implementing and enforcing the program;

“(VI) the financial needs of the State; and

“(VII) the ability of the State to use the funds referred to in subparagraph (A) in any year;

“(2) DISTRIBUTIONS TO STATE AGENCIES.—Distributions from the Trust Fund under this sub-subsection shall be made directly to a State agency that—

“(A) enters into a cooperative agreement referred to in paragraph (2)(A); or

“(B) enforces a State program approved under this subsection.

“(3) COST RECOVERY PROHIBITION.—Funds from the Trust Fund provided by States to owners or operators under paragraph (1)(A)(iii) shall not be subject to cost recovery by the Administrator under section 9003(a)(6).

SEC. 3. INSPECTION OF UNDERGROUND STORAGE TANKS.

Section 9003(b) of the Solid Waste Disposal Act (42 U.S.C. 6991a) is amended—

“(1) by redesignating subsections (a) and (b) as subsections (b) and (c), respectively; and

“(2) by inserting before section (b) (as redesignated by paragraph (1)) the following:

“(a) INSPECTION REQUIREMENTS.—Not later than 2 years after the date of enactment of the Underground Storage Tank Compliance Act of 2003, and at least once every 2 years thereafter, the Administrator or a State with a program approved under section 9004, as appropriate, shall require that all underground storage tanks regulated under this subtitle undergo onsite inspections for compliance with regulations promulgated under this subtitle.

“SEC. 4. OPERATOR TRAINING.

“Subtitle I of the Solid Waste Disposal Act (42 U.S.C. 6991 et seq.) is amended by striking section 9006 and inserting the following:

“SEC. 906. OPERATOR TRAINING.

“(a) GUIDELINES.—

“(1) IN GENERAL.—Not later than 2 years after the date of enactment of the Underground Storage Tank Compliance Act of 2003, in cooperation with States, owners, and operators, the Administrator shall publish in the Federal Register, after public notice and opportunity for comment, guidelines for training operators of underground storage tanks.

“(2) CONSIDERATIONS.—The guidelines described in paragraph (1) shall take into account—

“(A) State training programs in existence as of the date of publication of the guidelines;

“(B) training programs that are being employed by owners and operators as of the date of enactment of this paragraph;

“(C) the high turnover rate of operators;

“(D) the frequency of improvement in underground storage tank equipment technology;

“(E) the nature of the businesses in which the operators are employed; and

“(F) such other factors as the Administrator determines to be necessary to carry out this section.

“(b) STATE PROGRAMS.—

“(1) IN GENERAL.—Not later than 2 years after the date on which the Administrator publishes the guidelines under subsection (a)(1), each State shall develop and implement a strategy for the training of operators of underground storage tanks that is consistent with paragraph (2).

“(2) REQUIREMENTS.—A State strategy described in paragraph (1) shall—

“(A) be consistent with subsection (a);

“(B) be developed in cooperation with owners and operators; and

“(C) take into consideration training programs implemented by owners and operators as of the date of enactment of this subsection.

“(3) FINANCIAL INCENTIVE.—The Administrator may provide to a State that develops a strategy described in paragraph (1), in addition to any funds that the State is entitled to receive under this subtitle, not more than $50,000, to be used to carry out the strategy.

“SEC. 5. REMEDIATION OF MTBE CONTAMINATION.

Section 9003(h) of the Solid Waste Disposal Act (42 U.S.C. 6991h) is amended—

“(1) in paragraph (7)(A)—

“(a) by striking paragraphs (1) and (2) of this subsection and inserting paragraphs (1), (2), (12), and (13); and

“(b) by striking “, and including the authori—

“(2) F INANCIAL INCENTIVE.—The Adminis-

“(1) IN GENERAL.—The Administrator may authorize a State to develop and implement an implementation report described in paragraph (1), in addition to any funds that the State is entitled to receive under this subtitle, not more than $50,000, to be used to carry out the implementation report.

“(2) NOT A SAFE HARBOR.—This subsection does not relieve any person from any obligation or requirement under this subtitle.

“(c) INCENTIVES FOR PERFORMANCE.—Section 9006 of the Solid Waste Disposal Act (42 U.S.C. 6991e) is amended by adding at the end the following:

“(d) INCENTIVES FOR PERFORMANCE.—In determining the terms of a compliance order under subsection (a), or the amount of a civil penalty under subsection (c), or a State under a program approved under section 9004, may take into consideration whether an owner or operator—

“(1) has a history of operating underground storage tanks of the owner or operator in accordance with—

“(A) this subtitle; or

“(B) a State program approved under section 9004; or

“(2) has repeatedly violated—

“(A) this subtitle; or

“(B) a State program approved under section 9004; or

“(3) has implemented a program, consistent with guidelines published under section 9010, that is responsible for operating any underground storage tank of the owner or operator.”.
(d) **AUTHORITY TO PROHIBIT CERTAIN DELI-
ERIES.**—Section 9006 of the Solid Waste Disposal Act (42 U.S.C. 6991e) (as amended by subsection (c)) is amended by adding at the end the follow-
ing:—

“(f) **AUTHORITY TO PROHIBIT CERTAIN DELI-
ERIES.**—

“(1) **IN GENERAL.**—Subject to paragraph (2), beginning 180 days after the date of enactment of this subsection, the Administrator or a State may prohibit the delivery of regulated sub-
stances to underground storage tanks that are not in compliance with—

“(A) a requirement or standard promulgated by the Administrator under section 9003; or

“(B) a requirement or standard of a State program approved under section 9004.

“(2) **LIMITATIONS.**—

“(A) **SPECIFIED GEOGRAPHIC AREAS.**—Subject to subparagraph (B), after the Administrator shall prescribe (after con-

“(B) **APPLICABILITY OF LIMITATION.**—The lim-

ination under subparagraph (A) shall apply only during the 180-day period following the date of a determina-
tion by the Administrator that exercising the authority of paragraph (1) is limited by subparagraph (A).

“(C) **GUIDELINES.**—Not later than 18 months after the date of enactment of this section, the Administrator shall issue guidelines that de-

fine the term ‘specified geographic area’ for the purpose of subparagraph (A).

“(d) **PUBLIC RECORD.**—Section 9002 of the Solid Waste Disposal Act (42 U.S.C. 6991a) is amended by adding at the end the following:

“(d) **PUBLIC RECORD.**—

“(1) **IN GENERAL.**—The Administrator shall make each report received under this subtitle—

“(i) available to the public on the Internet;

“(ii) lists each underground storage tank de-

scribed in paragraph (1) that is located an implemen-
tation report that—

“(i) lists each underground storage tank de-

scribed in paragraph (1) that, as of the date of submission of the report, is not in compliance with this subtitle; and

“(ii) describes any actions that have been and

will be taken to ensure compliance by the under-
ground storage tank with this subtitle.

“(e) **PUBLIC AVAILABILITY.**—The Adminis-

trator shall make each report received under subparagraph (d) available to the public on the Internet.

“(f) **NOT A SAFE HARBOR.**—This subsection does not relieve any person from any obligation

or requirement under this subtitle.”.

**SEC. 7. FEDERAL FACILITIES.**—Subtitle 1 of the Solid Waste Disposal Act (42 U.S.C. 6991 et seq.) (as amended by section 8) is amended by adding at the end the following:

“*SEC. 9013. STATE AUTHORITY.**—Nothing in this subtitle precludes a State from establishing any requirement that is more stringent than a requirement under this sub-
title.”.

**SEC. 8. STATE AUTHORITY.**—

“(1) **IN GENERAL.**—Section 9001 of the Solid Waste Disposal Act (42 U.S.C. 6991 et seq.) (as amended by section 9) is amended by adding at the end the following:

“*SEC. 9014. AUTHORIZATION OF APPROPRIA-
TIONS.**—There are authorized to be appropriated to the Administrator—

“(1) to carry out this subtitle (except sections 9006, 9007, and 9008) not to exceed $30,000,000 for each of fiscal years 2004 through 2008;

“(2) to carry out section 9003(h) (except section 9003(h)(12)) not to exceed $10,000,000 for each of fiscal years 2004 through 2008;

“(3) to carry out section 9003(h)(12) not to exceed $125,000,000 for each of fiscal years 2004 through 2008;

“(4) to carry out section 9005(a)—

“(i) not to exceed $35,000,000 for each of fiscal years 2004 and 2005; and

“(ii) not to exceed $20,000,000 for each of fiscal years 2006 through 2008;

“(5) to carry out section 9013 not to exceed $30,000,000 for each of fiscal years 2005 through 2009;

“(6) to carry out section 9014 not to exceed—

“(i) $30,000,000 for each fiscal year 2004 and

“(ii) $20,000,000 for each of fiscal years from 2005 through 2009.

**SEC. 9. CONFORMING AMENDMENTS.**—

“(a) **DEFINITIONS.**—Section 9001 of the Solid Waste Disposal Act (42 U.S.C. 6991) is amend-
ed—

“(1) by striking “For the purposes of this sub-
title”— and inserting “In this subtitle”;—

“(2) by redesigning paragraphs (1), (2), (3), (4), (5), (6), (7), and (8) as paragraphs (10), (7), (4), (3), (6), (5), (2), and (1), respectively, and re-
ordering the paragraphs so as to appear in nu-
merical order;

“(3) by inserting before paragraph (2) (as redesig-
nated by paragraph (2)) the following:

“(1) **INDIAN TRIBE;**—

“(A) **IN GENERAL.**—The term ‘Indian tribe’ means any Indian tribe, band, nation, or other organized group or community that is recog-
nized as being eligible for special programs and services provided by the United States to Indi-
nians because of their status as Indians.

“(B) **EXCLUSIONS.**—The term ‘Indian tribe’ in-
cludes an Alaska Native village, as defined in or estab-
lished under the Alaska Native Claims Set-
tlement Act (42 U.S.C. 1401 et seq.) and

“(4) by inserting after paragraph (8) (as redesig-
nated by paragraph (2)) the following:

“(9) **TRUST FUND.**—The term ‘Trust Fund’ means the Leaking Underground Storage Tank Trust Fund established by section 9508 of the Internal Revenue Code of 1986.”.

“(b) **CONFORMING AMENDMENTS.**—

“(1) **AMENDMENTS TO TITLE 42.**—Section 9001 of the Solid Waste Disposal Act (42 U.S.C. 6991) is amended in the table of contents—
A bill (S. 243) concerning participation of Taiwan in the World Health Organization.

There being no objection, the Senate proceeded to consider the bill.

Mr. MCCONNELL. I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDENT OFFICER. Without objection, it is so ordered.

The bill (S. 243) was read the third time and passed, as follows:

S. 243
Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONCERNING THE PARTICIPATION OF TAIWAN IN THE WORLD HEALTH ORGANIZATION (WHO).

(a) FINDINGS.—The Congress makes the following findings:

(1) Good health is important to every citizen of the world and access to the highest standards of health information and services is necessary to improve the public health.

(2) Direct and indirect participation of Taiwan in international health cooperation forums and programs is beneficial for all parts of the world, especially with today’s greater potential for the cross-border spread of various infectious diseases such as the human immunodeficiency virus (HIV), tuberculosis, and malaria.

(3) Taiwan’s population of 23,500,000 people is greater than that of three-fourths of the member states already in the World Health Organization (WHO).

(4) Taiwan’s achievements in the field of health are substantial, including one of the highest life expectancy levels in Asia, maternal and infant mortality rates comparable to those of western countries, the eradication of such infectious diseases as cholera, smallpox, and the plague, and the first to eradicate polio and provide children with hepatitis B vaccinations.

(5) The United States Centers for Disease Control and Prevention and its Taiwan counterpart agencies have enjoyed close collaboration on a wide range of public health issues.

(6) In recent years Taiwan has expressed a willingness to engage more fully and technologically in international aid and health activities supported by the WHO.

(7) On January 14, 2001, an earthquake, registering between 7.5 and 7.9 on the Richter scale, struck El Salvador. In response, the Taiwanese government sent 2 rescue teams, consisting of 90 individuals specializing in firefighting, medicine, and civil engineering. The Taiwanese Ministry of Foreign Affairs also donated $200,000 in relief aid to the Salvadorean Government.

(8) The World Health Assembly has allowed observers to participate in the activities of the organization, including the Palestine Liberation Organization in 1974, the Order of Malta, and the Holy See in the early 1960s.

(9) The United States, in the 1994 Taiwan Policy Review, declared its intention to support Taiwan’s participation in international organizations, in particular the WHO.

(10) In light of all the benefits that Taiwan’s participation in WHO brings to the state of health not only in Taiwan, but also regionally and globally, Taiwan and its 23,500,000 people should have appropriate and meaningful participation in the WHO.

(11) On May 11, 2001, President Bush stated in his letter to Senator Murkowski that the United States “should find opportunities for Taiwan’s voice to be heard in international organizations in order to make a contribution, even if membership is not possible”, further stating that his Administration “has focused on finding concrete ways for Taiwan to benefit and contribute to the WHO”.

(12) In his speech made in the World Medical Association on May 14, 2002, Secretary of Health and Human Services Tommy Thompson announced “America’s work for a healthy world cuts across political lines. That is why my government is supporting Taiwan’s efforts to gain observer status at the World Health Assembly. We know this is a controversial issue, but we do not shrink from taking a public stance on it. The people of Taiwan deserve the same level of public health as citizens of every nation on earth, and we support them in their efforts to achieve it.”

(13) The Government of the Republic of China on Taiwan, in response to an appeal from the United Nations and the United States for resources to combat HIV/AIDS, donated $1,000,000 to the Global Fund to Fight AIDS, Tuberculosis and Malaria in December 2002.

(14) The Secretary of State is authorized—

(1) to initiate a United States plan to endorse and obtain observer status for Taiwan at the annual week-long summit of the World Health Assembly in May 2003 in Geneva, Switzerland; and

(2) to instruct the United States delegation to Geneva to implement that plan.

(b) RECOGNITION.—The Congress recognizes that:

(1) the governments of Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and

HUMAN RIGHTS IN CENTRAL ASIA

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 63, S.J. Res. 63, H.R. 439.

The PRESIDENT OFFICER. The clerk will report the joint resolution by title.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 63) expressing the sense of the Congress with respect to human rights in Central Asia.

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. MCCONNELL. I ask unanimous consent that the Lugar amendment, which is at the desk, be agreed to; further, that the joint resolution, as amended, be read a third time and passed and the motion to reconsider be laid upon the table; further, that the amendment to the preamble be agreed to, the preamble, as amended, be agreed to, and the motion to reconsider be laid upon the table, with no intervening action or debate.

The PRESIDENT OFFICER. Without objection, it is so ordered.

The amendment (No. 533) was agreed to, as follows:

Strike all after the resolving clause and insert the following:

That it is the sense of Congress that—

(1) the governments of Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and...
Uzbekistan should accelerate democratic reforms and fulfill their human rights obligations, including, where appropriate, by—

(A) releasing from prison anyone jailed for peaceful political activism or the nonviolent expression of their political or religious beliefs;

(b) fully investigating any credible allegations of torture and prosecuting those responsible;

(C) permitting the free and unfettered functioning of independent media outlets, independent political parties, and nongovernmental organizations, including by easing registration processes;

(D) Permitting the free exercise of religious obligations and ceasing the persecution of members of religious groups and denominations that do not engage in violence or political change through violence;

(E) Holding free, competitive, and fair elections; and

(F) Making publicly available documentation of their revenues and punishing those engaged in official corruption;

(2) The President, the Secretary of State, and the Secretary of Defense should—

(A) continue to raise at the highest levels with the governments of the nations of Central Asia specific cases of political and religious persecution, and to urge greater respect for human rights and democratic freedoms as strategic opportunities;

(B) Take progress in meeting the goals specified in paragraph (1) into account when determining the scope and nature of our diplomatic and military relations and assistance with each of such governments;

(C) Ensure that the provisions of foreign operations appropriations Acts are fully implemented to ensure that no United States assistance benefits security forces in Central Asia that are implicated in violations of human rights;

(D) Urge the Government of Turkmenistan to implement the helpful recommendations contained in the so-called “Moscow Mechanism” Report of the Organization for Security and Cooperation in Europe (OSCE) respecting the right of all prisoners to due process and a fair trial and release democratic activists and their family members from prison;

(E) Pressure the Government of Russia not to extradite to Turkmenistan members of the political opposition of Turkmenistan;

(F) Pressure the Government of Kazakhstan to create a political climate free of intimidation and harassment, including releasing political prisoners and permitting the return of political exiles, and to reduce official corruption, including by urging the Government of Kazakhstan to cooperate with the ongoing Department of Justice investigation;

(G) Support through United States assistance programs individuals, nongovernmental organizations, and media outlets in Central Asia working to build more open societies, to support the victims of human rights abuses, and to expose official corruption; and

(H) Press the Government of Uzbekistan to implement fully the recommendations made to the Government of Uzbekistan by the United Nation’s Special Rapporteur on Torture;

(3) Increased levels of United States assistance to the governments of the nations of Central Asia made possible by their cooperation in the war in Afghanistan can be sustained only if there is substantial and continuing progress towards meeting the goals specified in paragraph (1).

The amendment (No. 534) was agreed to, as follows:

Strike the preamble and insert the following:

Whereas the Central Asian nations of Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan are providing the United States with assistance in the war in Afghanistan and the facilitation of humanitarian relief;

Whereas in turn the United States victory over the Taliban in Afghanistan provides important benefits to the Central Asian nations by removing a regime that threatened their security and by significantly weakening the Islamic Movement of Uzbekistan, a terrorist organization that had previously staged armed raids from Afghanistan into the region;

Whereas the United States has consistently urged the nations of Central Asia to open their political systems and economies and to respect human rights, both before and since the attacks of September 11, 2001;

Whereas Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan are members of the United Nations and the Organization for Security and Cooperation in Europe (OSCE), both of which confer a range of obligations with respect to human rights on their members;

Whereas while the United States recognizes marked differences among the social structures and commitments to democratic and economic reform of the Central Asian nations, it notes nevertheless, according to the State Department Country Reports on Human Rights Practices, that all five governments of such nations, to differing degrees, restrict freedom of speech and association, restrict or ban the activities of human rights organizations and other non-governmental organizations, harass or prohibit independent media, imprison political opponents, practice arbitrary detention and arrest, and engage in torture and extrajudicial executions;

Whereas by continuing to suppress human rights and to deny citizens peaceful, democratic means of expressing their convictions, the nations of Central Asia risk fueling popular support for violent and extremist movements, thus undermining the goals of the war on terrorism;

Whereas President George W. Bush has made the defense of human dignity, the rule of law, limits on the power of the state, respect for women and private property, free speech, equal justice, religious tolerance, strategic goals of United States foreign policy in the Islamic world, arguing that “a truly strong nation will permit legal avenues of dissent for all groups that pursue their aspirations without violence”;

Whereas Congress has expressed its desire to see deeper reform in Central Asia in past resolutions and other legislation, most recently conditioning assistance to Uzbekistan on their members from prison;

Whereas Congress has expressed its desire to see deeper reform in Central Asia in past resolutions and other legislation, most recently conditioning assistance to Uzbekistan and Kazakhstan on their progress in meeting commitments to the United States on human rights and democracy: Now, therefore, be it

Resolved by the Senate and House of Representives of the United States of America in Congress assembled, That it is the sense of Congress that—

(1) The governments of Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan should accelerate democratic reforms and fulfill their human rights obligations, including, where appropriate, by—

(A) releasing from prison anyone jailed for peaceful political activism or the nonviolent expression of their political or religious beliefs;

(B) Fully investigating any credible allegations of torture and prosecuting those responsible;

(C) Permitting the free and unfettered functioning of independent media outlets, independent political parties, and nongovernmental organizations, including by easing registration processes;

(D) Permitting the free exercise of religious beliefs and ceasing the persecution of members of religious groups and denominations that do not engage in violence or political change through violence;

(E) Holding free, competitive, and fair elections; and

(F) Making publicly available documentation of their revenues and punishing those engaged in official corruption;

(2) the President, the Secretary of State, and the Secretary of Defense should—

(A) Continue to raise at the highest levels with the governments of the nations of Central Asia specific cases of political and religious persecution, and to urge greater respect for human rights and democratic freedoms as strategic opportunities;

(B) Take progress in meeting the goals specified in paragraph (1) into account when determining the scope and nature of our diplomatic and military relations and assistance with each of such governments;

(C) Ensure that the provisions of foreign operations appropriations Acts are fully implemented to ensure that no United States assistance benefits security forces in Central Asia that are implicated in violations of human rights;

(D) Urge the Government of Turkey to implement the helpful recommendations contained in the so-called “Moscow Mechanism” Report of the Organization for Security and Cooperation in Europe (OSCE) respecting the right of all prisoners to due process and a fair trial and release democratic activists and their family members from prison;

(E) Pressure the Government of Russia not to extradite to Turkmenistan members of the political opposition of Turkmenistan;

(F) Pressure the Government of Kazakhstan to create a political climate free of intimidation and harassment, including releasing political prisoners and permitting the return of political exiles, and to reduce official corruption, including by urging the Government of Kazakhstan to cooperate with the ongoing Department of Justice investigation;

(G) Support through United States assistance programs individuals, nongovernmental organizations, and media outlets in Central Asia working to build more open societies, to support the victims of human rights abuses, and to expose official corruption; and

(H) Press the Government of Uzbekistan to implement fully the recommendations made to the Government of Uzbekistan by the United Nation’s Special Rapporteur on Torture;

(3) Increased levels of United States assistance to the governments of the nations of Central Asia made possible by their cooperation in the war in Afghanistan can be sustained only if there is substantial and continuing progress towards meeting the goals specified in paragraph (1).
OTTAWA NATIONAL WILDLIFE REFUGE COMPLEX EXPANSION AND DETROIT RIVER INTERNATIONAL WILDLIFE REFUGE EXPANSION ACT

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 67, H.R. 289.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 289) to expand the boundaries of the Ottawa National Wildlife Refuge Complex and a Detroit River International Wildlife Refuge.

There being no objection, the Senate proceeded to the immediate consideration of the bill:

Mr. MCCONNELL. I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, the Senate laid upon the table, and any statements related to the bill be printed in the RECORD.

COMMEMORATING THE 140TH ANNIVERSARY OF THE EMANCIPATION PROCLAMATION

Mr. MCCONNELL. I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 81, S. Con. Res. 15, which was reported earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 15) commemorating the 140th anniversary of the issuance of the Emancipation Proclamation.

There being no objection, the Senate proceeded to consider the concurrent resolution:

Mr. MCCONNELL. I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements related to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 15) was agreed to.

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) recognizes the historical significance of the 140th anniversary of the Emancipation Proclamation as an important period in the Nation’s history; and

(2) encourages its celebration in accordance with the spirit, strength, and legacy of freedom, justice, and equal opportunity for all people of the United States and to provide an opportunity for all people of the United States to learn more about the past and to better understand the experiences that have shaped the Nation.

COMMEMORATION OF LAW ENFORCEMENT OFFICERS

Mr. MCCONNELL. I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 82, S. Res. 75, which was reported earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 75) commemorating and acknowledging the dedication and sacrifice made by the men and women who have lost their lives while serving as law enforcement officers.

There being no objection, the Senate proceeded to consider the resolution:

Mr. LEAHY. Mr. President, I am happy that the Senate is passing S. Res. 75, a resolution that would designate May 15, 2003, as National Peace Officers Memorial Day. Senator CAMPBELL and I introduced this resolution to keep alive in the memory of all Americans the sacrifice and commitment of those law enforcement officers who lost their lives serving their communities. We are joined by 20 cosponsors, including Judiciary Committee Chairman HATCH, and Judiciary Committee members BIDEN, DURBIN, SCHUMER and KOHL.

I commend Senator CAMPBELL for his leadership in this issue. As a former deputy sheriff, he has experienced firsthand the risks faced by law enforcement officers every day while they protect our communities. I also want to thank each of our nation’s brave law enforcement officers for the jobs they do. They are real-life heroes, too many of whom often give the ultimate sacrifice, that they remind us of how important it is to support our state and local police.

Currently, more than 850,000 men and women who serve this Nation as our guardians of law and order do so at a great risk. Each year, 1 in 15 officers is assaulted, 1 in 46 officers is injured, and 1 in 5,255 officers is killed in the line of duty somewhere in America every other day. After the hijacked planes hit the World Trade Center in New York City on September 11, 72 police officers died while trying to ensure that their fellow citizens in those buildings got to safety. That act of terrorism resulted in the highest number
of peace officers ever killed in a single incident in the history of this country.

In 2002, over 152 law enforcement officers died while serving in the line of duty, well below the decade-long average of 165 deaths annually, and a major drop from 2001 when a total of 239 officers were killed. A number of factors contributed to this reduction including better equipment and the increased use of bullet-resistant vests, improved training, longer prison terms for violent offenders, and advanced emergency medical care. And, in total, more than 16,700 men and women have made the ultimate sacrifice.

National Peace Officers Memorial Day was provided the people of the United States with the opportunity to honor that extraordinary service and sacrifice. More than 15,000 peace officers are expected to gather in Washington to join with the families of their fallen comrades who, by their last full measure of devotion to their responsibilities and the right and security of their fellow citizens, have rendered a dedicated service to our nation. I look forward to this important resolution, a fitting tribute for this special and solemn occasion.

Mr. MCCONNELL. I ask unanimous consent the resolution be agreed to, the preamble be stricken from the table, and any statement related to this matter be printed in the RECORD.

The preamble was agreed to.

The resolution (S. Res. 75) was agreed to.

Resolved, That the Senate—

(1) recognizes May 15, 2003, as Peace Officers Memorial Day, in honor of Federal, State, and local officers killed or disabled in the line of duty; and

(2) calls upon the people of the United States to observe this day with appropriate ceremonies and respect.

AUTHORIZATION FOR COMMITTEE TO FILE

Mr. MCCONNELL. I ask unanimous consent that notwithstanding the Senate's adjournment, subcommittee of the Commerce Committee have from 10 a.m. until 12 noon on Friday, May 2, to file S. 824, the FAA reauthorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Would the distinguished majority whip yield?

Mr. MCCONNELL. I yield.

Mr. REID. Mr. President, we have completed a number of unanimous consent requests this evening. A number of them—about 10 in number—deal with various positions that have been confirmed by the Senate this evening. These we read off by virtue of numbers. We do this almost every night, but I think sometimes we fail to realize these are people and they are more than just numbers. The people on this list that we have read off today, they will have celebrations tonight. These are extremely important days in the life of every one of these people whose names we are about to get the Judicial Committee to consider Executive Calendar No. 34, the nomination of Deborah Cook to be United States Circuit Judge for the Sixth Circuit as provided under the previous order.

I further ask unanimous consent that upon the completion of the vote on the Cook nomination, the Senate resume consideration of the nomination of Miguel Estrada, with the remaining time until 6 p.m. equally divided between the chairman and ranking member of the Judiciary Committee, provided further that at 6 p.m. the Senate proceed to a cloture vote on the Estrada nomination.

Mr. REID. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR MONDAY, MAY 5, 2003

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until noon, Monday, May 5. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period of morning business until 12:45, with the time equally divided between the majority leader and Senator DORGAN or their designees, provided that at 12:45 the Senate proceed to executive session to consider Executive Calendar No. 34, the nomination of Deborah Cook to be United States Circuit Judge for the Sixth Circuit as provided under the previous order.

I further ask unanimous consent that upon the completion of the vote on the Cook nomination, the Senate resume consideration of the nomination of Miguel Estrada, with the remaining time until 6 p.m. equally divided between the chairman and ranking member of the Judiciary Committee, provided further that at 6 p.m. the Senate proceed to a cloture vote on the Estrada nomination.

Mr. REID. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. MCCONNELL. Mr. President, for the information of all Senators, on Monday the Senate will be in a period of morning business until 12:45. Following morning business, the Senate will begin consideration of the Cook nomination to the Sixth Circuit. Under the agreement, entered into earlier today, there will be up to 4 hours of debate on the nomination prior to a vote on confirmation. Therefore, the first vote on Monday will occur at 4:45 p.m.

Upon the disposition of the Cook nomination, the Senate will consider the nomination of Miguel Estrada until 6 p.m. At 6 p.m., the Senate will conduct its fifth cloture vote on the Estrada nomination.

In addition to judicial nominations, the Senate may proceed to any of the following items next week: The NATO expansion bill, the energy bill, the biofuel legislation, the State Department authorization bill, the FISA legislation, and any other items that can be cleared for floor action. Therefore, I encourage our colleagues to prepare for a very busy week, with numerous roll-call votes occurring throughout next week.
NOMINATIONS
Executive nominations received by the Senate May 1, 2003:

THE JUDICIARY

D. MICHAEL FISHER, OF PENNSYLVANIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE THIRD CIRCUIT, VICE CARL V. BRESLAUER, DECEASED.

ROGER T. BENTZ, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF CALIFORNIA, VICE A NEW POSITION CREATED BY PUBLIC LAW 107–273, APPROVED NOVEMBER 2, 2002.

LARRY ALAN BROWN, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF CALIFORNIA, VICE A NEW POSITION CREATED BY PUBLIC LAW 107–273, APPROVED NOVEMBER 2, 2002.

KATHRYN CADDOE, OF TEXAS, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF TEXAS, A NEW POSITION CREATED BY PUBLIC LAW 107–273, APPROVED NOVEMBER 2, 2002.

MARY A. CRONE, OF TEXAS, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF TEXAS, VICE A NEW POSITION CREATED BY PUBLIC LAW 107–273, APPROVED NOVEMBER 2, 2002.

DALE S. FISCHER, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA, VICE A NEW POSITION CREATED BY PUBLIC LAW 107–273, APPROVED NOVEMBER 2, 2002.

WILLIAM J. HAYES, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF CALIFORNIA, VICE A NEW POSITION CREATED BY PUBLIC LAW 107–273, APPROVED NOVEMBER 2, 2002.

JAMES J. O'NEIL, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF CALIFORNIA, VICE A NEW POSITION CREATED BY PUBLIC LAW 107–273, APPROVED NOVEMBER 2, 2002.

FRANK MONTALVO, OF TEXAS, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF TEXAS, VICE A NEW POSITION CREATED BY PUBLIC LAW 107–273, APPROVED NOVEMBER 2, 2002.

DAVID PROCTOR, OF ALABAMA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF ALABAMA, VICE MARK W.lunday, JR., RETIRED.

JEFFREY T. SMITH, OF KANSAS, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF MO, VICE EDWARD C. BOARDMAN, JR., RETIRED.

ANA MADUZI, OF KANSAS, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF TEXAS, VICE CHARLES R. JONES, JR., RETIRED.

STEVEN J. ROSENFELD, OF KANSAS, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF KANSAS, VICE TERRY L. ADAMS, JR., RETIRED.

DEPARTMENT OF JUSTICE

GERRY CHEN C. F. SHAFFETT, OF NORTH CAROLINA, TO BE UNITED STATES ATTORNEY FOR THE WESTERN DISTRICT OF NORTH CAROLINA, FOR THE TERM OF FOUR YEARS, VICE ROBERT J. CONRAD JR., RETIRED.

DEPARTMENT OF STATE

GEORGE A. KROL, OF NEW JERSEY, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF BELARUS.

DEPARTMENT OF DEFENSE

THOMAS W. O'CONNELL, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF DEFENSE, VICE R. MICHAEL WARD, JR.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

JEFFERSON L. VIERRA

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR TEMPORARY APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 5721:

To be lieutenant commander

AMADO F. ABAYA
CONGRESSIONAL RECORD — SENATE
May 1, 2003

TO BE CAPTAIN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 1226:

GREGORY S. ADAMS
HABEY W. ALLEN
RICHARD C. BAPPY
DANIEL A. BURBACE
HENRY S. DOMKE
ALEXANDER DROW
LANCE B. GORDON
BRAN L. HICKMAN
RONDAL L. HOOVER
JAMES A. JACKMORE JR.
ANTHONY H. JOHNSON
HOWARD T. KAUERSBERG
RAYMOND KELLER JR.
LIBROY LANCE JR.
DINNIA L. LOVEJOY
PATRICIA A. LUCAS
C. C. MAGRUDER
THOMAS C. MALONEY JR.
DAVID W. MAEARY
MARK D. NEY
GARY B. REEVES
CHARLES T. ROBERTS
JOHN A. RODGARD
STEPHAN A. ROOSIE
JOHN VOLKOFF
KEVIN A. WAHAARD
MICHAEL K. WHITE
PATRICIA C. WILLIAMS
PETER A. WYNESS

CONFIRMATIONS

Executive nominations confirmed by the Senate May 1, 2003:

DEPARTMENT OF ENERGY

LINTON F. HESSE, OF TEXAS, TO BE UNDER SECRETARY FOR NUCLEAR SECURITY, DEPARTMENT OF ENERGY.

DEPARTMENT OF THE TREASURY

LAWRENCE M. MORRIS, OF SOUTH CAROLINA, TO BE A MEMBER OF THE BOARD OF REGENTS OF THE UNFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES.

TENNESSEE VALLEY AUTHORITY

RICHARD W. MOORE, OF ALABAMA, TO BE INSPECTOR GENERAL, TENNESSEE VALLEY AUTHORITY. THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 1226:

CHARLES L. COLLINS
WILLIAM C. DOXEKIC
ARAGO A. KOSSOUA
RICHARD R. LAGOON JR.
RICHARD D. MARKINSMANUTO
CHARLES D. MASSEY
DONALD D. MURPHY JR.
RONDAL L. OBOUCEK
GREGG R. PELKOWSKI
ROBERT V. FELTHER
ROBERT B. ROBIN
CHARLOTTE V. SCOTTMCNIGHT
JEFFREY C. SIN
ROBERT L. WOLFE
CYNTHIA R. SUGIMOTO

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS RESERVE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

MAJ. GEN. HENRY P. OSMAN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS RESERVE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

TO BE BRIGADIER GENERAL

COL. DOUGLAS M. STONE

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 624:

MAJ. GEN. HENRY P. OSMAN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 661:

TO BE MAJOR GENERAL

MAJ. GEN. JAMES J. LOVELOCK, JR.


TO BE CAPTAIN

MAY 1, 2003
EXTENSIONS OF REMARKS

APPOINTING A SPECIAL ENVOY FOR HUNGER

SPEECH OF
HON. FRANK R. WOLF
OF VIRGINIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, April 29, 2003

Mr. WOLF. Mr. Speaker, Africa is on the brink of a crisis of biblical proportions. I traveled to Ethiopia and Eritrea earlier this year to see the famine conditions, and never imagined that I’d see conditions as bad as I saw in 1984.

In 1984, 8 million were in need of food aid. In January, more than 11 million people struggled for their next meal. I saw women and children that were too weak to feed themselves. This is absolutely tragic in a world with food as plentiful as ours.

Today, the situation is even more distressing. I recently read a cable from the American ambassador in Ethiopia describing a grimmer outlook for the coming months than had previously been expected. I will be submitting into the RECORD the cable and the latest NOAA weather forecast, which revises expectations for crop viability downward. This paints a bleak outlook for millions more Ethiopians for months to come.

In March, I wrote U.N. Secretary General Kofi Annan urging him to appoint a special envoy for hunger. Many European news outlets have run stories in recent days on the growing number of Africans, whose lives are now in jeopardy. The Ethiopian Government is planning another “Live-Aid” concert to re-energize the donor community and draw international attention to the situation. The momentum of this concert, coupled with the appointment of a U.N. special envoy, may help draw enough attention and resources to the continent and save the lives of millions of women and children.

In Matthew 25, Jesus talks about the obligation to feed the hungry. The United States has responded to this crisis with an enormous amount of compassion. Many countries have the ability to give more, and may just be waiting to be asked. Time, resources and attention must be devoted to mobilizing and coordinating the resources required. This is a crisis that will require enormous coordination between international aid agencies, religious leaders and governments from every corner of the globe.

The war in Iraq has demanded our attention, but we can not allow this silent emergency to grow worse. The lives of millions of women and children depend on this story being shared loudly and boldly. I hope you’ll do your part.

FROM AMBASSADORS ADDIS ABABA TO SECESTATE WASHDC 1999

SUMMARY

1. The mission believes that the number of people in need of emergency assistance will continue to increase from current levels of 11.3 million to 14 million people over the course of the year, forcing a deliberate shift from the mid-case to the worst-case scenario as described in the October 2002 USAID/Ethiopia Contingency Planning Guidance.

2. Life-saving interventions are ongoing throughout Ethiopia, with special attention to pocket areas with high malnutrition. However, poor rains to date continue to raise vulnerability and needs and potentially threaten grave consequences, including increased mortality.

3. The sheer magnitude, severity and duration of Ethiopia’s food security emergency has left people in an extreme state of vulnerability where coping strategies have been exhausted and livelihoods destroyed leading to widespread destitution. Increased destitution and continued shocks threaten a sharp increase in mortality levels as any possible harvest is still months away and health status of the most affected continues to decline.

4. Pre-famine indicators are present in Ethiopia for a significant portion of the affected population and support the movement of contingency planning efforts to a worst-case scenario.

BACKGROUND

5. As per Reflets A and B, USAID/Ethiopia issued a contingency plan on October 2002 to the horn response working group in USAID/W outlining a mid-case and two worst-case scenarios as well as a mitigation and response plan.

6. The mission believes that the response to date, particularly led by the GFDR and the USAID has provided the necessary resources to mitigate against the absolute worst-case scenario (Worst-Case Scenario Two as per the plan). However, current rains are again inadequate and NOAA projections indicate “normal to below normal” rainfall is anticipated.

7. Continued drought can be expected to increase the beneficiary caseload beyond current levels of 11.3 million people to 14 million or more over a wider geographic area. Thus, we can expect to meet criteria for the plan’s Worst-Case Scenario One.

8. A worst-case scenario will result in unacceptable levels of mortality over a wide area and further breakdowns of long-term livelihood coping strategies. In addition, one can anticipate further depletion of productive assets (destitution), distress migration, increased rural and urban vulnerability, and increased rural and urban mortality. Malnutrition, which already threatens mortality, will occur over the coming months based on current indicators. The pre-famine indicators will only worsen if rains continue to be much below average.

9. The current crisis is not likely to result in the mortality levels of the 1980’s, in large part due to an early response by the GFDR, institutions such as the Emergency Food Security Reserve, and early warning systems. In the likely event of pipeline breaks and/or epidemic outbreaks, the worst-case scenario could result in a significant spike in mortality.

FACTORS LEADING TO A WORST-CASE SCENARIO

A. MASSIVE CROP FAILURE AND NUMBERS OF PEOPLE IN NEED

10. Following the December 2002 crop assessment (estimated 25 percent decrease from the 2001/2002 harvest and 21 percent decrease from the last five-year average (FAO) production decline), DPPC and multi-agency teams concluded that 11.3 million people would require emergency assistance. A further 2.9 million people were identified as being under close monitoring.

11. A March 14 appeal to the donor community (SEPTEL C) increased needs slightly from 1.44 to 1.46 million metric tons and those under close monitoring from 2.9 to 3.1 million.

12. Production is most severely affected in Eastern Ethiopia, particularly in lowland areas, where losses range from 70 to 100 percent. However, food production is down even in surplus areas in the west. Reduction in food production in surplus areas will limit timely local purchase of food aid and cereal prices will increase further throughout the hungry season (July-September) when more than 90 percent of farmers’ cereal holdings will be depleted.

13. Note: The 1999-2000 food shortage emergency (labeled as localized famine retrospectively by CDC with respect to excess mortality in the Gode Zone of Somali Region and low-level famine in the Ethiopian highlands by experts such as Stephen Devereaux) was largely limited to belg producing and pastoral areas. This is not true in 2003. Current pre-famine indicators are found in many areas that are main meher-season producers. In the 1999 and 2000 contingency plans, the mission was warned that a worst-case scenario would be a failure of production in main season agricultural areas. This is in fact the situation that we now face in Ethiopia.

B. CHANGED DISEASE ENVIRONMENT

14. As per Reflets B and E, mortality and morbidity indicators are deteriorating. Of the 150 worst drought-affected districts, surveyed with mortality data, only 46 are below the 40 per 10,000 per day. These 46 districts account for 30. Of these, 18 districts with a total surveyed population of 2.1 million report mortality rates at or above emergency thresholds of 1 per 10,000 per day for crude mortality or 2 per 10,000 children under five years of age per day.

15. Recent nutrition surveys in areas where interventions are ongoing suggest that nutritional status has stabilized or improving in a number of districts. Other areas, particularly those in the southern nations, nutrition indicators are not true in 2003. Current pre-famine indicators are found in many areas that are main meher-season producers. In the 1999 and 2000 contingency plans, the mission was warned that a worst-case scenario would be a failure of production in main season agricultural areas. This is in fact the situation that we now face in Ethiopia.

16. Of particular concern are reports of pellagra and other micronutrient deficiencies from UNICEF nutrition experts traveling in North Wello. Pellagra results from a lack of niacin, often occurring in populations reliant on a homogenous diet of corn. After several months of dependency upon relief food composed of corn or wheat only, (blended foods and pulses are in short supply), micro-nutrient deficiencies such as pellagra are not surprising. UNICEF nutrition experts reported seeing cases in 11 villages they visited. As the rash-like symptoms of pellagra are only visible at advanced stages of the micronutrient deficiency, pellagra is very likely to be affecting a much larger proportion of the population than was observed.

17. Since early February, measles outbreaks have been reported in Bale Zone in Oromiya, Sitti Zone in SNPPR and the WAG HAMRA Zone in Amhara.

18. Cases of meningitis have been reported in Tigray, SNPPR, Afar, Benishangul and Oromia. The Ministry of Health is making
aggressive efforts to determine the strain. The threat of cholera increases with the advent of rain in the northern part of the country. Malaria cases are increasing and will likely increase further as people move to lowlands.

C. A DEEPENING CRISIS, COUPLED WITH POOR RAINS IN 2003

19. On March 25, 2003, the Disaster Prevention and Emergency Committee of Ethiopia (DPC) launched a multi-agency assessment team to Tigrai, Amhara, Oromiya and Southern Nations, Nationalities and Peoples Regions (SNNPR). The assessments will test the status of 3.1 million people under the “close-monitoring” category and verify any additional need. Early indications point to an increase in cereal and oil purchases, and market and household assessments on May 1, 2003 that 1.5 million people in nine SNNPR regions. Given that a good belg season in recent years is more the exception than the rule, we anticipate based on experience, that the outcome this year will be much below average. A significant reduction in area-planting for belg producers is already being reported. The USG has pledged current belg season. Assessments will revise the total beneficiary caseload of 13.8 million (including 1.5 million people in need of assistance over a widespread area.

D. INCREASING NEEDS OF PEOPLE IN NEED

20. Based on an estimate, the effect of the much below-average belg is deepening the severity of the drought in already affected food deficit areas, pastoral areas, and newly emerging areas (SNNPR). The assessment time, a much below-average belg performance (and poor pastoral rains), but not a total failure, we expect an increase of an additional 1 million people in need of assistance over a widespread area beginning in July or a revised total beneficiary caseload of 13.6 million (initially 12.5 million beneficiaries, projected may increase of 1.5 million people, and July increase of 1 million).

21. Based on this estimate, the following can be expected:

- Rather than needs peaking between April and June and declining in July, the mission believes that overall needs will increase initially in May and then remain at peak levels for the period June, July and August, and possibly through September.

- The overall increase in beneficiaries by 2.5 million people will result in increased cereal needs by some 170,000 mt (using 12.5 kg per person) and blended food requirements of 39,375 mt between May and September. This will increase overall needs during the appeal period from 1.46 mt to 1.66 mt (or an increase of about 210,000 mt overall (cereals and blended food) for the five month period).

E. PIPELINE BREAK FOR CEREALS AND BLENDED FOOD

24. The most recent USG contribution totaling 186,500 mt, as well as new contributions from other donors, brings the total pledges against CY 2003 to more than 1 million mt including 993,252 mt of cereals, 65,685 mt of blended food and 15,267 mt of vegetable oil. This represents some 70 percent of the estimated 210,000 mt overall needs.

25. However, it should be noted that these are pledges, not deliveries and continued coordination and robust deliveries are necessary to avert a pipeline break. Any delay could result in a pipeline break, which will have lasting repercussions for relief deliveries and could cause alarm as all major indicators to spike (morbidity, malnutrition, mortality, migration, etc.)

26. Actual deliveries are lagging. For example, the USG purchased 508,000 mt in CY 2003 but over 250,000 mt has not yet been purchased or shipped from the US and remains unscheduled in terms of delivery to Ethiopia. Consequences of a prolonged pipeline break include:

- Sharp increase of severe malnutrition and mortality.
- Ration reductions further compounding high levels of malnutrition.
- Limited pre-positioning of food to inaccessible areas.
- Reduction in distributions, requiring parallel import measures to the distribution sites and the emergency food security reserve, or partner warehouse.
- Mass migration during the agricultural season will affect this year’s overall production and next year’s assistance requirements.
- Mass displacement and rural to urban migration.
- With the addition of some 2.5 million people in need, the USG current pledges and delivery schedules for cereals will fall short of needs beginning in late-July with delivery lulls and gaps as early as May.

27. The stability remains dangerously low with only 50 percent of the supplementary food needs pledged. Current availability information points to a break of supplementary food availability in the middle of July.

28. Maintaining a pipeline at a minimum of 83 percent (representing the reduced ration of 12.5 kg per person per month) is process not just to meet less-than-minimal nutritional requirements and limit spontaneous migration in search of food, but also to ensure that stability is maintained.

29. The mission is concerned about continued targeting difficulties and dilution of rations from the reduced level of 12.5 kg per person per month, to even lower levels as local officials stretch food available for an increasing number of people in need. The long-term impact on health status of keeping people on critical nutritional requirements is a serious concern.

30. The mission continues to stress the importance of improved targeting to increase the effectiveness of the response and in particular the present supplementary distributions. However, this often falls on deaf ears at the local level where absolute numbers in need are immediately apparent.

PLAN TO MEET INCREASING NEEDS

32. To date, the major stabilizing factor in the's been the USG contribution of 712,000 mt ($319 million) of emergency food aid since the crisis emerged. While USG contributions are not just to meet less-than-minimal nutritional requirements and limit spontaneous migration in search of food, but also to ensure that stability is maintained.

31. The pipeline break for cereals and blended food received this year’s overall production and next year’s assistance requirements. Mass displacement and rural to urban migration. With the addition of some 2.5 million people in need, the USG current pledges and delivery schedules for cereals will fall short of needs beginning in late-July with delivery lulls and gaps as early as May.

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33. Recently signed grants will complement and increase the effectiveness of the response, including increasing the number of nutritional surveys, health services and measles campaigns in the worst affected areas. Funds will be used to expand efforts to identify emerging hotspots, increase potable water and expand the school-feeding program through the summer and fall.

A. Health and Non-Food Interventions

34. But more is needed. One of the most significant and damning criticisms of the 1999-2000 response in the Somali Region of Ethiopia, was the inability of the UN Agencies and non-government organizations to undertake a timely measles immunization campaign and appropriate medical and health interventions to minimize excess mortality. The following critical actions can be undertaken through USAID, DO-NORS, NGOs, etc. in the next ninety days in order to avoid further excess deaths:

- Implement mass measles immunization campaigns (currently underway) to 162 million people under the age of 15 will be reached by June.

- With basic health, water and sanitation services at food distribution and supplementary feeding sites.

- Provide food and basic health services to displaced people and mobile aid teams to reach populations, including out-reach services;

- Improve targeting and ensure that food distributions are integrated generally with an overall health response;

- Increase availability and improve targeting of CSB.

35. It is critical that the USG look to an increasing broad pool of implementing agencies to the widening humanitarian situation in Ethiopia, A State of emergency is required to integrate food, non-food, livelihood and counter-famine responses to address the depth of the crisis.

36. Millions of families have lost their assets and require protection from further asset losses. Households also require access to a safety net and other opportunities for asset building. Provision of drought and disease resistant crops and pastureal interventions to assist in the recovery of populations and the provision of critical grain for the main rains and the hunger-season in June.

37. The mission and the UN should immediately be able to reach areas affected by the current crisis depict one of widespread and deepening crisis and the lack of relief provided by the current belg season. Assessment missions continue to stress the importance of improved targeting to increase the effectiveness of the response and in particular the present supplementary distributions. However, this often falls on deaf ears at the local level where absolute numbers in need are immediately apparent.

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A. Health and Non-Food Interventions

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irreversibility, increased morbidity and mortality beyond acceptable levels and migration.

RECOMMENDATIONS

40. Given the continued deterioration of the situation, and the likelihood of increased needs and risks affected populations are risking increasing irreversible outcomes of the crisis, the mission recommends the following:

A. Issue demarche to other donor countries and resistance groups (see Reftel F).

B. Establish a reserve allocation of 150,000 MT from the Emerson Trust that can be used to respond to needs at the height of the hungry season (July-September). Food would be distributed through NGOs and the World Food Program.

C. Continue CSB contributions and deliveries through NGOs and the World Food Program to meet the deterioration of nutritional status in developing hot-spots. Based upon needs, up to 25,000 MT of CSB should be made available for delivery in July and August 2003.

D. Use additional agency funding to meet immediate needs and put in place livelihood interventions and counter-famine measures particularly through U.S.-governmental organizations now implementing the joint emergency operation.

E. Broaden the normal pool of implementing agencies with the tools to meet needs (i.e., beyond traditional food and non-food programs). It has become clear over the last several months that our NGO partners are quickly coming to a saturation point regarding their capacity and additional surge capacity is needed.

F. Provide follow-up CDC assistance to track epidemic outbreaks and implement appropriate nutrition and mortality surveys to deepen the understanding of the overall magnitude of the crisis.

G. Press the United Nations for the appointment of a special envoy and/or a senior representative to deepen the understanding of the overall capacity is needed.

41. Food and Nutrition Programs

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A. Issue demarche to other donor countries and resistance groups (see Reftel F).

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RECOGNITION OF AL HENDERSON

HON. C.L. “BUTCH” OTTER
OF IDAHO
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 30, 2003

Mr. OTTER. Mr. Speaker, I rise today to recognize Al Henderson of Boise, Idaho as the recipient of The Salvation Army’s William Booth Award for service to community. The William Booth Award is one of the highest awards that may be conveyed upon an individual by The Salvation Army.

Al Henderson’s many past civic associations include being co-founder of Idaho Working Partners and the World Sports Humanitarian Hall of Fame, The Salvation Army advisory board chairman, Chamber of Commerce board member, Rotary Club member, American Cancer Society, West Side Optimists Club and the Boise City Library Board. Mr. Henderson is also closely involved with the good works of the University Christian Church in Boise. Currently he serves part time as an employee for the Federal Emergency Management Administration.

Mr. Speaker, I wish to congratulate Al Henderson for his receipt of this distinguished award. I have had the honor of being personally acquainted with Al for many years, and I can think of no other person more worthy or deserving of this award. I have been inspired by Al’s principled character and his steadfast commitment to the State of Idaho. His achievements, continued unselfish work, and sense of community serve as a lustrous model of exemplary citizenship.

IN HONOR OF A DECADE OF MARK SIMON’S PENINSULA INSIDER COLUMN

HON. ANNA G. ESCHOOF OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 30, 2003

Ms. ESHOO. Mr. Speaker, I rise to honor Mark Simon, who for ten years has educated, amused, irritated, informed and instructed the readers of the San Francisco Chronicle with his well-written, well-read column.

“From beaches to redwoods,” Mark Simon loves the region of which he writes. Over the years, the personality, styles and problems of our region have all become grist for his Chronicle column. He has regaled us with tales of John Madden’s taste for tamales and kept us up to date on the unfolding of the Century Loan scandals. He has raised awareness and informed his readers on issues as diverse as campaign finance reform, gunshot locators, Devils Slide, and breast cancer treatment for low income women in our community. Mark has reported on every side of Stanford, from sports to the opening of the Cantor Art Museum. His columns have traced the dynamic changes in our community: Silicon Valley’s ups and downs, the birth and death of a San Francisco Bay Olympic bid, and the constant rising and falling of housing prices. He has filled the narrative of our region with a variety of colorful events and characters, spotlighting the Tour de Peninsula, former monks, great achievers such as LaDoris Cordell, and even his own beloved sons. We know them all now and we’re grateful to Mark as a son of the Peninsula, for his unswerving love of it. Mr. Speaker, I invite the members to join me in honoring Mark Simon for his service to our community as the Chronicle’s chronicler of life on the San Francisco Peninsula and the magnificent 14th Congressional District. No one has done it better or with as much knowledge, guts, intelligence or love of our area.

APPLAUDING THE ANAHEIM CITY SCHOOL DISTRICT

HON. LORETTA SANCHEZ
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 30, 2003

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today to praise the Anaheim City School District for emphasizing the importance of literacy in their curriculum. With a few thousand dollars left in its Proposition 10 budget, the early childhood education office put together “literacy baskets” that included crayons, alphabet books, puzzles, and other educational materials.

These baskets will be given to adults to take home and throw “literacy parties” where they can invite neighbors, friends and relatives over and discuss practical tips on teaching toddlers how to read. The program has been so successful, that it is quickly running out of baskets.

A survey by UCLA and the Field Institute shows that nearly half of all adults do not read to their children. Educators believe that rate is worse for low-income families.

I want to applaud the Anaheim City School District for working hard to promote literacy to young children. The “literacy baskets” will help to improve early literacy and make a difference for thousands of kids.

WARREN HIGH SCHOOL’S CONTINUED TRADITION OF EXCELLENCE

HON. MIKE ROSS
OF ARKANSAS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 30, 2003

Mr. ROSS. Mr. Speaker, it was only two years ago that I was congratulating the Warren High School Lumberjacks, and their head coach, Bo Hembree, for winning the Arkansas AAA Boys High School State Football Championship, and here we are again. It is an impressive feat just to win one state title, but winning two in three years is a real testament to preparation, character, and purpose. I think it also demonstrates the spirit of determination and hard work that has always distinguished Arkansans.

As a concerned parent, I understand even more that paramount among my duties as a U.S. Congressman is to provide the necessary resources to our students, teachers, and schools that will enable our young men and women to excel and succeed in all their endeavors. Educating the next generation is an important issue not only in the classroom, and the halls of Congress, but also around our kitchen tables at home.

I have long been an advocate of athletics and extracurricular activities as a supplement to academic excellence for their ability to instill leadership, character, and perseverance. Activity outside the classroom instills a habit of serving the community, preparing them to take leadership roles and eventually shape the larger world around them.

Championships are won in the heart as much as on the field. The will to overcome adversity, the daily drive to succeed, and the mental toughness to perform under pressure carried the young men during their championship season, and will provide them with a well to draw from throughout their entire lives.

That is why it brings me so much pleasure to again congratulate the Warren High School football program on winning the AAA Boys High School Football Championship: It is evidence of a culture of excellence and hard work among the student body, coaching staff, Warren High School faculty, and the community. We can all take great pride in the accomplishments of this team, and how they achieved their goals. I am proud of you. It is an honor for me to salute the coaches, parents, and players who stayed the course, and met adversity and challenge to become champions.

RECOGNITION OF COURTNEY FLOYD

HON. C.L. “BUTCH” OTTER
OF IDAHO
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 30, 2003

Mr. OTTER. Mr. Speaker, I rise today to bring to the attention of the House the distinguished accomplishments of Courtney Floyd of Boise, Idaho. Courtney is the recipient of the Salvation Army’s Emily Reno award for service to community.

Courtney, the daughter of Greg and Suzanne Floyd, is a senior at Centenn ae High School in Boise, Idaho, where she serves as a student council officer, cheerleader, and member of the Key Club. In addition to her extensive involvement in school activities, Courtney has served her community in various volunteer capacities—through her involvement with Special Olympics, soup kitchens, humanitarian aid projects, and retirement centers.

A key element in the Salvation Army’s Christmas food drives; Courtney has initiated the collection of more than 590,000 pounds of food for the needy during the past 3 years. Mr. Speaker, I wish to convey a special thanks to Courtney Floyd for her hard work and sense of community. Courtney’s unselfish actions epitomize the ministry and mission of the Salvation Army.

IN HONOR OF WILLIAM R. BRODY

HON. ANNA G. ESCHOOF OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 30, 2003

Ms. ESHOO. Mr. Speaker, I rise to honor William R. Brody, M.D., Ph.D., who has...
Mr. Speaker, I rise today to honor Catherine Spear of Orange County, California.

A published poet, and leader in her community, Catherine was recently named executive director of the nonprofit Catholic Charities of Orange County.

Catherine is known in her community as an expert fundraiser, raising millions for schools in Orange County. This talent serves her well as executive director, bringing sound business experience to a nonprofit to help Catholic Charities serve the community.

The agency’s mission is to serve the poor, help immigrants settle into their new communities, and serve food to needy families. The agency is open to persons of other religious faiths, and is separate from the Diocese of Orange.

Catholic Charities served over 92,000 people last year. And with the leadership of Catherine, I believe that Catholic Charities will become even more of an asset to its community. I wish Catherine the best of luck.

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Mr. Speaker, I rise today to honor Dr. William R. Brody for his lifetime of service to others and for his extraordinary contributions to medicine. He has made contributions in the fields of medical acoustics, computed tomography, digital radiography and magnetic resonance imaging.

Dr. Brody, who became the 13th president of the Johns Hopkins University on September 1, 1996, has extensive ties to the 14th Congressional District which I’m proud to represent. He and his family lived in Palo Alto for many years and his children attended several years of school in our community. In addition to his extraordinary accomplishments in the fields of engineering, medicine and education, Dr. Brody is a talented musician, a great athlete, a loving husband, a proud father, and an exceptional friend to many.

Mr. Speaker, I ask my colleagues to join me in honoring Dr. William R. Brody for his lifetime of service to others and for his extraordinary contributions to medicine.

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In the House of Representatives, Wednesday, April 30, 2003

HON. MIKE ROSS
OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 30, 2003

Mr. ROSS. Mr. Speaker, today, I rise to pay tribute to Bart Lindsey, a beloved resident of the community of Helena and a distinguished Arkansan, who recently passed away at age 56. Mr. Lindsey’s life-long contributions to family, community, and country will be missed.

Bart Lindsey first made a name for himself in the banking business. Always active in the community, and with an early interest in banking, Bart worked for a summer vacation job from the University of Arkansas at Fayetteville to work as a teller for First National Bank of Phillips County. After graduating college and serving in the military, where he earned a Bronze Star and Army Commendation Medal for his service in Vietnam, Bart returned home to the community he loved and accepted a position at that same bank, where he would eventually rise to become chief executive officer.

Bart’s life provided an example to us all. He found time to serve as an elder in his church, and to serve as vice chairman of the Board of Directors of the Arkansas-Oklahoma Presbyterian Foundation. He served his State and community by sitting on the Board of Directors of the American Bankers Association, and by serving as chairman of the Board of Trustees of the University of Arkansas, and president of the Helena-West Helena Rotary and Kiwanis clubs.

But of all his professional accomplishments, I think the one that demonstrates the depth of Bart Lindsey’s character was the Best Boss Award. For 5 years running, Bart held this title because, as one employee put it, “All of the employees loved him and he always took time to speak to everyone.” It is a fantastic tribute to Bart’s memory, that he put people first, and was able to leave for us a lasting legacy of hard work, service, and compassion. While Bart Lindsey may no longer be with us, his spirit and his legacy live on in the example he set and the many lives he touched.

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FIVE-YEAR ANNIVERSARY OF THE UNITED COMMUNITY BANK IN DENTON COUNTY, TEXAS

HON. MICHAEL C. BURGESS
OF TEXAS

IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 30, 2003

Mr. BURGESS. Mr. Speaker, I rise today to honor the five-year anniversary of the United Community Bank in Denton County, Texas. The United Community Bank opened its doors on May 27, 1998, in Highland Village to provide hometown service to the local community. Coordinated by local area shareholders, the customers in need of exceptional attention to both their individual as well as commercial needs are provided with outstanding service.

Not only has United Community Bank been honored with the Reader’s Choice Award as the #1 financial institution in Denton County, but it was also selected as the Business of the Month by the Lewisville, Flower Mound and Old Town Business Association during 2002. Today I honor the employees of United Community Bank for their continued hard work in garnering the community support that has significantly contributed to the expansion of the bank’s assets as well as to a contented customer base. I also thank the numerous customers of United Community Bank who have shared in creating such success over the last five years. May there be many more years of thriving business in Denton County.

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Mr. Speaker, earlier this month it came to light that a limited number of service. Fred devoted fifty years working for the City of Somerville and his contributions to the community served are numerous.

Fred Lund began working for the City of Somerville in 1953. Over the past fifty years he worked with eleven different mayors, including myself. In his capacity as Somerville’s senior draftsman, Fred has drawn every map for the City of Somerville by hand. He also prepared mayoral citations by hand, creating pieces of art.

When the City of Somerville’s Office of Housing and Community Development honors Fred on April 30th for his fifty years of service, this will not be the first time his community has honored Fred. The Art Department at the Cummings School was named in his honor.

Fred is not only an accomplished public servant, but an avid historian as well. He plans various historic events in the City of Somerville and attends them in his Colonial Soldier uniform. He can be found every New Year’s Day on Prospect Hill for the flag raising reenactment, celebrating the first raising of the Colonial Flag.

After fifty years, Fred Lund has no intention of stopping his service. He comes into work every day and has no plans to retire. His dedication is remarkable and an inspiration to those around him. Fred Lund deserves our admiration and our thanks.

## A TRIBUTE TO BART LINDSEY

HON. MIKE ROSS
OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 30, 2003

Mr. ROSS. Mr. Speaker, today, I rise to pay tribute to Bart Lindsey, a beloved resident of the community of Helena and a distinguished Arkansan, who recently passed away at age 56. Mr. Lindsey’s life-long contributions to family, community, and country will be missed.

Bart Lindsey first made a name for himself in the banking business. Always active in the community, and with an early interest in banking, Bart worked for a summer vacation job from the University of Arkansas at Fayetteville to work as a teller for First National Bank of Phillips County. After graduating college and serving in the military, where he earned a Bronze Star and Army Commendation Medal for his service in Vietnam, Bart returned home to the community he loved and accepted a position at that same bank, where he would eventually rise to become chief executive officer.

Bart’s life provided an example to us all. He found time to serve as an elder in his church, and to serve as vice chairman of the Board of Directors of the Arkansas-Oklahoma Presbyterian Foundation. He served his State and community by sitting on the Board of Directors of the American Bankers Association, and by serving as chairman of the Board of Trustees of the University of Arkansas, and president of the Helena-West Helena Rotary and Kiwanis clubs.

But of all his professional accomplishments, I think the one that demonstrates the depth of Bart Lindsey’s character was the Best Boss Award. For 5 years running, Bart held this title because, as one employee put it, “All of the employees loved him and he always took time to speak to everyone.” It is a fantastic tribute to Bart’s memory, that he put people first, and was able to leave for us a lasting legacy of hard work, service, and compassion. While Bart Lindsey may no longer be with us, his spirit and his legacy live on in the example he set and the many lives he touched.

## PERSONAL EXPLANATION

HON. VITO FOSELLA
OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 30, 2003

Mr. FOSELLA. Mr. Speaker, I am not recorded on rollcall Nos. 146, 147, and 148. I was unavoidably detained and was not present to vote. Had I been present, I would have voted “yea” on rollcall Nos. 146, 147, and 148.

## RECOGNIZING THE CONTRIBUTIONS OF FRED LUND TO THE CITY OF SOMERVILLE, MASSACHUSETTS

HON. MICHAEL E. CAPUANO
OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 30, 2003

Mr. CAPUANO. Mr. Speaker, I rise today to thank Fred Lund for his many years of public community service. Fred devoted fifty years working for the City of Somerville and his contributions to the community served are numerous.

Fred Lund began working for the City of Somerville in 1953. Over the past fifty years he worked with eleven different mayors, including myself. In his capacity as Somerville’s senior draftsman, Fred has drawn every map for the City of Somerville by hand. He also prepared mayoral citations by hand, creating pieces of art.

When the City of Somerville’s Office of Housing and Community Development honors Fred on April 30th for his fifty years of service, this will not be the first time his community has honored Fred. The Art Department at the Cummings School was named in his honor.

Fred is not only an accomplished public servant, but an avid historian as well. He plans various historic events in the City of Somerville and attends them in his Colonial Soldier uniform. He can be found every New Year’s Day on Prospect Hill for the flag raising reenactment, celebrating the first raising of the Colonial Flag.

After fifty years, Fred Lund has no intention of stopping his service. He comes into work every day and has no plans to retire. His dedication is remarkable and an inspiration to those around him. Fred Lund deserves our admiration and our thanks.

## ENSURE TRANSPARENCY IN IRAQ RECONSTRUCTION CONTRACTS

HON. GERALD D. KLECZKA
OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 30, 2003

Mr. KLECZKA. Mr. Speaker, earlier this month it came to light that a limited number of
companies were invited to bid on post-war reconstruction contracts in Iraq. Most prominently, Bechtel, an engineering and construction firm, was awarded an initial contract of $34.6 million that could potentially grow to $680 million over the next year and a half. It is critical that openness and transparency are the hallmarks of the reconstruction process, and for that reason, I am introducing the “Sunshine in Iraq Reconstruction Contracting Act.”

Although legal, the bidding process thus far leaves much to be desired. Left unanswered are questions about why open competition was not allowed, and the size and scope of the reconstruction contracts awarded. We should all be able to agree that the U.S. government’s reconstruction bidding process should be as open to disclosure as possible as to ensure that there is no question of political favoritism or backroom deal making. After all, these contracts are spending hard-earned taxpayer dollars, and our constituents deserve to know to whom their money is going and why.

My legislation, which mirrors a bipartisan Senate measure, simply requires federal agencies that award contracts for Iraqi reconstruction activities to publicly disclose how a non-competitive contract was awarded, and the justification for foregoing an open-bid process.

These details, along with a brief description of the contract’s cost and scope, would have to be published in the Federal Register within 30 days of the date the contract was awarded. Any classified information would only be provided to the chairman and ranking members of the House and Senate Government Reform Committees, as well as whichever committee has jurisdiction over an agency that awards a non-competitive contract.

It only makes it more difficult for the United States to hold ourselves up as a model for a future Iraqi government if the contracts the federal government awards are done with little or no competition and without adequate public disclosure. The Iraq reconstruction process should be as open as possible. This is not a partisan issue, but one that concerns the public interest and American credibility. I urge my colleagues to support this measure.

IN LASTING MEMORY OF RONALD LAGRONE
HON. MIKE ROSS
OF ARKANSAS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 30, 2003

Mr. ROSS. Mr. Speaker, today, I would like to acknowledge the life and legacy of Ronald LaGrone, a colleague and a friend of mine from Hampshire, Ark. I was honored to have known Mr. LaGrone, a man who, in deed and action, distinguished himself as a husband, father, businessman, and church and community leader.

Ronne LaGrone owned and ran the LaGrone Drug Store in Hamburg with his brother Fred. For 38 years, he helped to care for the health of his friends and neighbors. Ronnie leaves behind him a proud legacy of service and compassion. He served as Deacon of the First Baptist Church, as Hamburg City Councilman, and as a board member of the Arkansas Pharmacology Association.

As a pharmacy owner, I owe him a debt of gratitude for his long service of leadership to our profession. Ronnie set out to improve the lives of others through both his professional and private life. As a member of a small community, I know what men like Ronnie mean to their neighbors; his service was out of true concern for their livelihood.

Ronnie’s contributions were recently recognized by the Hamburg Chamber of Commerce, as he was named winner of the Fred LaGrone Lifetime Achievement Award for his role as community pharmacist and as community leader. Clearly, his community mourned his loss. I know Ronnie’s passing was especially difficult for his wife, Patricia, and their three daughters, Terri, Kelli, and Staci, and I have kept all of them in my thoughts and in my prayers. While Ronnie LaGrone may no longer be with us, his spirit and his legacy live on in the example he set and the many lives he touched.

HON. JIM GERLACH
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 30, 2003

Mr. GERLACH. Mr. Speaker, I rise today to honor the Downingtown Lions Club during its 75th anniversary celebration. The Downingtown Lions Club was chartered in January of 1928 and they were sponsored by the Coatesville Lions Club.

As we all know, Lions Clubs across the nation are made up of active and energetic citizens who undertake numerous initiatives and projects to make their communities better places to live and raise families. They are particularly committed to providing help and service to the blind through a wide variety of support activities. The Downingtown Lions Club hosts four major fundraising events each year—White Cane Day, a golf outing, Good Neighbor Day and a pancake breakfast. These efforts have helped many charitable organizations over the years, including the Chester County Association for the Blind and the Downingtown Area Senior Center.

The good works of the Club have also resulted in contributions to the Downingtown Area Veterans Memorial Fund, Downingtown Historical Society and various health appeals. And the entire community has benefited from the Club’s particular attention to the development of Kerr Park, including a pavilion, the war memorial, and a water fountain.

I am proud to be a member of and represent an organization that has spent so many years in the service of others. I wish to extend my thanks, and the thanks of all those who have been helped by members of the Club. I encourage my colleagues to join me in saluting Downingtown Lions Club on reaching this milestone.

HON. DONALD M. PAYNE
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 30, 2003

Mr. PAYNE. Mr. Speaker, it is with great pride that I rise today to recognize a great man and leader, Mr. Burney L. Adams. A man who has given much to his community. Mr. Adams will be honored this Friday, May 2, 2003 by Florida Agricultural and Mechanical University’s National Alumni Association with their 2003 Distinguished Alumni Award.

After graduating from Florida A&M, Mr. Adams was signed with the Canadian Professional Football team, the Hamilton Tigers. Upon release, he journeyed to Newark, New Jersey where he took a job with the Newark Board of Education. Mr. Adams made Newark his home, and has been a role model and significant contributor to the community for the past 40 years.

Through his work with the Board of Education as well as Football Coach at Weequahic High School, Mr. Adams saw the need for assistance of minority students in pursuing educational goals. Since 1963 he has been instrumental in obtaining college scholarship assistance for more than 900 youth in both my district as well as neighboring areas.

As a former teacher and current member of the Education & the Workforce Committee here in the House of Representatives, I appreciate the drive and determination of educators such as Mr. Adams. Coach Adams has a dedication and devotion not only to his players on the field but also to the youth of his community. Investing personal time, effort, and money into his students, Coach Adams believes in the spirit of his students to succeed. It is members of our community like Mr. Adams who give so selflessly of their time that enables our youngest citizens to reach their dreams.

Mr. Speaker, I know that my colleagues here in the U.S. House of Representatives join me today as I recognize Burney Adams and his well deserved award from Florida A&M University. I wish him the very best on this special occasion and best wishes in all his future endeavors.

HON. KENDRICK B. MEEK
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 30, 2003

Mr. MEEK of Florida. Mr. Speaker, though it is a sad day for the entire Florida A&M University family, find it a great privilege to pay this posthumous tribute to the late Coach and Professor Robert T. “Bob” Mungen.

Coach Mungen’s magnificent contributions to the personal and professional growth of countless students and scholar-athletes at FAMU, Edward Waters College and Knoxville College are legendary and now emblaze the halls of academia. To his credit, young men and women who came under his tutelage found a caring professor and an indomitable coach, who was at the same time highly respected and loved as a confidant and a father-figure.

Nowhere has his role of advocating played out so genuinely in the lives of his students
than in the indelible mark he left on Barbara Thompson, a former student and colleague of his. Captured recently by the daily paper, The Tallahasssee Democrat, she cogently characterized him as “...someone I could go and get real good advice from like a daughter...” As a student, I confided in him. As a colleague, I confided in him.”

A Jacksonville native, “Bob” Mungen played under the legendary Coach A.S. Jake Gaither in three choice positions as quarterback, defensive back and running back on the FAMU football team. His prowess in playing those positions was so remarkable that Coach Gaither superlatively dubbed him as “...the most versatile athlete I ever coached.”

Professor Mungen served as head football coach at Edward Waters College in Jacksonville and later on at Knoxville College in Tennessee before coming back to FAMU in 1961. Assigned to the physical education department, he took over the men’s tennis program and served in this capacity until his retirement in 1997.

In his role as teacher and coach, he gained the confidence of countless parents who saw in him as the educator par excellence. They entrusted him with the future of their children, fully confident that they too would learn from him the tenets of scholarship and the pursuit of academic excellence under the rigorous of a no-nonsense discipline and personal responsibility. In times of crises crowding his students’ quest for learning, his forthright guidance was one that set on faith in God and confidence in one’s ability to survive the vicissitudes of life.

Indeed, our FAMU family is deeply touched and comforted by the undaunted leadership and personal warmth he exuded to those who came to him through the longevity of his service. This is the genuine legacy he bequeathed to those of us he left behind. In a special way, I am privileged to be a grateful alumnus of a great institution of learning, graced bountifully by his remarkable contributions.

**NOMINATION OF JEFFREY SUTTON TO THE UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT**

**HON. STEVE ISRAEL OF NEW YORK**

**IN THE HOUSE OF REPRESENTATIVES**

Wednesday, April 30, 2003

Mr. ISRAEL. Mr. Speaker, I rise to express my deep concern over the President’s nomination of Jeffrey Sutton to the United States Court of Appeals for the Sixth Circuit. According to a recent editorial in the New York Times, Mr. Sutton has pursued an extremist agenda against the employment rights of women with breast cancer as well as victims of domestic violence.

Here is what the New York Times reported on April 28th.

“Mr. Sutton argued a landmark disability rights case in the Supreme Court. Patricia Garrett, a nurse at an Alabama state hospital, asserted that her employer fired her because she had breast cancer, violating the Americans With Disabilities Act. Mr. Sutton argued that the Act did not protect state employees like Ms. Garrett. His states’-rights argument narrowly won over the court, and deprived millions of state workers of legal protection. He also invoked federalism to urge the court to strike down the Violence Against Women Act. It did so, 5 to 4, dismantling federal protection for sexual assault victims.”

Mr. Speaker, I am proud to be a moderate and independent Member of this House. I don’t believe that extremism on either end of the spectrum can solve the challenges facing our nation. But I am concerned about a pattern of judicial nominees who have repeatedly promised to be judges who will follow the law. Mr. Sutton is the latest example. He is an avowed ideologue for the courts. Mr. Sutton is the latest example. He is an activist for “federalism,” a euphemism for a rigid states’-rights legal philosophy. Although federalism commands a narrow majority on the Supreme Court, advocates like Mr. Sutton are taking the law in a disturbing direction, depriving minorities, women and the disabled of important rights.

There is no shortage of worthy judicial nominees. Federal courts are filled with district court judges, Republicans and Democrats, who have shown evenhandedness, and professionalism, and many would make fine appeals court judges. State courts are overflowing with judges and lawyers known for their excellence on both sides of the bench. The Bush administration, however, has sought nominees whose whose main qualification is a commitment to far-right ideology. Mr. Sutton is the latest example. He is an activist for “federalism,” a euphemism for a rigid states’-rights legal philosophy. Although federalism commands a narrow majority on the Supreme Court, advocates like Mr. Sutton are taking the law in a disturbing direction, depriving minorities, women and the disabled of important rights.

Mr. Sutton argued a landmark disability rights case in the Supreme Court. Patricia Garrett, a nurse at an Alabama state hospital, asserted that her employer fired her because she had breast cancer, violating the Americans With Disabilities Act. Mr. Sutton argued that the Act did not protect state employees like Ms. Garrett. His states’-rights argument narrowly won over the court, and deprived millions of state workers of legal protection. He also invoked federalism to urge the court to strike down the Violence Against Women Act. It did so, 5 to 4, dismantling federal protection for sexual assault victims. Mr. Sutton has said that he was only doing his job, and that his concern was building a law practice, not choosing sides. But throughout his career, he has taken on major cases that advance the conservative agenda. He has left little doubt in his public statements that he supports these rulings.

At his confirmation hearing, Mr. Sutton faced protesters with guide dogs and wheelchairs, who were upset about his role in rolling back disability law. Naturally, they urged the Senate to reject him. But the senators’ duty to advise and consent goes beyond their vote on any particular nominee. They must make it clear that in a nation where legal rights are eroding, it is unacceptable to focus the search for federal judges on a narrow group of ideologues.

**HON. LANE EVANS OF ILLINOIS**

**IN THE HOUSE OF REPRESENTATIVES**

Wednesday, April 30, 2003

Mr. EVANS. Mr. Speaker, today I would like to salute an outstanding young woman who has been honored with the Girl Scouts of the U.S.A. Gold Award by Girl Scouts of the Mississippi Valley, Inc. in Rock Island, Illinois. She is Meredith Ellis of Girl Scout Troop 4043. She is being honored for earning the highest achievement award in Girl Scouting. The Girl Scout Gold Award symbolizes outstanding accomplishments in the areas of leadership, community service, career planning, and personal development. The Girl Scout Gold Award can be earned by girls ages 14–17 or in grades 9–12.

Girl Scouts of the USA, an organization serving over 2.5 million girls, has awarded more than 20,000 Girl Scout Gold Awards to Senior Girl Scouts since the inception of the program in 1980. To receive the award, a Girl Scout must fulfill five requirements: earn four interest project patches, earn the Career Exploration Pin, earn the Senior Girl Scout Leadership Award, earn the Senior Girl Scout Challenge, and design and implement a Girl Scout Gold project. A plan for fulfilling the requirements of the award is created by the Senior Girl Scout and is carried out through close cooperation between the girl and an adult Girl Scout volunteer.

As a member of the Girl Scouts of the Mississippi Valley, Inc., Meredith began working toward the Girl Scout Gold Award in June 1999. Meredith worked with her partner Maria Witte on painting a wall mural for a local gymnasium facility.

The earning of the Girl Scout Gold Award is a major accomplishment for Meredith and I believe she should receive the public recognition due her for this significant service to her community and her country.

**HONORING JUDGE VERNELIS K. ARMSTRONG**

**HON. MARCY KAPTUR OF OHIO**

**IN THE HOUSE OF REPRESENTATIVES**

Wednesday, April 30, 2003

Ms. KAPTUR. Mr. Speaker, I rise today to honor a very special constituent, United States District Court Magistrate Judge Vernelis K. Armstrong, on the occasion of her receipt of the Ohio Women’s Bar Association’s Justice Alice Robie Resnick Award of Distinction. This award is the OWBA’s highest award for professional excellence and is bestowed annually on a deserving attorney who exhibits leadership in the areas of advancing the status and interests of women and in improving the legal profession in the state of Ohio. It gives me great pleasure to wish Judge Armstrong my warmest congratulations on this truly special occasion.

The Honorable Vernelis K. Armstrong is a U.S. Magistrate Judge for the Northern District
of Ohio, assigned to the Western Division in Toledo. She has served as a United States District Court Magistrate since she was appointed to the Federal bench in September of 1994.

Judge Armstrong is a 1966 graduate of Wayne State University, and also received her law degree from Wayne State University Law School in 1960. Prior to her appointment as a Federal Magistrate, Judge Armstrong served as an Assistant United States Attorney in Toledo for fifteen years, primarily handling civil litigation matters.

Judge Armstrong has been a member of the Ohio Women's Bar Association since 1993. She is currently a member of the Toledo Bar Association Round Table, the Minories in the Profession and Federal Court Committees. In the past, she served as Secretary for the Board of Trustees for the Toledo Bar Association, on the Bankruptcy Committee, as liaison to the Bankruptcy and Minorities in the Legal Profession Committees and on the Pro Bono Advisory Board.

Judge Armstrong’s past recognitions and awards include receiving the Arabella Mansfield Award by the Toledo Women’s Bar Association in 1988, the Excellence in Law Award by the Black American Law Students’ Association (BALSA) in 1989 and 1997, the Milestones Award by the Young Women’s Christian Association in 1997, and in 1999 she was the recipient of the Athena Award by the Chamber of Commerce.

The OWBA was initially formed in 1991 and is the only statewide bar association within Ohio solely dedicated toward advancing the interests of women attorneys while encouraging networking and the creation of a statewide mentor program for women attorneys.

On May 1, 2003, Ohio Supreme Court Justice Alice Robie Resnick will be presenting Judge Armstrong with the Ohio Women’s Bar Association’s Justice Alice Robie Resnick Award of Distinction at its Annual Meeting in Cleveland, Ohio.

It gives me great pleasure to rise today, Mr. Speaker, and join the OWBA in congratulating Magistrate Judge Vernelis Armstrong and wishing her continued success.

TRIBUTE TO MR. CHARLES BOUCHER

HON. JAMES R. LANGEVIN
OF RHODE ISLAND
IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2003

Mr. LANGEVIN. Mr. Speaker, I rise today to recognize Mr. Charles Boucher, an exceptional teacher and role model from Burrville, Rt. Mr. Boucher has been named the Rhode Island Teacher of the Year for 2003. As an Applied Science and Technology teacher at Burrville High School, he has shown exemplary commitment to making education engaging and exciting. Under his tutelage, Mr. Boucher’s students have received more than 30 state and national awards and his Bio Technology class was featured on a Discovery Channel program. His work and creativity have helped hundreds of student transition from school to the working world.

Mr. Speaker, I find it heartening that there are educators in this country who devote so much time and effort to shaping the minds of our young people. I hope you and our colleagues will join me in recognizing Mr. Charles Boucher for his dedication to education and vocational training.

HONORING MR. DAVID CHUBB FOR HIS CAREER AND SERVICE

HON. TOM DAVIS
OF VIRGINIA
IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2003

Mr. DAVIS of Virginia. Mr. Speaker, I would like to take this opportunity to honor Mr. David Chubb upon the conclusion of his career in education as an Elementary School Principal. Throughout his career in education, David has demonstrated a strong aptitude for missed opportunities and commitment to the field of school administration.

The conclusion of the 2002–2003 school year sees David retiring from his position as the Camelot Elementary School Principal after working as an educator in Fairfax County for more than twenty years. Always held in high regard by his colleagues, he has served as Principal at Fairhill Elementary School and Camelot Elementary School. In addition, David served as Assistant Principal at Newington Forest Elementary School and Bailey’s Elementary School. Of course, he first logged many an hour in the classroom. In fact, he almost broke the two-decade mark as a teacher, spending 18 years at the front of the class.

In his 15 years as Assistant Principal and Principal, David developed into a consummate administrator. His relationship with his staff is excellent, fostered by an open-door policy and consistent fair treatment. He is also known for his skill in finances, which will certainly be missed by the Fairfax Association of Elementary School Principals.

Above all, David commits himself to the school with all of his energy. As his staff warmly noted, “the school is like his home.” At Camelot, he knows the names of every single student—all 500 of them! He personally greets the buses as they arrive every morning and says goodbye to them at night, thereby achieving a remarkable rapport with the students. David pitches in with any project in need of help, even the smallest jobs that are someone else’s responsibility; he’s been known to help the custodians with cleaning or donning his apron to assist in the cafeteria.

Mr. Speaker, in closing, it gives me great pleasure to extend my warmest congratulations to David Chubb for his continuing commitment to making a difference in children’s lives through education. From his very first students, to the staff who speak so warmly of his supervisor, everyone touched by David Chubb’s energy and commitment recalls him fondly and has benefited from his help. Fairfax County is grateful for his service and can only hope that he will greatly miss his colleagues at Camelot Elementary and warmly remember him.

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Mr. LARSON of Connecticut. Mr. Speaker, I am an original co-sponsor of H. Con. Res. 156, honoring the men and women of the U.S. Capitol Police as they celebrate the 175th anniversary of the police force.

Congress established the Capitol Police during the administration of John Quincy Adams. Ponder how different the world was then, when the U.S. Congress was a young and largely untested deliberative body located in a relatively isolated town that was as much wilderness as it was settled territory.

In the last 175 years, the world has changed immeasurably, and so has the work of the Capitol Police.

Today the U.S. Capitol—which is simultaneously a national shrine, tourist attraction, and working office building—imposes extraordinary security requirements. For example, more than three million tourists visited the Capitol complex in 2000. At the same time, the Capitol hosted more than 1,200 American and foreign dignitaries and 1,000 special events, and was the site of nearly 500 scheduled demonstrations. In addition to lawmakers and their staffs, a sizable number of journalists, concerned citizens, lobbyists, and service personnel also work within the Capitol complex.

To address these security requirements while keeping Congress as open and accessible as the Framers of the Constitution intended, the mission of the Capitol Police has expanded to provide the Congressional community and visitors with the highest possible quality of a full range of police services. These services are provided through the use of a variety of specialty support units and a network of foot patrols, vehicular patrols, and fixed posts.

In modern times, the Capitol Police have also had to cope with emergencies, bombings and shootings, including the tragic 1998 murders of Officer J.J. Chestnut and Detective John Gibson, that remain so painfully fresh in our memories.

After that tragic event, Congress properly heightened Capitol security, adopting a posture that requires considerable additional manpower. Recent events in the Middle East and elsewhere have obviously underscored the need for more officers and greater security. Fortunately, additional resources have been provided.

Congress has appropriated money to fund all the additional officers the Capitol Police can hire and train. Supplemental funds have also been provided to address needs identified since September 11, 2001.

Today, the Capitol Police face evolving threats from those who, for whatever reason, wish to do us harm. What was unthinkable only 18 months ago, has been done. We must remain vigilant and prepared as we work to rid the world of the scourge of terrorism and preserve and expand the promise of peace and democracy.

We will continue to rely on the Capitol Police as the first line of defense for the People's House and all who work and visit here.

The men and women of the Capitol Police meet their challenges with courage and a level of professionalism not exceeded anywhere. Since the dastardly attacks of September 11, and again after the heightened security level of the past few months, Capitol Police officers, under the able leadership of Chief Terrance Gainer, have worked long hours under adverse conditions. These men and women clearly represent the best that America has to offer.

I want to express my personal thanks for a job well done and wish the United States Capitol Police a sincere and happy 175th anniversary.

Mr. Speaker, I urge adoption of the H. Con. Res. 156.

COMMENDING THE CENTER FOR RURAL HEALTH DEVELOPMENT FOR WEST VIRGINIA

HON. SHELLEY MOORE CAPITO
OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 30, 2003

Mrs. CAPITO. Mr. Speaker, I rise today to commend an exceptional organization in West Virginia on its receipt of a prestigious certification of the U.S. Department of the Treasury.

The Center for Rural Health Development has been working since 1994 to make sure that West Virginians in rural communities have access to the highest standards of health care services. Its dedicated Board of Directors and professional staff have worked effectively to bring essential infrastructure, equipment, technical assistance, and skilled health care providers of all types to rural counties in our beloved State.

Now, therefore be it resolved that I, Danny K. Davis, duly elected by the people of the Illinois 7th Congressional District, do hereby join with the “DODO” Chapter of Tuskegee Airmen Incorporated, in concert with Black Pilots of America hereby proclaim;

Saturday, May 3, 2003, to be the day we celebrate as Aviation Pioneer Women of Color Day in Chicago and all over America; and urge all people to take note of the pioneering contributions to aviation made by these women of color; Done, this 3rd day of May, 2003.

Mr. DAVIS of Illinois. Mr. Speaker, on Saturday, May 3, 2003, the Chicago “DODO” Chapter of Tuskegee Airmen Incorporated, in concert with Black Pilots of America will honor three of aviation’s pioneer women of color, Bessie Coleman, Willa Beatrice Brown and Janet Harmon;

Bessie Coleman journeyed to France in 1920 to enter the field of aviation, planning to return to America to open an aviation program for African-Americans; and Bessie Coleman died on April 30, 1926, while preparing for an air show to benefit the Negro Welfare League of Jacksonville, Florida;

In 1939, Willa B. Brown held a limited commercial pilot’s license issued by the United States Commerce Department; and

Managed the Coffey School of Aeronautics, which was awarded a government contract to train the first group of African-American aviators, and was the first African-American woman to hold a United States Civil Air Patrol Commission;

Janet Harmon was one of the first African-American women to purchase an airplane, which she then made available to the Challenger Air Pilots Association for training purposes; and

Served as surrogate advisor to the first group of African-American aviation cadets for the United States Army Air Force;

Now, therefore be it resolved that I, Danny K. Davis, duly elected by the people of the Illinois 7th Congressional District, do hereby join with the “DODO” Chapter of Tuskegee Airmen Incorporated, in concert with Black Pilots of America hereby proclaim;
Unfortunately, neither of these amendments was accepted by the Rules Committee. However, I was able to offer before the full House an important amendment that would strike an unnecessary and potentially dangerous subsidy included in H.R. 6 pertaining to uranium in situ leach mining. As written, the subsidy amounts to $30 million to the domestic uranium industry. The in situ leach mining procedure could cause radioactive uranium and other toxic chemicals to leach into groundwater. The area where this mining could potentially be undertaken is the lbs. I-13WR, which is the sole source of scarce drinking water for over 10,000 people of the Navajo Nation in New Mexico. This subsidy compounds past disasters by promoting mining that could have dangerous health and environmental implications. Although my amendment was defeated, the roll call made it clear that there is bipartisan backing for striking this unfair and unnecessary subsidy. As this bill is negotiated in conference, I will continue to work to protect my constituents in New Mexico who have suffered so much from uranium related activities near their homes.

As we move into the future, we must act responsibly in ways that take into account the changing landscape of the world’s energy situation instead of exacerbating the already dire energy dependence problems our nation faces.

Conservation—getting the maximum value out of every bit of energy we use—must become a central feature of our nation’s energy philosophy. We prize those who maximize the value of every dollar they spend; we should do the same with our energy. America should value of every dollar they spend; we should do the same with our energy. America should conserve our nation’s resources and lessen the threat of global warming.

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Index, or ECI, by 1½ percent per year. The 2001, 2002 and 2003 pay raises actually exceeded this standard and cut the gap from 13.5 percent to 6.4 percent.

In May 2002, the Department of Defense released its Ninth Quadrennial Review of Military Compensation (QRM), which acknowledged that current pay structure lags considerably behind pay for civilians of comparable age and education. And, the Department of Defense has been supportive of increased raises to restore a new comparability standard.

In summing up the meager military pay raises below private sector pay growth for extended periods during the past 30 years has led to significant retention problems among second-term and career members of the Armed Forces.

Such retention problems cost the United States more in terms of lost military experience, decreased readiness, and increased training costs than maintaining the principle of pay comparability.

The remaining so-called pay comparability gap should be eliminated as quickly as possible, and military pay raises must sustain full comparability with increases in the Employment Cost Index.

My bill would ensure that military pay raises never again lag civilian pay raises. Existing authorities to close the pay gap expires in 2006. This legislation adds to that authority by specifying that military pay raises must be at least at the level of civilian wage growth beginning in 2007.

I have been asked if I am doing this because of our troops returning from the Middle East and the war in Iraq. The answer is no and yes. No because this legislation builds on the legislation I offered in the 107th Congress and addresses the same problem of the pay gap with a different approach. This issue is not new to me.

The answer is also yes because I can think of no better way to show continued support for our troops than to send them a clear signal that the Congress and the nation value their service and sacrifice, both today and in the future.

This measure has the full endorsement of the Fleet Reserve Association and the Military Coalition, and I have attached their letter of endorsement.

Mr. Chairman, I urge my colleagues to co-sponsor this important legislation and work to ensure its quick passage. Nearly identical legislation was introduced in the Senate yesterday. Working together with our Senate colleagues, I urge my colleagues on the House Armed Services Committee to include this legislation as a provision of the National Defense Authorization Act for Fiscal Year 2004.

HON. SCOTT MCKINNIS
OF COLORADO

IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 30, 2003

Mr. MCKINNIS. Mr. Speaker, it is with great pride that I rise today to recognize Amanda Beaver and Ashley Watson of Grand Junction, Colorado. Amanda and Ashley are making a difference in their community and touching the lives of many of their neighbors in the Grand Valley, and today I would like to honor their accomplishments before this body of Congress and this nation.

Amanda and Ashley are fourteen-year-old students at Grand Mesa Middle School. This past year, they planned a fundraiser, "Answer to Cancer," to honor families who have been touched by cancer and to support the American Cancer Society. The girls, who both have grandparents with cancer, have spent nearly a year planning the event, which features dancing, games, and refreshments. They have seen outstanding support from the local community, receiving donations from local businesses and numerous individuals.

Mr. Speaker, Amanda Beaver and Ashley Watson have shown extraordinary leadership as young citizens of Grand Junction. Their volunteer efforts are offering hope to an important segment of the community and creating greater awareness of cancer among their peers as well as their elders. These two talented and determined young women clearly have great things ahead of them, and it is my great honor to recognize their hard work before this body of Congress and this nation today. I wish them all the best in the future.

TRIBUTE TO AMANDA BEAVER AND ASHLEY WATSON

THE MILITARY COALITION

TRIBUTE TO FRED FLOWER

HON. SCOTT MCKINNIS
OF COLORADO

IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 30, 2003

Mr. MCKINNIS. Mr. Speaker, it is with a solemn heart that I take this opportunity and pay tribute to an icon of the Montrose, Colorado community who recently passed away. Leo Fred Flower, Jr. died at the age of 84 and as his family and rebuiding efforts. Tom still visits regularly with the workers at Ground Zero.

Tom has three sons and lives in Greenlawn, NY with his wife Linda. I commend Tom Ronayne for his dedicated service to our country during his time in the Navy and in the aftermath of the attacks on the World Trade Center, and for his hard work on behalf of veterans on Long Island.

TRIBUTE TO FRED FLOWER

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to 1946. He eventually became president of Montrose National Bank and Montrose Savings and Loan, and also spent a few years as a rancher. In 1968 he bought the family business, Flower Motor Company, which his son now owns.

Fred was a dedicated community leader and played an integral role in establishing Montrose Memorial Hospital. He established the first Kiwanis Club in Montrose, and served on the local school board and on the board of the Colorado Western College. He gave his time and efforts to innumerable community organizations, and was most recently involved in Montrose’s senior center.

Mr. Speaker it is with profound sadness that we remember the life and memory of Fred Flower who so deeply touched the Montrose community. As family and friends mourn his passing, I would like to recognize the wonderful life Charlie lived. He will be missed.

HONORING LIEUTENANT COMMANDER GLENN SULMASY

HON. ROB SIMMONS OF CONNECTICUT
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 30, 2003

Mr. SIMMONS. Mr. Speaker, I rise today to honor a member of my staff for his tireless efforts on behalf of the good people of Connecticut’s Second Congressional District. Lieutenant Commander Glenn Sulmasy will soon conclude his service in my Norwich, Connecticut office and become a distinguished teacher of International Law at the Naval War College in Newport, Rhode Island.

Since my term started, Glenn has been a liaison in my office to the Coast Guard Academy. As the vice-chairman of the Coast Guard Subcommittee, I came to rely on this relationship. What’s more, I rely on his input and his perspective—built from years of expertise and driven by his faith in our country.

Glenn’s commitment to me and to my congressional office should be no surprise—he has long had a passion for public service. A 1988 graduate of the U.S. Coast Guard Academy and 1997 graduate of the University of Baltimore School of Law, Glenn has given 15 years of service as a “coastie” in the U.S. Coast Guard—with time spent in the Persian Gulf during Desert Storm, and more recently as a teacher of law at the Coast Guard Academy.

Using his experience to enhance that of our other cadets, Glenn demonstrates an admirable loyalty to his values and the Coast Guard tradition. He has also taught at the Roger William School of Law in Bristol, Rhode Island and serves on the Board of Directors of the Center for International and Comparative Law, the National Coast Guard Museum Association, the New London Parks Conservancy, and the Connecticut Anti-Terrorism Task Force.

Mr. Speaker, Glenn Sulmasy lives by the daily commitment of the Coast Guard’s core values of honor, respect and devotion to duty. And while I will miss Glenn’s presence in my Connecticut office, I wish him well and feel confident that I can still count on him.

On behalf of the rest of my staff, I wish to express our affection and gratitude to Lieutenant Commander Glenn Sulmasy for his dedicated work.

Glenn, thank you for your service to me, best wishes and Semper Paratus.

HONORING DREAM WEAVERS OF SOUTHERN COLORADO

HON. SCOTT MCINNIS OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 30, 2003

Mr. MCINNIS. Mr. Speaker, I would like to take this opportunity to recognize an outstanding community organization in my district, Dream Weavers of Southern Colorado. For twenty-one years, Dream Weavers has been working hard to grant the wishes of children with life-threatening illnesses and today, I would like to honor their efforts before this body of Congress and this nation.

Dream Weavers is an inspirational all-volunteer organization founded in 1982. Over the last twenty years Dream Weavers has fulfilled the dreams of nearly 230 children, organizing vacations at Disney World, fishing trips and family reunions. Sometimes a child simply wishes for a computer, which the organization is only happy to provide. Dream Weavers also hosts frequent events and parties for its wish recipients, providing critical and continuing support for families to achieve its goals. Dream Weavers depends on community support from local corporations and individuals as well as its annual Bowl-A-Thon fundraiser.

Mr. Speaker, Dream Weavers of Pueblo is an inspirational organization that truly makes a difference in the lives of children struggling with life-threatening diseases. By focusing on family involvement, Dream Weavers provides wonderful opportunities and memories for children, parents and siblings, and I am honored to have such a compassionate program serving the citizens of my district.

10 YEARS OF REMEMBRANCE: THE UNITED STATES HOLOCAUST MEMORIAL MUSEUM

HON. CHRISTOPHER H. SMITH OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 30, 2003

Mr. SMITH of New Jersey. Mr. Speaker, today I want to pay special tribute on the 10th anniversary of the United States Holocaust Memorial Museum. During the past decade, the institution and its dedicated staff members have worked tirelessly to promote remembrance of the Holocaust and to draw lessons for the future from this very dark chapter of mankind’s recent history. When the Museum was dedicated and formally opened in late April 1993, this event culminated over 10 years of preparation that started in 1980 with the chartering of the institution by a unanimous Act of Congress. Recognizing the work of the Museum this week is very fitting, as it is the week of Holocaust Remembrance Day, a time for honoring the millions of Jews who died almost 60 years ago under Nazi tyranny.

As set forth in its mission statement, the Holocaust Memorial Museum has become America’s national institution for the documentation, study, and interpretation of Holocaust history, and is this country’s memorial to the millions of people murdered during the Holocaust. The Museum and its International Archives Project focuses on all individuals who suffered during the Holocaust, in addition to the six million executed Jews, the horrific Nazi treatment of millions of Roma, disabled, religious and political prisoners, and prisoners of war. The Museum plans to continue advancing and disseminating information, documenting the history of the Holocaust, while also preserving the memory of individuals who suffered.

While insuring that the lessons of the past will not be forgotten, the Museum has actively and creatively developed ways to work towards a better future. The institution’s dedication to dealing with the horrors of genocide, whether in Nazi Germany, Bosnia, Rwanda or Cambodia is a critical part of the effort to mobilize international action against this plague on all humanity. The Committee on Conscience plays a particularly significant role in bringing timely attention to acts of genocide or related crimes against humanity.

The Museum has rightfully become one of Washington’s most revered attractions. The hundreds of thousands of visitors who have toured the Museum since it opened left with an unforgettable experience and the opportunity to reflect on the deep moral questions stemming from the tragedy of the Holocaust. The Museum’s research center has served as a critical resource for scholars who try to help us better understand the lessons of this terrible chapter of human history. The creation of the United States Holocaust Memorial Museum has also encouraged other countries to move to establish comparable institutions including, most significantly, in Berlin, Germany.

The U.S. Helsinki Commission, which I co-chair, has worked with the Museum on several occasions, from pushing for the release of documents from the Romani concentration camp in Lety, Czech Republic, to urging Romania to give greater meaning to its stated commitment of rejecting anti-Semitism by removing Antonescu statues from public lands. In response to the alarming spike of anti-Semitic incidents found last summer in Europe, myself and other Members of the Commission have been very active in urging governments and elected officials to denounce the violence and ensure their laws are enabled to prosecute the perpetrators. In support of this effort, I have introduced H. Con. Res. 49, urging, among other things, European states to “promote the creation of educational efforts throughout the region encompassing the participating States of the OSCE to counter anti-Semitic stereotypes and attitudes among younger people, increase Holocaust awareness programs, and help identify the necessary resources to accomplish this goal.” It is my hope that other countries will copy the unique and effective model of the United States Holocaust Memorial Museum.

Congress has designated April 27th to May 4th as “Days of Remembrance,” when our nation will commemorate again the victims of the Holocaust. May we use this time of reflection that will reinforce our common determination to learn from history’s harsh lessons.
TRIBUTE TO TOM SHARP

HON. SCOTT McINNIS
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 30, 2003

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to recognize Tom Sharp, a helicopter pilot from Telluride, Colorado and thank him for the contributions he has made to local search and rescue efforts. Tom recently risked his life and his helicopter to save two avalanche victims trapped on a steep slope near Telluride Ski Area, and today I would like to honor his service before this body of Congress and this nation.

Tom has been a pilot with Helitrax, a helicopter service, for over twelve years. When he was called to assist in the rescue of two skiers caught in an avalanche, he immediately responded along with two other pilots, braving a dangerous landing near one of the injured skiers before picking up more rescuers and dropping off more medical supplies. Then Tom made a daring attempt to reach the other skier, flying close to dangerous jagged rock in spite of unpredictable afternoon winds. Though he was unsuccessful, Tom and his fellow rescuers dropped supplies to the stranded skier who was able to climb out of the couloir and communicate with rescuers.

Mr. Speaker, pilots with expertise and skill of Tom Sharp are crucial to successful search and rescue operations, and it is a great privilege to honor Tom here today. His years of experience and his willingness to take risks are a tremendous asset to the citizens of Telluride and all of Colorado.

TRIBUTE TO MR. MISHLER

HON. BILL SHUSTER
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 30, 2003

Mr. SHUSTER. Mr. Speaker, on May 4, 2003 the Pennsylvania Historical and Museum Commission, in conjunction with the Altoona Area School District and the Blair County Arts Commission, in conjunction with the Altoona Area School District and the Blair County Arts Foundation, will be dedicating a long-deserved historical marker commemorating Isaac Charles Mishler, the original owner of the Mishler Theater, located in downtown Altoona, Pennsylvania.

I rise today to pay tribute to Mr. Mishler for his vision of bringing the arts to his fellow citizens. The theater and the community’s dedication to the arts have stood the test of time. Indeed, since its opening in 1906, the Mishler Theater has hosted the cream of the entertainment crop for almost 100 years.

The hallowed halls of the Mishler have seen the likes of John Drew, the Barrymores, and George Burns. With over $1.3 million in improvements over the years, the Mishler continues to provide its community with top-notch entertainment today.

Mr. Speaker, I am pleased to have had the opportunity today to recognize the efforts of the Altoona community and the numerous organizations and individuals who worked together to preserve the Mishler Theater. Their efforts are a fitting tribute to Isaac Mishler’s vision of a theater that serves as a center of arts and entertainment for the entire community.

TRIBUTE TO REV. HOLMES ROLSTON III

HON. SCOTT McINNIS
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 30, 2003

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to inform this body of a brilliant man from my home state.

The Reverend Holmes Rolston III, a philosopher professor at Colorado State University, is the winner of this year’s Templeton Prize. The award recognizes research and discoveries that advances the understanding of God and spiritual realities. In winning this prestigious award, Reverend Rolston joins such luminaries as Mother Teresa, Billy Graham, and Aleksandr Solzhenitsyn.

Holmes grew up poor in rural Virginia in a home without running water or electricity. From that humble beginning, he rose to become what many consider the father of environmental ethics. Along the way he has lectured on seven continents, written books that are used as texts at more than 150 universities, and co-founded the leading journal in his field, “Environmental Ethics.”

Even though he has degrees in physics, theology, and philosophy, he still—at the age of 70—sits in on science classes. Learning is so important to this professor that he plans to donate his prize, which is worth more than $1 million, to establish an endowed chair in science and religion at his alma mater.

Mr. Speaker, Reverend Holmes has distinguished himself as a professor, theologian, ethicist, environmentalist and philanthropist. He is not only a model citizen, but also an inspiration to his students, peers, and the community. It is an honor and a privilege to inform this body of his achievements. Congratulations on winning the Templeton Prize, Reverend Holmes, and best of luck with your future endeavors.

CONFERENCE REPORT ON H.R. 1559, EMERGENCY WARTIME SUPPLEMENTAL APPROPRIATIONS ACT, 2003

SPEECH OF
HON. SHEILA JACKSON-LEE
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Saturday, April 12, 2003

Ms. JACKSON-LEE. Mr. Speaker, I rise in support of H.R. 1559, the Emergency Wartime Supplemental bill. I support this bill to honor our troops and provide relief to Americans suffering through these difficult economic times.

In this time of war and economic crisis, we do not need massive tax cuts. I applaud my Democratic colleagues on the Appropriations Committee for their tireless efforts to reach a Budget Resolution that achieves mutual reconciliation, supports our military, and helps to stabilize the economy in this time of economic crisis. We need mutual reconciliation right now, not disagreement.

I applaud the supplemental funds allocated for homeland security. I applaud the 26-week provision designed to help provide relief to the unemployed. Since the tragic events of September 11, 2001, I have fought on this floor for the employees of the airline industry. I believe this bill goes a long way to providing the employees of the airline industry economic relief.

My Democratic colleagues on Appropriations did a wonderful job reducing many of the Administration’s inflated fund requests. We lowered the President’s request for a “flexibility fund” from $59.9 billion to $15.7 billion. We reduced the alien nations fund from $50 million to $25 million. These fund reductions, and the many others included in the supplemental will provide relief to every American.

The supplemental was illogical legislation. Never before have I seen such an outrageous departure from established Congressional procedure. The Senate approved an emergency supplemental bill for $350 billion. Instead of following the wisdom of the Senate, the House proposes an emergency supplemental bill for $550 billion. Never before have I seen Congress make such a frivolous budget decision.

I congratulate the hard work of the Appropriators. However, I would have preferred to see funds, such as a portion of the $2.4 billion used for the reconstruction of Iraq, used to help domestically. I would like to see funds allocated to reach out to our small and minority-owned businesses, and not to large conglomerates and multi-national corporations.

I am on my way to visit Tommy Franks, and the many brilliant military strategists at Central Command. Plus, I recently visited several of the valiant soldiers who suffered injuries fighting in Operation Iraqi Freedom. Having met these brave young men, I know how much their sacrifice means to America.

I support H.R. 1559 to support our troops and to support the U.S. Economy.

PERSONAL EXPLANATION

HON. MICHAEL M. HONDA
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 30, 2003

Mr. HONDA. Mr. Speaker, on rollcall vote Nos. 146, 147, and 148, I was unavoidably detained with important matters in my district.

Had I been present, I would have voted “yea” on rollcall vote 147, Extending Congratulations to the United States Capitol Police on the Occasion of its 175th Anniversary, and “yea” on rollcall vote 148, Expressing Support for the Celebration of Patriots’ Day and Honoring the Nation’s First Patriots.

COMMENDING ARMY RESERVE SPECIALIST ROY RUSSELL BUCKLEY

HON. PETER J. VISCOSKY
OF INDIANA
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 1, 2003

Mr. VISCOSKY. Mr. Speaker, it is with great pride and respect that I wish to commend Army Reserve Specialist Roy Russell Buckley for his bravery in the field of battle and his willingness to fight for his country. Specialist Buckley lost his life on Wednesday, April 23, 2003 in Baghdad, Iraq while transporting fuel trucks for the 685th Transportation
Company, part of the United States Army’s 3rd Infantry Division. His sacrifice will be re-membered at funeral services on Saturday, May 3, 2003 by a community that has been struck hard by the devastating loss of one of its own.

A native of Merrillville, IN, Specialist Buckley graduated from Merrillville High School in 1996. He was a gifted athlete, with an orange belt in karate and possessed the strength to lift over 950 pounds. After graduating from high school, Specialist Buckley decided to join the Army Reserve with the hope that it would assist him financially with college, help him learn a trade, and allow him to find himself through the discipline and order that it pro-vides.

It came as no surprise to those who knew Specialist Buckley that he would serve his country. A true patriot, his love for his country was evident from the time that he was a child. He collected items with patriotic themes, and his bedroom remains adorned with symbols of his patriotism. A poster of the Declaration of Independence hangs above his bed, and an “Army of One” poster hangs by the door. He once hung an American flag next to a bright light in his bedroom because he wanted to see the flag glow, and now a flag serves as the curtain for his window. Specialist Buckley felt tremendous pride for his country, and he was willing to endanger his own life to-protect the lives of his fellow citizens. His courage and heroism will always be remembered, and his sacrifice will forever live in the hearts and minds of those for whom he battled.

Mr. Speaker, Specialist Buckley, along with 160 other local reservists with the 685th Transportation Company, left for Fort Campbell, KY on January 24, 2003 after being called into active duty. His unit was deployed to Kuwait in February, and was instrumental in the battle to liberate the Iraqi people. Spe-cialist Buckley was riding in a large fuel truck when an accident occurred and he was thrown from the vehicle. He gave his life so that the freedoms and values that he treasured could be enjoyed by those around the world.

Although he loved his unit and his country, Specialist Buckley treasured his family above all else. He is survived by his mother, Janie Espinoza, his stepfather, Phillip Espinoza, his four siblings, his fiancé, Jenina Bellina, and his 6-year-old daughter, Alicia Faith Buckley. Jenina is stationed in Iraq with the same reservist unit for which her fiancé gave his life. These individuals were the heroes to a man that we will forever call a hero, and we should honor them in this tumultuous moment as well.

Mr. Speaker, at this time I ask that you and my other distinguished colleagues join me in honoring a fallen hero, U.S. Army Reserve Specialist Roy Russell Buckley. Specialist Buckley is the third resident of Northwest Indiana to sacrifice his life during Operation Iraqi Freedom, and his passing comes as a difficult setback to a community already shaken by the realities of war. Specialist Buckley will forever remain a hero in the eyes of his family, his community, and his country; thus, let us never forget the sacrifice he made to preserve the ideals of freedom and democracy.

Mr. Speaker, I rise today in honor and remembrance of Joseph J. Golubski—beloved family man, community leader, and friend and mentor to many.

Mr. Golubski graduated from South High School in 1946 and earned a Bachelor’s degree from John Carroll University, and a law degree from John Marshall College. In 1950, he married Rita D. Krysinski. Together they raised seven children. In 1952 Mr. Golubski became a licensed funeral director, continuing the family business that his father established in 1913. With a keen intellect and high energy for learning, Mr. Golubski became a licensed attorney in 1953.

Despite his exceptional scholastic and busi-ness achievements, Mr. Golubski’s foremost priorities were family and community. As a par-ticipant in the community—the Slavic Village neighborhood. His family, community, faith and heritage were central within his life. Mr. Golubski was very active in and supportive of the community along Fleet Avenue. He supported many projects at several area churches, including St. Stanislaus, Immaculate Heart of Mary Church, St. Hyacinth Church, Sacred Heart of Jesus Church, and the former Transfiguration Church. Additionally, Mr. Golubski was an active member of the St. Stan’s Dad’s Club, Knights of Columbus South East Council, Cleveland Society of Poles, Slavic Village Merchant’s Guild, and the National Funeral Di-rector’s Association, among many others.

Mr. Speaker and Colleagues, please join me in honor and remembrance of Joseph J. Golubski, beloved husband of Rita; beloved father of Linda, Joseph E., Robert, Nancy, Steven, Cheryl, and Pamela; and adoring grandfather of Stephanie, Denise, Rita, Anne, Matthew, Adam, Martha and Joseph. Mr. Golubski’s joyous life was defined by his deep dedication to family and friends, and his ex-ceptional service to his community. His strong spirit, integrity, energy and good works have served to uplift the lives of countless individ-uals, families—and the entire Cleveland com-munity.

Mr. Speaker, I rise today to recognize the distinguished service of Bonnie Jean Long, the city manager of St. Helena, California. Her outstanding lead-ership and commitment to community service has significantly benefited the people of St. Helena and she will be sorely missed upon her retirement.

When looking to hire the first-ever city manag-er in St. Helena, our community would have had a truly difficult task trying to find someone more qualified than Bonnie. Prior to taking of-fice, Bonnie served as the Cotati, California city manager. Adding to her preparation were the years she spent as the assistant city man-ager for the cities of Davis and Modesto, Cali-fornia.

Mrs. Long’s expertise is matched only by her dedication to improving her community and her tremendous work ethic. As city man-ager, she has worked tirelessly to manage St. Helena’s budgets, to maximize our resources and to handle the needs of our growing popu-lation. Somehow, she has managed to make this difficult task look easy.

While serving our community as city man-ager, Bonnie has found additional ways to get
involved in bettering St. Helena through her volunteer work. Bonnie is a member of the St. Helena Rotary club, the Kiwanis club and she sits on the REMIF Board of Directors.

Mr. Speaker, as impressive as Mrs. Long’s professional contributions and service to St. Helena are, she would be the first to tell you that her real success has been as a dedicated wife, a loving mother and an adoring grandmother. Whether traveling with her husband John, her daughter Samantha or playing with her grandson Zachary, Bonnie has been a shining example of how to keep your priorities straight. For Bonnie, family is the true joy of life.

Mr. Speaker, because of the many contributions she has made to the town of St. Helena and for her excellence and dedication, it is proper for us to honor Bonnie Jean Long today as she retires from the office city manager.

HONORING HENRY COVELLO

HON. JAMES P. McGOVERN
OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES
Thursday, May 1, 2003

Mr. McGOVERN. Mr. Speaker, I rise today to honor Henry Covello, a veteran of World War II and Korea.

Mr. Covello served our country in World War II as a young man. His honor and bravery earned him a Purple Heart for his service in the war. His lifelong dedication to the United States Army is reflected by the prestige of the Purple Heart, among the highest honors an American citizen can receive. Following his service in World War II, Mr. Covello went on to serve in Korea where he earned his second Purple Heart. I am proud to tell my colleagues that this weekend Mr. Covello will posthumously receive his third Purple Heart.

Mr. Covello served in the United States Army with the 82nd Airborne Division, 504th Parachute Regiment, the 5th Airborne Ranger Co., 25th Division, and D Company, 19th Regiment, 24th Division. He served for nearly 25 years in the Army before permanently retiring to Worcester, Massachusetts.

Mr. Covello is an example for all Americans. Devoting himself to our armed forces, Mr. Covello’s awards are the sign of a grateful nation. His service in the fight against tyranny and oppression should not be forgotten. Mr. Speaker, I extend my sincere thanks to Mr. Covello, and to all of our veterans, for bravely fighting to protect our security and liberty. I am confident that my colleagues in the U.S. House of Representatives will join me in thanking Mr. Covello for his service.


HON. LANE EVANS
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 1, 2003

Mr. EVANS. Mr. Speaker, I rise today to introduce the Servicemembers’ Transition Assistance Program and Services Enhancement Act of 2003. This legislation would improve our servicemembers’ often challenging transition process from active-duty military service back into civilian life. In the Homeless Veterans Comprehensive Assistance Act of 2001 (Public Law 107-95), Congress made a commitment to end chronic homelessness among veterans within this decade. This legislation is a strong step forward to honoring that commitment.

Mr. Speaker, I am proud to say that this bill is a proactive measure: it aims to educate our separating servicemembers about the risk factors associated with homelessness, as well as provide them with the tools they need to obtain quality long-term employment. Unemployment and continual underemployment can lead to poverty, which is the common denominator and root cause of homelessness. This measure would ensure that all servicemembers have the opportunity to participate and take advantage of important Transition Assistance Program (TAP) services prior to leaving military service.

TAP is jointly administered by the Departments of Defense, Labor, and Veterans Affairs. These services generally include educational counseling, career assistance, and veterans’ benefits guidance for active-duty servicemembers returning to civilian life. Currently, only the Marine Corps requires mandatory TAP attendance for all of its separating or retiring servicemembers. The Marine Corps again leads the way!

Mr. Speaker, every veteran and servicemember I have spoken with concerning TAP has said that attending a transition workshop was a positive experience, and that the services truly helped them in their civilian job search. Additionally, as we all know, the military is comprised of a substantial number of married servicemembers. This measure acknowledges the special people that make-up our military community, and encourages full spousal participation in TAP services.

Further, this important legislation would also require that TAP workshops include homelessness risk awareness assessments. As servicemembers transition from military life to become civilians, they must adjust to new responsibilities and in certain ways a new lifestyle. This transition can be particularly challenging to veterans who are at greater risk of becoming homeless.

According to recent studies, veterans comprise 23 percent of the overall homeless population and 33 percent of the homeless male population; are twice as likely to become homeless as non-veterans; female veterans are approximately four times as likely to become homeless as their non-veteran counterparts; 40 percent of homeless veterans reported mental health problems; 49 percent reported alcohol abuse; 31 percent reported drug use; 52 percent reported chronic medical conditions.

Lastly, Mr. Speaker, I want to thank Linda Boone and the entire staff of the National Coalition for Homeless Veterans. I very much appreciate their advocacy on behalf of homeless veterans.

I encourage all my colleagues to support this proactive legislation.

HONORING DR. ARTHUR O. HAZARABEDIAN

HON. GEORGE RADANOVICH
OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES
Thursday, May 1, 2003

Mr. RADANOVICH. Mr. Speaker, I rise today to recognize Dr. Arthur O. Hazarabedian posthumously for his vast contributions to his community and to the Armenian culture. His passing on March 31st of this year was a tragic loss to all who knew him.

Arthur graduated from U.C. Berkeley with a Bachelor of Science in Agriculture Economics in 1953. He then received a Degree in Veterinary Medicine in 1959 from U.C. Davis. Dr. Hazarabedian’s compassion for the animal community was shown in his ownership of Harmar Veterinary Services in the East Bay of San Francisco. Most of his career as a veterinarian was dedicated to aiding pets, and he offered his services to four veterinary hospitals over the span of 40 years. Dr. Hazarabedian’s love for helping other creatures is evident in his being a founding member of many veterinary organizations, including the American Veterinary Medical Association and their Business Management Committee. He also served as a representative of the California Board of Equalization and was a Charter member of the California Academy of Veterinary Medicine.

Dr. Hazarabedian has made a significant impact on many lives in the Armenian community. One of Dr. Hazarabedian’s greatest accomplishments was the founding of the Armenian Technology Group, Inc. He, and the other ATG co-founders, formed the organization to assist Armenia in its transition from a subject state of the Soviet Union to a free and independent nation. Under Dr. Hazarabedian’s leadership, the goal of ATG has been the advancement of democracy in Armenia through the development of a modern agricultural base in a free-market economy. ATG has sought to introduce modern farming practices and technologies to Armenian farmers. Our government representatives through programs designed to promote independent action and knowledge sharing.

In 1990, he received the Distinguished Alumni Achievement Award from the Faculty at the University of California, Davis, School of Veterinary Medicine, which is the highest award for contributions, public service and excellence in the veterinary profession. Three weeks before he passed away, on March 8, Dr. Hazarabedian received the Man-of-the-Year award from the Armenian National Committee of America—Bay Area Chapter, at a ceremony held in San Francisco, CA for his outstanding service to Armenia and Armenian-American causes.

Mr. Speaker, I rise today to recognize Dr. Arthur O. Hazarabedian for his exceptional service to the protection of the humanitarian cause. I invite my colleagues to join me in commending Arthur for an exceptional career and for his everlasting contributions.
HONORING THE DEDICATED LIFE AND WORK OF MR. JAMES A. WILDING

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today to honor Mr. James A. Wilding, an outstanding citizen of Northern Virginia who has served his community and country for almost half a century.

Mr. Wilding will retire from the Metropolitan Washington Airports Authority this month after 43 years of service. Revered as a leader in both the public and private sectors, Jim will leave behind a legacy of dedication and excellence beyond compare.

Jim graduated from the Catholic University of America as a Civil Engineer in 1959. He then joined the Federal Aviation Administration, where his key role in the transformation of the Washington region began. Jim was one of the original planners of the Washington Dulles International Airport. En route to his position as Chief Engineer, Jim advanced through the ranks of the FAA, working in many different engineering capacities on both Washington Dulles International and Ronald Reagan Washington National Airport. By 1979, Jim had successfully mastered the positions of Chief Engineer, Deputy Director, and finally Director of the FAA’s Metropolitan Washington Airports.

Upon the 1987 transfer of the region’s airports to the new Metropolitan Washington Airports Authority, Jim began his tenure as that organization’s President. He continued to implement his vision of a globally connected Washington area, easily accessible by world-class air facilities. Of course, this vision was far removed from reality; the region’s current economic prosperity may obscure the collective memory of the wholly government-centered Metropolitan area of 50 years ago.

Mr. Wilding’s involvement in the region’s air service played a large role in changing that. He oversaw a capital development program of more than 3 billion dollars at the two federally owned airports in the region and led the modernization of Reagan National Airport. Dulles also underwent major growth in the 1990’s. Under Jim’s leadership, passenger activity at the two airports has almost doubled to 31 million passengers in 2002.

Widely acknowledged as an expert in the aviation industry, Jim has won numerous awards, including the highest award in the Transportation Department: the Secretary of Transportation’s Gold Medal. He has served, notably as Chairman of the Airports Council International—North America, as President of the Aero Club of Washington, and has served on the Board of Directors of the region’s airport organization, and on the Board of its worldwide parent body based in Geneva, Switzerland. Currently, he serves on the Policy Review Committee of the American Association of Airport Executives.

The United Way Campaign of Arlington County, Virginia is only one of the many regional groups indebted to Jim for his support and active participation. Jim is a member of the Economic Development Commission of Arlington County and has served on the Board of Directors as well as the Executive Committee of the Arlington County Chamber of Commerce. He has served on the Advisory Board of the Eno Transportation Foundation, and currently serves on the Board of the Washington, DC Convention and Tourism Corporation, on both the Board of Directors and Executive Committee of the Dulles Area Transportation Association, and has served on the Executive Committee of the Transportation Research Board.

The people of Northern Virginia join these organizations in their debt of gratitude to Jim Wilding, and extend him heartfelt thanks for his continuing role in advancing the prosperity of the Washington region. Mr. Chairman, the life and service of this Virginian serve as a shining example to all who wish to improve the well-being of their community through dynamic public and private activity.

HONORING THE DEDICATED LIFE AND WORK OF DR. MYLES MARTEL

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. CAMP. Mr. Speaker, I rise to pay tribute to Dr. Donald Bailey, D. Min. Dr. Bailey has been involved with the United States political process for decades, leaving behind him a legacy of leadership. He came to prominence serving as former President Ronald Reagan’s personal debate advisor, after which he moved on to become an advisor to the White House Office of Communications. Dr. Bailey has also served as a speech advisor to ambassadors, congressmen, senators, governors and cabinet members. His expertise has awarded him many honors, including the George Washington Honor Medal, and the Distinguished Alumni Award for Outstanding Professional from the University of Connecticut. Dr. Bailey has published five books, and has been quoted by many nationally recognized newsmagazines and newspapers.

I am honored today to recognize Dr. Myles Martel for his many accomplishments, and wish him the best on the celebration of his 60th birthday.

HONORING THE DEDICATED LIFE AND WORK OF REV. RONALD L. BAILEY, D. MIN.

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. SERRANO. Mr. Speaker, I rise today to pay tribute to an outstanding individual who has dedicated his life to serving others, the Reverend Dr. Ronald L. Bailey, D. Min., who on April 26 of this year was elevated to the position of Bishop by the Love Gospel Assembly, a non-denominational church serving over 2,500 members within my Congressional district in the South Bronx.

Dr. Bailey was born and raised in Harlem, New York, and is the Senior Pastor of Love Gospel Assembly, one of the largest multi-faceted, multi-cultural churches in New York City. Dr. Bailey was ordained in 1987 by the late Bishop Gerald Julius Kaufman, founder of Love Gospel Assembly, who also mentored Dr. Bailey in full-time ministry for eight years. Dr. Bailey’s life and work as he labored beside Dr. Kaufman have built on the foundation of ministry to and for the poor and inner cities that was clearly articulated and demonstrated by Dr. Kaufman and continued the important work of Love Gospel Assembly.

Dr. Bailey has a Bachelor of Arts in Theological Studies, a Master of Arts in Theology from Evangelical Theological Seminary and a Doctor of Ministry (D. Min) from United Theological Seminary in conjunction with Robert Schuller’s School for Preaching (Fuqua School of Communication).

Dr. Bailey sits on the Board of Directors for The Urban Youth Alliance Inc., the Steering Committee for the Bronx National Day of Prayer, and the Board of Directors for the Concerts of Prayer, Greater New York.

Dr. Ronald L. Bailey has been married for 35 years to Dorothy Bailey and they have three children, Ron, Jr., Rachel, and Danielle and one grandchild, Anaiah.

Among other things, Dr. Bailey serves meals to over 700 people weekly, conducts a food pantry and provides clothing to the needy.

As it is written in Hebrews 6:10, “for God is not unjust; he will not forget your work and the love you have shown him as you have helped his people and continue to help them,” the community recognizes him and honors him with this consecration.

Mr. Speaker, I ask my colleagues to join me in paying tribute to and in congratulating the Reverend Dr. Ronald L. Bailey, D. Min. on his consecration as Bishop of Love Gospel Assembly.

CONGRATULATIONS, MONSIGNOR J OSEPH SEMANCIK ON 50TH ANNIVERSARY OF ORDINATION

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. VISCOSKY. Mr. Speaker, it is with great pride and sincerity that I wish to congratulate Monsignor Joseph Semancik as he celebrates the 50th anniversary of his ordination into the priesthood. He will be honored by his parishioners with a luncheon following an 11:00 am Mass at Sacred Heart Parish in East Chicago, Indiana on Sunday, May 2, 2003.

A native of Northwest Indiana, Monsignor Semancik was born in Whiting on March 3, 1929 to Frank Semancik and Lillian Duray. He attended St. John the Baptist School and Catholic Central High School. After graduating from high school, Monsignor Semancik’s passion for his faith led him to study at Sacred Heart Seminary in Fort Wayne, Indiana, and later at St. Meinrad Seminary in Southern Indiana. He was ordained into the priesthood on May 1, 1953, and this important event became a stepping stone for his lifelong dedication to the citizens of Northwest Indiana.

Monsignor Semancik began his career as an Assistant Priest for Assumption Parish in East Chicago and at St. Catherine of Siena in Hammond, Indiana. He was appointed administrator at Sacred Heart and the same year was named pastor at Holy Trinity Church in Gary in 1969. After five years as pastor for Holy Trinity, Monsignor
Mr. Speaker, in addition to his exceptional efforts to guide his congregation at Sacred Heart, Monsignor Semancik also has worked extensively with Catholic Charities in Northwest Indiana. He began his mission with Catholic Charities in 1960, and was named Diocesan Director in 1962, a position he held until 1998. Under his guidance, the agency provided social services throughout the four counties that comprise Northwest Indiana, and expanded to seven offices throughout the region. Monsignor Semancik has also served Catholic Charities, USA as a member of the Board of Directors, as well as serving as a member of the Study Cadre that redirected the mission of Catholic Charities. He also ably served as Chairman of various Catholic Charities’s committees.

Monsignor Semancik has also enriched the Northwest Indiana community through his work in other community organizations, such as serving as the President of both the Lake County Economic Opportunity Council and the Lake County Community Development Council. He was one of the founders of the Indiana Catholic Conference and of the Hospice of the Calumet Area. He has received many commendations for his work, including the Sagamore of the Wabash Award, the highest honor bestowed by the Governor of Indiana.

Mr. Speaker, at this time I ask that you and my other distinguished colleagues join me in congratulating Monsignor Joseph Semancik as he celebrates the 50th anniversary of his ordination into the priesthood. Monsignor Semancik has been a fixture in Northwest Indiana throughout his career in the ministry, and he has touched the lives of many throughout the community. His unselfish and lifelong dedication to those in need is worthy of the highest commendation, and I am proud to represent him in Congress.

Mr. Speaker, at this time I ask that you and I rise today in honor and celebration of the Polish American Congress, as they celebrate their 54th anniversary. The Polish American Congress is composed of individual, religious, and civic associations dedicated to the improvement of the status of all Americans of Polish heritage. It is evident that the Polish American Congress has played a crucial role in the Polish Community, and in its many years of service has been an invaluable contribution to the Cleveland Community.

Mr. Speaker and Colleagues, please join me in honoring Dr. Devarajan P. Iyengar for his contributions to the medical field and his dedication to the people of Jersey City, Kearny, and Bayonne, New Jersey. He was honored by the Bayonne Community Cancer Support Group at Pucci’s Restaurant on April 26, 2003 in Bayonne. For over 20 years, Dr. Iyengar has dedicated himself to providing quality care for the people of Bayonne and surrounding areas. Currently, Director of Oncology at Bayonne Medical Center and chairperson of the Transfusion and Cancer Care Committees, Dr. Iyengar has served on the staffs of Christ Hospital, Greenville Hospital and Union Hospital in Jersey City; West Hudson Hospital in Kearny; and Bayonne Medical Center since 1993. Dr. Iyengar is committed to providing a level of care that goes beyond the average standard of health care. He recently helped found the Bayonne Community Cancer Support Group and is well known for taking the time to provide additional support for his patients and their families.

Mr. Adams for bravely fighting in defense of American cause of ridding Europe of the Nazi menace.

Mr. Speaker, today I rise to honor a distinguished veteran of our armed forces, Herbert Adams. Mr. Adams served our nation as a member of the United States Army where he was awarded numerous medals for his distinguished service on the battlefield. Following his service in World War Two, the governments of Belgium and the Netherlands recognized Mr. Adams’ role in freeing those nations from the Nazi regime.

In addition to the European medals awarded to Mr. Adams, he received numerous American medals including the Purple Heart; the Bronze Star; the Combat Infantry Badge; the Army Occupation with German Clasp; the Honorable Service Lapel Button for World War Two; and the European-African-Middle Eastern Campaign Medal with four Bronze Service Stars.

I am grateful for Mr. Adams’ service. He distinguished himself on the battlefield through bravery, strength, and commitment to the American cause of ridding Europe of the Nazi menace.

Mr. Speaker, I extend my sincere thanks to Mr. Adams for bravely fighting in defense of
our nation. In addition, I am confident that my colleagues in the U.S. House of Representatives join me in honoring Mr. Adams for his service.

**USA Gold Award for Maria Witte of Girl Scout Troop 4043**

**HON. LANE EVANS**

**OF ILLINOIS**

**IN THE HOUSE OF REPRESENTATIVES**

**Thursday, May 1, 2003**

Mr. EVANS. Mr. Speaker, today I would like to salute an outstanding young woman who has been honored with the Girl Scouts of the USA Gold Award by Girl Scouts of the Mississippi Valley, Inc., in Rock Island, Illinois. She is Maria Witte of Girl Scout Troop 4043. She is being honored for earning the highest achievement award in Girl Scouting. The Girl Scout Gold Award symbolizes outstanding accomplishments in the areas of leadership, community service, career planning, and personal development. The Girl Scout Gold Award can be earned by girls ages 14-17 or in grades 9-12.

Girl Scouts of the USA, an organization serving over 2.6 million girls, has awarded more than 20,000 Girl Scout Gold Awards to Senior Girl Scouts since the inception of the program in 1980. To receive the award, a Girl Scout must fulfill five requirements: earn four interest project patches, earn the Career Exploration Pin, earn the Senior Girl Scout Leadership Award, earn the Senior Girl Scout Challenge, and develop and implement a Girl Scout Gold Project. A plan for fulfilling the requirements of the award is created by the Senior Girl Scout and is carried out through close cooperation between the girl and an adult Girl Scout volunteer.

As a member of the Girl Scouts of the Mississippi Valley, Inc., Maria began working toward the Girl Scout Gold Award in June 1999. Maria worked with her partner on painting a wall mural for a local gymnastics facility. The earning of the Girl Scout Gold Award is a major accomplishment for Maria and I believe she should receive the public recognition due her for this significant service to her community and her country.

**HONORING THOMAS CHARLES TURK**

**HON. GEORGE RADANOVICH**

**OF CALIFORNIA**

**IN THE HOUSE OF REPRESENTATIVES**

**Thursday, May 1, 2003**

Mr. RADANOVICH. Mr. Speaker, I rise today to honor former Undersheriff of Madera County, Thomas Charles Turk on the occasion of his retirement. The event commemorating the occasion will be held in Madera County at the Fairgrounds in Chowchilla, California on Saturday, April 26th, 2003.

Thomas Turk has dedicated half of his life to law enforcement. As a young man he was drafted into the United States Army and served for two years as a military policeman. When he was discharged from active duty, he joined the Madera County Sheriff’s department and was assigned to the jail. After one year, he began patrolling the Chowchilla streets working out of a substation. He was respected and admired by the community. For much of his career, Tom was on a first name basis with most of Madera County. He was later appointed to the Detective Division and then to Sergeant. There, he learned that every time you get promoted you get moved to the graveyard shifts. Tom worked his way up through the ranks, from Sergeant to Lieutenant, and then to Undersheriff.

Undersheriff Turk dedicated his life to his department and the people of Madera County. He never stepped down from the integrity of the Department and the honor of his position. Tom has worked countless overnight shifts, which accounts for his two ‘Officer of the Year’ commendations, and has done so with the utmost humility. Tom’s dedication to his job makes great departments such as the one in Madera County.

Mr. Speaker, I rise today to honor Undersheriff Thomas Charles Turk for his service to the County of Madera and for his outreach to the community of which he served. I invite my colleagues to join me in commending Thomas as the 2003 United States Cherry Blossom Queen.

**HONORING THE SELECTION OF MS. ELIZABETH ANN KRABILL AS THE 2003 UNITED STATES CHERRY BLOSSOM QUEEN**

**HON. TOM DAVIS**

**OF VIRGINIA**

**IN THE HOUSE OF REPRESENTATIVES**

**Thursday, May 1, 2003**

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today to honor Ms. Elizabeth Ann Krabill upon her selection as the 2003 United States Cherry Blossom Queen.

Elizabeth was chosen as Virginia’s 2003 Cherry Blossom Princess. Elizabeth finds herself in familiar company: Elizabeth’s mother, aunt and sister all preceded her as Cherry Blossom Princesses at one time. Elizabeth grew up in McLean, Virginia and graduated from National Cathedral School. She excelled at competitive swimming in high school and was twice chosen as captain of her swim team. She has spent two summers sharing her swimming talents with children as a swimming lesson instructor at Belvoir Summer Camp. At Cornell, Elizabeth is active in her sorority, Alpha Phi, as the Vice President of Marketing.

Virginia is proud to send one of her native daughters into the international arena to represent the United States. A well-rounded and gifted individual, Elizabeth Krabill will represent her country with dignity and poise, and I applaud her initiative in seeking this great honor.

**TRIBUTE TO DR. WILLIAM A. SEDERBURG OF FERRIS STATE UNIVERSITY**

**HON. DAVE CAMP**

**OF MICHIGAN**

**IN THE HOUSE OF REPRESENTATIVES**

**Thursday, May 1, 2003**

Mr. CAMP. Mr. Speaker, I rise today to pay tribute to Dr. William A. Sederburg for his service as president of Ferris State University in Big Rapids, Michigan. After eight years as president and one year as interim president at Ferris, Dr. Sederburg is retiring from his position.

He became the 16th president of the college in 1995 after a distinguished career as a professor, Michigan state senator, and successful businessman. Dr. Sederburg’s experience in higher education is exemplary. He has held numerous leadership positions in higher education, including serving on the State Board of Education, chairing the Senate Select Committee on the Future of Higher Education, chairing the Senate Standing Committee on Higher Education and Technology, and chairing the Senate Appropriations Subcommittee on Higher Education.

Throughout his career and efforts, Dr. Sederburg has positively affected the lives of thousands of students. He is seen as a leader by his peers, as well as an educator and trusted advisor to his students. Dr. Sederburg has worked tirelessly to improve the facilities and infrastructure on the Ferris State campus, and his dedication is an example to all.

I am honored today to recognize Dr. William A. Sederburg for his many accomplishments, and thank him for his work.

**TRIBUTE TO BRONX COMMUNITY COLLEGE ON ITS SILVER ANNIVERSARY HALL OF FAME 10K RUN**

**HON. JOSE E. SERRANO**

**OF NEW YORK**

**IN THE HOUSE OF REPRESENTATIVES**

**Thursday, May 1, 2003**

Mr. SERRANO. Mr. Speaker, it is with joy that I rise today to once again pay tribute to Bronx Community College, which will hold its 25th Anniversary Hall of Fame 10K Run on Saturday, May 3, 2003.

The Hall of Fame 10K Run was founded in 1978 by Bronx Community College’s third president, Dr. Roscoe C. Brown and today continues to be an event of great significance. Its mission is to highlight the Hall of Fame for Great Americans, a national institution dedicated to those who have helped to make America great.

The 10K race tradition continues under the stewardship of Dr. Carolyn G. Williams. Dr. Williams has endorsed and follows the commitment made by Dr. Brown to promote physical fitness and highlight higher education.

As one who has run the Hall of Fame 10K Run, I can attest that the excitement it generates brings the entire City together. It is a celebration and an affirmation of life. It feels wonderful to enable more than 400 people to have the unique experience that everyone can change the lives of many of them. It is an honor for me to join once again the hundreds of joyful people who will run along the Grand Concours,

**25th Anniversary Hall of Fame 10K Run**
University Avenue and West 181 Street and to savor the variety of their celebrations. There is no better way to see our Bronx community.

The Annual Hall of Fame 10K Run is joined by a 2 Mile Fitness Walk and, for the second year, a Hall of Fame Excalibur One Mile Boys and Girls Youth Challenge for 9 to 18 years olds.

Mr. Speaker, I ask my colleagues to join me in recognizing the individuals and participants who are making the Bronx Community College’s 25th Annual Hall of Fame 10K run possible.

CONGRATULATIONS TO CROATIAN SONS LODGE NUMBER 170

HON. PETER J. VISCOSKY
OF INDIANA
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 1, 2003

Mr. VISCOSKY. Mr. Speaker, it is my distinct honor to congratulate the Croatian Sons Lodge Number 170 of the Croatian Fraternal Union of America on the festive occasion of its 96th Anniversary and Golden Member banquet on Sunday, April 27, 2003. In addition to honoring thirty new 50-year members, the Lodge honored Morton W. Gavros, Lodge No. 170, for his dedication to the Croatian community and their families. I am proud to represent these gifted residents of the First Congressional District of Indiana.

SALUTING THE CARGILL SALT MINERS OF TEAMSTERS LOCAL NO. 436 IN THEIR STRUGGLE TO RETAIN REPRESENTATION AND END A LOCK-OUT DESPITE COMPANY EFFORTS TO BREAK THE UNION

HON. DENNIS J. KUCINICH
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 1, 2003

Mr. KUCINICH. Mr. Speaker, I rise in support of the members of Teamsters Local No. 436. This racially and ethnically diverse group of salt miners constitutes the bargaining unit at Cargill’s Cleveland salt mine in Ohio’s 10th Congressional District. Many of them are locked out of the mine in a labor dispute, the outcome of which will have major implications for working men and women everywhere.

In May 2002, the salt miners went on strike. Between May and August, the miners and the company met on several occasions to resolve the dispute and draft a mutually agreeable labor contract. On August 13, 2002, while still engaged in good faith negotiations with Cargill, the union miners made an unconditional offer to return to work. When the miners attempted to return to their jobs, they learned that Cargill hired permanent replacement workers who were either hired before August 13, or their dates of hiring were backdated.

Shortly after the lockout, one of the replacement workers filed a decertification petition with the National Labor Relations Board. In a strong show of support, the working and locked out union miners showed up at the mine at 6:00 in the morning on April 10, 2003, to support the union. One locked out miner drove 150 miles from Columbus for the vote while another left his hospital bed to vote. The result of the election was a 63–58 victory for the union. Even though the Cargill-supported replacement workers appealed the election, the union workers again rallied to oppose the decertification and voted 64–61 to retain the union.

The union workers have my full support. The replacement workers, too, should understand that the good pay and benefits they enjoy at Cargill were hard-fought by the Teamsters locally and the national organized labor movement in general. Once the union is gone, no one will be there to represent them in gaining and retaining their pay, rights, and benefits. Unions are good for workers and companies alike. I support the union workers’ efforts to stop the decertification of their union and to end the lock-out so they can return to work as soon as possible. I call on Cargill to accept the democratic process built into our nation’s labor law, accept the will of the workers to retain union representation, and return immediately to good faith negotiations with the Teamsters.

IN HONOR OF LUDO NOLFO, RECIPIENT OF BAYONNE UNICO FOUNDATION’S 2003 MAN OF THE YEAR AWARD

HON. ROBERT MENENDEZ
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 1, 2003

Mr. MENENDEZ. Mr. Speaker, I rise today to honor Ludo Nolfo, for his outstanding dedication to the community of Bayonne, New Jersey. Mr. Nolfo was named the 2003 Man of the Year by the Bayonne Chapter of UNICO National on April 5, 2003 at the Chandelier Restaurant in Bayonne.

An Italian immigrant at age 16, and a graduate of New York University with a degree in accounting, Mr. Nolfo served two years in the United States military before working with Manufacturers Hanover in New York. For over 27 years, Mr. Nolfo worked for First Union National Bank, where he was Vice President of Trade Services. He is currently Vice President of International Trade Banking at the New York Branch of Rabobank Nederland.

In addition to his remarkable professional record and successful career, Mr. Nolfo has a distinguished record of community service. As trustee of the Bayonne Board of Education and Our Lady of the Assumption Roman Catholic Church, commissioner of the Bayonne Housing Authority, and treasurer of the Board of the Bayonne Visiting Nurses Association, Mr. Nolfo continues to demonstrate an impressive level of commitment to serving the people of Bayonne.

A past president and district governor of the Bayonne Chapter of UNICO National, Mr. Nolfo has been committed to serving the Italian community throughout our region. He is a founding member and formal grand marshal of the Bayonne Columbus Committee; a member and past president of the Bayonne Sicilian Citizens Club; and a member of the Sons of Italy of Bayonne. He also served on the Committee on Italian Migration, sponsored by the Italian Consulate.

Today, I ask my colleagues to join me in honoring Mr. Nolfo for his exceptional service to the people of Bayonne and in congratulating him on being named Bayonne UNICO’s 2003 Man of the Year.
Mr. THOMPSON of California. Mr. Speaker, I rise today to recognize Domaine Chandon, the Napa Valley leading sparkling wine producer, as it celebrates its 30th Anniversary.

Domaine Chandon was founded in 1973 as the first American sparkling wine venture established by the French Champagne house, Moët et Chandon. As pioneers in producing California sparkling wine, Domaine Chandon has had a far-reaching impact on winemaking in the Napa Valley and is continuing to break new ground with its foodloving wines, both sparking and varietal stills.

Before Domaine Chandon was established, American-made sparkling wine was overshadowed by French Champagne. When Moët et Chandon, makers of Dom Perignon and other fine Champagnes, selected the Napa Valley as the next world class sparkling wine regions, it helped establish California’s reputation as one of the world’s top wine producing regions.

In addition to producing premium sparkling wine and a highly regarded line of still wines, Domaine Chandon has proven that sparkling wines shouldn’t be limited to New Year’s Eve and weddings. With eight sparkling wine cuvées available nationally and five specialty wines available at the winery, Domaine Chandon offers a full range of flavors and styles that are very well matched with foods.

As the only Napa Valley winery with an on-site restaurant, Domaine Chandon showcases the pairing sparkling wine with food and in doing so, has help establish the region as a world-renowned dining destination.

Mr. Speaker, as Domaine Chandon celebrates its 30th anniversary with a showcase 30-course dinner and other signature events the weekend of May 2 through May 4, 2003, it is appropriate that we recognize them today for their many contributions to fine wine and fine dining in California’s Napa Valley.

Mr. Speaker, at this time I ask that you and my other distinguished colleagues join me in congratulating the employees of Serenity House of Gary, Inc. for 25 years of service to the residents of Lake County, Indiana. Through their efforts, many in the Northwest Indiana community have had the opportunity to enhance their lives and recover from a debilitating illness. It is this compassion and commitment to their fellow man that makes Northwest Indiana a great community, and I am honored to represent these outstanding individuals in Congress.

Mr. Speaker, as Domaine Chandon celebrates its 30th anniversary with a showcase 30-course dinner and other signature events the weekend of May 2 through May 4, 2003, it is appropriate that we recognize them today for their many contributions to fine wine and fine dining in California’s Napa Valley.

Mr. KUNINICH. Mr. Speaker, I rise today in honor and recognition of Metroparks Rangers Chief James Whitley Jr., on the occasion of his recent retirement from service with the Cleveland Metroparks.

Raised in Cleveland, Chief Whitley graduated from John Hay High School in 1976. He enlisted in the U.S. Navy shortly thereafter. While stationed in England, Chief Whitley earned a Bachelor’s degree in Psychology. Following four years of exemplary service to his country, he came home to Cleveland where he worked as a caseworker for Cuyahoga County. In that capacity, Chief Whitley helped troubled veterans obtain shelter, food and benefits.

In 1982, Chief Whitley began his service as a police officer with the City of Cleveland Heights. His outstanding work and personal dedication earned him a promotion throughout his tenure of service. He rose quickly through the department ranks and was promoted to Commander of the Traffic Bureau in 1990. Significantly and historically, Chief Whitley broke through racial barriers by becoming the first African-American Sergeant within the Cleveland Heights Police Department, which paved the way for other men and women to follow.

As Chief of the Metroparks Ranger, Chief Whitley’s vision and leadership brought new life to the Ranger Special Units and was a significant force behind the newly constructed headquarters operations facilities, opening this fall. A tireless supporter of continued education, Chief Whitley was a strong advocate for post-secondary education for rangers and staff.

Mr. Speaker and Colleagues, please join me in honor, admiration, gratitude and recognition of Chief Ranger James of our country and on behalf of the citizens of our Cleveland community have served to lift the spirits Whitley, Jr. Chief Whitley’s exceptional work ethic, law enforcement expertise and commendable service on behalf and the lives of countless individuals and families and we extend our best wishes throughout his future endeavors.
CONGRATULATIONS TO NORTHWEST INDIANA EDUCATORS

HON. PETER J. VISCLOSKY
OF INDIANA
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 1, 2003

Mr. VISCLOSKY. Mr. Speaker, it is with great pride and enthusiasm that I wish to con- gratulate an exceptional group of Northwest Indiana educators. The Indiana State Teach- er’s Association will present these outstanding individuals with the 2002–2003 Crystal Apple Award for Excellence in Education during a banquet on Wednesday, May 7, 2003 in Schererville, Indiana. This year’s recipients are: Darlene M. Vassil, Linda Johnson, Estelle Becke, Judith Thayer, Renee Kouris, James Crist, and Sherry Peters.

Darlene Vassil is a 22-year veteran of art education, and she effectively uses this wealth of experience to enrich the lives of her stu- dents. She was awarded a grant from the Indi- ana Department of Education to help develop an electronic portfolio program so that her stu- dents can learn to enhance creativity through technology. Darlene’s enthusiasm and dedication for her work led to her involvement in the Fine Arts and Music Education (FAME) organi- zation. She is active in the organization, and her dedication and professionalism is un- surpassed. She has taught students at various grade levels throughout the elementary and in-termediate system. She currently teaches fifth grade and grade 6 at Homestead School. Mr. Speaker, at this time I ask that you and my other distinguished colleagues join me in congratulating these tremendous educators as they accept the 2002–2003 Crystal Apple Award from the Indiana State Teacher’s Asso- ciation. Their tireless dedication to enriching the minds of today’s youth is invaluable, and I am proud to represent these outstanding teachers in Congress.

IN HONOR AND REMEMBERANCE OF MIKE REINERI

HON. DENNIS J. KUCINICH
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 1, 2003

Mr. KUCINICH. Mr. Speaker, I rise today in honor and remembrance of Mr. Mike Reineri— family man, friend, and outstanding radio per- sonality. Mr. Reineri had a long and distinguished ca- reer within the broadcasting industry. He was well known for his ability to entertain, Mr. Reineri also possessed a kind and generous heart. While broadcasting in Cleveland, he created and promoted the very successful “Shoes for Kids” program that provides under- privileged and homeless children with foot- wear. This annual campaign grows stronger every year, and continues to assist Cleve- land’s neediest children.

Wherever he’s lived, Mr. Reineri always sought to be of service to others. He was deeply dedicated and civically active in Miami. For more than two decades, Mr. Reineri served as a member of the Board of Directors of the Boys and Girls Club of Miami and was awarded the Service to Youth Award and Service Bar. In 1991 he was awarded the Easter Seals Man of the Year Award in Miami and the Miami Power Squadron Award for Outstanding Contribution to Safe Boating.

Mr. Speaker and Colleagues, please join me in honor and recognition of Mr. Mike Reineri. I extend my sincerest condolences to his fam- ily and friends, especially to wife Barbara. Mr. Reineri’s exceptional broadcasting talents and achievements will be keenly missed, but his contributions will continue to live on. For more than two decades, Mr. Reineri has provided outstanding service to others—through word and deed—will live on forever.

CONGRATULATIONS TO NAPA COUNTY

HON. MIKE THOMPSON
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 1, 2003

Mr. THOMPSON of California. Mr. Speaker, I rise today to recognize and honor Brother Timothy Diener for his outstanding commit- ment to education in the Napa Valley community in my home state of California.

June 2003 will mark the 75th anniversary (diamond jubilee) of Brother Timothy’s entry into the De La Salle Christian Brothers.

Brother Timothy, a lifelong Catholic and the son of German immigrants, was born in 1910 in New Jersey. In 1918 his family moved to Los Angeles, where he graduated from Cathed- ral High School. He joined the Christian Brothers in 1928 and made two significant dis- coveries, wine and teaching.

At the age of 25, Brother Timothy became heavily involved in the new Christian Brothers winery. Officially his title was “wine chemist” but it was common to find him performing such additional duties as digging ditches, being the hose dragger, scrubbing the tank, driving the trucks, and operating the cement mixer. Half a century of hard work and excel- lence have since passed and today Brother Timothy is considered a pioneer in the Napa Valley wine industry and is treasured as a master vintner.

Much like the spectacular wine he makes, Brother Timothy gets better with age. Though he turns 93 in November, Brother Timothy’s dedication to serving others. Not surprisingly, he continues to serve the cause of Christ. He is a member of the Lasallian Education Fund. He is known for being the De La Salle Christian Brothers’ education as an honorary founding member.

In New Jersey. In 1918 his family moved to Los Angeles, where he graduated from Cathe- ral High School. He joined the Christian Brothers in 1928 and made two significant dis- coveries, wine and teaching.

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In honor and remembrance of MIKE REINERI

HON. DENNIS J. KUCINICH
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 1, 2003

Mr. KUCINICH. Mr. Speaker, I rise today in honor and remembrance of Mr. Mike Reineri— family man, friend, and outstanding radio per- sonality. Mr. Reineri had a long and distinguished ca- reer within the broadcasting industry. He was well known for his ability to entertain, Mr. Reineri also possessed a kind and generous heart. While broadcasting in Cleveland, he created and promoted the very successful “Shoes for Kids” program that provides under- privileged and homeless children with foot- wear. This annual campaign grows stronger every year, and continues to assist Cleve- land’s neediest children.

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Mr. Speaker and Colleagues, please join me in honor and recognition of Mr. Mike Reineri. I extend my sincerest condolences to his fam- ily and friends, especially to wife Barbara. Mr. Reineri’s exceptional broadcasting talents and achievements will be keenly missed, but his contributions will continue to live on. For more than two decades, Mr. Reineri has provided outstanding service to others—through word and deed—will live on forever.
Mr. SHERMAN. Mr. Speaker, I rise today to pay tribute to a dear friend of mine and of the Bergen County community. Robert B. Hille, who is about to become the 105th President of the Bergen County Bar Association. Robert Hille and I began our careers together as young lawyers in the Bergen County Bar Association. It was there that I got to see first-hand what a remarkable person Robert Hille is. He has been and continues to be an extraordinarily gifted attorney and loving husband of Leslie and father of Erin and Tara.

Throughout the course of his career, Robert Hille has handled himself in a highly professional and dignified manner that has won him the great admiration and respect of his peers. His election as the 105th Bergen County Bar Association President is a reflection of the high esteem that not only I have for him, but that everyone in the Bergen County legal community has for him.

Robert Hille is a man who strives to do what is right and just in his profession. I extend my heartfelt congratulations to him and his family on his election as President of this most prestigious organization, I wish him the very best.

HONORING NINE NEW MEMBERS OF THE INDIANA FOOTBALL HALL OF FAME

HON. PETER J. VISCOSKY OF INDIANA
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 1, 2003

Mr. VISCOSKY. Mr. Speaker, it is with great joy and enthusiasm that I wish to congratulate the nine new members of the Indiana Football Hall of Fame. The 2003 honorees for this prestigious designation include: Louie (Lou) Karras, Mike Jennings, Bob Johnson, Larry L. Johnson, Keith A. Johnson, John Forchetti, Tom Herbert, Roderick G. Moore II, and George Pappas. These men have shown a commitment to high school and collegiate football programs across Northwest Indiana, and they will be honored at a reception on May 18, 2003 in Merrillville, Indiana.

Mr. Speaker, Lou Karras graduated from Gary Emerson High School in 1945 after earning All-State honors in the field of football. He went on to have an outstanding career at Purdue University from 1946–1950. As a senior, he was chosen as the Most Valuable Player and was selected to play in the East-West Game, the Hula Bowl, and in the Chicago All-Star game against the Chicago Bears. Bob Johnson attended the Washington Redskins as a rookie before an eye injury cut his career short. Lou’s mother is the only woman inducted into the National Football League Hall of Fame for raising three NFL players: Lou Karras, Alex Karras, and Ted Karras. After he finished his playing career, Bob became the head coach of the Purdue Alumni Association in Lake County, Indiana. He also presided as the Democratic City Chairman in Gary, Indiana, as well as President of the Gary City Common Council.

Mike Jennings attended Gary Wirt High School and excelled in football, basketball, and track. He graduated in 1957 having earned All-City, All-Conference, and All-State honors. He went on to attend Southwestern Missouri University, where he was a four-year letter winner and a three year starter as a fullback and linebacker. He also attended Texas A&M, where he honed his skills under the legendary coach Paul “Bear” Bryant. After his playing career, Mike became the head coach at Chesterton High School, where he amassed a record of 95–81–1 in 18 seasons.

Bob Johnson was an outstanding football player for Valparaiso High School until his graduation in 1976. He was named the Most Valuable Player in 1975, and was named to the Duneland All-Conference Team, the All-Area Team, and the All-State Team in 1974 and 1975. Bob attended Texas A&M, where he honed his skills under the legendary coach Paul “Bear” Bryant. After his playing career, Mike became the head coach at Chesterton High School, where he amassed a record of 95–81–1 in 18 seasons.

Larry L. Johnson was a standout at Munster High School in football, wrestling, and track. By the time he graduated in 1970, he had been named the captain of his football and wrestling team. He was named to the All-Conference Team for football as well as the 1st Team All-State. He also played in the North-South All-Star game.

Mr. KUCINICH. Mr. Speaker, I rise today in honor and remembrance of Edward John
Mr. Wojniak, Sr.—Beloved family man, World War II veteran, community leader, and friend and mentor to many.

Mr. Wojniak was born in 1919 in the St. Hyacinth area of Cleveland. As a young boy, he moved with his family to West Virginia where his father found work as a coal miner. Tragically, in 1935, Mr. Wojniak’s father died in a mining accident. His family remained in West Virginia for a few years. After Mr. Wojniak graduated from high school, his family relocated to Pittsburgh. Soon after, World War II broke out. Mr. Wojniak enlisted in the U.S. Army 815 Engineers Corps, and fought in Italy and Northern Africa. He returned to Cleveland after the war, and enrolled in college at Western Reserve University. In 1951, he graduated with a Bachelor of Arts degree, and in 1954, he graduated with a Master of Science degree in Social Administration. During college, he met and married Jennie Pogroszewski.

Together, Mr. and Mrs. Wojniak raised four children. His life revolved around family, community, faith and heritage. His professional life was dedicated to helping others. For more than a quarter century, Mr. Wojniak worked on behalf of our elderly at the State of Ohio Department of Aging. His deep affection for his Cleveland community and his Polish heritage were clearly reflected through his civic involvement and volunteer spirit. Mr. Wojniak worked diligently to secure an official proclamation to name the Broadway-Forman area of Slavic Village as “Solidarity Square.” Throughout his adult life, Mr. Wojniak was highly active in veterans’ groups and Polish fraternal organizations, including the Polish National Alliance and the Polish American Congress. Notably, Mr. Wojniak was the longest-serving President of Polish-Americans, Inc.

Mr. Speaker and Colleagues, please join me in honor and remembrance of Edward John Wojniak, beloved husband of Jennie, beloved father of Barbara, Elizabeth, Edward and Michael; beloved grandfather of nine; beloved brother, and trusted and loyal friend to many. Mr. Wojniak’s joyous life was defined by his deep dedication to family, and his exceptional service to community and country. His strong spirit, energy and good works have served to uplift the lives of countless individuals, families—and the entire Cleveland community.

INTERNATIONAL SUPPORT FOR CUBAN OPPORTUNITY DAY

HON. LINCOLN DIAZ-BALART OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 1, 2003

Mr. DIAZ-BALART of Florida. Mr. Speaker, I ask that the following Proclamation by the Miami-Dade County Office of the Mayor and the Board of County Commissioners be included in the RECORD.

Whereas: As the Apostle of the Cuban Independence, José Martí once said: “Liberty is very expensive and it is necessary either to resign oneself to live without it or to decide to pay its price;” and

Whereas: The Cuban initiative to confront the anti-Cuban measures is not a political campaign, but an attempt to redress the wrongs committed against the Cuban people, to achieve the freedom they have confronted with civic activism that tyranny, deserve the admiration and support of all; and

Whereas: On Monday, May 13, 2002, coinciding with the anniversary of Pedro Luis Boitel’s birthday, a Cuban murdered by the Castro regimen, a group of Cuban exile institutions have agreed to declare May 13th, “International Support for the Cuban Opposition Day,” and

Whereas: The efforts of these Cuban organizations are not only against the Fidel Castro dictatorship, but against all forms of oppression anywhere on earth, because the defense of human rights does not know boundaries of any particular nation, thus the representatives of these institutions invite Cubans, inside and outside the island, as well as those sympathetic to this worth cause, to join this noble effort; and

Whereas: It is fitting and proper that official acknowledgement be given to the organizers, and participants of these plethora of organizations, and wish them complete success in their quest for a Cuba with liberty and justice for all;

Now, Therefore: Be It Resolved, That I, Alex Penelas, Mayor of Miami-Dade County, Florida, on behalf of the Board of County Commissioners And This Community, do hereby proclaim Monday, May 13, 2002, as International Support for the Cuban Opposition Day.

In Observance Thereof: I call upon the good people of Miami-Dade County to join me in recognizing the importance of this endeavor and in recognizing the formidable aspirations of the human race—to live in freedom.

IN RECOGNITION OF 55 YEARS OF ISRAELI INDEPENDENCE

HON. FRANK PALLONE, JR. OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 1, 2003

Mr. PALLONE. Mr. Speaker, I would like to acknowledge that on May 7, 2003 the State of Israel will be celebrating its independence and fifty five years since its founding in 1948. Israel has served as a staunch ally on behalf of America’s vital interests in the Middle East and internationally.

Mr. Speaker, being that the citizens of the United States and Israel maintain a deeply rooted friendship based upon a commonality of interests and shared core ideals, including a dedication to democracy and individual freedoms, I ask that we rise up in recognition of Israel’s independence.

I would also like to recognize the special sister relationship that the State of New Jersey has forged with the State of Israel through the New Jersey-Israel Commission. Israel has repeatedly proven itself as a valued partner in trade and mutual cultural exchange, and has earned the support of New Jersey’s citizens.

Mr. Speaker, at this time I would like to recognize the special group of constituents from the 6th District of New Jersey who will be showing their support for this unique relationship by “Walking For Israel” on May 4th. I ask that my colleagues to join me in commending the Jewish Federation of Greater Middlesex County for sponsoring such an event. It is my hope that this event mark this occasion and demonstrate their support for the US-Israeli relationship with similar events across the country.

HONORING FATHER EVAROAS CONSTANTINIDES

HON. PETER J. VISCHLOSKY OF INDIANA
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 1, 2003

Mr. VISCHLOSKY. Mr. Speaker, it is with great sincerity and enthusiasm that I wish to congratulate Father Evarogas Constantinides for his numerous contributions to the citizens of Northwest Indiana as Father Constantinides has been a fixture of the community since 1969, and he will be honored at a dinner presented by Friends of Hospice on Friday, May 2, 2003.

Mr. Speaker, Father Constantinides was born in Lapithos, Cyprus in 1918 and was educated in his village through his second year of high school, where he graduated with the Gold Medal Award for academic excellence. He entered Athens College in 1932, where he was accepted on a yearly scholarship. As a fellow of the school’s science section, Father Constantinides had no trouble maintaining his scholarship for six years, and he graduated with honors while receiving the Delta Public Speaking Prize and the English Language Prize. This dedication and commitment to his studies exemplifies the hard work on which Father Constantinides prides himself.

After finishing his collegiate studies in Greece, Father Constantinides journeyed across the world to America to continue his studies and broaden his experiences. In 1938, he enrolled at Fenn College, which is now Cleveland State University, to study civil engineering. During his four years at the University, he served as a Greek teacher and as the Hellenic Board of Education Secretary for the Greek Orthodox Community of the Annunciation of Cleveland, Ohio. Although he enjoyed his time in Cleveland, his final year was interrupted by World War II. As a British subject, Father Constantinides entered the Canadian Army as a private in the fall of 1942. After completing his basic training, he was enrolled in the officer training program, from which he graduated as a Lieutenant in the Engineer Corps with proficiency in explosives, mines, and demolitions. His outstanding ability as a military officer, coupled with his excellent intellect, allowed Father Constantinides the opportunity to work for the United States Central Intelligence Group translating Japanese documents and the Greek Constitution into English.

After returning to the United States following his discharge in 1947, Father Constantinides began extensively studying theology, and on May 11, 1956, he was ordained into the priesthood. He was appointed pastor of the SS. Constantine and Helen parish in Gary on September 1, 1969, and his gracious presence has been felt throughout Northwest Indiana since his arrival. In 1971, Father Constantinides played a significant role in the construction of the Hellenic Cultural Center in Merrillville. His efforts also led to the design and construction of the SS. Constantine and Helen Cathedral, one of the ten largest Orthodox churches in the Americas, in 1975. It was during this time that Father Constantinides became involved with Friends of Hospice in the work of Hospice of the Calumet Area.

In addition to the many contributions within his own parish, Father Constantinides has
HON. STEPHEN R. SADLER
OF VIRGINIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 1, 2003
Mr. SADLER. Mr. Speaker, I yield to the gentleman from Delaware.

HON. CLYDE E. MILLER
OF DELAWARE

Mr. MILLER. Mr. Speaker, I ask unanimous consent to print an amendment to H.R. 4984, the Higher Education Amendments of 2001, which I have introduced. The amendment is for the purpose of amending the bill to provide authority for the President to cancel the principal on the loans made under the Perkins Loan Program.

Mr. Speaker, the Perkins Loan Program was created in 1962 to help finances students pursue higher education. It is currently funded by the Institute of Education Sciences and is administered by the Department of Education. The program is administered by the federal government, and the loans are repaid directly to the federal government. The program is designed to help students from low-income families afford higher education.

I hope that my colleagues will join me in supporting this amendment. Thank you, Mr. Speaker.
wife, Robley Levy; three children, Rebecca, Barnaby, and Elizabeth; and six grandchildren.

Mr. Levy was born in 1934 in Cairo, Egypt, where his father was working as a correspondent for the New York Times. At the age of 7, Sadie Miller, a family friend took him under her wing and helped him escape the impending Nazi troops. They went to great lengths to avoid the Nazis and eventually traveled up the coast of South America and the United States until they reached New York. Fred's parents arrived shortly thereafter, and the family remained in the city until Fred graduated from Amherst College in 1955. Mr. Levy went on to serve in the United States Army, retiring only to pursue a master's degree in poetry at Stanford University.

Mr. Levy was appointed to the Cabrillo College faculty in 1963 as an instructor in both English and speech. Immediately deemed an integral part of the staff, Fred became a much loved teacher that students would seek out for advice and support. Fred was a proactive educator and successfully introduced new academic programs to Cabrillo with the intentions of increasing the variety of subject matter presented in the classroom. Colleagues marveled at his ability to turn shy first-year students into confident university bound scholars through these programs along with his engaging lectures. Not only was Fred passionate about teaching, he also enjoyed acting and directing for the Shakespeare Festival. Fred retired after a long and successful career in 1995.

Mr. Speaker, I wish to express my condolences to Robley and the Levy family during these difficult times. His legacy as a devoted teacher and scholar will blossom as his students apply the lessons taught in his classroom to succeed in life. Those who had the pleasure of sharing Fred's company have and will continue to appreciate his life and education.

UPON INTRODUCTION OF THE ESSENTIAL AIR SERVICE ELIGIBILITY FAIRNESS ACT OF 2003

HON. JOSEPH R. PITTS
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 1, 2003

Mr. PITTS. Mr. Speaker, today, I introduced the Essential Air Service Eligibility Fairness Act of 2003, a bill to provide much needed financial relief to the Lancaster Airport and other airports throughout the United States that are adversely impacted by the existing law.

Under current law, if an airport is located fewer than 70 highway miles from the nearest large or medium hub airport, the airport is ineligible to receive a subsidy from the Essential Air Service Program.

However, current law allows the Department of Transportation to determine whether or not a given airport meets the criteria for receiving the EAS subsidy. State and local officials are better able to determine the most commonly traveled routes in their communities.

In my own Congressional District, the Lancaster Airport has been affected by this debate.

On March 21, 2003, the 3rd Circuit Court of Appeals affirmed the Department of Transportation's decision to deny Lancaster Airport an EAS subsidy because Lancaster Airport was deemed to be located within 70 highway miles of Philadelphia Airport.

The Lancaster Airport and my constituents were dismayed at this decision. The route that the Department of Transportation used is not the most commonly used highway route and would take over three hours to drive. The most commonly traveled route is located 80 highway miles from Philadelphia Airport, but takes only one and a half hours to drive.

I am introducing this legislation today, to empower a Governor or a local Metropolitan Planning Organization (MPO) to determine eligibility for local EAS subsidies.

Having worked with local MPOs in my district, I am confident that these determinations should be made at the state and local level. A Lancaster County rank seventh in the state for air service demand and generates over $76,000 annually originating air trips. Additionally, these air travelers pay more than $20 million per year in aviation taxes.

Lancaster County with over 11,000 businesses and a population of over 472,000 needs and deserves commercial air service. This legislation will ensure that communities like Lancaster County continue to receive quality local air service. I urge Congress to support this legislation.

HONORING STAFF SERGEANT SCOTT SATHER, SERGEANT MICHAEL F. PEDERSON, SPECIALIST RICHARD A. GOWARD, AND PRIVATE FIRST CLASS JASON M. MEYER

HON. DALE E. KILDEE
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 1, 2003

Mr. KILDEE. Mr. Speaker, it is a great honor to rise before you today to pay tribute to the honorable service to this country and its citizens given by Staff Sergeant Scott Sather, Sergeant Michael F. Pederson, Specialist Richard A. Goward and Private First Class Jason M. Meyer.

In 1957, American Bar Association President Dwight D. Eisenhower proclaimed a "Law Day". Attorney, envisioned a special day for celebrating our legal system and the freedoms we enjoy as Americans. In 1958, President Dwight D. Eisenhower proclaimed a "Law Day" to strengthen the spirit of liberty, justice, and equality under the law. In 1961, May 1st was designated by a joint resolution of Congress as the official date for celebrating Law Day.

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Mr. Speaker, Staff Sergeant Sather, Sergeant Pederson, Specialist Goward and Private First Class Meyer are sons, they are fathers, husbands and friends. They are true Americans, deserving of our respect and gratitude not only for their devotion to the United States and its ideals, but for their devotion to their families, their friends and their communities. These men are a symbol of excellence to everyone in this nation, and a shining example of the best our society has to offer.

I ask my colleagues in the 108th Congress to please join me in paying tribute to these men, their families and their achievements. May their sacrifices to be remembered always.
our commitment to an independent third branch of government.

This year on May 7th, the Chattanooga Bar Association will honor the legal community of Chattanooga, Tennessee with their annual Law Day luncheon. During the luncheon, the Chattanooga Bar Association will honor Judith P. Medearis with the 2003 “Liberty Bell Award.” This award, given to a person who is not in the legal profession, is one of the CBA’s highest honors. The purpose of the “Liberty Bell Award” is to recognize community service that has strengthened the American system of freedom under law. In selecting the recipient of this award, the Chattanooga Bar Association considers activities which (1) promote a better understanding of our Constitution and the Bill of Rights; (2) encourage a greater respect for the law and the courts; (3) stimulate a deeper sense of individual responsibility so that citizens recognize their duties as well as their rights; (4) contribute to the effective functioning of our institutions of government; and (5) foster a better understanding and appreciation of the rule of law. I ask all Members of the House of Representatives to join me in congratulating Judith Medearis for her contribution to the Chattanooga community.

Beginning in 1999, the CBA began awarding a college scholarship to the winner of the Annual Law Day Essay Contest. This year’s theme was “Celebrate Your Freedom—Independent Courts Protect Our Liberties”. Megan Galbreth, a Junior at Girls Preparatory School is the winner for 2003. I join the CBA in congratulating Megan for her award-winning essay.

Mr. Speaker, I ask the United States House of Representatives join me in thanking the Board of Governors of the Chattanooga Bar Association for their contributions and commitment to the legal profession and to the Chattanooga community. The members of the Board of Governors Executive Committee are: Lynda Minks Hood, Executive Director; Honorable Rebecca J. Stern, President; Alan L. Cates, President-Elect; Michael K. Alston, Secretary-Treasurer; Harold L. North, Jr., Immediate Past President. Board members include: William H. Cox, III; James M. Haley, IV; Harold L. North, Jr., Immediate Past President.

In the House of Representatives, Thursday, May 1, 2003

Mr. ACKERMAN. Mr. Speaker, I rise today to applaud the more than 1200 students from across the United States that traveled to Washington, D.C. this past weekend to compete in the national finals of the We the People: The Citizen and the Constitution program. Administered by the Center for Civic Education and funded by the U.S. Department of Education, We the People is the most extensive educational program in the country developed specifically to educate young people about the Constitution and the Bill of Rights.

I am proud to announce that students from West Anchorage High School in Anchorage represented the state of Alaska in this national event. The young ETS scholars have worked conscientiously to reach the national finals by participating at local and statewide competitions. As a result of their experience, they have gained a deep knowledge and understanding of the fundamental principles and values of our constitutional democracy. For the first time in the competition, a team from Alaska participated in the events final round and finished the competition in 4th Place.

The three-day We the People national competition is modeled after hearings in the United States Congress. The hearings consist of oral presentations by high school students before a panel of adult judges on constitutional topics. The students are given an opportunity to demonstrate their knowledge while they evaluate, take, and defend positions on relevant historical and contemporary issues. Their testimony is followed by a period of questioning by the judges who probe the students’ depth of understanding and ability to apply their constitutional knowledge.

The We the People program provides curricular materials at upper elementary, middle, and high school levels. The curriculum not only enhances students’ understanding of the institutions of American constitutional democracy, it also helps them identify the contemporary relevance of the Constitution and Bill of Rights. Critical thinking exercises, problem-solving activities, and cooperative learning techniques help develop participatory skills necessary for students to become active, responsible citizens.

Independent studies by the Educational Testing Service (ETS) revealed that students enrolled in the We the People program at upper elementary, middle, and high school levels “significantly outperformed comparison students on every topic of the tests taken.” Another study by Richard Brody at Stanford University discovered that students involved in the We the People program develop a greater commitment to democratic principles and values than do students using traditional textbooks and approaches.

I am proud to have the class from West Anchorage High School represent the state of Alaska and I applaud their historic 4th Place finish. It is inspiring to see these young people advocate the fundamental ideals and principles of our government, ideas that identify us...
as a people and bind us together as a nation. It is important for future generations to understand these values and principles, which we hold as standards in our endeavor to preserve and realize the promise of our constitutional democracy. I wish these young "constitutional experts" the best of luck in all of their future endeavors.

**IMPROVING EDUCATION RESULTS FOR CHILDREN WITH DISABILITIES ACT OF 2003**

**SPEECH OF HON. MAX SANDLIN OF TEXAS IN THE HOUSE OF REPRESENTATIVES**

**Wednesday, April 30, 2003**

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1350) to reauthorize the Individuals with Disabilities Education Act, and for other purposes:

Mr. SANDLIN. Mr. Chairman, I rise today to speak regarding H.R. 1350, the Individuals with Disabilities Education Act.

It is with great regret that I feel compelled to vote against the IDEEA reauthorization bill. I had looked forward to voting on a bill that finally provides adequate resources for students with disabilities, their families, and teachers. I had looked forward to voting on a bill that would continue to protect the unique needs of children with disabilities. Unfortunately, the measure offered by the majority failed on both these counts and does a disservice to the teachers and the children that they serve.

I am profoundly disappointed that once again our Congress has failed to live up to the funding promises of the original Individuals with Disabilities Education Act, passed in 1975. The original bill recognized our federal responsibility to help states provide a free and appropriate public education to students with disabilities. While the original law promised to fund 40% of states' costs to educate these special needs children, Congress has never funded more than 18%. Without appropriate funds, schools are caught in a failing balancing act, trying to provide adequate resources to students with disabilities while also meeting the needs of typical students. I know the rural schools in the First District of Texas simply cannot wait any longer for the relief they so badly need. We should have finally committed ourselves to fulfilling the promise of IDEA with mandatory funding for these students. Anything less is unacceptable.

I am also deeply concerned regarding the discipline provisions in H.R. 1350 for children with disabilities. No one believes that teachers and principals should not have the right to discipline students. However, this bill eliminates protections that children with disabilities deserve in consideration of their limitations. Current law requires schools to determine whether a student's actions were the result of a disability before determining a punishment. This new bill does not do so and puts more students at risk for suspension or expulsion. It is important that we retain protections for the best interests of these children, and remember the challenges they face.

This IDEA bill also fails to protect families who feel their school system is not complying with their children's needs. Previously there was no statute of limitations on parents' rights to file grievances against the schools. This new bill requires that they do so within one year of the incident. Often times parents aren't aware of the rights that their children are entitled to under IDEA and do not fully understand what services would best suit their child. While we should discipline and consider for closure on potential liability for schools, certainly parents should have more than one year to appeal their schools' decisions.

My mother was a school teacher for 30 years and has well impressed upon me the challenges of teaching children with disabilities without the resources to back it up. I have talked with parents of special needs children at length about the struggles they face in getting their children the services they so badly need. Our parents and teachers desperately need our help and this bill fails to meet the mark. For these reasons, I cannot support the IDEA reauthorization bill, but will continue to fight in Congress to give our communities the educational resources they deserve.

**TRIBUTE TO AIR FORCE LT. GENERAL ROGER DEKOK**

**HON. JANE HARMAN OF CALIFORNIA IN THE HOUSE OF REPRESENTATIVES**

**Thursday, May 1, 2003**

Ms. HARMAN. Mr. Speaker, I rise to pay tribute to the life and career of my friend, Air Force Lt. General Roger DeKok.

General DeKok died suddenly last week while on a business trip. My heartfelt condolences, and those of the many individuals in the South Bay he commanded and who were his friends, go to his wife, Carol, and family.

I first met General DeKok when he assumed command in August 1996 of the Space and Missile Systems Center (SMC) at Los Angeles Air Force Base in my district. SMC is the Air Force's pre-eminent procurement center for space-based systems, including the nation's sophisticated surveillance satellites and technology to track and intercept enemy missiles.

Commander of SMC for only two years, General DeKok excelled in motivating people. His loyalty, warmth and kind personality are virtues for which he will be remembered. Under his leadership, SMC continued its tradition of excellence and continued to produce many of the high quality space-based systems necessary for the war fighter of the 21st century.

General DeKok's activities and passion centered on the frontiers of outer space. He served in numerous space plans and operations positions, from detachment level to space policy work in the White House, and commanded two space wings.

While serving at the Pentagon in 1983, he coordinated the Air Force Space Plan. During his as a major in the White House National Security Council, he helped develop and coordinate the U.S. National Space Policy that was signed by President Reagan in January 1988. Prior to assuming his last position as vice commander of Air Force Space Command at Peterson AFB, he served as deputy chief of space programs at Headquarters U.S. Air Force, where he was responsible to the secretary of the Air Force and the chief of staff for planning, programming and manpower activities within the corporate Air Force.

General DeKok retired from the Air Force in April 2002 after 34 years of service and joined TRW Inc., which was later acquired by Northrop Grumman Corp. At the time of his passing, he was vice president and deputy general manager of Northrop Grumman's Command, Control & Intelligence Division.

Roger DeKok deserves the thanks of a grateful nation. He will be sorely missed by his family, friends and the communities he served.

**CONGRATULATING CHARTER SCHOOLS ACROSS THE UNITED STATES FOR THEIR ONGOING CONTRIBUTIONS TO EDUCATION**

**SPEECH OF HON. RON KIND OF WISCONSIN IN THE HOUSE OF REPRESENTATIVES**

**Tuesday, April 29, 2003**

Mr. KIND. Mr. Speaker, as a member of the House Education and Workforce Committee, as well as co-chair of National Charter School Week, I strongly support the H. Res. 204, legislation honoring National Charter Schools Week.

Public schools are America's commitment to providing a high quality education for every child. I am dedicated to ensuring that all children have the opportunity to receive a quality education regardless of what public school they attend. This including charter schools, which are models of successful education reform and one of the fastest growing education innovations working to improve our public education.

As a National Co-Chair of Charter Schools, I would like to take a minute to celebrate the first decade of Charter Schools in the United States. Traditionally, charter schools are independent public schools, designed and operated by educators, parents, community members and others. Since the first charter school began operation in 1992 in St. Paul, Minnesota, the number of charter schools has grown to nearly 2,700, serving 500,000 students around the country.

I am proud to say that we currently have 128 charter schools operating across the state of Wisconsin. In my congressional district alone, we have 20 charter schools presently and that number grows each year.

Just last week, I took the opportunity to visit the LaCrosseroads Charter School in my hometown of La Crosse, Wisconsin, and was impressed by all of the wonderful things that have been accomplished there in just the past several years. The interests, involvement and stewardship of these charter school students extend well beyond La Crosse and reach out beyond the borders of this country with their active participation in the Red Cross School Chores Program. For this program, LaCrosseroads students have been collecting school supplies for Red Cross distribution to children in other countries, who are unable to attend school because of war or natural disasters.

Charter schools have consistently been at the forefront of my priority list, and I am pleased that Wisconsin is one of seven states with over 100 exceptional charter schools. I have consistently advocated for increased
In addition, H.R. 1350 improves early intervention strategies to reduce overidentifying or even misidentifying students as those with special needs. This legislation will give flexibility to local districts to use a percentage of funds for pre-referral services.

Finally, this legislation supports general education and special education teachers by providing for appropriate professional development and encouraging innovative approaches to parental involvement and parental choice.

Mr. Chairman, local school districts throughout my congressional district in New York State face uncertain fiscal times this coming budget year and, quite possibly, well into the near future. Funding instructional services for students with special needs is an enormous burden these districts bear. I urge my colleagues to vote in favor of H.R. 1350 to more fully share in this responsibility.

REGULATORY CERTAINTY

HON. MARY BONO
OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mrs. BONO. Mr. Speaker, I rise today on an issue of critical importance to our economy.

Throughout the broadband debate over the past two years, we have all heard from carriers of all shapes and sizes. They have very different business plans and different opinions on the way competition should proceed. The one common message from all of these disparate companies, however, is a strong and urgent call for regulatory certainty. Individual investors, Wall Street analysts and companies alike demand it.

I fear that the recent FCC action on the Triennial Review threatens to exponentially increase regulatory uncertainty for the telecommunications sector. I fear lawsuits all across the country that will result in a resolution of these important issues for many years to come. Our world of digital packets of information traveling at the speed of light knows no geographic boundaries. However the resulting state-by-state patchwork of burdensome regulations threatens to pose yet another obstacle to getting reasonably priced broadband to our constituents.

The old adage is true, you can't make everyone happy, all of the time. But if we listen to the playing field and let the markets work, the smart people in these companies can at least develop business plans and investors can judge their strategy on the merits. These companies need some clear direction so they can plan their futures, adjust, adapt and deliver for their shareholders and consumers.

Just ten short years ago we watched as the telecommunications sector drove the greatest economic expansion in the history of the world. The American people that are suffering through this depressed economy demand leadership. We must provide certainty and stability to the telecommunications sector so that our markets can work and drive our economy to greatness once again.

VOTER PROTECTION ACT

HON. RON PAUL
OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. PAUL. Mr. Speaker, I rise to introduce the Voter Protection Act. Unlike most so-called "campaign reform" proposals, the Voter Protection Act enhances fundamental liberties and expands the exchange of political ideas. The Voter Fairness Act accomplishes this goal by lowering and standardizing the requirements for, and the time required to get, signatures to qualify a Federal candidate for the ballot. Many states have unfair rules and regulations that make it virtually impossible for minor party and independent candidates to get on the ballot.
I want to make 4 points about this bill. First, it is constitutional. Article I, section 4, explicitly authorizes the U.S. Congress to, "At any time by law make or alter such regulations regarding the manner of holding elections." This is the authority that was used for the Voter Rights Act of 1965.

The second point I would like to make is an issue of fairness. Because so many states require independent candidates to collect an excessive amount of signatures in a short period of time, many individuals are excluded from the ballot. For instance, there has not been one minor party candidate on the Georgia ballot since 1943, because of Georgia's overly strict ballot access requirements. This is unfair. The Voter Protection Act corrects this.

My third point addresses those who worry about overcrowding on the ballot. In fact, there have been statistical studies made of states that have minimal signature requirements and generous grants of time to collect the signatures. Instead of overcrowding, these states have an average of 3.3 candidates per ballot.

The fourth point that I would like to make is that complying with ballot access rules drains resources from even those minor party candidates able to comply with these onerous rules. This obviously limits the ability of minor party candidates to communicate their message and ideas to the general public. Perhaps the ballot access laws are one reason why voter turnout has been declining over the past few decades. After all, almost 42 percent of eligible voters have either not registered to vote or registered as something other than Democrat or Republican.

The Voter Protection Act is a constitutional way to reform campaign laws to increase voter participation by making the election process fairer and open to new candidates and ideas. I hope all my colleagues will join me in supporting this true campaign reform bill.

CONTINUING SUPPORT OF U.S. ARMED FORCES

HON. JOE WILSON
OF SOUTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 1, 2003

Mr. WILSON of South Carolina. Mr. Speaker, I rise today to pay tribute to the men and women of the United States Armed Forces, who continue to act with honor, courage, valor, and respect. Operation Iraqi Freedom was fought with precision and ended decisively. Through the sweat and blood of our troops a vicious dictator's regime has ended, the American people are safer, and an oppressed people have new hope for the future. These extraordinary men and women risked their lives for this noble cause, while many nations stood on the sidelines, once again proving that America is the symbol of liberty and freedom in the world.

I encourage Americans to continue their support of our troops and their families, even long after the war no longer headlines on our nightly news. I commend radio host Mike Gallagher for doing his part, in organizing a benefit concert, featuring the Marshall Tucker Band, for military families in Spartanburg, South Carolina, and I hope others follow his lead.

May God bless our troops and may God bless America.

IN RECOGNITION OF WORLD WAR I VETERAN AL ROSS

HON. E. CLAY SHAW, JR.
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 1, 2003

Mr. SHAW. Mr. Speaker, today I bring sad news of the passing of an American hero, Mr. Al Ross of Palm Beach County, Florida at the age of 101. Al Ross was one of the last remaining veterans of World War I.

Al was a living legend in Palm Beach County, who freely gave of his time to educate many generations of Americans on the true meaning of service to our nation and deep understanding of the Pledge of Allegiance. In countless schools and public appearances around the county, he was a fiery champion for all veterans and a defender of the flag. Up until the very last moment that continued to be his mission.

In 2002, fewer than 500 veterans of World War I remained and Al was the last known survivor in Palm Beach County and the Treasure Coast. Still wearing his 1918 Navy uniform, I last saw him on July 4th speaking to a Town of Palm Beach picnic celebrating America. As always, he had something new to share with his audience, and this month was looking forward to again being a featured speaker at this year's Memorial Day services at the National Cemetery.

We in Congress should remember Al Ross, along with his fellow soldiers and sailors from the Great War who are rapidly departing God's green earth which they ably defended with honor and dignity.

Mr. Speaker, Al Ross, small in stature, big in heart will be missed. He lived to see our military go from trench warfare to laser guided missiles, from Verdun to Baghdad. Yet as Al Ross would say, our flag was still there bringing freedom and hope to people around the world.

In Al's honor I close with his favorite, The Pledge of Allegiance, which he recited many hundreds of times and explained its meaning in his own colorful way.

"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."

Mr. Speaker, I salute Al Ross on behalf of a grateful nation.

HONORING THE MEMORY OF BRIG. GEN. AUSTIN SHOFNER

HON. BART GORDON
OF TENNESSEE
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 1, 2003

Mr. GORDON. Mr. Speaker, I rise today to recognize the memory of a great American hero and warrior, Brig. Gen. Austin C. Shofner, who retired from the U.S. Marine Corps in 1956 to return back to his home of Shelbyville, Tennessee.

At the time of his death in 1999, Gen. Shofner was the state's most decorated veteran, having survived the Bataan Death March during World War II. Not only did the tenacious Marine survive this harrowing experience, but he escaped his captors to report the atrocity to the rest of the world. Once he recovered from the starvation and severe beatings inflicted on him during his captivity, he was then commanded by a batta ferciously fought on the western Pacific shores of Peleliu, where he was badly wounded.

Refusing to be sidelined for long, Gen. Shofner recovered from his wounds and led another battalion of Marines that attacked the island of Okinawa. He was only 28 years old at the end of World War II. Through the courageous actions of warriors like Gen. Shofner, the United States of America has persevered against its enemies. We are once again facing uncertain times and an unconventional enemy, so it is appropriate that we remember our nation's past heroes. Their deeds and acts of bravery are an inspiration to America's current breed of fighting men and women who go in harm's way to protect us and the interests of this great nation.

God bless the brave men and women who wear and have worn the uniforms of our Armed Forces. And God bless the sacrifices they have made and will continue to make to keep this country free. Brig. Gen. Austin Shofner made many sacrifices when his country depended on him the most. He is the epitome of courage and honor and will forever be remembered as a true hero.

INTRODUCTION OF THE RUNAWAY, HOMELESS, AND MISSING CHILDREN PROTECTION ACT

HON. PHIL GINGREY
OF GEORGIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 1, 2003

Mr. GINGREY. Mr. Speaker Today I introduce the Runaway, Homeless, and Missing Children Protection Act. This legislation contains the reauthorization of both the Runaway and Homeless Youth Act and the Missing Children's Assistance Act. This bill strengthens the programs and services authorized under these acts in order to better address the needs of the at-risk youth served.

The changes that were made to the Runaway and Homeless Youth Act will allow for a larger percentage of the allocation to go toward Transitional Living Programs. This will help to meet the need that exists for these programs so older runaway and homeless youth can develop the skills and resources to promote their independence and prevent future dependency on social services. Additionally, youth who are participating in the Transitional Living Program who come to the end of their 18 month stay before they reach the age of 18 will now be able to receive an exception to stay in the Transitional Living Program until they are 18 years old. The bill clarifies that term "group homes" in the Transitional Living Program includes "maternity group homes."

These group homes operate currently and have been successful at providing child development, family budgeting, health and nutrition, and other skills to promote the current long-term economic independence in order to ensure the well-being of the child. The Runaway, Homeless, and Missing Children Protection
Act authorizes parts A (Basic Centers Program), B (Transitional Living Program), C (National Communications System), and D (Coordination, Training, Research, and Other Activities) at $105 million for fiscal year 2004 and at such sums for fiscal years 2005 through 2008 and authorizes part E (Street Outreach Program) at such sums for fiscal years 2004 through 2008.

Additionally, the bill addresses the needs of missing, abducted, and sexually exploited children by authorizing the Missing Children’s Assistance Act. This legislation increases the authorization level of the National Center for Missing and Exploited Children from $10,000,000 to $20,000,000 for fiscal years 2004 through 2008 to mirror the Prosecutorial Remedies and Other Tools to End the Exploitation of Child Today Act of 2003 (PROTECT Act), and extends the authorization of the remaining activities under the Act through 2008. The Runaway, Homeless, and Missing Children Protection Act also allows the National Center for Missing and Exploited Children to coordinate the operation of a cyber tipline to provide online users an effective means of reporting Internet-related child sexual exploitation in the areas of distribution of child pornography, online enticement of children for sexual acts, and child prostitution.

This piece of legislation has been worked out in a very bipartisan fashion and I am happy that we were able to come together to help address the needs of runaway, homeless, missing and exploited youth. These at-risk youth receive much needed services through these Acts and I urge my colleagues to support this important piece of legislation.

HONORING MR. FRED LEWIS
HON. HENRY J. HYDE
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 1, 2003

Mr. HYDE. Mr. Speaker, I would like to bring to your attention today the exemplary work of the talented public service of a fine and most outstanding music teacher, Mr. Fred Lewis. After 45 years as director of the Fenton High School Band located in Bensenville, Illinois, Mr. Fred Lewis is retiring in June of 2003.

During his tenure, he has instructed over 2000 band members and conducted hundreds of community concerts. Since 1955 the band has toured every two years throughout the United States and Europe gaining national and international recognition.

Mr. Lewis’ final concert will be held on May 10, 2003. At that time, a scholarship fund will be established in Mr. Lewis’ name at Fenton High School. Each year the Fenton Lewis Scholarship Fund Committee will provide a cash award to a graduating senior band member to be used for continuing music education. Also, the Fenton Auditorium will be renamed Lewis/Huffman Auditorium.

In honor of his colleagues will join me in honoring and offering congratulations to this outstanding teacher of 45 years for his selfless dedication to his students and to Fenton High School.

TRIBUTE TO THE MARINES FROM THE 2ND BATTALION, 23RD MARINE REGIMENT, 4TH MARINE DIVISION
HON. HOWARD L. BERMAN
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 1, 2003

Mr. BERMAN. Mr. Speaker, I rise today to pay tribute to the Marines from the 2nd Battalion, 23rd Marine Regiment, 4th Marine Division, headquartered in San Diego and to their families who support them, give them strength, and struggle heroically to keep things going at home while they serve overseas.

I am particularly pleased to join Major General John J. McCarthy, Commanding General, 4th Marine Division, Judge Harry Pregerson and all of the family members of this Battalion in celebrating our own special “Marine Family Day,” an event which is planned both to provide some recreation for the family members of our reservists and to honor the more than 900 members of this Marine Forces Reserve unit who served in Iraq, and especially those 38 who were wounded in action. Sadly, one Marine, Staff Sergeant James Cawley was killed in action during this conflict.

Since the creation of the 2nd Battalion, 23rd Marines in July 1942, the battalion has valiantly fought in numerous campaigns from World War II where its members saw action at Iwo Jima and Saipan to Desert Storm, Operation Desert Storm, and, of course, Operation Iraqi Freedom. They were deployed in February of this year, and have earned the distinction of being the longest-serving reserve unit in theater. While this status has earned them honor and respect, it was gained at enormous sacrifice on the part of both them and their loved ones.

Not only have these reservists risked their lives, many have taken steep pay cuts and put their careers on hold to do so. They have missed birthdays, holidays, and other important family events. These men and women are police officers, firemen, doctors, lawyers, executives, and workers of every stripe and variety; people who make up the fabric of our communities. They are our husbands, wives, fathers, mothers, brothers, sisters and friends. They are patriots.

I am proud that many of these reservists and their families live and work in my congressional district and I am honored to be celebrating with them this Saturday. I ask my colleagues to join with me in saluting the men, women, and families of the 2nd Battalion, 23rd Marine Regiment, 4th Marine Division.

CELEBRATING POLISH CONSTITUTION DAY
HON. RAHM EMANUEL
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 1, 2003

Mr. EMANUEL. Mr. Speaker, today I rise in celebration of Polish Constitution Day, Saturday, May 3rd. More than 111,000 people of Polish descent live in the Fifth Congressional District of Illinois. Amazingly, Chicago has more people of Polish descent than any other city except Warsaw, and I know they will all be reflecting on their proud heritage this Saturday.

Members of this body may not be aware of the Third of May Constitution, but passed on May 3, 1791, it was the second constitution in the world—second only to the Constitution of the United States. It was the first in Europe. This important event is an important event in Poland, indeed the history of the world, is too often overlooked. Recently, however, there has been a movement to resurrect the memory of this important event, and today I stand before you in honor of its significance.

Since its origin, Poland has a tremendous history of more than a thousand years. During that time it has been invaded, occupied and liberated on numerous occasions. Yet, throughout a tumultuous history, Poland has remained uniquely Polish. Today Poland plays a vital role in Eastern Europe and is a friend to the United States.

Like most of Europe, Poland began life as a feudal state. But it also has a rich democratic history. In 1346 Casimir the Great established the first Polish legal code and in 1364 laid the foundation of Krakow University, providing two vital ingredients for democracy—rule of law and an educated populace. In 1430, Poland established the “Niemenim Captivabimus,” similar to our Habeas Corpus. By 1493, Poland established a Parliament with two houses, a Senate of dignitaries, and the Sejm which consisted of elected representatives. Following 1505, Parliament’s consent was required for all new laws. The Third of May Constitution represents the culmination of these democratic reforms.

On May 3rd, 1791, the Sejm passed the Government Act, which is today known as the Third of May Constitution. Embracing Enlightenment ideals like Rousseau’s doctrine of national sovereignty and Montesquieu’s concepts of a tripartate government, the Third of May Constitution demonstrates Poland’s important role in helping to establish the modern world. While the Government Act still retained some remnants of Poland’s feudal heritage, it extended rights to citizens who previously had little or no rights. Peasants, for example, were officially placed under the protection of the “law and government of the country.” Unfortunately, soon after enactment, Russia invaded Poland and the country was partitioned by Germany and Russia, abolishing the Constitution. Still, Poland can proudly look back on 1791 as a time when Poland helped establish modern democracy.

Mr. Speaker, on Saturday I look forward to joining the people of my district, as well as those of Polish descent around the world, in celebrating the common bond of democracy. I hope the members of this body will join me in saluting this important day.

PERSONAL EXPLANATION
HON. MARK STEVEN KIRK
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 1, 2003

Mr. KIRK. Mr. Speaker, on April 30, 2003, I missed rollcall vote number 149, H. Res. 206, the rule for H.R. 1350 due to my service on active duty as a reserve naval officer. Had I been present I would have voted “yea”.
Mr. Neal. Mr. Speaker, today I am introducing “The Individual Tax Simplification Act of 2003,” and I invite all my colleagues to join me in sponsoring this legislation, which is identical to legislation I filed last Congress.

The tax code seems to get more and more complex each year, despite calls for simplification. Recently, the Joint Tax Committee determined that taxpayers are increasingly relying on paid return preparers, up 27 percent over a decade. Over the same period, the reliance on computer software has jumped from 16 percent of returns filed to 46 percent. Tax code complexity leads not only to taxpayer frustration and confusion, but also increased costs. Tax code complexity also leads to difficulties for the IRS in administering our tax laws fairly and consistently.

The simplification bill that I have re-introduced will eliminate hundreds of lines from tax forms, schedules and worksheets. I believe that it is possible and preferable to accomplish simplification by reducing tax code complexity and, without moving money between economic income groups. While some may argue that there is no constituency for simplification, I would say that is certainly changing. One survey found that two-thirds of taxpayers said the federal tax system is too complicated, up from barely 50 percent only 10 years ago.

The Individual Tax Simplification Act has three parts. The first is based on legislation I introduced in the last three Congresses regarding nonrefundable personal credits. The second part simplifies the taxation of capital gains. The third part repeals two hidden marginal tax rates on high-income individuals, and repeals the individual minimum tax.

Title I—Simplification Relating to Nonrefundable Personal Credits

In recent years, much tax relief has been granted to taxpayers in the form of nonrefundable credits, like the education credits. These credits are not usable against the alternative minimum tax. That means that more and more individuals will lose all or part of these credits, and will have to fill out the extremely complicated Alternative Minimum Tax (AMT) form. Congress has recognized this problem by enacting a short-term waiver of this exclusion. Congress has also permanently taken the child credit and the adoption credit out of the AMT. Now is the time to finish the job.

Title II—Simplification of Capital Gains Tax

The second title of this bill substantially simplifies taxation of capital gains. Under current law, there are five different tax rates for long-term capital gains, and a complicated, 40-line tax form that must be endured. Moreover, this year the phase-out of the tax rate is scheduled to get worse because additional rates will take effect under current law in 2006. The solution is clear. Replace this jumble of rates and forms with a simple 38 percent exclusion. Not only will this result in tremendous simplification, but more than 97 percent of individuals would be eligible for modest capital gains tax reductions.

Title III—Repeal of Certain Hidden Marginal Rate Increases, and of the Individual Minimum Tax

The third title of the bill repeals the hidden marginal rate increases in current law, and repeals the individual minimum tax. For many taxpayers, discovery of the Personal Exemptions Phaseout (PEP) and the “Pease,” which limits itemized deductions, can be both confusing and dismaying.

Under current law, itemized deductions are gradually reduced by 3 percent of adjusted gross income (AGI) above approximately $139,000, or by 80 percent of the otherwise allowable itemized deductions for individuals exceeding $139,000 AGI, whichever is lower. This is known as the Pease provision. In addition, personal exemptions are gradually phased out for incomes between approximately $139,000 and $262,000. This is known as the PEP. If we did not hide the effect of these provisions of current law, more people would know that these provisions result in hidden marginal rate increases. Current law has a hidden marginal rate increase, which gets worse as families grow larger. The 2001 tax cuts as enacted provided for gradual phase-out in both of these limitations in 2006, but then the repeal is subject to a sunset. This bill would immediately eliminate both.

The second part of this title is a complete repeal of the individual AMT. The original intent of the AMT was to make sure that wealthy individuals did not overuse certain tax benefits and unfairly reduce their tax burden. Unfortunately, it no longer accomplishes that goal. Since the AMT is not adjusted for inflation, more and more middle income taxpayers are falling into the AMT. In fact, a recent Tax Policy Center of the Urban Institute report indicates that, by the end of the decade, the AMT will hit 97 percent of all families with two children earning between $75,000 and $100,000. This is not what was intended, especially when you consider that what pushes taxpayers into the AMT now, more often than not, are state and local income taxes.

Conclusion

This bill provides fairly dramatic simplification of the individual tax system. It eliminates five different tax rates on tax forms, schedules and worksheets. It is basically revenue neutral, so it can be accomplished during a year when there is no budget surplus to fund tax cuts. It does not attempt to shift money between income groups. The general philosophy behind the bill is that those who benefit from tax simplification of the current code should offset any revenue loss involved.

With only one-third of individuals actually willing to fill out their own forms, it is time for Congress to act. Unfortunately, the reality is that no one wants to pay for simplification no matter how much they support the goal. Here is my suggestion. I am introducing this legislation to continue the discussion I began during the 106th Congress. I am pleased that this Administration has talked about the need for tax simplification. I am also pleased that since I began this effort, the Joint Committee on Taxation and other Members of Congress have joined the debate. I look forward to working with all interested parties in this simplification effort.

IMPROVING EDUCATION RESULTS FOR CHILDREN WITH DISABILITIES ACT OF 2003

SPEECH OF HON. JAMES R. LANGEVIN
OF RHODE ISLAND
IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2003

The House in Committee of the Whole on the State of the Union had under consideration the bill (H.R. 1350) to reauthorize the Individuals with Disabilities Education Act, and for other purposes.

Mr. Langevin. Mr. Chairman, I rise today in opposition to H.R. 1350, reauthorizing legislation for the Individuals with Disabilities Education Act. The reauthorization of IDEA is critical to the educational outcomes of millions of students with disabilities for years to come. I am sorely disappointed that H.R. 1350 represents a lack of commitment to fulfilling the promise of IDEA by failing to fund the law, and even proposes changes undermining the very philosophy of IDEA.

IDEA was enacted with the clear intention of eliminating discrimination against students with disabilities by providing them with appropriate education to children with disabilities. Even with the increases in IDEA funding over the last several years, the federal government has never lived up to its share of this promise, which was intended to be 40 percent of the cost of special education services. These reductions are especially troubling. The House have only added up to 18 percent—hardly significant in a time of state budget crises. As schools are forced to dip into their
general education budgets to make up for the shortfall in special education funding, all of America’s students are losing out—and those with disabilities are being left behind.

Every year, access to education for students with disabilities is subjected to the federal appropriations process—and every year, it comes up short. I am dismayed that H.R. 1350 fails to provide for mandatory funding, and outraged that the leadership allowed for 14 amendments to be offered on this bill but denied my colleagues and me the opportunity to vote on two proposed amendments that would have guaranteed children with disabilities and their families the access to necessary resources for their education.

Further, H.R. 1350 makes significant substantive changes counter to the philosophy of IDEA. One of many alarming changes is the elimination of a key civil rights protection providing safeguards for students with disabilities in instances where behavior problems may be a manifestation of their disability. Currently, IDEA sets up a structure for initial assessments and intervention plans, so that disruptive or aggressive behavior can be avoided or mitigate. In instances where students with disabilities do violate a school code, IDEA currently requires administrators to determine if the offending behavior is a manifestation of a student’s disability. If that is the case, then the student, teachers and parents can return to the original behavior plan and find a way to work together to avoid further problems. If that is not the case, the student can then be subjected to the same penalties as a non-disabled student would.

I believe the current disciplinary review process is fair and in the best interest of all students. Even with these protections, students with disabilities are over-represented among students who are expelled. Yet, H.R. 1350 proposes to eliminate the provisions that require both consideration of a child’s disability and use of functional behavioral assessments and intervention plans—denying students the safeguards that assure them access to educational services and placing them at significantly greater risk.

I have also heard a strong sentiment against the proposed changes in the Individualized Education Program (IEP) from my constituents, and parents and educators across the country. H.R. 1350 contains a provision to eliminate the requirement of short-term benchmarks, resulting in a negative impact on the effective collaboration between home and schools providing appropriate education and related services to students with disabilities. Measuring student progress against short-term objectives is needed to ensure that student evaluations are made based on multiple criteria. I hear stories of students who have achieved the goals set in their one-year IEP in less than that time—this is something that should be acknowledged, celebrated and encouraged—not overlooked. Any steps toward imposing a three-year IEP are steps toward overlooking the progress made in the collaborations that are essential to IDEA.

The reauthorizing legislation also fails to recognize a shortage of qualified personnel that has hampered the full implementation of IDEA for 25 years. H.R. 1350 eliminates language that sets standards for special education service providers. In the No Child Left Behind Act, Congress made it clear that every child should have a highly qualified teacher, yet H.R. 1350 removes the highest requirement provision—at a time when high standards were never more important. Every contentious issue related to IDEA—discipline, disproportionate representation of minorities, over-identification of students referred to special education—could be better addressed by ensuring an adequate supply of appropriately trained and highly qualified personnel. Ultimately, highly trained professionals make all the difference in providing an appropriate education for any student—students with disabilities are no different.

I urge my colleagues to only support legislation that preserves the spirit and meaning of IDEA. I am disappointed that the reauthorizing legislation we are here to vote on today fails to live up to that standard, and I encourage my colleagues to vote against H.R. 1350.

Mr. Speaker, I rise today in recognition of Farmers Insurance Group’s 75th Anniversary and Diamond Jubilee, which it celebrated on March 28, 2003. This year commemorates the company’s three-quarters of a century of serving tens-of-millions of policyholders and customers across the country. Founded in 1928 in Los Angeles by Thomas E. Leavy and John C. Tyler, true entrepreneurs and philanthropists, Farmers has grown into one of the largest and most successful insurance companies in America.

Nationally, Farmers Insurance employs nearly 20,000 individuals and has an insurance agent and district manager force of more than 15,000 strong. In California, Farmers is the largest state-based insurer and employs over 6,000 individuals and has in excess of 4,000 exclusive agents and district managers. These employees, agents and district managers are a valuable financial and insurance resource for their communities. They are also leaders in volunteer service. Over the years, Farmers Insurance Group’s employees, agents and district managers have volunteered their time, personal finances and raised millions of dollars for local, state and national philanthropies and charities.

Today, Farmers Insurance remains committed to community service and providing excellence in financial advice and security. Throughout the last 75 years Farmers Insurance Group has emerged as the third largest property and casualty insurer in the country. It is my hope that the company will continue to make great strides forward and will remain a leader in the personal and commercial lines and life insurance industries.

As a Representative from California, where Farmers Insurance Group’s home office is located, I am proud to recognize all employees, agents and district managers on a successful 75 years of service to their communities.
Mr. MORAN of Virginia, Mr. Speaker, today I am joined by my fellow Virginians Reps. Jo Ann Davis, Tom Davis, Bobby Scott, and Edward Schrock and Rep. Neil Abercrombie of Hawaii in introducing the “Thomasina E. Jordan Indian Tribes of Virginia Federal Recognition Act.”

This legislation will grant federal recognition to six Indian tribes in Virginia: the Chickahominy Tribe, Chickahominy Indian Tribe Eastern Division, the Upper Mattaponi, the Rappahannock Tribe, the Monacan Tribe, and the Nansemond Tribe.

As we approach the 400th anniversary of the first permanent European settlement in North America, we are long overdue in recognizing the direct descendants of the native Americans, who met these settlers. We must acknowledge these historic tribes and the significance of their heritage. Together, the men and women of these tribes represent a long neglected part of our nation’s history.

Like much of our early history as a nation, the Virginia tribes were subdued, pushed off their land, and, up through much of the 20th Century, denied full rights as U.S. citizens. Despite their devastating loss of land and population, the Virginia Indians’ successful overcoming years of racial discrimination that denied them equal opportunities to pursue their education and preserve their cultural identity. That story of survival doesn’t encompass decades, it spans centuries of racial hostility and coercive state and state-sanctioned actions. Unlike most tribes that resisted encroachment and obtained federal recognition when they signed peace treaties with the federal government, Virginia’s six tribes signed their peace treaties with the Kings of England. Most notable among these was the Treaty of 1677 between these tribes and Charles the II.

In more recent times, this racial hostility culminated with the enactment and brutal enforcement of Virginia’s Racial Integrity Act of 1924. This act empowered zealots, like Walter Plecker, a state official, to destroy records and reclassify in Orwellian fashion all non-whites as “colored.” To call yourself a “Native American” in Virginia was to risk a jail sentence of up to one year. Married couples were denied marriage certificates or even unable to obtain the release of their newborn child from a hospital until they could establish on the record state to read “colored,” not “Native American.” For much of the 20th Century admission to public schools education was denied. These and other indignities are part of a shameful legacy experienced in our lifetime.

More to the point, this legacy has also complicated these tribes’ quest for federal recognition, making it difficult to furnish corroborating state and official documents. It wasn’t until 1997 when then Governor George Allen signed legislation directing state agencies to correct state records that had deliberately been left by Virginia Indians on official state documents as “colored.” Federal recognition would provide what the government has long denied, legal protections and financial obligations, including certain social services and benefits the federal government provides the 562-recognized tribes.

I know that the gambling issue may be at the forefront of some people’s concerns. In response to this concern, I have worked to close any potential legal loopholes in this legislation to ensure that Virginia’s six tribes do not engage in casino-type gaming by the tribes. Having maintained a close relationship with many of the members of these tribes, I believe they are sincere in their claims that gambling is inconsistent with their values. This position is already borne out by the fact that Virginia tribes today engage in bingo gambling despite the fact that they have all established non-profit organizations that are permitted under Virginia law to operate bingo games despite compelling financial needs that revenues from bingo could address.

The real issue for the tribes is one of recognition and the long overdue need for the federal government to affirm their identity as Native Americans. Coupled with this affirmation is an opportunity for the tribes to establish a more equitable relationship with the state and secure federal financial assistance for the tribes’ social services, health care and housing needs. Many of their older members face the prospect of retiring without pensions and health benefits that most Americans take for granted.

I urge my colleagues to support this legislation.

LATINO YOUTH LEADERSHIP INSTITUTE

HON. LINDA T. SANCHEZ OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Ms. LINDA SANCHEZ of California, Mr. Speaker, on May 9th and 10th of this year, the Latino Youth Leadership Institute (LYLI) will hold its 2nd Annual Latino Youth Leadership Conference and Awards Dinner.

The initial inspiration to establish LYL came out of the participation of students, young professionals and community leaders in the annual United States Hispanic Leadership Conference (USHLC). In the spring of 1999, after receiving information about the USHLC, a small group of community leaders made a commitment to send a delegation from Orange County to the conference in Chicago. The group succeeded in raising enough money to send the largest delegation from the furthest location to the USHLC. More importantly, they continued to send a delegation of students each year.

Early in 2001, a group of USHLC Alumni began a series of meetings to explore the possibility of organizing a youth leadership conference in 2002 and to discuss the feasibility of establishing a nonprofit organization. LYL was created to pursue its mission of increasing civic participation, promoting higher education, and cultivating a new generation of leaders to meet today’s challenges and tomorrow’s expectations. LYLI was formally incorporated as a 501 (C) 3 organization in December of 2002. The year-long process of LYLI evolved gradually over a three-year period of time and would not have occurred without the perseverance of numerous volunteers and the support of elected officials, corporations, government entities, labor unions, and other community organizations.

The year 2002 was a historic one for LYLI. After years of thinking, planning, and meeting, LYLI organized its very first Latino Youth Leadership Conference and Awards Dinner. Over 1,000 high school and college students from throughout South-Eastern USA are expected to participate in the Latino Youth Leadership Conference.

Although LYLI’s success can be attributed to many contributors, supporters, and volunteers, two individuals deserve special recognition for their willingness to involve themselves completely in the creation, growth, and development of the Latino Youth Leadership Institute. As CoFounders of LYLI, President Ignacio “Nash” Orozco and Vice-President Bob Martinez have worked passionately and tirelessly to build an organization that would be capable of motivating, inspire and train a new generation of Latino youth to realize their full potential as leaders.

Because of the commitment and dedication demonstrated by Mr. Orozco and Mr. Martinez, thousands of Latino Youth have already benefited from the work of LYLI, and thousands more are likely to be part of LYLI’s most promising future. I salute the determination of both Mr. Orozco and Mr. Martinez to stay the course and oversee the transformation of their vision of what could be to having a real, living, functioning organization capable of shaping the dreams and aspirations of our nation’s youth.

THE MEDICARE TELEHEALTH VALIDATION ACT OF 2003

HON. DOUG OSE OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Mr. OSE. Mr. Speaker, health care costs increase annually. 40 million Americans currently go uninsured, 38 million Americans depend on Medicare for their health care. With these challenges before us, Congress must act to provide the most comprehensive and cost effective health care services available. For this reason, I am reintroducing the Medicare Telehealth Validation Act of 2003.

I firmly believe that telemedicine is the best preventative medicine. The techniques and consultative efficiency provided by telehealth services reduce costs by diagnosing diseases and disorders before they progress. By expanding Medicare reimbursement for telehealth technology, we will be cutting illnesses off at the pass, and reducing overall costs.

Furthermore, telemedicine can meet the needs of underserved populations. According to researchers from the Centers for Disease Control and Prevention, there were 80 physicians per 100,000 persons in most rural areas in 1998, compared with 308.5 physicians per 100,000 persons in urban areas and 223.5 physicians per 100,000 persons. In 100,000 persons are expected to participate. The youth death rate from all causes was 58.5 per 100,000 persons in most rural areas from 1996 to 1998, compared with 44.5 per
DEDICATED TO PROVIDING QUALITY HEALTH CARE—A TRIBUTE TO BETTY JEAN KERR

HON. WM. LACY CLAY
OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 1, 2003

Mr. CLAY. Mr. Speaker, I rise today to pay tribute to Betty Jean Kerr, as 2003 marks her 25th year of service as C.E.O. of People’s Health Centers (PHC) in St. Louis. Kerr has been passionately devoted to providing quality health care to the medically uninsured. Strongly believing that everyone deserves quality health care, Kerr has dedicated her tenure with PHC to ensuring that primary care and prevention services are efficiently provided at these community health centers, regardless of a patient’s socioeconomic status.

Kerr’s extraordinary leadership is exemplified by the strong foundation she has laid and the recognized growth within PHC. PHC was a three-year-old free clinic with only one location when Betty Jean Kerr took over. Under her guidance, she has been essentially instrumental in making PHC a sprawling community of apartments for the elderly, housing for persons with disabilities, social security services, primary health care, dental services, a pharmacy, affordable homes, and small businesses.

Kerr has been remarkably persistent in reaching beyond traditional methods of making quality health care services accessible to everyone. In an effort to provide increased access to health in conjunction with health center locations, she has created school-based sites. Her staff is in all St. Louis Public middle schools, three high schools, private schools, and soon to be in the large school districts in North County.

In addition to developing sustained partnerships with patients to manage improving their health, Kerr has maintained and required a high level of expectations for health care practitioners serving minority populations in low-income neighborhoods throughout St. Louis. Setting high standards and goals for PHC, she continues to work with the board on strategic planning decisions that will reduce health disparities within St. Louis.

Mr. Speaker, it is with great privilege that I recognize Betty Jean Kerr today before Congress. This dynamic woman strongly believes that every citizen has the right to a long and healthy life. In addition to her steadfast commitment to guaranteeing accessible primary care and preventative health care services, Kerr has a vision of expanding the number of health care center locations throughout the St. Louis community. It is with great honor that I ask my colleagues to join me in honoring Betty Jean Kerr.

MAY 1ST ANNUAL DAY OF OBSERVANCE FOR COMMEMORATING OUR VICTORY IN THE COLD WAR

HON. DENNIS MOORE
OF KANSAS
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 1, 2003

Mr. MOORE. Mr. Speaker, the Governors of Kansas and Wisconsin have proclaimed May 1 as their annual observance for commemorating our victory in the Cold War.

In a very real sense, the victory of the western allies was also a victory for the oppressed peoples of the Soviet bloc, and liberation for the Russian people, who are now friends and allies of the United States. May 1 was the traditional day of celebration for Communists worldwide, and displays of military might. It is fitting that May 1 now become a day of celebration of liberty for free peoples everywhere, and for remembrance of the sacrifices that made the downfall of Communism a reality.

There are many successful missions. Mention is given to the U.S.S. Nimitz (CVA–68) in the Atlantic, with 14 killed and 48 injured. In May 1987, 37 sailors aboard the U.S.S. St. Louis were killed and 21 wounded by an Iraqi Exocet missile. In May 1975, after our involvement in Vietnam and Cambodia had ended, our troops had to rescue the U.S.S. Mayaguez and its crew from the Khmer Rouge, again at a cost of lives of our sailors and marines, but the job had to be done.

During the Cold War, over 40 U.S. aircraft were shot down, and others were lost during operational missions. Shooting incidents on the ground, along the Iron Curtain in Europe and the Bamboo Curtain in Asia often made the morning reports, but seldom the morning papers. Our atomic veterans participated in a large number of nuclear weapons tests; many of them exposed to ionizing radiation, with tragic consequences in later life.

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Mr. SPEAKER. Mr. Moore, your time has expired. I want to ensure that the record shows that you have attempted to report the history of the Cold War, our involvement in it, and those who served. I apologize for interrupting your remarks, but the­ — in reporting the sacrifice that our military has made in the Cold War, your time has expired.

On May 1, I salute the brave men and women of our Armed Forces who served in places like Korea, Korea, and Vietnam, and who gave their lives for their country. I salute them for their heroism and for their sacrifice.

May 1st is a day that we remember our fallen and we also honor all who served in the Cold War. It is a day that we remember all who served in the Cold War, their families, and those who supported them.

I ask the House to join me in observing May 1st as a day of reflection and a day of remembering.

Mr. SPEAKER. The resolution is hereby ordered to be engrossed and printed.
HONORING AND REMEMBERING OUR TROOPS

HON. JIM DEMINT
OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES
Thursday, May 1, 2003

Mr. DEMINT. Mr. Speaker, today we are here to honor and remember our troops—the young, brave Americans who recently fought to save a nation from enslavement. Answering the call of our great nation, young men and women are putting on a uniform, serving our military, and making enormous sacrifices. As American fighting men and women, they are helping write the history of the 21st century with bold strokes of courage.

Like their parents and grandparents, our troops are having their characters tested. This time it is by sweltering heat, blinding sandstorms, and enemies that hid behind women and children. But they quickly won a victory, not just for a nation, but for a vision—a vision of freedom and individual dignity. As a result, their heroic efforts will help preserve peace around the world and extend freedom and human dignity to even more people.

And when their service in Iraq is over, they will return home to a proud and grateful Nation. Their humility will pass off praise with the words “just doing my job,” while they think about their brothers and sisters who didn’t come home. This is why America is so great. And through all their efforts our world continues to be shaped by American courage, power, and wisdom; and reverberates with human dignity to even more people.

Still, our troops’ victories in Iraq do not come without a price. The United States has lost some of its best citizens. Tonight we recognize one of those fallen Marines, Private Nolen Ryan Hutchings. A graduate of Boiling Springs High School, Ryan taught those around him what it meant to be an American, and his willingness to serve inspired others to become Marines.

There is one story where he felt the need to honor a former classmate’s deceased father who had retired from the military. Ryan traveled to several Marine bases to find a frame to hold a U.S. flag and then got it in full dress uniform and presented the flag to the family.

Without a doubt, Ryan’s sacrifice will enrich the history of the Marine Corps, and places such as An Nasiriyan will be added to the list of hallowed ground like Belleau Wood, Iwo Jima, and the Chosin Reservoir. At the same time, his dedication to his community, to his fellow Marines, and to his country provide us with a shining example.

His strength, honor, sacrifice, devotion, and courage show us the path we must follow. As Ronald Reagan once said, “some people wonder all their lives if they made a difference”—the Hutchings family will never have to wonder about Ryan.

CONGRATULATING RABBI HENRY COHEN

HON. JOSEPH M. HOEFFEL
OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES
Thursday, May 1, 2003

Mr. HOEFFEL. Mr. Speaker, I rise today to recognize Henry Cohen of Montgomery County, Pennsylvania, who is celebrating the 50th anniversary of his ordination in the rabbinate. Henry Cohen was born in 1927 in Houston, Texas into a family of reform rabbis. Rabbi Cohen has been involved with and contributed to Jewish education for over six decades. After graduating Phi Beta Kappa from the University of Texas as an English major and attending graduate classes in the English Department of the University of Chicago, he entered Hebrew Union College in Cincinnati in 1947. After being ordained in 1953, he served as an Army chaplain at Camp Polk, Louisiana, in Korea, and at Ft. Sam Houston in San Antonio.

In 1955, he became assistant rabbi at Temple Beth-El in Great Neck, New York. In 1958 Henry became the spiritual leader of Sinai Temple in Illinois. At the university of Illinois he received a Master of Arts Degree in the Philosophy of Education and wrote a study entitled, “The Idea of God in Jewish Education.” He also completed a study, “Jewish Life and Thought in the Academic Community,” which was included in Marshall Sklare’s The Jew in American Society. Continuing in education he taught a course in Judaism at St. Joseph’s College during the 1970’s. Rabbi Cohen has been teaching introduction to Judaism classes and has completed a research project for the Jewish Outreach Institute designed to discover what actually happens in the families of interfaith married couples who, at the time of their wedding, made a commitment to give their children a Jewish education. He developed a “Beliefs and Values Survey for Interfaith Couples” to enable them to clarify the similarities and differences of their religious and moral beliefs.

In 1964, Rabbi Cohen became the rabbi of Beth David Reform Congregation in Philadelphia. There he initiated a bi-cultural Black-Jewish nursery school and was chairman of the Jewish Coalition for Peace. Rabbi Cohen wrote two books: Justice and Auschwitz: A Jewish View of the Black Revolution and Why Judaism?—A Search for Meaning In Jewish Identity.

He has visited the Middle East to gain a new perspective on the Arabs and Israelis. In 1986 Rabbi Cohen, and his wife Edna, visited the Soviet Union where they met the parents of Beth David’s Cantor, Lilia Kazansky, and began a successful campaign to fight for their release. The couple gained their freedom in 1987. Rabbi Cohen also encouraged the formation of Chavurah Lahayyim, to support Central American refugees against persecution. Rabbi Cohen helped form the Interfaith Hospitality Network of the Main Line which helps the homeless by providing meals and care in synagogues and churches.

Rabbi Cohen is an honorary board member of the Jewish Community Relations Council of Greater Philadelphia. For his service, Rabbi Cohen won the Sylvia K. Cohen award for work in inter-group relations. He has been married to Edna for 45 years with two daughters, Shelley and Lisa.

I am grateful to Rabbi Cohen for his 50 years of service to the Jewish Community and the Philadelphia region as a whole.

IN HONOR OF ARMY SPECIALIST THOMAS ARTHUR FOLEY III

HON. JOHN S. TANNER
OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES
Thursday, May 1, 2003

Mr. TANNER. Mr. Speaker, today I rise to honor the memory of a young American, a young husband and father from Dresden, Tennessee, who gave his life serving our Nation in Operation Iraqi Freedom.

SPC. Thomas Arthur Foley III, 23, served with the 2nd Battalion of the 44th Air Defense Artillery Regiment of the 101st Airborne Division of the United States Army. On the 14th of April, he and a fellow soldier were killed outside Baghdad.

Tommy leaves behind a wife of a year and a half, Paulette, and a seven-month-old son, Logan, who reside at Fort Campbell Army Base on the Tennessee-Kentucky border. Tommy’s stepfather and mother, Brian and Emily Penick Darden, reside in Dresden. His father and stepmother, Thomas and Angela Foley Jr., live in Montgomery, Kansas. He has a sister, Rebecca Barrington of Martin, Tennessee, and two brothers—David, who lives in Dresden, and Sean, who lives in Kansas.

Tommy’s brother David has also been serving in Iraq and was able to return to Tennessee last week to see his brother buried with full military honors in Martin, Tennessee. Family members and friends say Tommy was a man who loved life. He bravely gave that life to help make this world a better place for his son Logan and indeed for us all.

Mr. Speaker, please join Tommy’s friends, family and me as we honor his memory and thank him for his heroic service to our country.

A TRIBUTE TO FRANCES F. LEE—EDUCATOR, LEADER, ACTIVIST

HON. TOM LANTOS
OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES
Thursday, May 1, 2003

Mr. LANTOS. Mr. Speaker, I would like to ask my colleagues to join me in paying tribute to Frances F. Lee, a remarkable woman who has devoted her life to community service and social progress. Her contributions—as an educator, nonprofit leader, and principled activist—merit our admiration.

Ms. Lee recently announced her retirement as Vice Chancellor of Instruction at the City College of San Francisco (CCSF), a distinguished institution that is one of the largest community colleges in the world. As a former educator, I can only imagine the challenges she faced in enhancing CCSF’s academic stature and helping thousands of Bay Area men and women to realize their educational dreams. Ms. Lee’s reputation for achievement reflects her strength, intelligence, and grace.

As a resolution of the San Francisco Board of Supervisors recently noted: “Frances F. Lee served with dignity, distinction and grace and
A TRIBUTE TO MS. CONNIE MITCHELL, WINNER OF DELAWARE'S HOME-BASED BUSINESS ADVOCATE AWARD

HON. MICHAEL N. CASTLE
OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES
Thursday, May 1, 2003

Mr. CASTLE. Mr. Speaker, I rise today to pay tribute to Ms. Connie Mitchell—winner of the Delaware Home-Based Business Advocate Award. Ms. Mitchell earned this honor through her work as President of Mitchell Business Services.

As you know, advocates for small and home-based business have always been extremely important to the economic vitality of each State and to our national economy. Home-based businesses provide opportunities for millions of people to earn a living and provide financial stability for their families. Through her work, Connie has distinguished herself and many other home-based business advocates in Delaware's small business community.

Throughout my years in public service I have consistently counted Delaware's home-based businesses to be amongst the very best in the country, and in congratulating her on her retirement.

A TRIBUTE TO RYAN GERMAN, WINNER OF THE DELAWARE YOUNG ENTREPRENEUR AWARD

HON. MICHAEL N. CASTLE
OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES
Thursday, May 1, 2003

Mr. CASTLE. Mr. Speaker, I rise today to pay tribute to Ryan German, owner of Caffe Gelato in Newark, Delaware and winner of the Delaware Young Entrepreneur award.

Mr. German established Caffe Gelato in Downtown Newark during his senior year as a business student at the University of Delaware. It has since turned into one of the most popular eateries in the city thanks to the efforts, dedication and creativity of its owner, Mr. German.

Throughout my years in public service I have consistently counted Delaware's small businesses amongst the very best in the country. Mr. German's recognition further confirms my belief.

As you know, small businesses have always been extremely important to the economic vitality of each State and to our national economy. Small businesses account for the majority of all new jobs being created daily, and provide opportunities for millions of people to earn a living and provide financial stability for their families. Through his work, Ryan has distinguished himself as an outstanding leader in the small business community.

Ryan German's accomplishments and entrepreneurial skills have placed Caffe Gelato in a position to rise above and meet the challenges of the future; I commend him on his receipt of this award and I look forward to Mr. German's continued success.

IN RECOGNITION OF SUNIL AGHI

HON. HILDA L. SOLIS
OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES
Thursday, May 1, 2003

Ms. SOLIS. Mr. Speaker, today I rise to remember and honor the life of my friend, Mr. Sunil "Sunny" Aghi, who recently passed away.

Sunny's colleagues and the community will always remember his activism, dynamism and deep sense of commitment to the democratic principles. He believed passionately in the democratic process and worked to support that process. As a leader of the Indo American community, he brought issues of importance to the community to the forefront of the political debate. Sunny's leadership inspired other Indian Americans to become engaged and civically involved.

Sunny also fought diligently to bridge the divide between the United States and India. He sought to promote a positive relationship between India and the United States through an open, honest and productive dialogue between the two nations.

Mr. Aghi's dedication to serving the community was unrivaled and his passing has left a void. I am deeply saddened by his sudden passing and join his family, friends, colleagues and the Indian American community in mourning his death. Today I rise to ask Congress to pay tribute to Sunny's energy, passion and dedication.

CENTRAL NEW JERSEY HONORS THE JEWISH FEDERATION OF GREATER MIDDLESEX COUNTY, THE U.S.-ISRAEL RELATIONSHIP AND FIFTY-FIVE YEARS OF ISRAELI STATEHOOD

HON. RUSH D. HOLT
OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES
Thursday, May 1, 2003

Mr. HOLT. Mr. Speaker, I rise today in recognition of the Jewish Federation of Greater Middlesex County whose members will demonstrate their support for the U.S.-Israel relationship on May 4, 2003 with a Middlesex County community wide "Walk for Israel" in Johnson Park, Highland Park, New Jersey. I applaud the members of the Jewish Federation not only for their commitment to Israel, but for the service they provide to the less fortunate members of our Central New Jersey community. Their heartfelt work to improve the lives of others regardless of race, religion, or ethnicity is a testament to their humanity and we are proud to have them here in New Jersey.

I also rise today to recognize the strong U.S.-Israel relationship and to celebrate the 55th year of Israeli Statehood. Since it was founded in 1948 and with prompt U.S. recognition, Israel has stood firm as an ally of the United States and its interests in the Middle East. Our citizens maintain a deeply rooted friendship based upon common interests, a shared commitment to democracy, individual freedoms, and a rejection of extremism and terrorism.

New Jerseyans have a special relationship with Israel. We have a special sister state relationship with the State of Israel through the New Jersey-Israel Commission. Israel, as a valued partner in trade and cultural exchange, receives the continued support of our citizens.

Since 1948, the State of Israel has committed itself to living in harmony and mutual respect with its neighbors and to arriving at a peaceful solution to the conflict with the Palestinians. For most of the last three years, however, Israelis and Palestinians have found themselves in a violent and crippling deterioration of relations. Thousands have died in horrible violence that has torn through the hearts of both the Israeli and Palestinian communities.

With the introduction of the so-called "Roadmap" yesterday by President Bush, I hope we are at a renewed moment of hope. The people of New Jersey believe that the future security of Israel depends upon bringing end to terrorism, bloodshed, and human suffering and to establishing a just, permanent peace with the Palestinians.

I rise today in recognition of the Jewish Federation of Greater Middlesex County, the special U.S.-Israel relationship, and to celebrate 55 years of Israeli independence. Let us commit ourselves to work together with Israel so that she will enjoy her next 55 years at peace with her neighbors.
HONORING CHRISTOPHER STERLING BRENNENNE FOR EARNIMG THE RANK OF EAGLE SCOUT

HON. SAM GRAVES
OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 1, 2003

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Christopher Sterling Brennecke, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1082, and in earning the most prestigious award of Eagle Scout.

Christopher has been very active with his troop, participating in such scout activities as the H. Roe Bartle Scout Reservation for 7 years and the Philmont Scout Ranch. Over the 11 years he has been involved in scouting, he has earned 31 merit badges. Additionally, Christopher has held several leadership positions, serving as quartermaster, historian, scribe, librarian, patrol leader, assistant patrol leader and senior patrol leader. Christopher also has been honored for his numerous scouting achievements with such awards as the Arrow of Light Award, the God and Country Award and Warrior in the Tribe of Mic-O-Say.

For his Eagle Scout project, Christopher landscaped around the front of the Buckner Elementary School as well as the courtyard.

Mr. Speaker, I proudly ask you to join me in commending Christopher Sterling Brennecke for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

A TRIBUTE TO DR. ALLEN BARNETT, RECOGNIZED FOR DELAWARE ENTREPRENEURIAL SUCCESS

HON. MICHAEL N. CASTLE
OF DELAWARE
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 1, 2003

Mr. CASTLE. Mr. Speaker, I rise today to pay tribute to Dr. Allen Barnett—President and CEO of AstroPower. A position which has earned him recognition in Delaware for his Entrepreneurial success.

Dr. Barnett has established one of the largest and fastest growing independent solar electric power companies in the world. Dr. Allen Barnett’s creative, insightful and necessary foray into sustainable energy is not only beneficial to the entire population for ecological reasons but also for its economic stimulus.

Throughout my years in public service I have consistently counted Delaware’s cutting edge entrepreneurs amongst the very best in the country. Dr. Allen Barnett’s recognition further confirms my belief.

Dr. Barnett’s accomplishments and innovative leadership in the community have placed AstroPower in a position to rise above and meet the challenges of the future; I commend him on his receipt of this award and I look forward to Dr. Barnett’s continued success.

RECOGNIZING HAROLD O. JOHANSON
HON. HILDA L. SOLIS
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 1, 2003

Ms. SOLIS. Mr. Speaker, I rise today to recognize the numerous contributions of Mr. Harold O. Johanson on the occasion of his recent retirement as City Manager of El Monte, CA.

A long time resident of El Monte, Mr. Johanson has dedicated his life to serving the city. He began his career with the city of El Monte as a Planning Intern in 1967. Three years later, he became an official employee of the city as an Assistant Planner. He quickly rose through the city ranks and over the years has held several positions including Planning Director, Director of Community Services, and City Manager.

Over the course of this impressive career, Mr. Johanson dramatically changed the landscape of the city. Some of his greatest accomplishments were overseeing the establishment of the El Monte Aquatic Center, the Santa Fe Plaza Redevelopment Project, three First Time Home Buyer Programs, and numerous commercial centers that brought much needed revenue to the city. The city flourished under Mr. Johanson’s strategic and watchful leadership.

As the current Treasurer for the San Gabriel Valley Boys and Girls Club and Secretary of the Downtown El Monte Business Association Board of Directors, and member of the Kiwanis Club, he has always been active in the community outside his work. While many will miss his presence in city hall, I know he will continue to work with the community.

On April 24, 2003, the city of El Monte thanked Mr. Johanson for his years of committed work. I also would like to thank Mr. Johanson and recognize his dedicated service to the community of El Monte.

CENTRAL NEW JERSEY CELEBRATES MEGAN BOYLE FOR HER RECEIPT OF THE CORE OF THE ARC ANNUAL DISTINGUISHED CITIZEN AWARD

HON. RUSH D. HOLT
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 1, 2003

Mr. HOLT. Mr. Speaker, I rise today to thank Megan Boyle for her volunteer service. She has been chosen by CORE of the ARC, a coalition of local social service agencies, law enforcement officials, educators and community activists, that seeks out and honors youth who have voluntarily given outstanding service to those with disabilities in the school community. Megan is a senior at Cranford High School and she has worked actively as a volunteer for the Saylorville Association for Brain Injured Children for three and one half years.

Megan’s aunt introduced her to the Association for Brain Injured Children and after participating in the Saturday program two or three times, she was committed. She volunteers each Saturday helping with art, board games, exercise, sports and other activities. Her commitment expanded to summer camp with the Association over the past three summers.

Megan has displayed a variety of talents working with both autistic children and children with Down’s syndrome. She has helped the children progress in the areas of learning skills and socialization skills. Her success and confidence gained her a promotion at the summer camp. Her new responsibility put her in the leadership position of being in charge of seven counselors and twenty children for six weeks.

It is only through the generosity of time and spirit of individuals like Megan that our community can meet the needs of those with disabilities. It is not often that someone as young as Megan is so willing to share of her time and expertise. She tells us she is richer for this dedication to improving the lives of others. Clearly the individuals she has befriended and served are also better off.

I ask that all the members join me in congratulating Megan Boyle as a recipient of the CORE of the ARC’s Annual Distinguished Citizen Award.

HONORING KYLE ALAN BRENNENNE FOR EARNING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES
OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 1, 2003

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Kyle Alan Brennecne, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1082, and in earning the most prestigious award of Eagle Scout.

Kyle has been very active with his troop, participating in such scout activities as the
A TRIBUTE TO DONA ZACZKIEWICZ, THE DELAWARE WOMEN IN BUSINESS ADVOCATE OF THE YEAR

HON. MICHAEL N. CASTLE
OF DELAWARE
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 1, 2003

Mr. CASTLE. Mr. Speaker, I rise today to pay tribute to Dona Zaczkiewicz, winner of Delaware Women in Business Advocate of the Year Award. She is given this honor as president of Dona Z Consulting.

As you know, advocates for women in business have always been extremely important to the economic vitality of each State and to our national economy. Small businesses account for the majority of all new jobs being created daily, and provide opportunities for millions of people to earn a living and provide financial stability for their families. Through her work, Dona has distinguished herself and many other women business owners in Delaware's small business community.

Throughout my years in public service I have consistently counted Delaware's small businesses to be amongst the very best in the Country. Recognition of Mr. Luppi further confirms my belief.

Mr. Luppi's accomplishments and innovative leadership in the community have placed Citizens Bank and many small businesses in a position to rise above and meet the challenges of the future; I commend him on his receipt of this award and I look forward to Mr. Luppi's continued success.

RECOGNIZING ALFRED HERRERA

HON. HILDA L. SOLIS
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 1, 2003

Ms. SOLIS. Mr. Speaker, I rise today to recognize a great educator with a humble and caring heart, Mr. Alfred Herrera, for his commitment to students.

Mr. Herrera has a remarkable record helping underrepresented, first generation, and low-income students gain access to a college education. As the Director of UCLA's Community College Partnership Program, Mr. Herrera understands the importance of reaching out to students in community colleges who face many challenges in their pursuit of a four-year college education. He prepares students with the information and counsel that will allow them to make a successful transition from a community college to a four-year university and provides guidance for future opportunities.

Mr. Herrera's commitment to students and their academic success is unwavering; he goes far and beyond the call of duty to ensure access and opportunity for students. He has played a significant role in nurturing and providing a highly accelerated learning environment for students of diverse backgrounds.

But his commitment to educational opportunities for all students is exemplified by his work in promoting the passage and implementation of AB540, a California law that allows undocumented students an opportunity to participate in California's public higher education institutes by allowing them to pay in-state tuition rates.

I am honored to call him my dear friend. I commend him for his vision and dedication to create and extend learning opportunities for those least able to access it.

BUDD AND SYLVIA MIZDAIL CELEBRATE 50TH WEDDING ANNIVERSARY

HON. PAUL E. KANJORSKI
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 1, 2003

Mr. KANJORSKI. Mr. Speaker, I would like to call the attention of the House of Representatives to the 50th wedding anniversary of my friends Budd and Sylvia Mizdail of Mocanaqua, Pennsylvania. Their family and friends will honor them with a party on May 3, 2003, at St. Mary's Church in Mocanaqua, the same church where they were married on May 2, 1953.

They are the proud parents of two children: John, of Emmaus; and Brenda, of Plymouth Meeting; and the proud grandparents of four grandchildren.

Both of the Mizdials have given generously of their time over the years to their church, including running the church picnics for several years. They are retired from the Borden plant in Berwick, where he worked as a laboratory technician and she worked as a secretary.

She is the Democratic chairwoman for the Second District in Luzerne County and a 20-year member of the Greater Nanticoke Area School Board. She has been president of the school board for approximately 10 years and is secretary of the Luzerne Intermediate Unit 18 board, of which she has been a member for 11 years. She also continues to be involved with the Conyngham Township Democratic Committee, of which she is a past chair.

Mr. Speaker, I am pleased to call to the attention of the House of Representatives the 50th wedding anniversary of Budd and Sylvia Mizdail, and I wish them and their family all the best.
A TRIBUTE TO MS. OLAKUNLE OLUDINA, A WINNER OF THE DELAWARE MINORITY BUSINESS ADVOCATE AWARD

HON. MICHAEL N. CASTLE
OF DELAWARE
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 1, 2003

Mr. CASTLE. Mr. Speaker, I rise today to pay tribute to Ms. Olakunle Oludina, winner of the Delaware Minority Business Advocate Award. Ms. Oludina earned this honor through her work at the YMCA of New Castle County. As you know, advocates for minorities in business have always been extremely important to the economic vitality of each State and to our national economy. In her work, Olakunle Oludina develops and implements training and education programs for entrepreneurs, thus helping to energize Delaware’s small business community.

Throughout my years in public service I have consistently counted Delaware’s minority run organizations to be amongst the very best in the country, and recognition of Ms. Oludina further confirms my belief.

Olakunle Oludina’s accomplishments and innovative approaches in her community have placed the YMCA of New Castle County in a position to rise above and meet the challenges of the future; I commend her on her receipt of this award and I look forward to Ms. Oludina’s continued success.

RECOGNIZING TAIWAN FOR ITS HANDLING OF SARS

HON. EDOLPHUS TOWNS
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 1, 2003

Mr. TOWNS. Mr. Speaker, I rise today to recognize Taiwan for its efforts in effectively addressing the Severe Acute Respiratory Syndrome (SARS). Taiwan has done an admirable job of dealing with this new, global, and fatal disease.

Taiwan’s response to SARS has far outpaced many of its neighbors in that region of the world. It has been forthright about the problem and has worked with the international community to stem the spread of this deadly disease.

Quoting Dr. Scott Dowell, Director of the International Emerging Infections Program in Thailand, Center for Disease and Control and Prevention, “the health authorities in Taiwan were taking unprecedented measures to respond to the SARS threat and we thought that they were doing a very good job. . . . They were quite capable in doing that in Taiwan, and we were encouraged by the lack of transmission to healthcare workers during the first weeks we were there.”

Even more remarkable is that Taiwan has responded so effectively to this global problem without being a member of the World Health Organization (WHO). Because of its lack of statehood, Taiwan, home to nearly 24 million people, has been denied membership status in the organization. This made it even more difficult for leadership to gather important information about SARS on the island and highlights the need for Taiwan to receive observer status at the WHO.

In a relatively short period of time, SARS has shown that it knows no borders. When infecting people, this disease does not stop at man-made borders. Thus, I would call on the World Health Organization and its members to grant observer status to Taiwan so that they can be properly integrated into the global health network. The SARS outbreak is a stark reminder of the importance of working with the entire international community in finding solutions to global problems like the spread of disease. Failing to do so prolongs the problem and puts more people at risk.

Mr. Speaker, the leadership of Taiwan have worked hard on their own and with the international community to detect and treat SARS. As such, its leaders are worthy of receiving our recognition today.

CONGRATULATIONS TO STEGALL FAMILY IN CORINTH, TX

HON. MICHAEL C. BURGESS
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 1, 2003

Mr. BURGESS. Mr. Speaker, I rise today to express my sincere congratulations to the Stegall Family in Corinth, Texas and their entire staff at the American Eagle Harley-Davidson/Buell Dealership. They celebrate one year of successful sales and customer service in the Denton County area with a team of dedicated and diligent employees.

The community of motorcyclist enthusiasts in North Texas are also to be commended for supporting local businesses, contributing to the success of American Eagle. This developing relationship not only benefits the motorcycle industry, it also cultivates the economy of Denton County, which continues to develop with the expansion of commerce across North Texas.

Once more, I articulate my best wishes to American Eagle. May their efforts continue to be rewarded.

ASIAN PACIFIC AMERICAN HERITAGE MONTH

HON. DAVID WU
OF OREGON
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 1, 2003

Mr. WU. Mr. Speaker, I rise on this first day of Asian Pacific American Heritage Month to honor our Nation’s Asian Pacific American community. This month marks the 25th year that our nation has rightly recognized and celebrated the many contributions and achievements of Asian Pacific Americans.

Mr. Speaker, America draws its strength from its tremendous diversity. The Asian Pacific American community is one of the fastest growing segments of the United States with over 12.5 million people. We have greatly enriched the American landscape, and I am honored to take part in Asian Pacific American Heritage Month by celebrating the many achievements of APAs in American history.

Asian Pacific Americans have made tremendous advancements in countless fields such as politics, medicine, technology, business, music, literature, film, athletics, and agriculture. APAs helped build the Transcontinental Railroad and develop the Internet, and APAs have served honorably to defend the United States in times of armed conflict, from the Civil War through today. And, as I speak today, an Asian Pacific American astronaut, Edward Lu, is stationed aboard the International Space Station. As Chair of the Congressional Asian Pacific American Caucus, I am proud to recognize these achievements.

The Asian Pacific American community has made these achievements despite the obstacles of past discriminatory laws, such as the Chinese Exclusion Act of 1882, the Alien Law Act of 1920, and the forced internment of Japanese Americans during World War II. Like so many other segments of America, the APA community has thrived in the face of opposition.

While Asian Pacific Americans as a whole have flourished in the United States, there are still challenges facing certain segments of the APA community today. Many immigrants, refugees, and particular ethnic groups, including Southeast Asians and Pacific Islanders, are still working to achieve the American dream. We must not forget those who are struggling to overcome obstacles, including language and cultural barriers, as well as the discrimination that still exists today.

Mr. Speaker, the Asian Pacific American community is itself a diverse group of people with distinct languages and cultures. Therefore, I cannot stress enough the importance of improving our data collection on APAs. Today, Government data tends to lump various Asian Pacific Americans together in a single category. Better data will allow us to recognize the diversity and distinct cultures of the many communities that make up the Asian Pacific American community as a whole. This knowledge will allow the United States to better address the different needs of what is a very diverse community; so that all Americans have the same opportunity to attain the American dream.

Mr. Speaker, in closing, I would like to encourage Congress and the American people to spend the month of May learning about the legacy, culture, rich traditions, and achievements of the Asian Pacific American Community.

A TRIBUTE TO MS. SALLY HAWKINS, WINNER OF THE DELAWARE SMALL BUSINESS JOURNALIST AWARD

HON. MICHAEL N. CASTLE
OF DELAWARE
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 1, 2003

Mr. CASTLE. Mr. Speaker, I rise today to pay tribute to Ms. Sally Hawkins- winner of the Delaware Small Business Journalist Award. Ms. Hawkins earned this honor through her work as owner and President of the WLMI-AM radio station.

As you know, small businesses have always been extremely important to the economic vitality of each State and to our national economy. Small businesses account for the majority of all new jobs being created daily, and improvements in small businesses contribute to the success of American Eagle. This develops relationship not only benefits the motorcycle industry, it also cultivates the economy of Delaware County, which continues to develop with the expansion of commerce across North Texas.

Once more, I articulate my best wishes to American Eagle. May their efforts continue to be rewarded.
TRIBUTE TO THE DENVER AREA LABOR FEDERATION

HON. DIANA DeGETTE
OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

Ms. DeGETTE. Mr. Speaker, I would like to recognize the impressive history and notable accomplishments of an exceptional organization in the 1st Congressional District of Colorado. It is both fitting and proper that we recognize this outstanding organization for its civic leadership and record of extraordinary service benefiting the working men and women of the Denver area. It is to commend the remarkable organizational voice to honor the Denver Area Labor Federation (DALF) on the occasion of its 120th Anniversary.

While the Denver Area Labor Federation has weathered great adversity and tremendous change over the last century, it has always remained in the vanguard for economic and social justice. In the many struggles for dignity in the workplace, the labor movement in the Denver area continues to be a vital force for the rights of workers, for a living wage, a safe workplace, good benefits and for the continued well being of working families. Since its founding in 1882, DALF has led the way in forging strong alliances within the local labor movement, with the AFL–CIO, and with numerous community organizations including the Colorado Progressive Coalition, Jobs with Justice and the Colorado Coalition for Immigrant Rights. It has provided leadership for local unions in organizing drives, strikes and contract campaigns. It has conducted numerous trainings and education programs for Metro Area union members on sense economies, organizing, political activism and community engagement. It has formed the Front Range Economic Strategy Center to enable working people to command the expertise and resources needed to hold local governments accountable for the development of affordable housing, secure health care, and the creation of jobs of sufficient quality to support families. It comes as no surprise that DALF was honored by the National AFL–CIO Convention for “moving the fastest and the farthest on the road to becoming a Union City” and that its political program is recognized nationwide for its innovation and success.

Working people built our communities and our nation and it is the sacrifices of the men...
and women of the member locals of the Denver Area Labor Federation, past and present, to whom we owe a great debt of gratitude. Many of us in this country forget how far we’ve come. There was a time when fundamental decency and equity for working people were not a part of our shared values—a time when collective bargaining, workplace safety, minimum wage and benefits were not part of our common experience. For many of us in our community, decent working conditions and the basic employment benefits needed to subsist in our society are still out of reach. I am deeply appreciative of the invaluable work that the Denver Area Labor Federation and its member locals continue to do to advance the cause of a livable wage, worker rights and protections and to promote decent health care. DALF has made a tremendous impact on our community and implicit in its success has been the fundamental recognition that good wages, job security and quality health care builds a healthy and prosperous community.

Please join me in commending the Denver Area Labor Federation. It is the strong leadership that this organization exhibits on a daily basis that continually enhances our lives and builds a better future for all Americans.

CONGRATULATING FORT BENNING ON RECEIVING THE ARMY COMMUNICATIONS OF EXCELLENCE CHIEF OF STAFF AWARD

HON. MAC COLLINS
OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES
Thursday, May 1, 2003

Mr. COLLINS. Mr. Speaker, I have been a Member of Congress for ten full years, going on my eleventh year now. Since 1993, when I was elected, the “Home of the Infantry,” Fort Benning has consistently been selected as the best installation in the nation, and a few times as best in the world.

As a politician, something inside me wants to take credit for that, but as a statesman, I realize that it has been the fine leadership of people like Major General Paul Eaton and Colonel Joe Torres and those who have preceded them who are really responsible for the outstanding performance of Fort Benning.

As a major power projection platform for the Army, Benning serves a very transitional community of soldiers. With our war in Iraq and Afghanistan, more than 7,000 Fort Benning troops are stationed overseas. Obviously, this kind of deployment leaves a hole. Additionally, several thousand more soldiers from other bases have passed through Benning’s gates to receive specialized training before deploying to the field. This has placed a great deal of demand on the services offered.

But, in spite of all of these challenges, Fort Benning has been recognized again this year as one of the top 10 military installations in the world with the Communities of Excellence Chief of Staff Award. Competing on the Training and Doctrine Command level, Benning has demonstrated a better, more efficient, faster way to provide outstanding service to the community which calls Fort Benning home.

Additionally, Fort Benning is an integral part of the tri-community, Columbus, GA, Phenix City, AL, and Fort Benning. The military and the civilian communities strive to mutually support one another and each community compliments the others. This is the result of tireless effort by the military, the community leaders of Columbus, and Phenix City. Their effort has paid off and I am glad to see it recognized with this award.

Fort Benning, while it has a proud legacy as the foremost training center of the Army, is only a patch of Earth and some buildings. It is the people who work there that make it an outstanding example of military efficiency and service. It is the dedication of those people and the leadership of its commanders which drive the level of excellence higher each year.

The consistent performance of Fort Benning reflects well on the Army and demonstrates why Fort Benning is a shining example of the Army being all it can be.

I congratulate Major General Eaton and his fine staff on receiving this award and thank them for their service to America and to the community which makes Benning its home.
Daily Digest

HIGHLIGHTS

See Résumé of Congressional Activity.

Senate confirmed the nomination of Edward C. Prado, of Texas, to be United States Circuit Judge for the Fifth Circuit.


Senate

Chamber Action
Routine Proceedings, pages S5619–S5694

Measures Introduced: Twenty-one bills and two resolutions were introduced, as follows: S. 965-985, and S. Res. 130-131. Pages S5650–51

Measures Reported:
S. Res. 75, commemorating and acknowledging the dedication and sacrifice made by the men and women who have lost their lives while serving as law enforcement officers.

S. Con. Res. 15, commemorating the 140th anniversary of the issuance of the Emancipation Proclamation.

Measures Passed:
Underground Storage Tank Compliance Act: Senate passed S. 195, to amend the Solid Waste Disposal Act to bring underground storage tanks into compliance with subtitle I of that Act, to promote cleanup of leaking underground storage tanks, to provide sufficient resources for such compliance and cleanup, after agreeing to a committee amendment in the nature of a substitute.

Pages S5684–59

Taiwan WHO Participation: Senate passed S. 243, concerning participation of Taiwan in the World Health Organization.

Page S5689

Central Asia Human Rights: Senate passed S.J. Res. 3, expressing the sense of Congress with respect to human rights in Central Asia, after agreeing to the following amendments proposed thereto:

Pages S5689–90

McConnell (for Lugar) Amendment No. 533, in the nature of a substitute.

Page S5690

Ottawa National Wildlife Refuge Complex Expansion and Detroit River International Wildlife Refuge Expansion Act: Senate passed H.R. 289, to expand the boundaries of the Ottawa National Wildlife Refuge Complex and the Detroit River International Wildlife Refuge, clearing the measure for the President.

Page S5691

Emancipation Proclamation Anniversary: Senate agreed to S. Con. Res. 15, commemorating the 140th anniversary of the issuance of the Emancipation Proclamation.

Page S5691

Commemorating Law Enforcement Officers: Senate agreed to S. Res. 75, commemorating and acknowledging the dedication and sacrifice made by the men and women who have lost their lives while serving as law enforcement officers.

Pages S5691–92

Energy Policy Act—Agreement: A unanimous-consent agreement was reached that at a time determined by the Majority Leader, after consultation with the Democratic Leader, Senate proceed to the consideration of S. 14, to enhance the energy security of the United States, on Tuesday, May 6, 2003; provided further that no amendments be in order to the bill prior to Thursday, May 8, 2003, or one day following the reports availability, whichever is later.

Page S5693

Committee Authority—Agreement: A unanimous-consent agreement was reached providing that, notwithstanding the adjournment of the Senate, the Committee on Commerce, Science, and Transportation was authorized to file S. 824, Aviation Investment and Revitalization Vision Act, from 10 a.m. to 12 noon, on Friday, May 2, 2003.

Page S5692

Nomination Considered: Senate continued consideration of the nomination of Priscilla Richman

Page S5690
Owen, of Texas, to be United States Circuit Judge for the Fifth Circuit.

During consideration of this nomination today, Senate took the following action:

By 52 yeas to 44 nays (Vote No. 137), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate failed to agree to the motion to close further debate on the nomination.

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.

A fifth 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 Monday, May 5, 2003, at 6 p.m.

A unanimous-consent-time agreement was reached providing that following the disposition of the nomination of Deborah L. Cook (listed above), Senate will resume consideration of the nomination of Miguel A. Estrada.

Nomination Agreement: A unanimous-consent-time agreement was reached providing for consideration of the nomination of Deborah L. Cook, of Ohio, to be United States Circuit Judge for the Sixth Circuit, at 12:45 p.m., on Monday, May 5, 2003, that there be 4 hours for debate equally divided between the Chairman and Ranking Member of the Committee on the Judiciary, and that following the use or yielding back of time, Senate will vote on confirmation of the nomination at 4:45 p.m.

Nominations Confirmed: Senate confirmed the following nominations:

By unanimous vote of 97 yeas (Vote No. Ex. 138), Edward C. Prado, of Texas, to be United States Circuit Judge for the Fifth Circuit.

Lawrence Mohr, Jr., of South Carolina, to be a Member of the Board of Regents of the Uniformed Services University of the Health Sciences for a term expiring June 20, 2003.

Sharon Falkenheimer, of Texas, to be a Member of the Board of Regents of the Uniformed Services University of the Health Sciences for a term expiring June 20, 2007.

Mark W. Everson, of Texas, to be Commissioner of Internal Revenue for a term of five years.

Richard W. Moore, of Alabama, to be Inspector General, Tennessee Valley Authority. (New Position)

Linton F. Brooks, of Virginia, to be Under Secretary for Nuclear Security, Department of Energy.

1 Army nomination in the rank of general.

2 Marine Corps nominations in the rank of general.

1 Navy nomination in the rank of admiral.

Routine lists in the Army, Marine Corps.

Nominations Received: Senate received the following nominations:


Roger T. Benitez, of California, to be United States District Judge for the Southern District of California.

Larry Alan Burns, of California, to be United States District Judge for the Southern District of California.

Kathleen Cardone, of Texas, to be United States District Judge for the Western District of Texas.

James L. Cohn, of Florida, to be United States District Judge for the Southern District of Florida.

Marcia A. Crone, of Texas, to be United States District Judge for the Eastern District of Texas.

Dale S. Fischer, of California, to be United States District Judge for the Central District of California.

William Q. Hayes, of California, to be United States District Judge for the Southern District of California.

John A. Houston, of California, to be United States District Judge for the Southern District of California.

Frank Montalvo, of Texas, to be United States District Judge for the Western District of Texas.

R. David Proctor, of Alabama, to be United States District Judge for the Northern District of Alabama.

Xavier Rodriguez, of Texas, to be United States District Judge for the Western District of Texas.

Dana Makoto Sabraw, of California, to be United States District Judge for the Southern District of California.

Earl Leroy Yeakel III, of Texas, to be United States District Judge for the Western District of Texas.

Gretchen C. F. Shappert, of North Carolina, to be United States Attorney for the Western District of North Carolina for the term of four years.

George A. Krol, of New Jersey, to be Ambassador to the Republic of Belarus.

Thomas W. O'Connell, of Virginia, to be an Assistant Secretary of Defense.

Routine lists in the Air Force, Navy.

Messages From the House:

Measures Referred:

Measures Placed on Calendar:

Executive Communications:
CONGRESSIONAL RECORD — DAILY DIGEST

Executive Reports of Committees: Page S5650
Additional Cosponsors: Pages S5651–52
Statements on Introduced Bills/Resolutions: Pages S5652–79
Additional Statements: Pages S5645–48
Amendments Submitted: Page S5679
Authority for Committees to Meet: Pages S5679–80
Record Votes: Two record votes were taken today. (Total—138) Pages S5629, S5639
Adjournment: Senate met at 9:15 a.m., and adjourned at 6:38 p.m., until 12 noon, on Monday, May 5, 2003. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S5692.)

Committee Meetings

(Appropriations not listed did not meet)

APPROPRIATIONS: SAA/CAPITOL POLICE
Committee on Appropriations: Subcommittee on Legislative Branch concluded hearings to examine proposed budget estimates for fiscal year 2004 for the U.S. Capitol Police and the Senate Sergeant-at-Arms, after receiving testimony from Terrance W. Gainer, Chief, United States Capitol Police; and William H. Pickle, Senate Sergeant at Arms and Doorkeeper, and Chairman, United States Capitol Board.

APPROPRIATIONS: HOMELAND SECURITY

APPROPRIATIONS: NASA
Committee on Appropriations: Subcommittee on Veterans Affairs, Housing and Urban Development, and Independent Agencies concluded hearings to examine proposed budget estimates for fiscal year 2004 for the National Aeronautics and Space Administration, after receiving testimony from Sean O'Keefe, Administrator, National Aeronautics and Space Administration.

BUSINESS MEETING
Committee on Commerce, Science, and Transportation: Committee ordered favorably reported the following business items:

S. 824, to reauthorize the Federal Aviation Administration, with an amendment in the nature of a substitute;
S. 886, to ratify otherwise legal appointments and promotions in the commissioned corps of the National Oceanic and Atmospheric Administration that failed to be submitted to the Senate for its advice and consent as required by law;
S. 929, to direct the Secretary of Transportation to make grants for security improvements to over-the-road bus operations, with an amendment; and
Certain nomination lists for promotion in the United States Coast Guard.

NANOTECHNOLOGY RESEARCH AND DEVELOPMENT
Committee on Commerce, Science, and Transportation: Committee concluded hearings to examine S. 189, to authorize appropriations for nanoscience, nanoeengineering, and nanotechnology research, after receiving testimony from James Murday, Acting Chief Scientist, Office of Naval Research, Department of Defense; James B. Roberto, Associate Laboratory Director for Physical Sciences, Oak Ridge National Laboratory, Department of Energy; E. Clayton Teague, Director, National Nanotechnology Coordination Office, on behalf of the Nanoscale Science, Engineering, and Technology Subcommittee of the National Science and Technology Council; Davis Baird, University of South Carolina, Columbia; Jun Jiao, Portland State University, Oregon; Kent A. Murphy, Luna Innovations, Blacksburg, Virginia; and James R. Von Ehr II, Zyvex Corporation, Richardson, Texas.

NOMINATIONS
Committee on Foreign Relations: Committee concluded hearings to examine the nomination of Roger Francisco Noriega, of Kansas, to be an Assistant Secretary of State (Western Hemisphere Affairs), after the nominee, who was introduced by Senator Brownback, testified and answered questions in his own behalf.

HOMELAND SECURITY GRANT PROGRAMS
Committee on Governmental Affairs: Committee concluded hearings to examine the Department of Homeland Security, focusing on streamlining and enhancing homeland security grant programs, after receiving testimony from Tom Ridge, Secretary of Homeland Security.

Hearings recessed until Thursday, May 15.

BUSINESS MEETING
Committee on the Judiciary: Committee ordered favorably reported the following business items:
S. Res. 75, commemorating and acknowledging the dedication and sacrifice made by the men and women who have lost their lives while serving as law enforcement officers;

S. Con. Res. 15, commemorating the 140th anniversary of the issuance of the Emancipation Proclamation; and

The nominations of Patricia Head Minaldi, to be United States District Judge for the Western District of Louisiana, and Adam Noel Torres, to be United States Marshal for the Central District of California, Department of Justice.

Also, Committee ordered reported, without recommendation, the nomination of J. Leon Holmes, to be United States District Judge for the Eastern District of Arkansas.

AUTHORIZATION—INTELLIGENCE

Select Committee on Intelligence Committee ordered favorably reported an original bill authorizing funds for fiscal year 2004 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System.


Reports Filed: Reports were filed today as follows:

H.R. 1261, to enhance the workforce investment system of the Nation by strengthening one-stop career centers, providing for more effective governance arrangements, promoting access to a more comprehensive array of employment, training, and related services, establishing a targeted approach to serving youth, and improving performance accountability, amended (H. Rept. 108-82);

H.R. 1527, to amend title 49, United States Code, to authorize appropriations for the National Transportation Safety Board for fiscal years 2003 through 2006 (H. Rept. 108-83);

H.R. 281, to designate the Federal building and United States courthouse located at 200 West 2nd Street in Dayton, Ohio, as the "Tony Hall Federal Building and United States Courthouse" (H. Rept. 108-84);

H.R. 1018, to designate the building located at 1 Federal Plaza in New York, New York, as the "James L. Watson United States Court of International Trade Building" (H. Rept. 108-85);

H. Con. Res. 53, authorizing the use of the Capitol Grounds for the Greater Washington Soap Box Derby, amended (H. Rept. 108-86);

H. Con. Res. 96, authorizing the use of the Capitol Grounds for the National Peace Officers' Memorial Service (H. Rept. 108-87);


Guest Chaplain: The prayer was offered by the guest Chaplain, Rev. Steven M. Torrence, Chaplain, Key West Police Department, Key West, Florida.

United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act: The House passed H.R. 1298, to provide assistance to foreign countries to combat HIV/AIDS, tuberculosis, and malaria, by recorded vote of 375 ayes to 41 noes, Roll No. 158.

Pursuant to the rule amendment in the nature of a substitute recommended by the Committee on International Relations now printed in the bill (H. Rept. 108-60) was considered as an original bill for the purpose of amendment.

Agreed To:

Tauzin amendment no. 1 printed in H. Rept. 108-80 that establishes priorities for the distribution of resources; commissions a report to compare success rates of various programs and methods; restricts administrative costs; requires various reports including audit reports provided to the Global fund; encourages the Center for Disease Control in coordination with the Global AIDS coordinator to develop strategies to improve injection safety and education and information provided to the public and health professionals; and directs the Department of Health and Human Services to study the illegal importation in the United States of prescription drugs donated or sold for humanitarian efforts;

Crowley amendment no. 2 printed in H. Rept. 108-80 that requires programs to combat HIV/AIDS to include a curriculum for men and boys that
emphasize gender equality and respect for women and girls;

Biggert amendment no. 3 printed in H. Rept. 108-80 that expresses the sense of Congress that the President should conduct an outreach campaign to inform the public of the existence of the Global Fund and any entity that will accept private contributions intended for use by the fund;

Stearns amendment no. 4 printed in H. Rept. 108-80 that limits the top salary level of the Global Fund to that of the Vice President of the United States (agreed to by recorded vote of 276 ayes to 145 noes, Roll No. 155);

Ballance amendment no. 5 printed in H. Rept. 108-80 that expresses the sense of Congress that United States food assistance should be accepted by countries with large populations of individuals infected or living with HIV/AIDS, particularly African countries, in order to help feed such individuals;

Lantos amendment no. 7 printed in H. Rept. 108-80 that calls for a pilot program to ensure the importance of inheritance rights of women, particularly in African countries due to the exponential growth in the number of young widows, orphaned girls, and grandmothers becoming heads of households as a result of the HIV/AIDS pandemic;

McCollum amendment no. 8 printed in H. Rept. 108-80, as modified by the previous order of the House, that requires AIDS orphans and vulnerable children to receive ten percent of funding of which at least fifty percent shall be provided through nonprofit, nongovernmental organizations, including faith-based organizations, that implement programs on the community level;

Jackson-Lee of Texas amendment no. 9 printed in H. Rept. 108-80 that expresses the sense of Congress that United States businesses should be encouraged to provide assistance to sub-Saharan African countries to prevent and reduce the incidence of HIV/AIDS;

Smith of New Jersey amendment no. 10 printed in H. Rept. 108-80 that clarifies that organizations that are qualified to prevent or treat HIV/AIDS shall not be required to endorse, utilize, or participate in a prevention method or treatment program to which the organization has a religious or moral objection; and

Pitts amendment no.11 printed in H. Rept. 108-80 that requires at least 33 percent of HIV/AIDS prevention funds be expended for abstinence-until-marriage programs (agreed to by recorded vote of 220 ayes to 197 noes, Roll No. 157).

Rejected:

Smith of Michigan amendment no. 6 printed in H. Rept. 108-80 that sought to reduce the funding authorization in fiscal year 2004 from $3 billion to $2 billion and increase that amount by $500,000 in subsequent years until it reaches $4 billion in fiscal year 2008;

H. Res. 210, the rule that provided for consideration of the bill was agreed to by voice vote. Earlier, agreed by unanimous consent to modify McCollum amendment no. 8 printed in H. Rept. 108-80.

Legislative Program: The Majority Whip announced the Legislative Program for the week of May 5.

Meeting Hour—Monday, May 5 and Tuesday, May 6: Agreed that when the House adjourns today, it adjourn to meet at 2 p.m. on Monday, May 5. Agreed that when the House adjourns on Monday, it adjourn to meet at 12:30 p.m. on Tuesday, May 6, for morning hour debate.

Calendar Wednesday: Agreed to dispense with the Calendar W ednesday business of Wednesday, May 7.

Senate Messages: Message received from the Senate today appears on page H3573.

Referral: S. 196 was referred to the Committees on Science and Education and the W orkforce.

Quorum Calls—Votes: Four recorded votes developed during the proceedings of the House today and appear on pages H3607-08, H3608, H3617, H3618. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 5:21 p.m.

Committee Meetings

DEFENSE APPROPRIATIONS

Committee on Appropriations: Subcommittee on Defense met in executive session to hold a hearing on Missile Defense. Testimony was heard from Lt. Gen. Ronald Kadish, USAF, Director, Missile Defense Agency, Department of Defense.

HOMELAND SECURITY APPROPRIATIONS

Committee on Appropriations: Subcommittee on Homeland Security held a hearing on Federal Law Enforcement Training Center. Testimony was heard from Connie Patrick, Director, Federal Law Enforcement Training Center, Department of the Treasury.
LABOR, HHS, EDUCATION AND RELATED AGENCIES APPROPRIATIONS
Committee on Appropriations: Subcommittee on Labor, Health and Human Services, Education and Related Agencies held a hearing on Worker Protection Agencies Panel. Testimony was heard from the following officials of the Department of Labor: John L. Henshaw, Assistant Secretary, Occupational Safety and Health; Dave D. Lauriski, Assistant Secretary, Mine Safety and Health Administration; Ann L. Combs, Assistant Secretary, Employee Benefits Security Administration; Victoria A. Lipnic, Assistant Secretary, Employment Standards Administration; and Jorge Perez-Lopez, Director, Office of International Economic Affairs, Occupational Safety and Health Administration.

DEFENSE TRANSFORMATION FOR THE 21ST CENTURY ACT
Committee on Armed Services: Held a hearing on the Defense Transformation for the 21st Century Act. Testimony was heard from the following officials of the Department of Defense: Paul D. Wolfowitz, Deputy Secretary; Gen. Richard B. Myers, USAF, Chairman, Joint Chiefs of Staff; E.C. "Pete" Aldridge, Under Secretary, Acquisition, Technology and Logistics; and David S.C. Chu, Under Secretary, (Personnel and Readiness); David M. Walker, Comptroller General, GAO; and a public witness.

Hearings continue tomorrow.

LOS ALAMOS NATIONAL LABORATORY—REVIEW UNIVERSITY OF CALIFORNIA’S CONTRACT
Committee on Energy and Commerce Subcommittee on Oversight and Investigations held a hearing entitled “Review of the University of California’s Contract for Los Alamos National Laboratory.” Testimony was heard from the following officials of the Department of Energy: Kyle E. McSlarrow, Deputy Secretary; Ambassador Linton F. Brooks, Under Secretary, Nuclear Security and Acting Administrator, Nuclear Security, National Nuclear Security Administration; and Gregory H. Friedman, Inspector General; and Richard C. Atkinson, President, University of California.

BALANCED BUDGET AMENDMENT
Committee on the Judiciary: Subcommittee on the Constitution approved for full Committee action H.J. Res. 22, proposing a balanced budget amendment to the Constitution of the United States.

YOUTH SMOKING PREVENTION AND STATE REVENUE ENFORCEMENT ACT
Committee on the Judiciary: Subcommittee on Courts, the Internet, and Intellectual Property held a hearing on H.R. 1839, Youth Smoking Prevention and State Revenue Enforcement Act. Testimony was heard from Paul L. Jones, Director, Homeland Security and Justice, GAO; and public witnesses.

SIKES ACT REAUTHORIZATION ACT

NANOTECHNOLOGY RESEARCH AND DEVELOPMENT ACT; GLOBAL CHANGE RESEARCH AND DATA MANAGEMENT ACT
Committee on Science: Ordered reported, as amended, H.R. 766, Nanotechnology Research and Development Act of 2003.

A motion to report H.R. 1578, Global Change Research and Data Management Act of 2003, was defeated.

REGULATORY FLEXIBILITY ACT—IRS COMPLIANCE
Committee on Small Business: Held a hearing entitled “IRS Compliance with the Regulatory Flexibility Act.” Testimony was heard from Pamela F. Olson, Assistant Secretary, Tax Policy, Department of the Treasury; John Graham, Administrator, Office of Information and Regulatory Affairs, OMB; Thomas Sullivan, Chief Counsel for Advocacy, SBA; and public witnesses.

COORDINATING HUMAN SERVICES TRANSPORTATION
Committee on Transportation and Infrastructure, and the Committee on Education and the Workforce held a joint hearing on Coordinating Human Services Transportation. Testimony was heard from Jennifer L. Dorn, Administrator, Federal Transit Administration, Department of Transportation; William F. Raub, Acting Assistant Secretary, Planning and Evaluation, Department of Health and Human Services; David Dye, Deputy Assistant Secretary, Employment and Training, Department of Labor; Loretta Petty, Deputy Assistant Secretary, Office of Special Education and Rehabilitative Services, Department of Education; Kate Siggerud, Acting Director, Physical Infrastructure Issues, GAO; JoAnn Hutchinson, Director, Commission for the Transportation Disadvantaged, Department of Transportation, State of Florida; and public witnesses.

MEDICARE COST-SHARING AND MEDIGAP
Committee on Ways and Means: Subcommittee on Health held a hearing on Medicare Cost-Sharing and Medigap. Testimony was heard from Glenn M.
Hackbarth, Chairman, Medicare Payments Advisory Commission; and public witnesses.

SOCIAL SECURITY PROVISIONS AFFECTING PUBLIC EMPLOYEES

Committee on Ways and Means: Subcommittee on Social Security held a hearing on Social Security Provisions Affecting Public Employees. Testimony was heard from Robert M. Wilson, Deputy Commissioner, Legislation and Congressional Affairs, SSA; Barbara Bovbjerg, Director, Education, Workforce, and Income Security, GAO; and public witnesses.

NEW PUBLIC LAWS

(H.R. 1770, to provide benefits and other compensation for certain individuals with injuries resulting from administration of smallpox countermeasures. Signed on April 30, 2003. (Public Law 108-20)

COMMITTEE MEETINGS FOR FRIDAY, MAY 2, 2003

(Senate meetings are open unless otherwise indicated)

Senate Committee on Appropriations: May 6, Subcommittee on Homeland Security, to hold hearings to examine proposed budget estimates for fiscal year 2004 for border and transportation security, 10 a.m., SD-124.
May 7, Subcommittee on Defense, to hold hearings to examine the National Guard and Reserve, 10:15 a.m., SD-192.

House Committee on Armed Services: May 6, Subcommittee on Emerging Threats and Capabilities, closed business meeting to mark up those provisions, which fall within the jurisdiction of the subcommittee, of proposed legislation authorizing appropriations for fiscal year 2004 for military activities of the Department of Defense, 2:30 p.m., SR-222.
May 6, Subcommittee on Personnel, closed business meeting to mark up those provisions, which fall within the jurisdiction of the subcommittee, of proposed legislation authorizing appropriations for fiscal year 2004 for military activities of the Department of Defense, 3:30 p.m., SR-222.
May 7, Subcommittee on Airland, closed business meeting to mark up those provisions, which fall within the jurisdiction of the subcommittee, of proposed legislation authorizing appropriations for fiscal year 2004 for military activities of the Department of Defense, 4:30 p.m., SR-222.

CONGRESSIONAL PROGRAM AHEAD

Week of May 5 through May 10, 2003

Senate Chamber

On Monday, at 12:45 p.m., Senate will consider the nomination of Deborah L. Cook, of Ohio, to be United States Circuit Judge for the Sixth Circuit, with a vote on confirmation of the nomination to occur at 4:45 p.m.; following which, Senate will resume consideration of Miguel A. Estrada, of Virginia, to be United States Circuit Judge for the District of Columbia Circuit, with a vote on the fifth motion to close further debate on the nomination to occur at 6 p.m.

On Tuesday, Senate will begin consideration of S. 14, Energy Policy Act.

During the balance of the week, Senate may also consider the proposed NATO Expansion bill; S. 15, Project BioShield Act; S. 925, Foreign Relations Authorization Act; S. 113, Foreign Intelligence Surveillance Act, and any other cleared legislative and executive business.

Senate Committees

(Committee meetings are open unless otherwise indicated)

Committee on Appropriations: May 6, Subcommittee on Homeland Security, to hold hearings to examine proposed budget estimates for fiscal year 2004 for border and transportation security, 10 a.m., SD-124.
May 7, Subcommittee on Defense, to hold hearings to examine the National Guard and Reserve, 10:15 a.m., SD-192.

Committee on Armed Services: May 6, Subcommittee on Emerging Threats and Capabilities, closed business meeting to mark up those provisions, which fall within the jurisdiction of the subcommittee, of proposed legislation authorizing appropriations for fiscal year 2004 for military activities of the Department of Defense, 2:30 p.m., SR-222.
May 6, Subcommittee on Personnel, closed business meeting to mark up those provisions, which fall within the jurisdiction of the subcommittee, of proposed legislation authorizing appropriations for fiscal year 2004 for military activities of the Department of Defense, 3:30 p.m., SR-222.
May 7, Subcommittee on Airland, closed business meeting to mark up those provisions, which fall within the jurisdiction of the subcommittee, of proposed legislation authorizing appropriations for fiscal year 2004 for military activities of the Department of Defense, 4:30 p.m., SR-222.

May 7, Subcommittee on Strategic Forces, closed business meeting to mark up those provisions, which fall within the jurisdiction of the subcommittee, of proposed legislation authorizing appropriations for fiscal year 2004 for military activities of the Department of Defense, 11:30 a.m., SR-232A.
May 7, Full Committee, closed business meeting to mark up proposed legislation authorizing appropriations
May 8, Full Committee, closed business meeting to mark up proposed legislation authorizing appropriations for fiscal year 2004 for military activities of the Department of Defense, 9:30 a.m., SR–222.

May 9, Full Committee, closed business meeting to mark up proposed legislation authorizing appropriations for fiscal year 2004 for military activities of the Department of Defense, 9:30 a.m., SR–222.

Committee on Banking, Housing, and Urban Affairs: May 7, business meeting to consider S. 709, to be immediately followed by oversight hearings to examine the impact of the global settlement, 10 a.m., SD–538.

Committee on Commerce, Science, and Transportation: May 6, to hold hearings to examine media ownership, 9:30 a.m., SR–253.

May 7, Full Committee, to hold hearings to examine climate change, 9:30 a.m., SR–253.

May 7, Subcommittee on Science, Technology, and Space, to hold hearings to examine Hydrogen, 2:30 p.m., SR–253.

May 8, Full Committee, to hold hearings to examine the nomination of Annette Sandberg, of Washington, to be Administrator of the Federal Motor Carrier Safety Administration, to be immediately followed by hearings to examine the reauthorization of National Highway Traffic Safety Administration, 9:30 a.m., SR–253.

Committee on Energy and Natural Resources: May 6, Subcommittee on National Parks, to hold hearings to examine S. 324, to amend the National Trails System Act to clarify Federal authority relating to land acquisition from willing sellers for certain trails in the National Trails System, 10 a.m., SD–366.

Committee on Environment and Public Works: May 6, to hold oversight hearings to examine western water issues, 2:30 p.m., SD–366.

Committee on Environment and Public Works: May 8, Subcommittee on Clean Air, Climate Change, and Nuclear Safety, to hold hearings to examine S. 485, to amend the Clean Air Act to reduce air pollution through expansion of cap and trade programs, to provide an alternative regulatory classification for units subject to the cap and trade program, 9:30 a.m., SD–406.

Committee on Foreign Relations: May 7, Subcommittee on International Economic Policy, Export and Trade Promotion, to hold hearings to examine U.S. energy security, focusing on Latin America and West Africa, 2:30 p.m., SD–419.

Committee on Indian Affairs: May 7, to hold hearings to examine S. 550, to amend the Indian Land Conservation Act to improve provisions relating to probate of trust and restricted land, 10 a.m., SR–485.

Committee on the Judiciary: May 6, Subcommittee on Constitution, Civil Rights and Property Rights, to hold hearings to examine judicial nominations, filibusters, and the Constitution, focusing on when a majority is denied its right to consent, 2:30 p.m., SD–226.

May 7, Full Committee, to hold hearings to examine the nominations of Consuelo Maria Callahan, of California, to be United States Circuit Judge for the Ninth Circuit, and Michael Chertoff, of New Jersey, to be United States Circuit Judge for the Third Circuit, 9:30 a.m., SD–226.

May 8, Full Committee, to hold hearings to examine the nominations of Robert D. McCallum, Jr., of Georgia, to be Associate Attorney General, and Peter D. Keisler, of Maryland, to be an Assistant Attorney General, both of the Department of Justice, 2 p.m., SD–226.

Special Committee on Aging: May 6, to hold hearings to examine Medicare reform and competition, 10 a.m., SD–562.

House Chamber

To be announced.

House Committees

Committee on Appropriations, May 6, Subcommittee on Labor, Health and Human Services, Education and Related Agencies, on Members of Congress, 9:45 a.m., 2358 Rayburn.

May 6, Subcommittee on Transportation and Treasury, and Independent Agencies, on Secretary of Transportation, 2 p.m., 2358 Rayburn.

May 7, Subcommittee on Foreign Operations, Export Financing, and Related Programs, on Global Health Issues, 2 p.m., 2359 Rayburn.

May 7, Subcommittee on Homeland Security, on Bureau of Customs and Border Protection, 10 a.m., 2358 Rayburn.

May 7 and 8, Subcommittee on Labor, Health and Human Services, Education, and Related Agencies, on public witnesses, 9:45 a.m., and 2 p.m., 2358 Rayburn.

May 7, Subcommittee on Transportation, and Treasury, and Related Agencies, on IRS Fiscal Year 2004 Compliance Proposals, 2 p.m., 2358 Rayburn.

May 8, Subcommittee on Homeland Security, on Bureau of Immigration and Customs Enforcement, 2 p.m., 2359 Rayburn.

May 8, Subcommittee on Transportation and Treasury, and Independent Agencies, on Management and Cost Oversight of Federal Highway Funding, 10 a.m., and on Secretary of Treasury, 2 p.m., 2358 Rayburn.

Committee on Education and the Workforce: May 6, Subcommittee on Education, to hold hearings on “Protecting Children: The use of Medication in our Nation’s Schools,” 2 p.m., 2176 Rayburn.

Committee on Energy and Commerce: May 7, Subcommittee on Oversight and Investigations, hearing entitled “SARS: Assessment, Outlook, and Lessons Learned,” 2 p.m., 2123 Rayburn.

Committee on Financial Services, May 6, Subcommittee on Oversight and Investigations, hearing entitled “Increasing the Effectiveness of State Consumer Protections,” 3 p.m., 2128 Rayburn.

May 8, Subcommittee on Financial Institutions and Consumer Credit, hearing entitled “The Importance of the National Credit Reporting System to Consumers and the U.S. Economy,” 10 a.m., 2128 Rayburn.


May 7, Subcommittee on Human Rights and Wellness, hearing on “Consumer Choice and Implementing Full Disclosure in Dentistry,” 10 a.m., 2154 Rayburn.


Committee on House Administration, May 6, to mark up Omnibus Committee Funding resolution, 5 p.m., 1334 Longworth.

Committee on International Relations, May 7, full Committee, to mark up the following: the Foreign Relations Authorization Act for Fiscal Years 2004 and 2005; and the Millennium Challenge Account Act of 2003, 10:15 a.m., 2172 Rayburn.

May 8, Subcommittee on Europe and the Subcommittee on International Terrorism, Nonproliferation and Human Rights, joint hearing on U.S. Cooperative Threat Reduction and Nonproliferation Programs, Part I, 1:30 p.m., 2165 Rayburn.

Committee on the Judiciary, May 6, Subcommittee on Crime, Terrorism, and Homeland Security, oversight hearing on Reauthorization of the U.S. Department of Justice: Bureau of Alcohol, Tobacco and Firearms; FBI and DEA, 2 p.m., 2141 Rayburn.

May 6, Subcommittee on Crime, Terrorism and Homeland Security, to mark up H.R. 21, Unlawful Internet Gambling Funding Prohibition Act, 4 p.m., 2141 Rayburn.

May 6, Subcommittee on Immigration, Border Security and Claims, hearing on the following bills: H.R. 1685, to amend the Immigration and Nationality Act relating to posthumous citizenship through death while on active-duty service during periods of military hostilities to eliminate the prohibition on immigration benefits for surviving family members and to provide such benefits for spouses and children; H.R. 1714, Armed Forces Citizenship Act of 2003; H.R. 1799, Fallen Heroes Immigrant Spouse Fairness Act of 2003; H.R. 1275, to amend the Immigration and Nationality Act to change the requirements for naturalization to citizenship through service in the Armed Forces of the United States; and H.R. 1814, Nationalization and Family Protection for Military Members Act of 2003, 10 a.m., 2141 Rayburn.

May 7, full Committee, to mark up the following measures: H.R. 1086, Standards Development Organization Advancement Act of 2003; H.R. 1437, to improve the United States Code; H.R. 1529, Involuntary Bankruptcy Improvement Act of 2003; S. 330, Veterans Memorial Preservation and Recognition Act of 2003; H.R. 1302, Federal Courts Improvement Act of 2003; H.R. 1303, to amend the E-Government Act of 2002 with respect to rulemaking authority of the Judiciary Conference; H.R. 982, to clarify the tax treatment of bonds and other obligations issued by the Government of American Samoa; H. Res. 180, supporting the goals and ideals of “National Correctional Officers and Employees Week” and honoring the service of correctional officers and employees; and S.J. Res. 8, expressing the sense of Congress with respect to raising awareness and encouraging prevention of sexual assault in the United States and supporting the goals and ideals of National Sexual Assault Awareness and Prevention Month; and to consider Rules for consideration of Private Claims and Private Immigration bills, 10 a.m., 2141 Rayburn.

May 7, Subcommittee on the Constitution, hearing and markup of H.J. Res. 4, proposing an amendment to the Constitution of the United States authorizing the Congress to prohibit the physical desecration of the flag of the United States, 3 p.m., 2237 Rayburn.

May 8, full Committee, oversight hearing on “Direct Broadcasting Satellite Service in the Multichannel Video Distribution Market,” 10 a.m., 2141 Rayburn.

May 8, Subcommittee on Immigration, Border Security and Claims, oversight hearing on War on Terrorism: Immigration Enforcement Since September 11, 2001, 2 p.m., 2237 Rayburn.

Committee on Resources, May 6, hearing on H.R. 1835, National Security Readiness Act of 2003, 2 p.m., 1324 Longworth.

Committee on Science, May 8, Subcommittee on Research, hearing on the National Earthquake Reduction Program: Past, Present, and Future, 2 p.m., 2318 Rayburn.

May 8, Subcommittee on Space and Aeronautics, hearing on NASA’s Integrated Space Transportation Plan and Past, Present, and Future, 2 p.m., 2318 Rayburn.

Committee on Small Business, May 6, Subcommittee on Workforce, Empowerment and Government Programs, hearing on the Current and Future States of the SBIR, FAST and MEP Program, 10 a.m., 2360 Rayburn.

May 7, full Committee, hearing entitled “Are Big Businesses Being Awarded Contracts Intended for Small Businesses? 2 p.m., 2360 Rayburn.

May 8, Subcommittee on Tax, Finance, and Exports, hearing on Overcoming Obstacles Facing the Uninsured: How the Use of Medical Savings Accounts, Flexible
Committee on Transportation and Infrastructure, May 7, Subcommittee on Highways, Transit and Pipelines, hearing on Highway and Transit Needs: The State and Local Perspective, 10 a.m., 2167 Rayburn.


May 8, Subcommittee on Aviation, hearing on the Status of the Federal Flight Deck Officer Program, 10 a.m., 2167 Rayburn.

May 8, Subcommittee on Aviation, to mark up H.R. 765, to amend title 49, United States Code, to allow cargo pilots to participate in the Federal flight deck officer program, 2 p.m., 2167 Rayburn.


Committee on Veterans' Affairs, May 6, Subcommittee on Health, to mark up pending business; followed by a hearing on the status of homeless-assistance programs for veterans conducted by the Department of Veterans Affairs, including its coordination with community based providers and other agencies, 1 p.m., 334 Cannon.

May 7, Subcommittee on Benefits, to mark up pending business, 11:30 a.m., 334 Cannon.

May 7, Subcommittee on Oversight and Investigations, hearing to review the progress of the Department of Veterans Affairs concerning the collections of its Medical Care Collection Fund, 2 p.m., 334 Cannon.

May 8, full Committee, hearing on past and present efforts to identify and eliminate fraud, waste, abuse and mismanagement in programs administered by the Department of Veterans Affairs, 10 a.m., 334 Cannon.

Joint Meetings

Joint Economic Committee May 6, to hold joint hearings to examine financing the nation's roads, 10 a.m., SD–628.
Résumé of Congressional Activity

FIRST SESSION OF THE ONE HUNDRED EIGHTH CONGRESS

The first table gives a comprehensive résumé of all legislative business transacted by the Senate and House. The second table accounts for all nominations submitted to the Senate by the President for Senate confirmation.

### DATA ON LEGISLATIVE ACTIVITY

<table>
<thead>
<tr>
<th></th>
<th>Senate</th>
<th>House</th>
<th>Total</th>
</tr>
</thead>
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<tr>
<td>Days in session</td>
<td>58</td>
<td>43</td>
<td>101</td>
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<tr>
<td>Time in session</td>
<td>464 hrs., 12′</td>
<td>273 hrs., 54′</td>
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<td>Congressional Record:</td>
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<td>Pages of proceedings</td>
<td>5,617</td>
<td>3,572</td>
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<td>Extensions of Remarks</td>
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<td>819</td>
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<tr>
<td>Public bills enacted into law</td>
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<tr>
<td>Private bills enacted into law</td>
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<tr>
<td>Bills in conference</td>
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<td>Measures passed, total</td>
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<td>Senate bills</td>
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<tr>
<td>House bills</td>
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<tr>
<td>Senate joint resolutions</td>
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<td>House joint resolutions</td>
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<td>House concurrent resolutions</td>
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<td>23</td>
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<tr>
<td>Simple resolutions</td>
<td>71</td>
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<td>Measures reported, total</td>
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<td>House concurrent resolutions</td>
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<tr>
<td>Simple resolutions</td>
<td>20</td>
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<td>Special reports</td>
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<td>Conference reports</td>
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<td>Measures pending on calendar</td>
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<td>21</td>
<td>51</td>
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<tr>
<td>Measures introduced, total</td>
<td>1,143</td>
<td>2,324</td>
<td>3,467</td>
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<td>Bills</td>
<td>961</td>
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<td>Joint resolutions</td>
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<td>Concurrent resolutions</td>
<td>41</td>
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<tr>
<td>Simple resolutions</td>
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<td>Quorum calls</td>
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<td>Yea-and-nay votes</td>
<td>136</td>
<td>105</td>
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<td>Recorded votes</td>
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<td>48</td>
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<tr>
<td>Bills vetoed</td>
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<tr>
<td>Vetoes overridden</td>
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</tr>
</tbody>
</table>

* These figures include all measures reported, even if there was no accompanying report. A total of 40 reports have been filed in the Senate, a total of 81 reports have been filed in the House.

### DISPOSITION OF EXECUTIVE NOMINATIONS

<table>
<thead>
<tr>
<th></th>
<th>January 7 through April 30, 2003</th>
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<tbody>
<tr>
<td>Civilian Nominations, totaling 320, disposed of as follows:</td>
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<tr>
<td>Confirmed</td>
<td>136</td>
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<tr>
<td>Unconfirmed</td>
<td>181</td>
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<tr>
<td>Withdrawn</td>
<td>3</td>
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<td>Other Civilian Nominations, totaling 1,070, disposed of as follows:</td>
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<tr>
<td>Confirmed</td>
<td>1,039</td>
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<tr>
<td>Unconfirmed</td>
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<td>Air Force Nominations, totaling 5,322, disposed of as follows:</td>
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<tr>
<td>Confirmed</td>
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<tr>
<td>Unconfirmed</td>
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<td>Army Nominations, totaling 1,265, disposed of as follows:</td>
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<tr>
<td>Confirmed</td>
<td>626</td>
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<tr>
<td>Unconfirmed</td>
<td>639</td>
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<tr>
<td>Navy Nominations, totaling 111, disposed of as follows:</td>
<td></td>
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<tr>
<td>Confirmed</td>
<td>46</td>
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<tr>
<td>Unconfirmed</td>
<td>65</td>
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<tr>
<td>Marine Corps Nominations, totaling 1,529, disposed of as follows:</td>
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<tr>
<td>Confirmed</td>
<td>1,259</td>
</tr>
<tr>
<td>Unconfirmed</td>
<td>270</td>
</tr>
</tbody>
</table>

Summary

| Total Nominations carried over from the First Session | 0 |
| Total Nominations Received this Session | 9,617 |
| Total Confirmed | 7,580 |
| Total Unconfirmed | 2,034 |
| Total Withdrawn | 3 |
| Total Returned to the White House | 0 |
Next Meeting of the SENATE
12 noon, Monday, May 5
Senate Chamber

Program for Monday: After the transaction of any morning business (not to extend beyond 12:45 p.m.), Senate will consider the nomination of Deborah L. Cook, of Ohio, to be United States Circuit Judge for the Sixth Circuit, with a vote on confirmation of the nomination to occur at 4:45 p.m.; following which, Senate will resume consideration of Miguel A. Estrada, of Virginia, to be United States Circuit Judge for the District of Columbia Circuit, with a vote on the fifth motion to close further debate on the nomination to occur at 6 p.m.

Next Meeting of the HOUSE OF REPRESENTATIVES
2 p.m., Monday, May 5
House Chamber

Program for Monday: Pro forma session.

Extensions of Remarks, as inserted in this issue

Conradson, Linda T., Calif., E853
Sanchez, Loretta, Calif., E824, E825
Sandlin, Max, Tex., E847
Schiff, Adam B., Calif., E844
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Shaw, E. Clay Jr., Fla., E849
Sherman, Brad, Calif., E842
Shuster, Bill, Pa., E833
Simmons, Rob, Conn., E832
Smith, Christopher H., N.J., E832
Solis, Hilda L., Calif., E856, E857, E858
Tanner, John S., Tenn., E855
Thompson, Mike, Calif., E834, E837, E841, E841
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Visclosky, Peter J., Ind., E833, E836, E839, E840, E842, E843
Walsh, James T., N.Y., E848
Wamp, Zach, Tenn., E845
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Wolf, Frank R., Va., E821
Wu, David, Ore., E859
Young, Don, Alaska, E846

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